

English is a rich language. But it is the Yiddish term *chutzpah* which best describes the characteristic most on show in the article by Home Secretary, Jack Straw, which appeared in the Guardian on November 10th 1997 under the title 'The honeymoon has only just begun'. 'We have worked assiduously to get our many priorities into action,' he wrote. No Government was 'more determined'. As for U-turns, 'none exist'.

Jack Straw's prison record

Stephen Shaw says Labour has kept some of its promises but is presiding over a marked deterioration in prison regimes.



Julie Grogan

"It is difficult to identify a single prison which is not in a worse state today than it was on the day of the General Election."

Political scandals come and go, so readers may be forgiven for needing reminding that Mr Straw's musings appeared during what was the Government's most uncomfortable week to date: the week of the 'fags for cash' Formula 1 controversy. His 'honeymoon' article was part of the Government's counter-attack (an article on an identical theme by Peter Mandelson appeared in the Independent the same day). Together they asserted not only that the Government had kept all its promises but that Labour's election victory had meant real change in the way the country is run: 'It is a matter of trust, of the contract we entered into with the British people.'

Whatever view may be taken generally of Labour's record since gaining power, how far is it true of Mr Straw's approach to criminal justice that promises have been kept and a new direction taken? Unfortunately, as far as promises are concerned, Labour's election manifesto is little help. There was no contract with the British people. The manifesto is a document carefully drafted to avoid clear commitments on virtually anything. The one firm promise on criminal justice - halving the time it takes to punish persistent young offenders - tells us nothing about who is to be defined as a persistent offender, nor about the comparative dates between which the pace of punishment will be doubled.

Toughness

Similarly, Tony Blair's famous soundbite: 'tough on crime, tough on the causes of crime' - insofar as it means anything - offers no guidance as to the details of penal policy. 'Tough on crime' may imply a generalised 'toughness' in terms of sentencing ('tough on criminals' might be a fairer interpretation). But New Labour said nothing specifically to suggest it favoured longer prison sentences or a greater use of imprisonment vis-a-vis community penalties. (Indeed, Labour's adoption of the Conservatives' public spending totals might have suggested no further boom in law and order.)

On the other hand, Labour can properly claim that it outlined its approach to juvenile crime in a number of policy documents while in opposition, and that it has moved speedily to put its propos-

als into practice. An array of measures has now been announced: replacement of the caution with the single final warning; new reparation orders, parenting orders, action plan orders, child safety orders, local child curfews and so on. Alongside Labour's plans for local youth offender teams and a national Youth Justice Board, it is not an exaggeration to talk about a revolution in juvenile justice.

A similar energy has been apparent in Labour's critique of the structure of the criminal justice system and the relationships between its constituent parts. Likewise with the announcements on the extension of tagging, or incorporation of the European Convention on Human Rights, or on drug treatment. No-one could accuse Jack Straw of being other than an active Home Secretary and a master of his brief.

The tone of Mr Straw's pronouncements, and the style of policy making, also bear little resemblance to life under Michael Howard. Mr Straw has publicly insisted (in a speech at the launch of the International Centre for Prison Studies on 7th October 1997) that he has 'no interest in chanting a simplistic mantra that *prison works*'. There is too a genuinely open, inclusive and pluralistic approach to policy-making in the Home Office, a world away from that which obtained under Mr Straw's immediate predecessor. Civil servants, journalists, academics and the voluntary sector all know that a sea-change has occurred, and have responded accordingly.

Black hole

But the black hole in Labour's approach has been the prisons. When New Labour took office on May 1st 1997, there were just over 60,000 people in prison. Six months later, there were over 63,000 prisoners in the system. It is difficult to identify a single prison which is not in a worse state today than it was on the day of the General Election.

Furthermore, many of the policies associated with Michael Howard have been continued. Private sector involvement has been boosted (despite Jack Straw's belief that private prisons are 'morally objectionable'.) Secure training centres have been given the go ahead. Mandatory sentencing pro-

visions in the Crime (Sentences) Act have been implemented. The powers of the Prisons Ombudsman remain emasculated.

It is true that the ban on in-cell television has been lifted. And I expect a liberalisation of the rules governing temporary release. The relative responsibilities of the Home Secretary and Director General have also been clarified. But that is about all there is. As far as prisons are concerned, the policy seems little more than cross your fingers and hope for the best.

Yet as all the recent reports from HM Chief Inspector of Prisons, Sir David Ramsbotham, have shown, conditions and regimes are deteriorating in gaols up and down the country. Sir David's reports betray a deepening frustration that nothing seems to be happening to reverse the tide. For example, in his report on Lincoln prison, Sir David writes:

"Anyone reading either paragraph 3.01, which describes A (the Remand) Wing, where prisoners inflict a high level of assaults on one another and bullying is endemic, or paragraph 3.03 which details that, on the Wing around 200 prisoners were being unlocked every day, with little constructive activity to keep them occupied, must be alarmed. When you go on to read paragraph 3.35 which describes conditions in the first night centre - no natural light on the ground floor; cells in a dreadful state; mattresses ripped and stained; toilet seats broken; graffiti on cell walls dating back over two years; remains of encrusted and old food stuck to the walls of a cell - you begin to wonder in which country, and in what century, what is being described is allowed to take place. When you realise it is England in 1997 you feel angry that this is being tolerated..."

The pace of deterioration is alarming. By adopting Michael Howard's other simplistic mantra that the prison population is nothing to do with politicians, New Labour is presiding over the destruction of everything that the Woolf Report stood for in terms of offering prisoners a constructive use of their time in gaol.

Confidence

Mr Straw's strategy is one for the medium term. The view seems to



Peter Dailymple

be that the prison population can only be reduced when public and judicial confidence in community penalties has been 'restored'. When that confidence is in place, then a reduced use of custody may follow. But unlike a generation of Conservative Home Secretaries: Whitelaw, Brittan, Hurd, Waddington and Baker, Jack Straw seems unwilling to lead public sentiment, much less take executive action to reduce the crush of prison numbers. He seems embarrassed to 'talk up' community penalties and, by doing so, improve judicial and public confidence in the work of the probation service.

Yet community penalties have a good story to tell. Probation practice has been transformed in recent years. And, as the Chief Inspector of Probation said recently:

"Certain community programmes involving the same population significantly outperform custodial sentences in reducing reoffending and we now know, or at least have an understanding of, what makes those programmes so successful."

Community service by offenders (still 'under-used' according to the Chief Inspector of Probation's

1997 Annual Report) is another success story - and one which has been 'exported' around the world. And at a unit cost of £1,770 per community service order, it is a good deal cheaper than all but the shortest prison sentence.

Of course, Mr Straw is not blind to the pressure of prisoner numbers. The plan to extend the use of electronic monitoring as a condition of early release is clearly intended to reduce the numbers when the gap between accommodation and population widens again in 1999. And the subliminal message to the courts - that prison is not the cheapest or most effective way of punishing offenders or controlling their depredations - may well have some impact on sentencing practice. It certainly needs to. On present trends, the prison population will have grown by several thousand before the early release/tagging scheme comes into effect.

In prison after prison, day-to-day life for prisoners is sinking back into the bad old ways of the 1980s. It is not my idea of a honeymoon. And it is a world away from the vision outlined just four years ago, by Mr Straw's predecessor as Labour spokesman on Home Affairs:

'The purpose of the criminal justice system in my view is first of all to try and prevent crime arising altogether. Secondly, to divert as many people as possible from the necessity of custody. Thirdly to imprison those whom it is necessary to imprison, only. Fourthly to understand that the purpose of imprisonment is to ensure that the best chance of rehabilitation is given to those that are in prison.'

(The Future of the Prison Service, Perrie Lecture, March 1993, reproduced in Prison Service Journal no. 90, 1993).

Those are the words of Tony Blair. I wonder what became of him?

Stephen Shaw is Director of the Prison Reform Trust.

**The
Prison Reform
Trust**

may be contacted at:

15 Northburgh Street
London
EC1V 0AH
Tel: 0171 251 5070

"In prison after prison, day-to-day life for prisoners is sinking back into the bad old ways of the 1980s. It is not my idea of a honeymoon."