

Penal After-Care and The Community

JOHN BARRON MAYS

THERE ARE THREE fairly common attitudes on the part of the members of the general public which characterise recognisable reactions to imprisonment in particular, and to the penal system as a whole. They are, first, an eager acceptance of the notion of retributive punishment; second, a shamefaced distaste for the whole business; and third, an irresponsible desire not to know the disturbing truth of what is being enacted in their name. Most of us are to be found in one or other of these categories, and this is one of the reasons why penal reform makes such sluggish progress in a country which is far from being inhumane or sadistically inclined. Not only do most of us feel rather ashamed of the ways in which offenders are treated and hope that someone somewhere will do something about it. Many of us go further and project some of our feelings of guilt upon the people we employ to staff penal and correctional institutions. This is because we are ambivalent about

the whole process. We want to be protected, but at the same time we do not want to be closely associated with the punitive end. We want prison officers just as we need the police force yet constantly quiz them to see if they are abusing their power or not. In the same way many who are in favour of capital punishment would abhor being neighbour to the public hangman.

Such feelings as these make the operation of the penal system most extraordinarily difficult and can sometimes place an intolerably unfair burden on the shoulders of prison staff and institutional personnel. When, as ordinary members of the public, we visit prison it is with a certain degree of inward shuddering. We resent the authoritarian atmosphere we find there and rather wildly and emotionally, although, luckily, usually only tacitly, try to dissociate ourselves from what we think we see, and what we imagine we feel.

The truth of the matter is that, as a community, we really do not know what to do about those individuals who break the law, and we are especially adrift regarding persistent offenders. When they have served their period of incarceration and are released on licence or for good, the same emotionally tangled attitude still continues. How far ought they to be trusted? Should they get jobs when honest citizens are out of work? Is it right to give them any kind of preferential treatment just because they were foolish or wicked enough to commit whatever offences they were convicted for? And what about the dangers of contamination? Will they not have a bad influence on the other employees? Surely they'll think we're all softies and let us down again?

Some social theorists argue that this kind of reaction is not only common, but in some way necessary. Society needs its criminals in order to emphasise the social cohesion of the law-abiding section. The moral and legal norms have to be publicly upheld in order to foster that social solidarity which Emile Durkheim, for instance, regarded as the function of crime. Thus criminals are, in a rather macabre kind of way, necessary for our general social health. And, if this is so, we will never do away with crime as a human activity. Perhaps it is because it is only in recent years that we have become half-aware of this symbiotic relationship between ourselves and the

criminals that we do have these irritable feelings of guilt. The growth of social science, and especially of psychological theorising has made us conscious of this to such a degree that we cannot take refuge in a simple retributive and punitive philosophy. So the penal area becomes a tug o' war ground for self-conscious reformers on the one hand and reactionary floggers and retributionists on the other, while the majority of us stand on the touchlines feeling impotent, futile and guilty and do nothing to assist either side.

Prison, as Merfyn Turner said, is for ever. Once a man has a record, or has 'done a stretch,' he becomes a different kind of person. The prison community is, he argues, a monument to social failure. Others have pointed out that committal to prison involves a double punishment. First there is the deprivation of liberty while retained in the institution; then, on release, comes the longer and severer punishment in the form of social ostracism and suspicion. Society wills the former, but permits the latter. Yet clearly enough this second, unofficial punishment is against the spirit of the law and works to our general detriment. If men cannot live down their past follies, if children cannot be allowed to forget the offences of their immaturity but must constantly be having them dragged up and paraded in public view what hope is there of penal institutions or training having any long term

success? Might they not just as likely have the opposite effect, making the delinquents into confirmed criminals, hardening anti-social tendencies by arousing sentiments of revenge and confirmed hostility to authority in whatsoever form it may be encountered?

Yet one of the strange things about British prisons is that they have an astonishingly high success rate. Something like 80 per cent. of those committed to prison do not offend again, although it would be only the most myopic of optimists who would ascribe this outcome to the rehabilitative experience of imprisonment. Most prisoners do not, in fact, stay long enough for any remedial treatment even to commence. Moreover, the most likely ones to reform are speedily segregated into special institutions, gaining for us, as Hugh Klare cogently argued, 'victories which are too easy while leaving ourselves with an almost impossible task with the rest.'*

It is with the rest, the hard core offenders, the residual group of recidivists and repeaters, that we ought to be constantly concerned for this is the group with whom society and the penal system have consistently and lamentably failed for so long. Several recent studies have described the typical confirmed offender for us in terms which dispose once and for all of the popular stereotype of the dangerous desperado hell-bent on

a violently anti-social career. A Home Office Research Unit Report on *The Habitual Offender*† suggests that there are three distinct types of old lag who, in the past, were given a period of preventive detention. These were first, the regular housebreakers who seemed to have taken to crime more or less as to any other semi-skilled trade as a means of obtaining a livelihood: second came a specialised group of sex offenders and men who had committed crimes of violence: finally, there was a much bigger group of persistent thieves whose offences for the most part, were of a comparatively petty nature. Tony Parker's Charlie Smith, *The Unknown Citizen*,‡ is one of this grey legion of the lost, a man who, while still under 50, had received sentences of imprisonment amounting to 26 years, yet whose whole series of delinquencies totalled no more than £178. The bulk of the habitual prisoners are men of this calibre; feckless, incurably irresponsible, work-shy, socially disconnected, lonely, deceitful drifters through life, obsessed with hard-luck stories and overwhelmed with self-pity. Only rarely are they violent, aggressive or a serious social menace. For the most part they are utter failures and misfits who have offended trivially and who, in a fit of desperation, the community has decided to lock up to keep out of further trouble.

† H.M.S.O., 1963.

‡ Hutchinson, 1963

* *Anatomy of Prison*, Hutchinson, 1960

P.D. for such as these is a policy of despair. We ought to have infinite sympathy for them, shut off so long from the sun and openness of social life, and also, no less, for the prison officers and officials who are called on to look after them in physical conditions which must surely depress all but the most insensitive of human beings.

Amongst the dull, grey, socially disconnected battalion of recidivists is an almost helpless group of inadequates who seem to be able to manage their lives only within the discipline of an institution, or, outside prison walls, when there is somebody—wife, friend, relative, social worker—who is prepared to act as a personal tutor and supervisor. Lacking such support, they return to a life of petty crime—sometimes within a few hours of release from prison. The value of pioneer efforts such as Norman House to this kind of ex-prisoner is obvious, but, at the moment, it is clear that similar provision is not likely to be made for the vast majority who must make do with what we may call normal after-care. There is widespread agreement that the latter is far from being satisfactory and the report of the Home Secretary's Advisory Council Sub-committee on the problem is greatly to be welcomed.* Not only does it ventilate discontents on all sides, it makes a

number of recommendations which might go some way, at least, towards increasing the amount of help we give to the discharged prisoner. Moreover, by taking borstals, detention centres and approved schools into consideration, the sub-committee has offered what is perhaps the first comprehensive survey of after-care practice and theory to be attempted in this country. In its search for adequacy, however, it has wisely differentiated between the needs of the various age groups and not attempted to recommend uniformity of method merely for the sake of bureaucratic convenience. Clearly the after-care problems of youths and children are different in kind from those of the middle-aged or elderly repeaters and require a rather specialised approach on the part of officers appointed to deal with them.

The sub-committee begins its report by re-stating the generally accepted view that what the ex-prisoner needs is 'a job, a home and a friend' to meet his individual requirements. But since so many lack one or more of these desiderata, social workers must attempt to make good the deficiencies. This work, they very rightly point out, demands skill and imagination of a high and somewhat rare order, and, at the very least, the community ought to ensure that those entrusted with such work receive as adequate a training as is available at present. What skills they require and what

* *The Organisation of After-Care, Report of the Advisory Council on the Treatment of Offenders*, H.M.S.O., reprinted 1964.

training will provide them is glibly glossed over by a bald reference to social casework as though the latter were already a clear-cut method with a substantial body of theory to support it and a number of empirical studies to validate its claims. Nothing, of course, is farther from the truth. Social caseworkers can agree on very few incontrovertible principles which are objectively assessable and not merely doctrinaire pronouncements. The Advisory Council would do well to set up a further sub-committee to look into the question of what kind of social casework is appropriate to the needs of ex-prisoners and their families and what can, in fact, be done to help them. If the Home Office were merely to call in the people who at the moment 'teach' social casework at institutes and universities and leave it to them to determine the content of training and the techniques to be employed, the new army of after-care officers envisaged by the report would, in the main, find their task inordinately difficult and frustrating.

Throughout their report the sub-committee have accepted that probation officers are the kind of professionals who have the know-how of treating criminals and could be the prototype of a reformed and decentralised Probation and After-Care Service. This is a point I would personally query. Not that I doubt the integrity and devotion of many, indeed of most,

probation officers. What I question are the theories they are 'taught' and the psychiatrically oriented techniques they are 'expected' to operate. The priests and high-priestesses of analytical psychiatry have social work training in thrall in this country. Many social workers wriggle uncomfortably under their sway, but are almost powerless to fight back. However, as Barbara Wootton pointed out, most social workers seem to be better in practice than in theory. A number of probation officers, to my knowledge, adopt an official line with the inspectorate and higher officers while, in their day to day relationships with their clients, they rely on more common sense methods. There is, in fact, an unhealthy air of chronic unreality about social casework which, I fear, the new institutes of social worker training, established following the Younghusband Report, will do much to foster and thicken.

It is, of course, impossible to deal with the whole of the sub-committee's report in a brief article such as this. Its main findings and recommendations will, moreover, be familiar to all readers of this journal by now. What I can offer, however, are a few marginal comments and criticisms which, by and large, would support the *Memorandum of Dissent*, signed by Professor Radzinowicz, Lady Inskip and the Rev. Shirvell Price, printed at the end of the main report. It is surely one of the most

forceful and challenging appraisals ever added to such a document and one which will possibly, like the now famous minority report of the Royal Commission on Poverty, prove to be the more important part of the whole inquiry. The three dissenters doubt the wisdom of amalgamating after-care with probation since they fear that the former, already the 'Cinderella' of the service, will continue to play second fiddle to its better established partner. "How," they ask, "does the Sub-committee propose to match this natural and inbred pull towards probation by an equally powerful impetus in the direction of after-care?" Such a duality of function at all levels, local and national, seems to them fraught with difficulties which have been too lightly examined. The need, as the dissenters see it, is for some body to devote itself exclusively to after-care in order that the peculiar problems associated with this admittedly complex service can be understood and dealt with adequately. The whole concept as proposed by the Sub-committee is, in effect, nothing but "an emasculated version of that suggested by the National Association of Probation Officers and the Principal Probation Officers' Conference." The suggestion here, rightly or wrongly, is that the Probation Service is engaged on a little empire building, a type of activity from which none of the social work agencies are ever alas! immune. They call, with

much justification, for a Director of After-care with effective status within the framework of the Central Council which the report envisages, and, working in close association with him, a staff of inspectors charged solely with training and supervising a body of after-care officers at grass-root level. Only in such a way can "a scheme with some guts in it" be created and the timid tampering with various notions of after-care which has characterised the last 50 years' penological history be cancelled and redeemed.

It is admittedly difficult for a lay member of the public to weigh the arguments advanced by either side in this dispute. It is equally difficult even for experts to be able to forecast with much confidence what will happen if either scheme is adopted. One can only say that, on balance, the arguments propounded by the minority seem to be the more cogent and note, in passing, that the Pakenham/Thompson Committee came to a similar conclusion when they recommended in 1961 that "there should be a department of the Home Office devoted exclusively to after-care under a director with status equal to that of a prison commissioner."*

Unfortunately, we cannot leave it to the future to decide which view is correct. "Time alone" will tell us little of comparative worth. Mistakes made now or in the near

* *Problems of the Ex-Prisoner*, National Council of Social Service.

future will determine the course of action for a generation or more. All that we can be sure of is that the problems presented by after-care at both adult and adolescent level are of considerable magnitude and that, as far as the persistent offender goes, we have made little headway with the solution of the fundamental issues posed. Finding an ex-prisoner employment is not, at the moment the major difficulty. As the Pakenham/Thompson Committee said, "Even a severely handicapped man can get placed if he will allow somebody to sponsor him." Settling down to the routines and freedom of ordinary life, strengthening the resolution and will of the individual to succeed in adjusting himself to the claims and responsibilities of normal citizenship, these present the most obdurate and complex problems to all rehabilitative and reformatory agents.

As an adjunct to probation which is already deeply involved in its preventive and matrimonial work, after-care may well prove an intolerable burden which officers cannot effectively discharge without neglecting some other aspect of their duty. Somehow we have to create and operate a service which is not merely concerned with the day by day discharge of professional functions, but which also is prepared for and capable of promoting and carrying out research into its own activities. Social services of such a character hardly exist in this country. Most

agencies embrace a doctrine and an associated methodology and proceed with a bare minimum of self-scrutiny. Some are even hostile towards the very idea of research, and the mere suggestion that their work is not yet perfect and that they do not know all the answers is dismissed with angry derision. I doubt myself that the Home Office has got the vision or the will to make of after-care a pioneer, research-conscious social work service. I am sure, however, that until the country and the government are ready to support such a venture the problems presented by the hard-core of persistent criminals and the almost insuperable difficulties of rehabilitation of such men will remain unaltered. Research is always an uncomfortable experience. Questions are asked which we do not wish to know about, let alone have the answers for. Honest enquiry into the treatment and rehabilitation of offenders will inevitably bring research workers to the point of asking some very tricky questions about the nature of contemporary society itself. Is all the guilt on the side of the criminals? Are offenders one hundred per cent. responsible for their own condition? Sooner or later the community must face up to such questions and their underlying implications. The moment of truth must surely come when we accept the fact that there is a minority of offenders for whom no known form of treatment is in any way effective, when we acknowledge with shame and

humility that we have tried a degree of punishment which proved quite ineffective, that we have offered a little charity, but that too was of no avail. Then perhaps we will accept the fact that we have got to get down to the task of fundamental research, and that, although it offers no quick or easy nostrums, and may ultimately prove as abortive as retribution and mere exhortation, this is our

solemn moral duty. We have to try every weapon in our armoury, not just some of them. Social Science must have its turn too. Meanwhile, let us keep our charity for prison officers and the police who bear much on our behalf and receive more kicks than thanks. The problem of crime is our problem. So too is the guilt and the shame.

Why Nationalise ?

On every hand we see
Signs of insanity,
Of immorality:
A sick Society.

Virtue, masked, parading.
Morals, masquerading.
Duty, enervating.
A sick Society.

In every walk of life,
From top to bottom—rife
Compromise, friction, strife,
A sick Society.

By well contrived device
And artful artifice.
The nation pays the price;
Our sick Society.

From every side we hear
The double-talk, the sneer;
The "mud that sticks," the smear,
A sick Society.

With precise incision
Cleanse the sick condition—
Heal Thyself, Physician:
Be quick ! — Society.

Through specious repetitions
Of subtle definitions—
Gone, all inhibitions:
A sick Society.

H. WOODFORD,
Officer, (Trade Assistant)
H.M. Borstal Institution,
Feltham.

Verses prompted by JAMES GOEHEGEN'S verses *Why Rationalise ?*
in the October issue of the PRISON SERVICE JOURNAL.