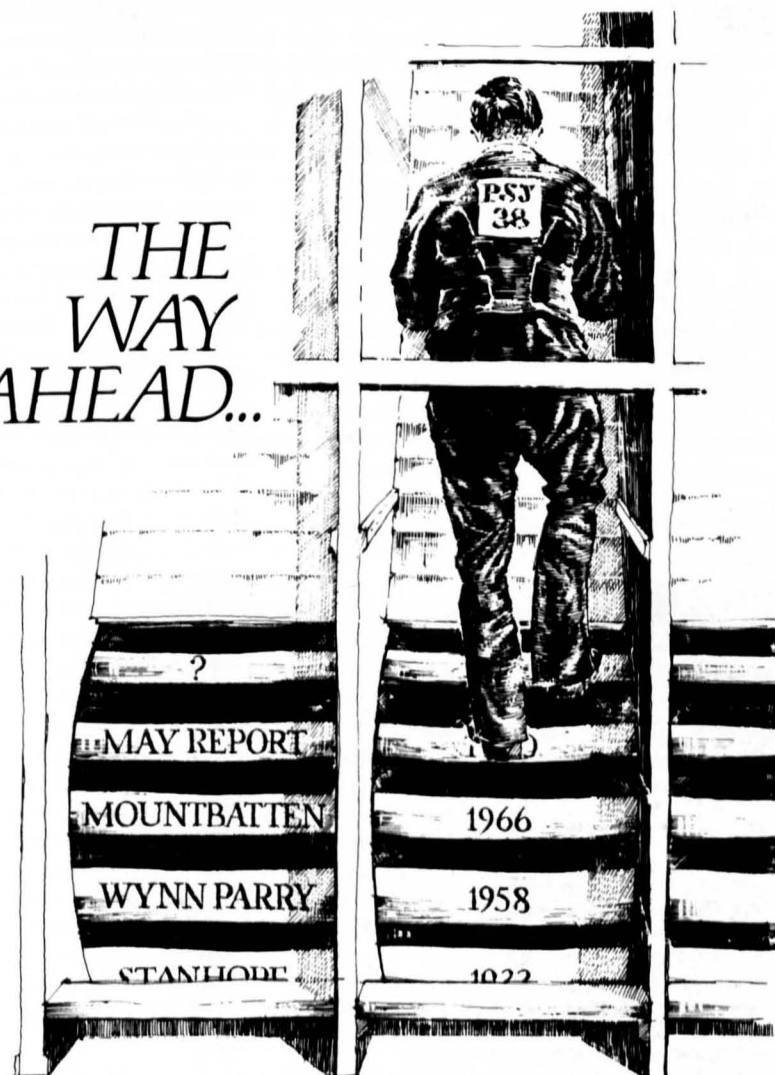


Comments on the  
**MAY REPORT**

# PRISON SERVICE

# JOURNAL

THE  
WAY  
AHEAD...





# PRISON SERVICE JOURNAL

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*The editorial board wishes to make it clear that the views expressed by contributors are their own and do not reflect the official views or policies of the Prison Department.*

## Comment

Although it is now some six months since the Report of the May Committee was presented to the Home Secretary we make no apology for devoting the majority of this issue to an examination of its recommendations. So far as the Prison Service is concerned there can be few documents so eagerly awaited as this Report nor can there be many that was received with so much initial disappointment. With hindsight it is easy to see why this should be the case. The need for a far ranging inquiry into the creaking, strained machinery of our penal system was becoming increasingly apparent to many even before the squalls of discontent struck it throughout 1978. The Committee had too many hopes vested in them.

Again with hindsight one can see that an inquiry into certain immediate disputed areas of pay and allowances ideally should not have been wished upon a committee whose main task was to recommend objectives and a structure to take the Prison Service into the next century. Such a task would be beyond the reach of a second Solomon and in the circumstances the May Committee have done their creditable best.

It is against this background that the articles within the Journal should be read. All the contributors are men and women of distinction in their own fields but their responses are personal. It will also be noted that none of the contributors are serving members of the Prison Service although some have been in the past. This is deliberate. At the time of going to press the views of present members are still being received and processed by headquarters, staff associations and professional bodies. It is hoped that the next edition of the Journal will carry responses to these articles from members of the Prison Service by which time some of the recommendations of the May Report should have been implemented.

It is the view of the Editorial Board that the May Report represents a last opportunity for all concerned in the future of the Prison Service to come together and work constructively towards a better Service. It is heartening to see that the various staff associations are all committed to try and negotiate within its recommendations even though some have many individual reservations about them. This is as it should be but let none of us fail to contemplate the bleakness of the future if we cannot make this opportunity work.

Hugh J. Klare



# Dear Home Secretary...

Rather than attempt some detailed assessment of the May Report, I thought I would instead use the opportunity the Editor has given me to address to you a plea. I feel able to do so because, being older than anyone in the Home Office or prison service, I have also had longer experience of penal systems at home and abroad. With all my heart I hope you might be prepared to read these few lines which I am deliberately keeping shorter than the Editor has suggested.

First, a point on organisation. The May Committee has not yet commented upon the fact, though it was no doubt aware of it, that in England and Wales we have the largest centralised prison system in Western Europe. France is next in sheer size. You will perhaps remember the series of serious riots there in the last few years, with the police being called in, people being killed and the then head of the prison service being hurriedly removed. Italy is next in size. We know that special circumstances exist there. But the disturbances, the killings, the generally dreadful conditions, the political indoctrination of inmates that goes on there can hardly be said to be satisfactory, aggravated as they are by the appallingly long periods prisoners spend waiting for trial.

Western Germany is a federal Republic, with separate small state systems. The Scandinavian countries are small and their relatively cosy prison systems are organisations correspondingly and agreeably limited in size. The same applies to Belgium and Austria. Switzerland has a number of tiny cantonal systems which, carrying a potential advantage to inordinate extremes, pose logical problems and lead to an inadequate variety of facilities. Nowhere is the system perfect. And, as the May Report says, we have some remarkable men and women of personality and character in our own service which certainly compare with anyone anywhere.

But being very big is a serious problem for our organisation; let

alone for a prison system, scattered all over the place, from grotty urban sites to remote and isolated country districts; with a large group of reluctant, sometimes rebellious, occasionally violent captives pitted against another group of now often cynical, sometimes very disgruntled staff. Many of them locked in conditions I do not have to describe. In this situation, management skills become supremely important. But they depend, to a greater extent than many seem to be aware, on structure.

It is remarkable that none, except the Home Office, submitted really thought-through plans on organisation and structure. The May Committee dismissed the Home Office's fourth option—independence—in a couple of sentences. Feeling in the civil service has always been against such a solution. There are, indeed, some strong objections to it. But no option is without its snags. I believe a powerful case could and should have been deployed in its favour. It would have had to have been done with quite considerable skill from the outside—and by people who really understand the machinery of government. Few, alas, do. The fact remains that in other countries there are correctional systems which are managerially independent of their Ministries or Departments of Justice, though the latter of course retain overall policy control.

It is also a little surprising that bolder options do not even seem to have been whispered. For example, if it made sense that the management

of prisons should not be too divorced from considerations of penal policy as a whole, a case could have been made out for grouping the prison, probation and criminal policy departments into one neat, compact Department of State. As it is, penal policy has to compete for attention with other hot potatoes like immigration, and lesser matters like Porn, the Fire Service, the Isle of Man, Broadcasting, Drugs, Uncle Tom Cobley and all. What we have really got in the Home Office is three-quarters of a Ministry of Justice plus three-quarters of a Ministry of the Interior, together with some really weird little odds and ends. Hallowed by time, equipped with the patina of antiquity, it is—if you will forgive the mixed metaphor—a dog's breakfast of a Department. And we all know it.

But let me not deride it; for it has an asset so precious that it far outweighs its curious, clumsy, higgledy-piggeldy nature. It has an old-established status and therefore, at its head, a Cabinet Minister as senior and as experienced as you are. No neat, new, brightly polished Ministry of Justice would have that. So let us forget all these inconveniences. They are irrelevant when we get down to brass tacks. The May Committee has put forward proposals which, provided they are implemented, could put the prison system into a reasonable shape: greater independence; a voice for the service; more operational decisions being made regionally and locally where they ought to be made; better, faster communications; more consultation; a better machinery for handling

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# No Landmark in Penal History



Rod Morgan  
University of Bath

**In 1971 Sir Rupert Cross concluded his Hamlyn lectures with the hope that a new Gladstone Report might soon redirect the prison service.<sup>1</sup> In the Autumn of 1978 most commentators expressed the hope that Mr. Justice May and his colleagues could meet the long-awaited challenge. We were all ridiculously naive. Unlike the abortive Royal Commission on the Penal System (1964-66) the May Committee did at least produce a report, a strangely unanimous and, in a few respects, an exceedingly useful one at that. But like the Royal Commission, and for similar reasons, it will not 'be a landmark in penal history and illumine the course ahead for a generation'.<sup>2</sup> The Report is very largely an affirmation of present policies: its failure to seriously question and innovate stems from its mode of production.**

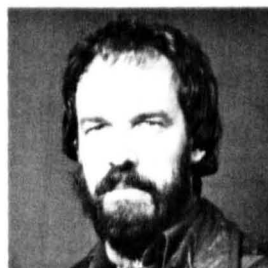
Consider the nature of the Inquiry. First, the composition of the committee was in the best tradition of British amateurism. Not an expert committee, it comprised ten well-informed lay persons broadly representative of relevant constituencies—a member of a Board of Visitors, a former director of NACRO, a former chief constable, a public corporation personnel manager, a sheriff, several magistrates—presided over by a member of the judiciary. At a seminar in November, Mr. Justice May was asked what mechanism his committee had created for evaluating the sometimes complex and technical and technical evidence presented to it.<sup>3</sup> There had been no mechanism he explained: the committee had consisted of ten 'sensible and experienced people'; they had canvassed, during the course of visits and oral evidence, the views of 'thousands' with practical knowledge; they had arrived at practical conclusions. The implicit analogy was of a carefully vetted high-powered jury listening to opposed arguments. The analogy was misleading or, if accurate in the smallest degree, with a court offering a parody of justice. Consider the May Inquiry's terms of reference and the mechanics of its task.

The terms of reference were of staggering proportions and, though certainly inter-related, demanded substantially different responses.

They ranged from the purpose of the prison system and the nature and size of the prison population, to questions of organisation and resources, to the minutiae of staff pay and conditions. The complexities of the issue were daunting. Preposterous to suggest that they could all be thoroughly dealt with in a year: quite monstrous of Merlyn Rees to ask, originally, for a report within four months. In the penultimate issue of this journal I suggested that the Report, when it appeared, should be regarded as the opening statement of a larger debate.<sup>4</sup> The Committee wisely adopted a similarly modest view. Disavowing the role of Moses they 'aimed generally at setting out the criteria that should govern organisation, resource allocation and so on' rather than 'prescribing the exact extent of change in every case': detailed arrangements were suggested only when the committee had 'acquired sufficient knowledge to do so' (para, 1.7). Since the

committee had only their own good sense to go on how did they acquire sufficient knowledge? In the case of most committees of inquiry we have to answer this question speculatively. Not so with the May Committee. The numerous contributors of written evidence have been happy to provide copies for interested observers and the Home Office has, uniquely as far as I know, published all of its written evidence. This welcome decision is the best possible sign of the greater openness in the running of the prison system which May recommended and which Mr. Trevelyan has already endorsed.<sup>5</sup> I take back my remarks on mysterious black boxes.<sup>6</sup>

The three volumes of evidence from the Home, Scottish and Northern Ireland Offices could not have contrasted more sharply with the bulk of submissions from the eighty odd independent organisations and individuals. The former were exclusively concerned with the system as it is, or could be with more resources and without new political initiatives, were defensive and generally, though not always, mutually supportive. The latter were offensive, necessarily unco-ordinated, often contradictory, and generally about what might be, irrespective of whether supporting political will or resources had been, or could be, mobilised. This organisational imbalance was compounded by differential access to weapons and skill in their use. Independent submissions tended to



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be brief, diffuse and crude statements, frequently expressions of opinion unsupported by evidence, their proposals seldom cost-conscious or spelt out in operational terms. Voluminous, relevant, severely practical, accompanied by carefully tabulated data and budgets, the departmental evidence was redolent with administrative angst, dedicated officials struggling with complex problems the consequences of inadequate resources and a population the size of which lay outside their control.

The May Committee could not have done *much* to alter this imbalance. They did not do what they might have done. The most complex evidence—that from the Home Office—was subjected only to the good sense of the committee: those few independent submissions able to trouble the departmental waters were referred to the Home Office there to be pronounced irrelevant, incomplete, impracticable or inaccurate. In deciding these issues, and in drafting its report, the committee were ably assisted by Robert Morris, a senior member of the Home Office with 'a deep familiarity with the administration of the prison services'. (p.IV).

This is a commentary on not just the May Inquiry but on this mode of policy review. The quality of reports from committees of inquiry is generally a reflection of the quality of evidence submitted. If the departmental evidence is not subject to challenge from outside experts or interest groups then the committees almost inevitably succumb to it.

In this respect the various terms of reference of the May Inquiry must be distinguished. On questions of staff pay and conditions, and to a lesser extent on organisational issues, the departmental view was challenged by the various personnel organisations. Here the May recommendations represented a compromise. I am not well qualified to judge how ably the committee drew their line but I suspect they were moderately successful. But on the broader, and in the long term more important questions—goals, regimes, size, composition and distribution of the population and resources—the committee almost entirely endorsed the departmental view. There is no new initiative in their Report, only more of the same. This was policy reviewed only in the sense that a meteorologist describes the weather

moving in from the Atlantic. The departmental submissions, couched entirely within the existing legislative and administrative framework, joined forces with Mr. Justice May's contention that initiatives to alter the size or nature of the prison population were outside the committee's terms of reference. Here the political masqueraded as the non-political. There was no suggestion that the size of the prison population is determined by political decisions. That to accept the status quo, and the Home Office population projections, is to *make* a political decision.

However much one may sympathise with staff assertions that their membership has been squeezed within a political sandwich—though there is no sign of this in staff/inmate ratios or overtime rates (para. 6.3)—it is quite extraordinary that at a time when all three political parties and all relevant pressure groups, including relatively hard-line associations like the Justice Clerks Society, are agreed that a sizeable proportion of the prison population is unnecessarily imprisoned—either because their sentences are too long or their offences too petty—the May Committee should conclude their chapter on the prison population with no estimates of what alternative reductionist strategists might achieve or any request that such estimates or initiatives be urgently undertaken. On the contrary, the Committee concluded that the population increase forecast by the Home Office was well-founded (para. 3.69)—thereby making it a self-fulfilling prophecy—and pressed on to endorse, in its entirety and without any discernible probing, a building programme so massive, as to be matched only by that post-Pentonville flourish which produced our Victorian penal estate. On the basis of 'admittedly rough and we think not very reliable estimates' (para. 6.84), the Committee recommend the construction of thirty six new prisons providing 15,000 places at a capital cost, at present prices, of £720 million.

The tragedy of the May Committee is not so much that it reached disastrous conclusions on these broader system issues—the reformulation of Rule 1, is simply treatment and training reincarnated and the Prison Department will still be under no obligation to meet minimum standards; regimes were scarcely mentioned; no initiatives to reduce the population were set in motion;

and the building programme will soon be massacred by cash limits—but that it constitutes a lost opportunity. The recommendations on pay and conditions, together with a few welcome organisational innovations such as more vigorous inspection, will be implemented and the rest will gather dust. Radical changes in our system can only stem from broader changes in the penal and criminal justice systems. On this the May report has nothing to even suggest. Mr. Trevelyan need voice no ritual protestations, the shelf is the best place for much of Mr. Justice May's report. No, the tragedy is that unless prison personnel exert pressure through industrial action it will be difficult to reopen the issues with which the government will necessarily claim the May Committee dealt (not least because £228,934 was spent on doing it), and which manifestly they did not, thus further delaying the policy initiatives for which Sir Rupert Cross was pleading in 1971.

It is tempting, when writing an article of this nature, to demonstrate greater certainty than one feels in drawing conclusions and recommending action. Had the May Committee made an urgent appeal for initiatives designed to reduce the prison population; had they seriously challenged the excessive degree to which the system resorts to security; had they recommended a major reorganisation in the designation of local and training prisons; had they—as BAPG suggested<sup>7</sup>—proposed the creation of a Head Office Planning Group to lay down standards; one could suggest that the matter be referred to a departmental working party or resuscitated Advisory Council on the Penal System to be worked out in detail. There would be a precedent for such a course in the referral of Mountbatten's recommendations to the Radzinowicz ACPS sub-committee<sup>8</sup>. But the May Committee did none of these things. They made no such radical proposals yet indefensibly, having quite inadequately dealt with these issues, they argued that their report was a 'package' which 'should be seen, and treated, as a whole', (paras. 1.18-19).

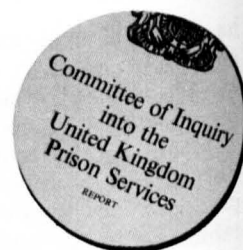
I hope that the new House of Commons specialist Home Office Committee can be persuaded to take up the problems so recently identified in the 15th Report of the Expenditure Committee. I hope that

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# Unfinished Business

Sean McConville



**Of the one hundred and sixty or so recommendations and observations made by the May Committee those referring to the higher administration of the Department, and to an independent inspectorate, are most to be welcomed. By upgrading the post of head of the service to Second Permanent Secretary, with direct access to the Home Secretary, and ensuring a period of incumbency of several years, much may be done to re-establish the symbol and substance of leadership, so crucial to a disciplined and often politically and socially isolated service. For many years to come the Chairman is likely to be a career civil servant rather than to be drawn from the governor grades. Much will turn on the working relationship which is established between the Chairman and the Deputy Chairman and Director of Operations, who will represent the service to the public. If too much initiative is left with the Deputy, the Chairman's authority will be undermined, policy may become overly piecemeal and unco-ordinated, and the Department may perform badly in the competition for resources. Should the Deputy Chairman be excessively restricted in his work, many of the defects now present in public and staff relations will continue, in particular an apparent lack of openness, confidence and speed in responding to criticisms and suggestions from inside and outside the service.**

Two other proposals affecting the Prisons Board are especially important. The bringing of all personnel matters under the authority of a Departmental Director of Personnel, instead of dividing responsibility awkwardly and unsatisfactorily between the Home Office, as at present, should enable problems in staff relations to be dealt with more flexibly and speedily, and should facilitate the development of new recruitment, training and career policies. But very careful regard must be paid to May's warning that "none of the Treasury grades should be given reason to think their careers will suffer during or because of service in the prison administration". If the Prison Department becomes a ghetto to which the less energetic and ambitious civil servant is consigned by his superiors, or which he seeks himself as a refuge, major damage will be done. As much to enhance the career of development and opportunities of operational Department

staff, as to benefit from the experience and wider commitments of the Treasury grades, it is imperative that movements into and out of the Department continue at a steady rate.

Over the last century the prison service has oscillated between organisational isolation with its attendant advantages of cohesiveness and clearly attributable responsibility, and integration with the advantages of a wider vision of policy and a less parochial style of staffing. Unfortunately, each of these extremes excludes the advantages of its opposite. Isolation leads to

sterility and insensitivity in policy and stagnation in staffing; integration can lead to an impersonal style of management and to a dilution of responsibility. The suggested addition of two independent non-executive members on the Prisons Board is an attempt to avoid oneness in future, and to combine the virtues of more independence and cohesiveness with integration and openness.

It is not clear from the report how the two independent members of the Board will operate, although it is implied that they should not be full-time. Rightly or wrongly, the image of the part-time member of public boards has been tarnished in recent years. All too often it seems that these positions are sinecures, conferring more status and economic reward upon the holder than benefit to the public. The difficulty is that persons successful in their own careers are difficult and expensive to attract, except on a part-time basis. It may, however, be worth placing at least one of these appointments on a full-time, short contract footing. Moreover, there are sufficient able and interesting men and women in industry and other fields of endeavour to allow the posts to be filled on a basis of talent and energy, rather than mere worthiness and longevity.



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### The Inspectorate

Until a hundred years ago, the local prisons were subject to independent inspection. The inspectors, who were Home Office officials, had no executive powers, since the local prisons were owned and administered by the justices. Nevertheless, through their own annual reports, which were presented to Parliament and published, and through the personal standing which they established with the local authorities, the inspectors were instrumental in shaping many local policies. Generally their influence was beneficial, and although they indulged themselves in their own penological nostras from time to time with much zeal and little tolerance, they did act as a valuable corrective and restraint. It was strongly urged upon the May Committee by a number of parties (including the governors, Regional Directors and a number of outside commentators) that the prisons' inspectorate, which after the nationalisation of the local prisons became a subordinate part of the Prison Commission, should be re-established as an independent body. Those who advocated this move variously argued that an independent inspectorate would secure a greater measure of public trust, would more certainly protect against abuses of authority, and could offer staff against whom allegations are made a more credible form of exculpation. An independent inspectorate would also have the considerable political advantage of drawing impartial and expert attention to deficiencies in buildings and equipment.

There are certain obstacles in the way of re-establishment of an independent inspectorate. Staff co-operation and support would have to be won without compromising independence and foregoing political confidence. Nor would it be possible simply to return to the system which operated a hundred years ago. In place of an agency of central government investigating local authority, a modern inspectorate would be inspecting a body which would be the responsibility of the recipient of the report—the Home Secretary. To put it another way: how independent is an inspection of one part of the Home Office by another part? How would the Home Secretary decide what to do when a conflict arose between the inspectorate and the Prison Department?

The May Committee received detailed cautionary evidence on these questions from the Home Office, which they found persuasive. Nevertheless, they concluded that the Home Office view was not broad enough, insisting "we have no doubt both that the prison service would benefit from and that public sentiment requires that as many aspects of government, which includes the public service, should be opened up to as wide an audience as possible". Therefore whilst truly 'independent' inspection of the department may be elusive, an inspectorate might be established which should be "distanced from it as far as may be practicable".

The May Committee envisaged an annual presentation to Parliament and publication of the inspectorate's reports, except where this should prove inappropriate on grounds of security. The method of work would remain much as it is now, with an additional responsibility to scrutinize matters of policy and general administration. There are difficulties in entrusting to the inspectorate the investigation of inmate or staff grievances, and rightly, for the time being, these matters will continue to be dealt with through existing mechanisms and procedures. Should an individual case raise more general issues, however, it may be taken up by the inspectorate.

As with the proposed restructuring of headquarters, much will depend on the personal abilities of the person appointed as inspector, on the supporting services which he is given, and upon the relations established with the Department and the public. Whilst the inspector's department must include members with prison experience (and there should be a chief officer and administrative officer as well as a governor), there should also be an accountant and staff with legal and possibly police backgrounds. On balance, it would probably be better for an outsider to head the new department. In future, an inservice appointment might be appropriate, but, for the present, wider political and public support is more likely to be commanded by conspicuous independence.

### Manning levels, hours and rates of pay

Not surprisingly, these were the sections of the report awaited with the greatest interest and anxiety by most members of the service. The years from 1973 were marked by a

deterioration of industrial relations to a level that few in the 1950's and 1960's would have thought possible. The Committee was set up in the midst of disputes, both nationally and locally pursued, and was possessed of substantial management and industrial relations experience. At the very least, therefore, it was reasonable to expect the Committee to grasp the nettles of manning levels, attendance systems and the basic rate of pay. That they failed to do so is not only a lost opportunity, but a considerable misfortune.

Prison officers have long desired to be placed on a par with the police, and as the police have recently benefitted from a handsome 'special cases' award, such a course would have meant a substantial wage increase. Wage comparability is one of the most sensitive and important political and social issues now facing this country. The permutation of weightings to be given to skill, training, education, arduousness and danger of work, scarcity of labour, traditional differentials and the like is endless. One thing is certain, however, any trade union asking for a reconsideration of its members' wage-rate on grounds of comparable movements elsewhere wants an increase. All groups, at the very least, want to keep what they have got and to improve their position if possible. In the present economic circumstances, one man's gain will very probably be another's loss, unless all advance at the same pace and all relative differences in reward are maintained. Successive governments have wrestled with these problems for the last twenty years, with varying degrees of success, and it would be foolish to expect the May Committee to find a solution. The immediate result of their report, however, is to leave remuneration and manning in a state which the Committee themselves concede to be highly unsatisfactory.

Prison officers have, in comparison to manual workers reasonably high wages and emoluments. But to keep up their earnings levels they must work a lot of overtime, as the Committee observed, "more than three times as much as that worked by all employees and over twice that worked on average by manual workers". A heavy dependence on overtime earnings has several undesirable consequences. It leads directly to a lack of flexibility and to restrictive practices on the part of staff,

designed to protect established manning levels and time allocation. Management, on the other hand, will acquiesce with these arrangements in order to avoid disputes. But the end result of men and women working a week and a half or a double week must adversely affect the relationship of staff with one another, with management and with inmates. At a time when more difficult prisoners are being concentrated in our establishments for longer and longer periods, it makes no sense at all to deploy staff who are often tired and jaded. And outside work, how many families have also had to shoulder the burden of overtime, in the form of uninterested, exhausted, or irritable husband or father? There can't be all that much point in earning high wages by annihilating leisure.

By basing its wage recommendations on existing overtime levels, the Committee has allowed the aggravating and corrosive problem of insufficient differentials between the junior and senior levels of staff to continue to fester. Not only is there a problem of equity when a junior officer earns more than a Chief Officer or an Assistant Governor, but recruitment of the most able

people into these positions becomes difficult, and their morale almost certainly suffers. The argument that persons in these positions are not unjustly paid when comparison is made with other fields of public administration or industry may be valid, but it ignores the fact that because of their excessive hours of overtime many juniors in the Prison Service are earning more than those who supervise them. The senior grades are unlikely to evade the limits set by broader comparabilities, and will continue to feel disgruntled *not because of that*, but because inadequate recognition is given to them in the form of a differential within the service. At the very least it bodes ill for the new industrial relations responsibilities with which they are to be entrusted.

The prison service's wages, shift-systems and manning levels are in a knot, which cannot be cut, but must be slowly unpicked over a number of years. Principal officers and those below them must eventually be given a basic wage sufficient for them to live reasonably without excessive resort to overtime. Associated with this, savings must be sought in manning levels and in the operation of the attendance-system:

a higher basic wage cannot be allowed to become a lever to increase overtime earnings. But this will not be enough. More open and assessable means of establishing manning levels will have to be found, and few can doubt that in the short term, at least, the application of any reasonable formula, whilst making savings through a reduction in waste and inefficiency, will also require the employment of additional staff in order to reduce reliance on overtime working.

Sir John May and his colleagues clearly saw the knot. The circumstances of their appointment and the pressure under which they were placed speedily to produce a report may have precluded anything on their part but a modest amount of tinkering with the existing system of hours and payment. The Committee spoke of the need for a "thorough-going review", and despite the widespread feeling that they should have done a great deal more to get that review under way, there remains no alternative but for management and staff to seek a radically new approach. Anything less will fail to win political support, and will, moreover, allow fear and resentment to poison morale for years to come. ■

#### DEAR HOME SECRETARY

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industrial relations; independent inspection; greater openness; a slightly wider role for staff, with improved training; a better pay and allowances structure, with hopes of reducing overtime (room for arguments here); a new purpose, and estimates of expenditure for providing reasonable conditions for staff and inmates.

I am not suggesting that there are not gaps in the Report, or that solutions have invariably been found for everything. Far from it. But I will leave these important matters to others. My plea is that this basically good Report will achieve nothing *unless the money is found to do most of the things that are suggested*. There can be no new purpose unless the regime around which it must be built (which will need a great deal more thinking through and working out) can be paid for. And there can be no new regime unless conditions for everyone are improved. It all hangs together as part of a single package. Take out any significant parts and the lot comes undone.

Of course, such an Inquiry as this should have been held less hurriedly many years ago, before so much damage was done to morale, so much neglect ate into the system, so much inflation swelled the amounts of money needed. It is your bad luck to have inherited a situation which previous Governments have disastrously ignored. The country has become poorer and poorer. New cuts are being made; and Heavens knows what horrors may be ahead by way of rising energy prices, world recession, growing unemployment, chaos in the international money market and political destabilisation all over the place, with all that may entail.

Right, you may say; therefore now is not the time to give the system even more than I have already managed to grab for it. But apart from the fact that it has *never* been the right time for the poor old penal system to get its fair share, does anyone seriously imagine that, with the scenario that seems to be ahead, crime will not increase by leaps and bounds? Of course it is early prevention we ought to concentrate on. But that is a huge subject which

we understand very little and which cannot be solved in one generation. Meanwhile the prison system will face new problems and difficulties and continue to be at the unlvely bottom of the penal system.

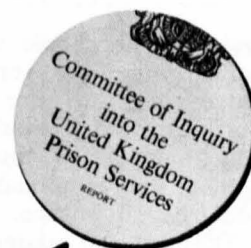
Yet just because civilised values may be increasingly under threat, it becomes the more important that we must have a civilised prison system. One in which the people who work in it can respect what it is they do. The prison system really is the touchstone of the values of society. This is what totalitarian states ignore. It besmirches all who live in them. We must have a system where staff and prisoners can retain their dignity. Dear Mr. Whitelaw, I know you know this and that you have done your best. But more will be needed. May I implore you to fight even harder, with all the great skill and authority you have, for the money now so badly needed; for the hearts and minds of the service; for every one of us who are citizens of this country. We need your help. Please give it to us.

Yours sincerely,  
HUGH J. KLARE



Brian Fellowes

Probation Adviser  
Prison Service College, Wakefield



# A Personal Comment

1.18 "We are above all anxious that it (the Report) and the recommendations it contains should be seen, and treated, as a whole".

What can one make of such a document when, as a Probation Officer, one's inclination is to leaf through it looking for those parts which bear directly on the work of Probation Officers inside and outside the prison? It is clear from the initial reactions of the Home Secretary that he too was inclined to look for parts which he could accept unequivocally and those which required further study or qualification. It was surely naive to imagine that in the compartmentalised world of prison, the Prison Department, and indeed the Home Office itself, that such a broad ranging report could be swallowed, so to speak, in one gulp. But, in expressing an anxiety for the report to be dealt with as a whole, the committee was putting the finger on the most central issue which has confronted not just the centralised prison system but the whole criminal justice system. That is, given the bureaucratic division of labour within the system, how can a person working in DIF, on the gate at Wandsworth, in the police or probation services, as a volunteer in Wormwood Scrubs, or as a red-band in the library at Brixton, feel any sense of common purpose with his co-workers in other parts of the system? I would argue that it is only when people, and I purposely include inmates, feel entirely free to debate issues across the boundaries of the departments and sections and disciplines, using their own experience to inform others but also being prepared to be informed (and therefore actually to hear what others are saying from *their* experience) that they can feel a sense of common purpose and identity.

So, despite my inclination to sift and choose bits from the report, I

want to look at it as a whole and consider just one of the many issues it raises.

For me, the report argues for a new approach to imprisonment. It argues that "penal establishments must be secure and so far as possible be hopeful and purposive communities and not be allowed to degenerate into mere uncaring institutions dulled by their own unimaginative and unenterprising routines" (4.46, p. 72). The report acknowledges that some establishments have succeeded in being sufficiently 'flexible and compassionate' to become hopeful and purposeful in the past. My feeling is that there has been little support to sustain staff in such establishments in the past, so key changes of personnel or hostility in the environment has led to a deterioration and degeneration of the more positive elements. This leaves staff feeling cynical and disillusioned and determined not to take risks again; to 'play it by the book' and do nothing more than the minimum. I feel that the report does not acknowledge just how hard it can be to sustain an open, undefensive and confident disposition in a changing and uncertain environment, characterised by the public's ambivalence about crime and punishment and about the purposes of imprisonment. Yet it is only open, undefensive and confident people who can look

beyond the immediate sectional interest, or the pay packet, or for that matter the EDR, and find that common unifying purpose which gives a sense of direction and identity and thus the motivation to do more and go further.

The report does, however, acknowledge that the governing principle in the management of penal establishments should be 'an openness of approach and mind not only to all the staff but to the public requirements and proper inquiries, as well as to the interests of inmates'. (4.48, p. 73).

That such an approach is necessary surely cannot be denied. The benefits seem to me to be self-evident and include not only greater job satisfaction for all staff but (just as important) the possibility of getting rid of some of the more damaging or disabling myths which lock staff and inmate in such a sterile and wasteful and depressing routine. One such myth is that inmates are useless and can't help each other. The perpetuation of this myth allows the prisoner sub-culture to reign supreme and makes prisons dangerous jungles where the hard men rule and education is limited to instruction about more sophisticated ways of committing crime. It is a myth because given some encouragement (and that means investment in communication and a willingness to participate and share between staff and inmates) people generally are only too keen to be hopeful and purposeful. Yes, of course it is true



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that not all people are so keen, indeed some are very anxious to prove that they are useless and worthless, but I would argue that this group is very much smaller in number than is normally assumed to be the case in prisons.

The next and related myth is that prison officers are equally useless and "can only help each other when the bell rings". This myth is, I perceive, widely held even by prison officers themselves. It is demonstrated by the consistent refusal to allow or to admit to using discretion. It is reinforced by rules and order. It is expressed through the childish behaviour which is the natural response of all of us to being treated like children. Prison officers are no less able to hold the burden of tension between care and custody than any other group of people. They have skills, life experience and the capacity to reach out and share if given the opportunity and the permission to do so. There is abundant evidence about this once officers are freed from the organisational shackles which so often bind them. Where prison officers are preoccupied by determination to secure rights, privileges, perks and money and use prisoners and specialists cynically to achieve such things, the appropriate question to ask is "Why do people behave in this way when they have the capacity to behave differently rather than to see it as fresh evidence of the truth of this particular myth? There are techniques readily available for use now which would help prison officers to be more effective in dealing with the tension between care and control; some of them are already being used in a very small but important way.

The third and final myth which needs to go pretty quickly is that the non-uniformed members of staff (and that includes governor grades as

well as specialists) have nothing to contribute to prisons. This is dealt with briefly but effectively in my view in the report (7.10, p. 159). "Some prison officers have suggested to us not merely that there should be no further civilianisation, but also that there should be a reduction in the present numbers of civilians. We cannot agree. Many of the civilians who work within establishments possess special skills which are necessary for the effective running of the system . . . . No organisation of the size and complexity of the prison service could manage affairs in isolation from developments and changes in its environment. The introduction of specialists and civilians has been a reflection of changing values and structures in society. To imagine that the prison service can be held uninfluenced by such changes is dangerous wishful thinking."

Nonetheless, one can understand how the myth arises and is perpetuated. The first cause is related to the circumstances surrounding the second myth. That is, when a group of people feel themselves to be under privileged, or their experience and skill is denied in the nature of the tasks they are asked to perform, they naturally seek to blame others. Specialists are as available as Head Office or any group of 'others' in providing opportunities for projection, for unloading bad feelings about the difficulties prison officers experience. The second cause has to do with communication. Specialists are notoriously bad about talking about what they do to other non-specialist staff. No one working in the closed environment of the prison (even an 'open' one) can afford to adopt an isolationist stance. When they come to work in a prison their business is in a very particular sense everyone's business, because what

they actually do can, and usually does, materially affect the work of others in the establishment. That is not to suggest that a detailed account of every transaction no matter how personal or how trivial should be given to everyone in the prison. What one can suggest is that specialists should see it as *part of their task* to keep others informed in a general way about what they are trying to do. Of course, one realises that many specialists do just that and it is easier if the organisational structure encourages it in a natural way (such as working on Wing teams). But one is constantly alarmed to hear of specialists (and not just Probation Officers) who consider themselves 'too busy' to attend meetings which may be the most important means of sharing information and gaining an identity as a team member who has things to learn as well as to teach. The alternative is a form of withdrawal which allows fantasies about what the specialists do to achieve the currency of fact, and allows the specialist to indulge in irrelevant fantasies about being the isolated worker of esoteric magic or spurious expertise. Irrelevant and spurious because his work is quickly neutralised by a host of very subtle but powerful means.

There are many things about the May Report which will rightly or wrongly be criticised. I believe that they may have misjudged the capacity of the criminal justice system to cope with the 'report as a whole' approach that they have sought to impose. However, I feel that what they have said about the need for openness is vitally important. It is only when such openness is established that confidence and trust can prevail with sufficient power to allow those changes which are so necessary for the security and peace of mind of all to take place. ■

#### NO LANDMARK IN PENAL HISTORY

*continued from page 3*

Mr. Whitelaw can be persuaded to refer aspects of our prison system to a reconstituted ACPS. Sadly I think such developments, or radical moves from within the department, will be best assured by further public expenditure cuts accompanied by forms of staff action previously taken—refusals to accept receptions in excess of CNA or when, by virtue of too many prisoners or too few staff, the planned regime is inoperable. It

is not an agreeable prospect, but I suspect that the more slopping-out and the more trouble we have in prisons the more likely it is that courts will be inhibited in their use of custody and the more likely government will be to enforce those inhibitions. This should be our first priority. When it has been achieved we may then be justified in turning to decent living conditions for prisoners as well as working conditions for staff.

1. R. Cross (1971). *Punishment, Prison and the Public*, p. 190.

2. *Penal Practice in a changing society*, (1959) para. 24.
3. NACRO Conference on the May Report, 30th November, 1979.
4. Rod Morgan, 'The Evidence to Mr. Justice May', *Prison Service Journal*, Oct. 1979.
5. Speech to NACRO Conference, 30th November, 1979.
6. Rod Morgan, *op. cit.*
7. British Association of Prison Governors, *Submission to Inquiry into the U.K. Prison Services*, February 1979, p. 17.
8. For the discussion of this issue and a more general argument for the reconstitution of ACPS see Rod Morgan (1979); *Formulating Penal Policy: The Fortune of the Advisory Council on the Penal system*, NACRO. ■



# AS SEEN FROM THE BOARD

W. Harry Clarke, MBE, JP

*Chairman of the Boards of Visitors  
at both Long Lartin Prison  
and Brockhill Remand Centre*

**In responding to the Editor's invitation to contribute to this debate I do not, as a member of a Board of Visitors, consider that I should make other than general comments on the May Committee recommendations as a whole. Other contributors are, I am certain, better informed on the many issues of which boards of visitors are not, necessarily, expected to have detailed knowledge. This does not, in any sense, imply that any of the issues covered in the Report are not the concern of every Board. It could not be otherwise. If, as this Report states, our chief role is to act as agents of local accountability and control over the good management of our institutions. This function could not be fulfilled without experience and understanding of all that goes on within the institution.**

The impressions I have gained from individuals who expected much, and perhaps too much, of the Inquiry, vary from genuine, and even bitter disappointment, to the view that the Report provides a fair and comprehensive basis from which progress on many major issues can be made.

As I have read and listened to a great deal of less than enthusiastic comment and, often, critical views, I have wondered if many of the critics share my view that the Committee was given far more to do than could reasonably be expected within the time allowed.

In spite of the time factor, I take the view that the Report has succeeded in suggesting clear and practical solutions to a number of urgent and important problems, but it could not possibly be expected that the suggested solutions would please everybody.

On the other hand I partly share the view of those who have said that, in some cases, the recommendations are confusing and contradictory. The impression is sometimes gained that the Committee members were not always fully aware of the existing situation in relation to some issues.

An example of this appears in paras. 10-22. Here, reference is made to the responsibility of Governors for the improvement of industrial relations within their establishments and implies that Governors have an absolute discretion to act in such matters. In fact, I think it would be correct to say that they have had no such absolute discretion and have rather been expected to act as 'agents' between headquarters and the local staff and, often, without being kept fully aware of the state of negotiations between the Department and the Staff negotiating body.

I have made reference to this particular issue because it has been one of concern to a number of Boards of Visitors and, two years ago, the Board on which I serve considered it necessary, in its Annual Report, to draw the attention of the Secretary of State to the position of Governors during periods of prolonged negotiations at times of industrial unrest.

I should like to make a few comments on what the Committee said about Boards of Visitors.

It is understood that there was not time to examine all their duties or to take formal evidence and, for this reason it was considered necessary to

concentrate on the one issue of whether the adjudicatory and inspectorial functions of Boards should be separated. A conclusion was reached which, I am sure meets with the approval of an overwhelming majority of serving Board members. The Report said that a sufficient case for changing the present position had not been made out. Any recommendation to the contrary could, in my view, be implemented only at great cost in money and confusion without furthering the interests of justice. I am convinced that Board of Visitors' adjudications will continue to be properly and fairly carried out and that there are now, more than ever before, quite adequate safeguards to ensure this.

In expressing a wish to see the function of Boards extended, the Report states, in paras. 5-104, that their statutory concern is, at present,

*continued on page 14 ►*

Mr. Clarke has a considerable experience in the penal field being the Chairman of the Redditch Magistrates and a member of the Treatment of Offenders Committee of the Magistrates' Association. A former member of the Board of Visitors at Birmingham Prison he is at present Chairman of the Boards of Visitors at both Long Lartin Prison and Brockhill Remand Centre.



# FISH, FOWL OR GOOD RED HERRING?

Nicholas Tyndall

**I have spent hours reading MAY. I am full of admiration for the mass of facts and figures. The degree of detail mastered by the Committee of Inquiry is indeed impressive.**

**It is impossible for me to see the Report dispassionately. I spent sixteen years in the Prison Service—the last half in meeting all kinds of staff at the staff college—and many of the issues are, oh, so familiar. Yet MAY raises in me neither excitement nor nostalgia.**

**Why does the immense amount of labour, so comprehensively written up, leave me so unmoved, in spite of being about a service and a cause with which I was once so identified?**

Primarily, I suppose, because the report is so unbalanced. Its terms of reference were so wide and so detailed that the Committee inevitably got trapped up too many side lanes. Fine argument about whether officers who come on duty at 7 a.m. without having breakfast should or should not be paid the same as officers who come on at 7.45 p.m. having first breakfasted, seems to be a matter which is unsuitable to be determined by a 'neutral' Committee of ten good men and true, and is altogether too transitory to be enshrined in a major report into the state of prisons. Surely these detailed issues would have been more appropriately dealt with by one or two experienced arbitrators?

So I have sympathy with the Committee that had to engage with so many inappropriate issues. They were under too much pressure to comment on too many major matters too quickly. As Mountbatten was hustled into conducting a prison inquiry because of pressure on Roy Jenkins over escapes, so MAY has been hustled by pressure on Merlyn Rees through staff unrest. Alas, the Committee seem to have gone

along with the pressure on the whole. They must have realised they were in waters which have troubled many better men since man first locked up man. My sympathy for them evaporates, however, when I read that they 'are satisfied that what follows does proper justice to that which we are required to investigate'.

MAY did not do 'proper justice' because it is impossible in eight months for a committee of ten 'outsiders' to grasp issues so many of which lie in the no-man's land compounded of psychology, sociology, ethics and by-guess-and-by-God. What a pity MAY did not conclude that it would be beneficial for a new informed group representing relevant disciplines including

administration, within and without the Prison Service, to take on from MAY and Mountbatten, without time constraints and without bias caused by having to pay undue regard to one aspect of prison life, such as security or conditions of service. Another £228,000 spent more leisurely might well produce a report which would set the prison service in the context of our rapidly changing society, would identify which issues could be grappled with and which are unsolvable and would show ways ahead with the former. Such a study might well prove a modern successor to the Gladstone Report.

MAY tries hard. He glanced at the wood before getting immersed in the trees. He was right to challenge Rule I: sensible to point out that treatment cannot be imposed upon unwilling prisoners. But to suggest that Rule One would be improved by changing 'training and treatment' or 'humane containment' into 'positive custody' is still unhelpfully vague. This is a search for an omnibus definition which cannot be found. The only possible global direction is that 'staff should do the best they can



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in the circumstances in which they find themselves'.

I do not agree that confusion about objectives has been a significant cause of the present malaise (para 4.3), certainly not in the sense that re-writing Rule One can ameliorate. Surely the reality about prisons is that they contain people, often extremely complex people, in exceptionally difficult circumstances which often do not make sense to captives or captors. The task of the prison staff is to cope as best they can with the resulting irrational emotional turbulence.

Fundamentally this is my complaint about this Report. As I said at the beginning. I cannot see it dispassionately. This is not only because of my previous career in the prison service, but also because my present career with the National Marriage Guidance Council has alerted me to so many issues about people which MAY largely disregards.

I have discovered that the outside world consists half of men and half of women! MAY largely inhabits a male world. His Committee consisted of two women to eight men. But an even greater imbalance transfuses the text. It is not about a world populated by living in inter-dependence. There is scant regard for wives and families of staff—let alone prisoners.

What an extraordinary phenomena prisons are. They are indeed a world apart, and May does nothing to challenge that. In these days of co-education, equal opportunities and flexi-roles, a major inquiry does not comment on the fact that prisons are increasingly anomalous organisations. So many of the bastions of the establishment are changing. Boys' public schools, the police, the Stock Exchange, are all working towards greater regard for sexual inter-dependence.

There are few clues as to what effect these changes are having on the prison service but they must be deeply influencing staff relationships, staff marriages, and morale. Staff families come in for a late mention (para 11.32) but on the whole MAY treats them as surplus baggage.

Radical changes of all sorts are taking place in society—in attitudes to authority, moral standards, marriage and family life, social mobility etc. There is scant recognition of all this. There is a short paragraph saying that the prison population is comprised of increas-

ingly difficult and intractable offenders (but show me a report on prisons that did not say that—or indeed a group of residential staff who do not believe that their present charges are more troublesome than the past ones!) There are weighty words about the need for improved understanding of industrial relations and better consultative processes. And the view is expressed that the social casualty type of offenders should be kept out of prison and dealt with elsewhere. But there is no opening of windows on to the question of the relationship between a penal service beset by traditional hierarchies, buildings and attitudes, and the wider changing society from which the service is so cushioned.

I am in danger of castigating MAY too strongly. The Report now exists, and so any possible leads should be taken from it. These leads are not much more than hints because the committee strives so hard to be fair to all sides and upset no one. Perhaps that was inevitable in view of the atmosphere of explosive staff relationships in which they met. But the hints are important. The committee does surmise that qualitative changes in discharging custodial and other tasks have been more significant than quantitative ones (para 3.18) and that the former demand "inner psychological resources from staff".

This phrase is not explained. This could have been a major section. But in fact the Report ducks the questions of how to sustain regimes in which objectives are often in conflict, emotional demands on all personnel are enormous, and stress, failure and inadequacy are the inevitable daily bread of staff. MAY follows in the footsteps of so many predecessors in hoping that stress will be controlled with the right sort of organisational structure. He whistles for the "unambiguous re-assertion of leadership from the centre both at headquarters and also by governors at establishments" (there follows a chapter about the ambiguity of relationships between headquarters and governors).

What hope there is for some profounder light to be shed on prison management lies in the sections on training. Para 7.39 recommends that a "searching review of all training facilities and programmes" should be undertaken. Para 7.50 calls for more training to be available in understanding the theories, explora-

tion and ethics of the work and in personal development. Para 7.51 emphasises the importance of continuous in-service training and para 7.53 advocates professional development of staff at the training establishment.

These are welcome recommendations. Such a review would be important. It would expose the present limitations in training. It would do more. Training can only be examined in terms of what sort of job people are being trained to do, so the review would be bound to ask the question which MAY avoided. It would have to be specific about what skills, attitudes and behaviour are required in inter-personal work with prisoners and what support is needed by the various grades of staff.

The other side of the picture of staff stress is the feeling of 'belonging' to which the committee refers several times. This sense of belonging is very strong. I doubt if it is understood by people who have not worked in institutions and that, alas, means most of the civil servants who join the Home Office with quite different motivation and cultural influences. MAY recognises this need and calls for a greater degree of unity and identity in the service. Improvement would result from absorbing Estabs. 3 within the Prison Department and creating a Director of Personnel.

The post-Mountbatten attempt to invest the unity-morale function in one man failed because the Inspector General was neither fish, fowl nor good red herring. MAY now more realistically imposes that function on the Chairman of the Prisons Board. I applaud the recommendation that the Chairman should be committed enough to stay in post for 5-7 years. Prisons create an atmosphere of dependence. So much of what happens are attempts to use that dependence appropriately. The prison service has a right to want a reliable dependent leader, who will be well known and will stay to weather out some storms.

I looked in vain for MAY to recommend greater opportunities for independent action within this inevitably dependent culture. The more I reflect on my experience in the service, the more I believe that the main pressure sapping the initiative of prison personnel is the procedure for appointments and promotions. I do not understand why all the main posts—from Chairman down to the senior uniform grades—should not be advertised like jobs

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It was unreasonable of all of us to expect a lot from the May report. But we did. And many of us have been a little disappointed. We imagined that this group of experienced, well-placed individuals, with their interesting and varied backgrounds, would bring to bear on the prison service and its problems the commonsense of the outsider and the questioning stance of the non-professional who refuses to accept the official version of things. This is what we could have expected from such a committee. And we got a little of it. The recommendations on an independent inspectorate and on organisation show courage and the ability to question the received wisdom of the Home Office. The analysis of industrial relations in the prison service is regarded by many as sound and valuable. Where the report disappoints is in its failure to even contemplate the existence of another view about our prison system, the uses we make of imprisonment and its role within the criminal justice system. To be fair, the committee was not asked by its terms of reference to consider the wider problems of the criminal justice system. However, the Inquiry team does say in its introduction "It was plain we could not ignore wider criminal justice matters . . . because we could not, amongst other things, make credible and worthwhile recommendations about the resources required for the prison system without an adequately informed view on the size and nature of the future prison population, including the possibility of reducing it, for example, by removing certain categories of offenders altogether, or by means of likely changes in sentencing practice. By the same token, although we were not specifically asked to make recommendations about the larger philosophical and penological issues that arise from imprisonment, there could be no question of ignoring them." (Paragraph 1.5)

Vivien Stern

Director, NACRO

# UNREALISED HOPES

The most important chapter of the May Report as far as NACRO is concerned is chapter 3—on *The Prison Populations*. Most of NACRO's effort is devoted to developing facilities which can be used instead of prison for petty offenders or after prison to aid the resettlement of those who have served their sentences. This, rather than problems of administration, is and has been NACRO's main concern. However, our experience since 1966 in dealing with offenders of all sorts and in running hostels, work-shops, supported work projects, day centres, New Careers projects and schemes for juvenile offenders has convinced us that a large proportion of those sentenced to custody need not be incarcerated and that, in most cases, in spite of the best efforts of the prison service, it is in fact damaging to imprison people. The damage that is done to the individual and his family is out of proportion from the point of view of society to the amount of crime that is prevented through keeping the petty offender out of

circulation for a brief period of time. This view—that the prison population should be reduced—is not peculiar to NACRO. It is not just the view of a bunch of do-gooders. It is, in fact, the view, to take an example at random, of a Conservative Party study group who called in a report, *The Proper Use of Prisons*, published in 1977, for a reduction in the prison population "where this can be done without putting at risk the safety of the general public". This, the study group said, should apply to the

mentally disturbed, alcoholics, drug addicts and inadequate petty offenders. The consensus spans the political parties. Labour's Programme 1976 says "Our aim must be to achieve a major reduction in the prison population including young offenders by using alternatives to prison for most offences directed against property".

Others, who should know what they are talking about, have endorsed this view. For instance, The Board of Visitors of Manchester Prison, in



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its evidence to May, suggested that "many people are in prison because society has nowhere else to put them". The Birmingham Board of Visitors said to Mr. Justice May that "the problems of petty crime arising from drink, drugs, mental disorder, illiteracy, car addiction, that is the social-inadequate—should be recognised and treated as basic problems of which petty crime is a symptom rather than a cause. Support, rather than high security, is what many inmates need". The Magistrates Association, in its evidence to the House of Commons Expenditure Committee, called for other ways of dealing with petty offenders than imposing short sentences of imprisonment. The Expenditure Committee itself, in a thoughtful and far-reaching report, said, "we have been unable to make a precise estimate about the number of those who could be dealt with in some other way. Nevertheless, we are convinced it is a substantial number".

With this backing from a wide range of respectable opinion, some of us felt that May and his colleagues could have grasped the nettle and come out at least with positive proposals for doing something about this without facing the press vilification and political rebuff suffered by the Advisory Council on the Penal system last year when it recommended a scaling down of penalties for most offenders.

Unfortunately, this did not happen. For Chapter 3 of its Report, the Inquiry team looked at current populations, fluctuations and increases in populations over time, the proportionate use of imprisonment and other disposals and the distribution of the prison population amongst the various categories of institutions. This consideration led the committee to conclude that "trends towards reducing the use of custodial sentences are now exhausted". (Paragraph 3.7). The team felt bound to accept the Home Office forecast of a rising prison population and suggested that "such seems to us to be the penal momentum at present, that we feel they are more likely to under-estimate than exaggerate recent trends". (Paragraph 3.69).

Non-custodial disposals are by the Inquiry team regarded with some coolness. The Report says "It seems very likely that over hopeful—sometimes merely fashionable—expectations of non-custodial disposals have persistently been used to

defend the allocation of inadequate resources to the prison services in Great Britain and particularly England and Wales... indeed it seems sometimes assumed that alternatives' automatically means alternatives to imprisonment when they mean nothing more than replacing existing non-custodial sentences". (Paragraph 3.70).

The Inquiry team echoes the views of other recent reports in advocating the removal from prison of mentally disordered offenders, and wherever possible of fine and maintenance defaulters, alcoholics and petty offenders. The report castigates the NHS for its failures in regard to mentally disordered offenders and the DHSS for the lack of progress in dealing with alcoholism. However, the Inquiry team shows little enthusiasm for extending the work of the probation service. Noting the fall in numbers of probation orders made, the report states "Whether this progressive displacement can be reversed seems open to doubt... we understand too, that there are no large scale resources available for such a shift back to the probation order, even though useful local changes could no doubt be made". (Paragraph 3.51). And this is a report that goes on to recommend doubling present capital expenditure on prison building.

Community Service, the report says, "has been the great current success story" but "the scope for further growth will probably be limited by diminishing returns if there is attempted expansion into increasingly marginal and less co-operative groups". (Paragraph 3.53). Day training centres are not regarded very favourably, probation hostels "seem expensive facilities", while bail hostels "seem admirable".

Possible executive intervention to reduce the prison population is discussed in some detail, although the report notes that there are "objections to and practical difficulties in all such schemes of intervention". (Paragraph 3.57).

Conditional release, half remission, amnesties and an extension of parole are all considered. The concluding recommendation could be seen as somewhat tentative—"none-theless, there seems to be no overwhelming objection in principle to any of them and it is possible circumstances may justify resort to them". (Paragraph 3.62).

I think there are several points

to be made about the analysis in Chapter 3. First, one cannot help being struck by the unquestioning way in which the Inquiry team has accepted the Home Office data on forecasting the prison population and accepted the view, implicit in Home Office documents on the subject, that the prison population is out of control of policy makers and is governed by that curious concept which we find in paragraph 3.69 of May—"penal momentum".

This is even more strange when it is considered alongside the discussion in paragraph 3.9 about young people going into prison. We read "the largest proportionate increase in the numbers received into custody over the period was in the number of young people received under sentence of borstal training or detention in a detention centre... receptions into detention centres rose during the period as accommodation became available. And this sentence was imposed in 1977 in over 7% of all cases where a male juvenile was found guilty of an indictable offence". As far as detention centres go, receptions rose—not because of the rise on the crime-rate or the rather obscure "penal momentum" but because accommodation became available. Penal reformers have often maintained that population in institutions will rise as institutions are built to accommodate them. It is interesting to find the May Report endorsing this but regrettable that the logic of this was not followed through in any way.

Another point that perturbs me is the casual dismissal of an increase in community service, an extension of probation hostels, a shift in resources made available to back up the probation order or any discussion of the day training centre principle and ways in which it could be made less selective and less expensive. These unenthusiastic comments on the non-custodial sector, this "damning by faint praise", will be felt as a knock back by all of us involved in dealing with offenders outside institutions. I think the question we would like an answer to is—on what evidence did the committee arrive at these conclusions and is there any way in which we could have access to the thinking process which led to them?

Perhaps I should say here that possibly NACRO and the rest of us in the non-custodial field should take some of the blame for this. Whilst the Home Office prepared lengthy

detailed and comprehensive papers on practically all the subjects studied by the Inquiry team, and the staff organisations i.e., the POA and the Governors, prepared detailed and comprehensive papers on their areas of concern, NACRO and the probation organisations took the statements of position on the non-custodial sector, rather than detailed analysis and discussion. I would suggest there is a lesson there that we should learn for the future.

However, if we are to be grateful for small mercies, we can at least welcome two points made in Chapter 3. Firstly, we should be glad that the report supports the Interim Report of the ACPS *The Length of Prison Sentences* which advocated shorter and fewer prison sentences, and hopes "they will be acted upon by the courts now as far as possible and ultimately, by Parliament". (Paragraph 3.65).

We must also welcome the report's discussion of the different prosecution and sentencing practices in Holland which results in a much lower use of imprisonment per head of population. The Report discusses a paper given at NACRO's AGM in

1978 and says that "the advantages of the Dutch practice, not least on cost grounds, are undeniable". (Paragraph 3.30). The Inquiry team felt unable to make a "secure judgement" on the Dutch experience and commended to the Royal Commission on Criminal Procedure for further study. Let us hope the Royal Commission will take this up.

What should we do now? Firstly, I think we must take to heart the lesson of the May Report. That is, whenever there is an opportunity of making our case we must leave it to the Home Office or to statutory agencies. We must make the case in detail, loud and clear, with good supporting evidence, that there are ways of dealing with small-time offenders outside prisons that are effective and cheap. Secondly, we must now make the best use of what we have got and use the exhortations of the report, that fine and maintenance defaulters, mentally disturbed offenders, alcoholics and petty persistent offenders should not be in prison and start thinking about ways in which this wish could be realised. We must continue to press for shorter sentences and above all

we must continue to get across to the general public some general points made in this report, firstly "there had grown up a clear belief that whatever the benefits of imprisonment, it also carried the risk of substantial damage if applied for too long or unnecessarily. Imprisonment, it was recognised, had a potentially damaging effect upon the future work prospects and family life of inmates, 'labelled' them as deviant in a way likely to reinforce future deviant behaviour, and was costly to society both in regard to the inmate himself and his family". (Paragraph 2.45). Secondly, the report helpfully sets out that "the unit cost per place in Category D and Category C prisons is about £40,000 and £20,000 respectively as compared with about £43,000 for special hospital place but only £23,000 for a purpose-built detoxification centre place and much less (about £7,000 and £4,000 respectively) for converted places in probation hostels for alcoholics. Keeping the prison population down, therefore, could result in real savings". (Paragraph 3.33). Those are messages that cannot be repeated too often. ■

AS SEEN FROM THE BOARD  
*continued from page 9*

"solely for inmates". I hesitate to challenge the accuracy of this but I do not think it is a view that would be shared by most Boards. Upon appointment, members are informed that "their first function is to act as independent overseers of the prison system" which must be seen to imply much wider concerns.

In welcoming and supporting the Committee's view that "Boards should have an obligation to concern themselves with the welfare of prison staff and their families and to bring any question to the notice of the appropriate authority", I maintain that this is an obligation which has long been accepted and considered of importance to staff morale. On our Boards we believe it to be quite necessary to discuss the problems of our staff as of our inmates.

This leads, naturally, to the further suggestion that Boards make themselves available at specific and advertised times to talk to any member of staff or inmate who wishes to see them. I know that such arrangements already exist in many

prisons and especially in those accommodating long term inmates. The holding of weekly "applications clinics", staffed by members on a rota basis, has, for the past seven years been regarded as amongst the most important functions of the Board on which I serve and I have good reason to believe it has come to be accepted by staff and inmates to be of real value to the smooth running of the institution. We receive full cooperation from the uniformed, administrative and welfare staff in providing replies to questions raised by inmates at these weekly sessions. Normally an inmate would only apply to meet Board members at a 'clinic' after exhausting the accepted procedures for dealing with complaints and problems through Wing Staff, Assistant Governors, and the Governor or his Deputy.

The further suggestion that Boards should also consider themselves to be 'informed outsiders' with a duty to increase their local community's knowledge and understanding of what goes on in their prison is one which has been impressed upon us for a long time and is already accepted. It must, at the same time, be

remembered that members frequently have access to information of a confidential nature which, in the interests of security, or for other good reasons, they would be careful not to discuss outside the establishment. In performing this function, therefore, members of Boards must weigh carefully their duty to increase the knowledge of the local community against other important considerations.

The Committee of Inquiry expresses the view that Boards of Visitors are vital institutions and although their work is little known and appreciated they are important parts of the prison system.

I am sure I speak for all Board members when I say that we are proud and pleased to have a part to play in a system with which so much is right and which brings us into contact with many dedicated members of staff. The Report states that the United Kingdom is fortunate in the men and women it has secured to run its establishments—this, I am certain, will be supported without reservation by all those who are appointed to take an independent view. ■



# And yet another Penal Report

Mike Whitlam

On 17 November 1978 following a long period of rather difficult industrial relations within the Prison Service the Home Secretary, Merlyn Rees, set up the May Committee, stressing the need to urgently review the administration of the Prison Department. It came as no surprise to anyone that the terms of reference of this Committee would have to be broadened and the Committee themselves recognised this fact early on and reported to the Home Secretary that they would not be able to report before summer of 1979.

In the event the Committee reported in the Autumn of 1979 leaving many prison staff and penal reformers rather frustrated. As someone who has worked both in the voluntary sector and in prisons I can understand many of the feelings behind some of the more detailed recommendations, concerning pay structures, staffing levels and the management of prisons. Nevertheless, one is left with a sense of confusion because the detail of many of these recommendations seems only to apply if some of the more fundamental issues are resolved. Perhaps the most important issue being whether or not the system should remain in its current form, or even at all. Without really arguing the case the report implicitly recommends the continuation and growth of the prison service with modifications.

Unfortunately, the modifications appear to be trying to appease everyone who has given evidence to the Committee. For example, there are recommendations which are aimed at making the career structure for Assistant Governors, Governors, and Prison Officers more realistic and positive. Equally, there are recommendations which support the need to build more prisons and make social education and social skills training a part of "positive custody". The confusion in these recommendations is that they seem not to take account of evidence that was given to Committee which would substantially reduce the prison population. This is highlighted under the heading "The Scope for Reduction".

The report recommends that there are four options to be considered in order to reduce the current prison population. The first option is: the re-direction of some prisoners for whom prison is totally inappropriate. Examples highlighted are: the petty offender, the alcoholic, the fine

defaulter and the mentally disordered. Having myself set up and run a diversion project for juvenile offenders, I am firmly convinced that this is one area that central government should consider very seriously as it is a system which recognises some of the fundamental needs of those offenders involved without minimising the problems that they have.

The second option is what is described in the report as being "executive intervention" and is, I am convinced, an essential part of a change within the prison service. My

reasons for stating this are quite simple. At present the current prison population, according to the May Committee Report, stands at 42,319, the certified normal accommodation is 37,881; in other words the prison population is almost 5,000 persons over the maximum certified normal accommodation. Any major switch of resources or redefining of aims and objectives must begin with a move that takes the strain off the prison system. I believe that the recommendation to increase remission from one-third to one-half for those serving an eighteen month sentence or less would go some way towards this and might be more acceptable to the general public than a general amnesty.

However, there is only one real alternative to the idea of a positive custody and that is the development of suitable community based alternatives, which take account of the real reasons why both adults and juveniles commit offences and so find themselves in Britain's penal establishments. This must be where government places its emphasis over the next ten years, not in the rebuilding programme which May recommends. There are, within the British prison system, sufficient prisons to cope with those prisoners who need



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what the report describes as positive custody. The remainder require more positive "non-custody" in the community. A planned programme switching resources from the penal services to community based alternatives ought to be possible without any increased expenditure providing that account is taken of the financial value of prison department establishment, staff and running costs. May recommends the closure of Dartmoor. Just how long can we go on preserving this outdated Napoleonic Prison in which even prison staff do not really wish to work. Surely this must be the first closure. Some would even go as far as to suggest that Dartmoor might become a tourist attraction attracting substantial income from the public. One of the major arguments for not closing down prisons is the difficulty one would be faced with when trying to retrain a number of staff. This, in fact, should not be too much of a problem, as the May Committee does suggest that whilst there is a need for specialists within the prison service it is the social work and welfare role of prison officers that is important, and the report, like a report produced by the Prison Officers Association some years ago suggests an increase in social work role for prison officers.

The final option for reducing the number of people in prisons involves affecting the sentencing and remand practices, a process which I hasten to add is long overdue. As an assistant Governor in Brixton Prison, in 1973 it was patently obvious that the attitude

towards prisoners who had received bail was in need of an overhaul. The changes in bail legislation in 1974 went some way towards recognising that there are still many staff who do not regard it as part of their function in the remand prison to ensure that those who receive bail have sureties to secure their release. A more enlightened use of volunteers might help in many of these cases where men cannot remember the address of their surety.

One of the areas that I thought the report failed to cover in any real depth was the issue concerning the secrecy of the prison service. Mention is made of the need for an independent inspectorate to be "distanced as far as may be practicable from the prison department". The control of the prison department rightly stays with the Home Office with boards of visitors continuing as at present to exercise both an adjudicatory and inspectorial function. None of these recommendations, however, helps to give the general public a greater understanding of what happens behind the locked gates of the prison department establishments. There is a need for a massive public education programme and a system which allows the freedom of information to pass, in the majority of cases, both into and out of prisons. This increased openness can do nothing but good for the prison department and will help staff to carry out their functions amongst less suspicion and animosity.

In an article of this length, it is not possible to deal in detail with all the

issues that concern someone like myself actively involved in the establishment of alternatives to custody and prison reform. There are some 350 pages in the May Committee Report and the fundamental issues have been, to a large extent, neglected, leaving—I suspect—the government thinking that the most important issues are the conditions under which prison department staff have to work and salaries they earn. Whilst these issues are, of course, very important this is not the case; although as an employee of the prison department I was myself concerned about whether or not I would have the freedom to purchase my own quarter and be able to apply for any post within the prison department.

Mr. Whitelaw, as the Minister concerned, must take the May report seriously and not as seems to have happened already to dismiss out of hand issues like the closure of Dartmoor and the redefinition not of 'Rule 1' but the major objectives of prison. There are some important issues raised in the report and perhaps this Government may like to use the report to begin the process of major changes. However, the report can only be the beginning of a decade in which Government and the British population decide whether or not they are prepared to think much more imaginatively about the way they deal with their offenders, and whether we continue to waste people's lives and financial resources in supporting a structure which is crumbling.

#### FISH, FOWL OR GOOD RED HERRING? *continued from page 11*

elsewhere. Perhaps no one suggested to MAY that this should happen. I regret I did not have the initiative to do so! It is not just the post of Chairman of the Board in which length of stay is an important factor. It is equally essential, though so often overlooked, as far as governors are concerned. In my present world of marriage guidance, we recognise the vital importance of continuity of relationships between client and counsellor, counsellor and tutor. Yet in prisons, volatile though they are known to be, staff are moved at short notice, often unwillingly, with scant regard to needs of colleagues or inmates let alone other members of families. No wonder such strong defences grow in penal establish-

ments against personal involvement and commitment.

The chapter on resources was interesting. Any committee enquiring into resources was bound to draw attention to overcrowding, insanitary conditions and undue overtime. MAY has duly done that. But the Report also makes a case that prisons have done reasonably well in comparison with the social services. It is easy enough to demand more resources for one's own field of interest. Yet MAY comes to the conclusion that prisons are no more in need of extra resources than, for instance, are schools and hospitals. His emphasis is that effort should be expended in making better use of present resources rather than providing extra ones. It is too much to expect that message to be well received in H.M.P.s!

A final word of praise for the section on education, surely one of the most disappointingly unintegrated parts of the prison system? Why, indeed, for many more prisoners should not education be a full time alternative to work?

Recently a well known woman prisoner responded to the question "did she think she would get parole now that she had attained an Open University degree?" with the retort "why should I? I didn't get sent to prison because I was illiterate". Prisons are not educational establishments. But personal achievement and success in any area of one's life create confidence and growth in other areas. If education in its broadest sense is taken more seriously in prisons, it can be a major contribution to such self-enrichment.



Ken Pease

# BRAVE NEW WORLD

(CONTINUED)



Dr Ken Pease is a psychologist by training, who after a varied early career, joined the Home Office Research Unit where he became a Principal Research Officer. He was co-author of the Home Office Research Studies on Community Service Orders and contributed to the Research Unit's study of parole but left the Home Office at the end of 1976 and is now Senior Lecturer in Psychology in the Department of Social Administration at Manchester University. He is currently completing a review of crime prevention techniques and strategies in Western Europe for the United Nations. He is secretary of the Manchester Branch of the Howard League for Penal Reform.

Readers will recall that three articles by Ken Pease appeared in the January issue of the Journal. The following is a further extract from the larger series to which he referred in his introduction.

## How Long, O Lord?

*An address by the Comptroller of Corrections, Federation of British Canada, UNO Social Defence Congress, 1998.*

I am honoured to address this Congress on changes in our penal practice in recent years. You will be aware that since the secession of Quebec from Canada in 1980, the direction of our penal programmes has diverged widely, with the Quebec system taking on many characteristics of the French, and ours going a different way. I regret to say that this direction is not at all similar to that described by my friend from the United Kingdom. It did have its roots, however, in the same ground, the realisation during the 1970's that rehabilitation was not an attainable aim of correction. However, the emphasis that we felt appropriate to pursue was on justice, the equality of treatment of people who were in relevant respects equal. You will be aware that during the whole of North America during the late 1970's there was a revulsion against the indeterminate sentence, since sentences served could be quite disproportionate to the seriousness of the offence

committed where the offender refused to "act cured" and thus get paroled.

What, however, was not taken into account in the late 1970's was the great diversity of quality and comfort of prisons to which people were sent from the same courthouse to serve sentences of similar lengths. Thus, for example, a man sentenced to two years could either go to one of our industrial prisons where, in conditions that were not overcrowded, he could spend his days in productive work or training, his evenings in leisure activities and his nights in a cool and comfortable cell. Another prisoner given the same sentence, however, could be asked to endure the much harsher privations of one of our old overcrowded, smelly prisons, too hot in summer and too cold in winter, where conditions did not allow a full day in the workshop or classroom and where the cell had to be shared with two or even three other people. In terms of clocktime the two men spend similar times in prison. In terms of psychological time, the second man is locked up for much longer than the first. Exploratory studies began in 1988 to find out just how much longer.

Psychologists were recruited from the major universities of North America and performed sophisticated experiments to determine the relationship between psychological time and prison conditions. By 1989 we had a scale which compared the various institutions in terms of the experience time of one unit of clock time. At the good end in open conditions, our most progressive institution had a clock time/experience time ratio of 1:1, in other words, time passed as fast there as it did in the outside world. At the other extreme, our most unpleasant institution had a ratio of 5:1, which means that a sentence of say one year served in that institution would be equivalent to a sentence of five years served in open conditions.

Considerable debate was given to these findings and eventually in terms of common justice, it was decided that sentence length should be adjusted according to conditions in which the sentence was to be served. Thus, in 1991, our Adjustment of Sentence Length (Psytime) Statute reached the books. Since that time a judge has, precisely as before, passed sentence according to the seriousness of the offence. However,

now the time is adjusted according to which institution the prisoner is assigned. In the early period after enactment, the process of selection of offenders for institutions carried on much as before, on the basis of availability of places, security category and so on. It soon became clear that this was unworkable under psytime. Many prisoners absconded from open conditions to get placed in closed and unpleasant prisons where the time they served would be shorter. Some prisoners in closed conditions begged to be sent to open conditions. The system was changed so that now the prime determinant of which prison a person is sent to is his own expressed preference.

Another interesting consequence of the introduction of psytime has been the change in the role of penal reform organisations. What they are now campaigning for is a few prisons where conditions are even worse than in those in the worst of our present prisons, on the grounds that there are some who would wish to get their sentences over even more quickly (in clock time) if prisons bad enough to allow them to do this were available. Indeed, the government has recently bowed to such pressure and has designated certain establishments as "units for planned decay". In these prisons, the number of staff will be reduced, and as you can imagine, those who will choose to work there will be among the least sensitive souls of the employees of the Correctional Department, and little maintenance will be done on the buildings.

However, psytime is as yet very imperfect. To date we have moved to the point where what determines the length of one sentence is psychological time *for people as a whole*. However, frequency of absconding from open prisons and the opting to move from closed prisons means that there are large individual differences in the experience of time. Thus, although the scheme is just, insofar as it equates psychological time served generally, for any individual locked up one option may remain less attractive than others. Ideally it would be a matter of indifference for any prisoner which institution he was sent to and therefore how long he spent in prison. A new team of psychologists has been recruited to work on this problem. We envisage that within ten years not only sen-

tence as passed by the judge will be modified according to the type of institution, it will also be modified according to each individual prisoner's idiosyncratic time/conditions function. Moreover, all prisoners will be treated justly when, after sentence, the actual options which are presented to them are a matter of complete indifference.

We in British Canada are convinced that justice, the equality of treatment for equals, dictates the direction in which we have moved. We frankly abhor the crudities of sentencing systems taking no account of the individual or the prison conditions in determining how long the person remains in the care of the state. We believe history will teach that we have pioneered a corrections movement which will be the envy of the world.

## Pangs of Conscience

*An Address by the Belgian Minister of the Interior, UNO Social Defence Congress, 1998*

I should like to describe the course which events have taken in Belgium since the Civil War of 1986. As you may know, one of the casualties of the Civil War was the country's correctional system. Prisons were a natural target for the revolutionaries and not one remained when the War ended. Thus, unlike the rest of you, we had to rebuild a correctional system. The choice which faced us was whether to build new prisons at exorbitant cost or whether to effect some other method of social control which would be cheaper and, in other ways, more satisfactory. Fortunately many of the technologists from the United States, who had acted as advisors to us during the War, remained in Belgium afterwards, either because they had married Belgian citizens or because the challenge of creating a new country from the rubble of the old appealed to their pioneer spirit. The wealth of electronic expertise, in particular, shaped our penal future.

It had been a commonplace of penal theory that removing people from the environments which had led to their commission of criminal acts was not the most rational way of responding to those acts. A man who offends against society, it was argued, could only revise his behaviour so long as he remained a functioning member of that society. We

therefore resolved to base any penal measure we chose in the community itself. Of course, the dilemma was how to achieve a degree of control over the offender which was acceptable to the rest of society. Hitherto punishments served 'within the community' had never been acceptable when applied to those convicted of serious offences. People had been unable to tolerate the idea of the serious criminal going free. How then were we to proceed? Doctors and electronics experts have long perfected techniques of implantation whereby, for some purpose, an electronic device is kept inside the body to regulate some body function for the purposes of the patient's continued health. The heart pacemaker is the best known example of this technology.

In retrospect, the penal application of the technology seems obvious. The method adopted involved the implantation, in the abdominal area of offenders, of a dual function device. It acted both as a transmitter of signals about the location and body state of the individual and served also as a shock generator when the body state of the offender exceeded tolerable limits.

For almost all offenders, the commission of crime is an activity characterised by high autonomic arousal. The heart beats rapidly, the palms sweat, the mouth goes dry. The purpose of the shock generator is to provide the offender with painful stimulation when he is in the kind of body state which is associated with the commission of criminal acts. The transmitter serves to alert a control room in the local police headquarters of the precise whereabouts of the offender at all times. If the sentence of the courts prescribes that an offender shall not leave a defined geographical area, then, if he should attempt to do so, the shock generator in the offender's abdomen can be activated from police headquarters. In this way the offender's relevant behaviour can be monitored and changed without any restriction of his liberty, other than that implied by the court's specification of the area in which he is allowed to move.

In principle the system is perfect. The offender remains in the community and yet is unable to offend against the community.

I will describe some of the teething troubles and other difficulties which we have encountered in practice. In the first instance we had difficulty

adjusting the frequency of our transmitters to avoid frequencies used for other purposes. There were some unfortunate instances where, for example, criminals who attended exhibitions by radio-controlled boats or aeroplanes suddenly clutched their abdomens in extreme pain. One offender was placed in an ambulance and taken to hospital, suspected of having acute appendicitis. The tragedy was that, although the offender quickly recovered in the ambulance as he moved away from the radio-controlled exhibits, the ambulance took him outside the area in which the court allowed him to move and his shock generator was activated from police headquarters. Thus, the pains returned and persisted until he was in hospital, lost his appendix and was finally met by policemen when he came round from his anaesthetic. However, the frequencies we now use have been allocated to the police alone, and no unhappy events of that kind are likely to recur.

A new difficulty inherent in the Belgian scheme is that there are a few offenders, who used to be called sociopaths, whose offences are not accompanied by a high state of bodily arousal. Fortunately, there are physiological tests which can be used to identify these people, and once identified they are detained without limit of time in a secure mental hospital.

A third difficulty is perhaps the most basic. This is that although crimes are typically committed in states of high bodily arousal, it is not only crime that is associated with states of high bodily arousal. For example, our system means that offenders under sentence cannot take part in strenuous athletic activities. They cannot run for buses without getting acute pains in the abdomen. A normal sex life becomes impossible although a few perverse creatures who attempt to continue a normal sex life during the period of implantation find that, once the device is removed, they have turned into masochists, being unable to enjoy sex unless it is accompanied by pain.

We are not unsympathetic to the social problems attendant on implantation, but this is a very complex area and some of the difficulties we encountered were impossible to anticipate. For example, people convicted of wife beating when they return to their homes are frequently assaulted or even killed by their aggrieved

spouse. They cannot retaliate because, if they expend any degree of physical effort in the retaliation, pain in the abdomen comes back. There is some discussion about this phenomenon in our country now. Perversely, women's organisations regard the retaliatory beatings as entirely proper and in no sense a problem. However, we shall have to see.

An early problem was associated with the fitting of the device to the offender. A number of offenders engaged in do-it-yourself surgery to remove the device. It was fitted subcutaneously at that time. One practical joker fitted the device to his dog, leading the local police on what was not a wild goose chase, but a wild mongrel chase, since the device was administering shocks to the animal, which had strayed out of the permitted area. There is now a surgical resolution of this problem. The device is fitted directly on to the offender's small intestine. Any attempt to remove it would have dire medical consequences for the offender and he is told very clearly what these might be when the device is being implanted.

There are those who remain sufficiently tender-minded to object to the deliberate infliction of pain upon offenders. All I can assert is that they do not contain in their number any ex-prisoners. Recognition of the pains of imprisonment insulates against that kind of tender-mindedness. I put the question to you, fellow members of Congress, would you prefer to be free but implanted or to be locked up as the years of your life ebb away?

## Accounting for Crime?

*An Address by the West German Minister of Justice, UNO Social Defence Congress, 1998.*

Fellow Delegates, several of you have referred back to the 1970's as the decade which marked a watershed in penal treatments. Although you agree on the crucial nature of that decade, you disagree wildly about the direction in which the lessons of history dictate that one should move. I will confess that our system too, while sharing with yours the decade of its origin, is so different in its nature from yours that it is diffi-

cult to believe that our systems are of the same philosophical parentage. Yet it must be so.

The recognition, in the 1970's, that penal treatments did not change people is not in itself a prescription for action. Action has its roots in values. The value which is basic to our system is a religious one. We would argue that the proper purpose of the penal system is punishment. Punishment is the proper chastisement of a man by his fellows. It has no purpose beyond itself. For this reason we regard hope or expectation of human change as absurd. Punishment should, however, fit the crime. Our efforts in Germany have been directed towards a close and logical relationship between the amount of hurt or deprivation involved in a sentence passed by the court and the degree of seriousness of the offence which gave rise to that sentence.

Advance occurred in three stages. The first came in the attempt to develop a common standard of the seriousness of crimes against which punishments could be calibrated. The early scales of offence-seriousness were unsatisfactory in that certain social groups differed in how serious they regarded certain offences. For example, income tax evasion was regarded as much less serious by the professional class than it was by working people, and thefts from employers were regarded with much more distaste by professional people than by those of the labouring class. The choice with which we were then faced was whether to incorporate the judgements of the social class in a scale of offence-seriousness to be applied to all our citizens, or whether to use different scales of offence-seriousness according to the social class of the offender. Thus, for example, a member of the professional class would receive a more lenient sentence for income tax evasion than a member of the working class, because he regarded such offences as less serious. It was our first inclination to try the second alternative, and indeed different scales of penalties were applied between 1987 and 1989 to the same offences committed by members of different social groups.

It swiftly became evident that this system was unworkable. Various social and ethnic groups protested that their particular values were not incorporated in the scale of penalties and thus they were being judged by someone else's values. In one case, a

gang of violent criminals reconstituted itself as a church and professed a set of values in which murder was less serious than parking offences. Since our penal code required that all church groups have a scale of penalties attached to their offences that does not conflict with their religious beliefs, members of this gang had to be given slighter penalties for murder than for illegal parking. The gang functioned successfully as hit men for eighteen months. Clients asked church members to kill people and the murderers were paid handsomely. If the murderer was arrested and tried, then he would receive a prison term of not more than one week. A rival church was soon set up, whose members were the relatives of the victims of members of the first church. When murder of members of each church by the members of the other became commonplace, emergency legislation was passed which established a common scale of offence-seriousness and an associated scale of sentences. For this purpose the group chosen to have their scale incorporated for all citizens of West Germany were members of the Institute of Chartered Accountants. They were chosen because of their essentially average views on most offences, and because, where they did deviate in matters of fiscal crime and to a lesser extent house-breaking, they differed in a way which would support the standards and values which the government thought in the best interests of the state.

Having chosen the "Accountant Standard", as it came to be known, swift action was taken to avoid its socially divisive consequences. Press and television campaigns advertised the virtues of the accountants' scale of values. Schoolchildren were instructed in the virtues of the "Accountant Standard" and the heinousness of crimes which accountants thought heinous. By 1991, two effects were visible. First, judgements of crime seriousness by all groups in the population were close to the values held by accountants. Second, accountancy became the preferred occupation of the most talented young people. The accountant became a revered figure in West German society.

I will now go back a little in order to explain how a scale of judged offence-seriousness was calibrated against punishment. Firstly, it became evident that all punishment

had to be in the same coin. We would have been arguing forever about whether a large fine was equivalent to four days' imprisonment, or a birching of eighteen strokes. We decided that detention in standard conditions was the most logically available common coin. Corporal punishment was a possible candidate for the standard punishment but for the most serious offences; there was a risk of death from birching. It would be unjust if some offenders, through weakness of constitution died after a standard punishment and others did not. Another reason for choosing detention as the standard punishment was that many of our prisons had been built to a standard design. It was a simpler matter to standardise treatment in standard prison buildings. Staff were allocated randomly to the standard prisons so that inequities of treatment were unlikely to occur. Thus we had a scale of offence-seriousness and we had a common currency of punishment, namely detention.

The next question was how to equate a particular seriousness of offence with a particular level of punishment. The way in which we equated these factors was to take the most serious offence (which, on the Accountant Standard was murder) and equate it to a prison term of fifteen years and to take the least serious offence (which, on the Accountant Standard, was falsification of company records by accountants) and make that equivalent to one hour's detention. Having anchored the two ends of the scale, then the proportions in differences of seriousness could be translated into differences of sentence length.

Many of you are probably saying that circumstances alter cases. That is to say, some murders are worse than other murders; some rapes are more serious than other rapes. This is true and at the moment is a source of dissatisfaction with our system. There are two ways in which we are approaching the issue.

First, as has been known for a long time, in very many cases the police have a choice as to the charge which they bring in respect of any criminal act. For example, assaults can be classified under any of a number of sections of our penal code. If uniformity of practice as between different policemen and different police areas could be ensured, then there would be a new degree of sophistication in the classification of

an offence. To this end, police chiefs in every area consult with a local group of chartered accountants as to the appropriate charge which ought to be brought in respect of any given act. These chartered accountants go on circuit around the country to ensure equality of standards.

The second way in which we take into account differences in behaviour and reflect them in differences of sentence length is by elaborating our penal code to include much finer distinctions of offence. The whole accounting profession will be consulted about this elaboration and we hope before 2000 to have a penal code in which any piece of behaviour has a precisely appropriate charge, to which is attached a precisely calculable sentence.

When that has been achieved, we will turn our attention to the much wider issue of detection of crime. We will have a completely just system in that punishment is meted out to criminals in precise proportion to the seriousness of what they have done. However, until the police detect all offenders there will be an injustice between people who are caught and people who are not. Some of our young radicals have inferred from this that no-one ought to be charged because everyone is not charged. Our most constructive approach uses high technology in the detection of crime. More prisons will in due course become necessary, maybe five times the present number, since as a result of detecting all known crimes, citizens will report crimes which they do not now report in the belief that the police will be unable to solve them. As we approach the 100 per cent detection rate of all crime, and all crime comes to be reported, then we believe that people will commit crime no longer.

In the long run punishment and an attention to equality will produce the effect desired by states which now emphasise deterrence and used to emphasise rehabilitation. When the West German detection rate becomes 100 per cent and all crime comes to be reported, there will be no incentive to commit crime, since detection, arrest, trial and punishment are inevitable and, indeed, synonymous. This will cause upheavals in West German society. Our prisons will become empty and many of our accountants unemployed. However, as an advanced society we are prepared to live with the consequences of our actions.

# READERS Write

## Are we too sensitive?

**THE EDITOR**  
*Prison Service Journal*

Dear Sir

The subject raised in the editorial of the July 1979 edition cannot be allowed to pass without serious comment. It referred to attitudes of anti-social behaviour within our service and other public services although reference to such attitudes in the police service were omitted for some reason.

Having stated that fact the more serious aspect of the writer's comments is the reference to the Hull officers. That comment I suggest was extremely unfortunate. Those officers at that moment were appellants; what bonus did they achieve from such ill time comment? Maybe it was an attempt by the writer to assist the prosecution? If we all could be honest with ourselves for a quiet moment and cast our minds back over the years of experience and service, wouldn't it be fair to say "there but for the Grace of God, go I"?

It is said that we should be able to accept outside criticism if our claim to professionalism is honest. We do accept it more now than ever before but, at the end of the day, must we not establish the fact that we are the authority on the subject of penal matters? What other body in society has the authority of Parliament to contain men? Penal treatment should be tutored by those who have to administer it. Those who seek a vocation with penal matters on the outside

of the service should be allowed facilities to be tutored by those who have the task of administering penal policies. There are only two basic essentials of honest penal work and that is experience of life itself and everyday experience in the field.

I tend to see through your comments and conclude that over-sensitiveness is the motivation behind them. To me that is one of the worst attitudes affecting our service at the moment and the most dangerous. Within the rules of the Official Secrets Act fair comment and reasonable explanation to the public at times of difficulty are thwarted. It is at these times when those who are sensitive try to defend themselves and by doing so create more harm than before since rarely is the whole truth told.

When I joined the service in 1958 the theology taught me by those of whom I considered as having some credibility was "This is a serious job lad and not one for the squeamish". I suggest you should consider this or is it that common rough officers are an embarrassment to you when you talk with your friends in the Country Club or the like? Do you need the alibi that you are in a better service than those who have to deal with angry and violent inmates?

In my experience we don't have to justify what we do to the normal people in society; they expect us to do the task we have been given. Those to whom I speak do not believe that you can confine dangerous and violent men without some confronta-

tion or manhandling. To be sensitive to this and suggest that it doesn't happen only leads to deep suspicion.

Sensitiveness is undermining the whole well being and morale of the service. It lets the subtle subversiveness gain a strong cancer in our service which eventually will lead to a total collapse of our part in the upkeep of law and order.

The previous Home Secretary, when talking about a substantial pay rise for the police, said he thought that that would not be the only answer. I suggest what he was inferring was that even if a policeman's pay was £200 a week it would act as little encouragement to a possible recruit if the attitude of society towards him and his family was hostile.

So with the Prison Service. It is not the pay that keeps our recruitment figures down. I would suggest from my experience that the biggest factor is the undefended insults that are thrown at the service. Insults which arise in most cases from over sensitive staff trying to defend themselves when no defence is required.

No! Your comment, written in a publication which is seen as an official journal of the Prison Service, is out of order. I would say your comments only lends support to those who are seeking to undo the morale of the prison service and bring about its collapse.

Yours faithfully

P. CUTTING  
*Principal Officer, HM Prison, Hull*



# BOOK REVIEWS

## Reviews Committee:

PETER ATHERTON *Prison Service College, Wakefield*  
 RICK EVANS *HMP Bristol*  
 MARK BEESON *Leeds University*

## A MINI-MAY FOR PROBATION SERVICE?

### Pressures and Change in the Probation Service

Edited by J. F. S. KING

University of Cambridge 1979, £3.00

This is the most important book to be published about the Probation Service in recent years. It focuses the arguments and supersedes the thinking of any other book including the recent *Probation—a Changing Service* by David Haxby (who was himself a participant in the discussions).

The Conference, where the 10 papers were presented, contained a cross-section of people who have given much thought to the future direction of the service. The only imbalance that I could see was a lack of main grade officer representation.

The papers complement each other to form a comprehensive look at a service that is not quite sure where it is going. In the introduction, it is said that 'The Service's confidence in what it is doing now has been weakened by the sheer extent of change itself and by attacks from researchers and penal reformers'. Does that sound familiar to prison service colleagues?

This book is especially important because the probation service has no readily available focus for its thinking. It has no major Inquiry like that of Mr Justice May. It has no Staff College where knowledge can be accumulated and disseminated. It does not even train its own officers. The time may be coming when the probation service will be asked to make certain choices. Does it want to retain domestic and divorce court work? Does it want to run detoxification centres? Should it move back into the field of young delinquents and take back work from beleaguered Social Services Depart-

ments. Should it continue to staff prison Welfare Departments?

In the chapter, 'Research Monitoring and Bureaucracy', William McWilliams submits the idea that many of the tensions that exist at present between the basic rank and the top management would be eased by the 'rank ascending mode' of evaluation: 'the decisions (and I suppose, performance) of policy makers would be examined by basic grade officers or senior grade officers in the same rigorous way as the decisions of those officers would be examined by the managers'. This, I guess, might cause a few chuckles in the rank and file, but McWilliams goes on to suggest that the consumer or client should be able to evaluate the service they get from the basic grade officer. Imagine what some inmates might say.

Brian Stokes, writing on the 'Social Work Exercises in Prisons', comments: 'perhaps one of the reasons that the social work experiments have moved less than they might have done in some establishments is because there has been the reluctance, sometimes on the part of the institution management team, to find the time to outline and agree what tasks it would be appropriate for the uniformed staff to undertake and to have these tasks clearly defined in written job specifications'. He goes on to comment that these tasks should be flexible and subject to periodic review. He rejects the superficially attractive ideas that the Probation Service should withdraw completely from prisons or from a 'correctional service' incorporating the resources of both services. Instead, Stokes favours 'closer co-operation', 'greater interchange' and 'centralised funds allowing diversion of finances where the need appears to be the greatest'.

David Mathieson, at the end of an absorbing opening chapter, poses the real challenge to the probation service: if the service 'on the basis of its own knowledge and experience, can initiate new ideas and new measures, that will be a major breakthrough'. We are too adept at throwing away other people's ideas.

Finally, Jill Tibbits discusses the present and future role of the Service. She identifies three tasks. First and foremost (her phrase), is to provide a comprehensive range of non-custodial sentences for the courts; secondly, to provide a throughcare service for prisoners and their families; and thirdly, to provide a domestic and preventive social work service. She ends by saying 'Intellectually tidy conceptions of the role of the Probation Service have much to recommend them. Definition of the role needs to be firm enough to earn the respect of Government Departments and so prevent over-burdening or fragmentation by frequent addition of unassimilated tasks on a basis of mere expediency. Yet it must be flexible enough to respond to contemporary needs, though without being subservient to political pressures. It must be seen to be practically relevant but observing its own sense of truth; open to the spirit of enquiry and experiment but preserving sufficient continuity to maintain credibility and security for members of the Service and their stated aims'. It is a statement that could have been written for both the probation and prison services.

This book deserves to have a wide readership and a wide influence. I recommend it to colleagues in either service.

C N DAVISON

*Senior Probation Officer*

*Askham Grange and Northallerton Prisons*

### Law, Legislation and Liberty Volume 3, The Political Order of a Free People

F. A. HAYECK

Routledge and Kegan Paul: 1979 £5.95

This is the third and last volume of what must be Professor Hayeck's *magnum opus*. It is the final exposition of his political philosophy, which he regards as being truly liberal. It does indeed, in many respects, follow the great tradition of liberal thought. It is very concerned for individual freedom, and for limiting the power of the state. It is also completely devoid of nationalism. He actually envisages different administrations, including states within a supra-national legislative organisation compet-

ing with each other for population (with skills) on the basis of what each can provide.

In terms of the practical and economic policies he advocates, based on this general 'liberal' outlook, Hayeck emerges as somewhat to the right of Margaret Thatcher and Sir Keith Joseph. The people who call themselves liberals, here and in America, he labels as 'pseudo-liberals', and says that they are really socialists, and that their policies, if put into practice, would lead in a short space of time to communism. He is sure that the Western democracies are in any case inevitably on the road to totalitarianism, because of defects in their constitution which give the various elected representative bodies too much power. Because their power structure is not strictly limited by the constitution, he says that in order to appease the various pressure groups on whom they rely for votes they are forced to

assume more and more control over areas of life that ought not to be their concern.

Much of what Professor Hayeck says will strike chords for most readers. Most people are aware of the defects of modern democratic systems, such as the way politicians abandon their principles for the sake of popular 'vote-catching' policies. We are concerned that there should be limits to the power of the state over the individual and, like John Stuart Mill, we are concerned to avoid 'the tyranny of the majority'. It is also widely felt that trade unions now enjoy too much power (Professor Hayeck says that this is the main cause of Britain's decline).

Unfortunately, Professor Hayeck's views are merely stated, not really argued for and, in my opinion, this greatly reduces the value of the book. Where one agrees with him, he does not provide material with which one could

convince an opponent. Where one disagrees, there is nothing to undermine one's different point of view, to make one look at one's defences.

Because there is no concern to present a convincing argument, key ideas are not sufficiently analysed, and this leads to muddle. What is more, many practical realities of life in society seem to be completely overlooked. Perhaps we should allow for Professor Hayeck suffering from some hardening of the cerebral arteries since this book was completed in his eightieth year. How else can one explain what follows, from a once great mind? He writes about morality because he thinks that law ought to be based on it, and says: 'All morals rest on the different esteem in which different persons are held by their fellows ..... Those who observe the rules are regarded as better in the sense of being of superior value compared to those who do not, and whom in consequence others may not be willing to admit into their company.' He then goes on to say 'middle-class morals are probably in general better than those of the rich ..... And that often people will have much to learn in order to be accepted by another group is much to the good.' Does he expect us to suppose that the rich aspire to be accepted socially by the middle-class? Or that the middle-class are more likely to exclude the rich from their company on grounds of their low moral standards? This will not do.

Generally this is not a book likely to be of interest to the majority of readers of this *Journal*.

SUSAN McCORMICK  
Governor  
Pucklechurch Remand Centre

## The British Police

SIMON HOLDAWAY (Ed)  
Arnold 1979 £3.95

This handy book was born out of the radical swing to deviance in the 1960's and out of curiosity about the work of 'the agencies of social control'. Yet, it is paradoxical that such a self-protective agency as the police was amenable to some of the work presented here. The book's potential for members of the Prison Service lies in dwelling on what a similar approach would reveal about their own world.

It has to be said that it is, by no means, an easy book, though the editor's introduction is excellent in providing the context for the various contributions, all of which are original, provocative and revealing. The context, though, is a concern about the operation of an organisation and the practices of the personnel within that organisation.

The police have a history - the 'Met' has just celebrated 150 years of theirs - so it is fitting that there is a chapter on the history of London's police. One prominent feature of police work is that they arrest people and rely on the law to justify what they do. Doreen McBarney shows how much duplicity there is in the law. The police depend on using their discretion, and, as Peter Manning argues, the organisation may have more trouble controlling that use of discretion by the copper on the beat than in controlling crime itself.

The police operate at social frontiers. One current problem is that of policing of ethnic minorities and it is easy to charge the police with discriminating against blacks. The pseudonymic Daniel James shows that such a charge is rash. On his evidence, the police employ the same practices, the same 'discretion' against black and white alike. The result may look like discrimination but it is no more than the application of customary devices of the policeman's trade. Michael Chatterton shows how police work generates accounts from policemen which can meet the organisation's demands but which, in doing so, cannot

be said to represent what those policemen are actually up to in finding action and excitement. In a rather different vein, Maurice Punch presents the police as a social service, required to respond to what the public demands of them but organisationally, resistant to being cast as 'do-gooders', by virtue of their training and their occupational culture. In the two following chapters Geoffrey Hird and Steve Chibnall examine the presentation of the police in TV series and the news media. Hurd's is a fascinating analysis of 'The Sweeney' and 'Z Cars', arguing that the series contribute to the public in precisely the way the police approve—and not in the way the Law and Order series did! Chibnall's chapter is no less interesting, though a bit more ephemeral, since it traces the recent history of Robert Mark's use of the news media and his very successful campaign to direct the power of the press in police matters toward the ends he regarded as appropriate—rather than those the press might have regarded as appropriate.

In the final chapter, Reiner gives a very skillful account of the response of the police to changing social circumstances with a special concern for the role of the Police Federation and their loss of confidence in the Home Secretary in 1975 and 1976.

So, in the space of a short book, we are shown nine facets of the police in Britain and with accounts which are illustrated by analyses of evidence ranging from the background of policemen, press and policy statements and occasional indiscretions on the part of serving policemen to the various authors. The book successfully penetrates what we've become accustomed to think of as a very closely guarded castle. Potentially, it makes the whole issue of policing much more open and discussable by the informed public. Of course it hasn't revealed all, by any means, and it is not clear that this crack in the door will be left open, but it could convince the police that there is less to be lost by letting investigators in than they had previously feared.

Of course, the Prison Service could never offer the same sort of action and excitement as police work, but it shares many of its other features. Most of its business takes place behind closed doors according to rules which it takes experience to interpret. 'Porridge' is probably pretty close to most people's idea of what prison is actually like—but how neatly does it dodge the real issues? With these sorts of questions in mind, there is certainly scope for taking a critical analytical look at the practicalities of work in the prison, freed from the petty preoccupations of the Official Secrets Act.

M. BEESON

## Correctional Rehabilitation & Management: A Psychological Approach

T. AYLLON & M. A. MILAN  
Wiley 1979, £11.50

As a review of some of the recent developments in behaviour therapy in American prisons, this book serves reasonably well. The authors begin by examining the traditional mental illness or medical model in treating criminal behaviour. Indeed, they confirm 'there is little empirical basis for the continual... advocacy of this model of the causes of human behaviour'. By contrast, the behaviour model is seen as a 'veritable revolution' in understanding and changing human behaviour, rejecting any distinction between sick and healthy individuals as artificial.

For readers new to this debate, the medical model associates aberrant behaviour as symptoms of underlying mental illness and would clinically diagnose these symptoms with an eye to effecting cures. The behavioural model attempts to change behaviour through accurate recording, reinforcement and detailed evaluation.

Chapters 4 and 5 elaborate upon the techniques used in behaviour modification and the evaluation of their effects. The passages on two-stage evaluations are helpful, especially as they highlight the value of short-term change as well.

The real purpose of the book, though, is clearly to present two programmes devised, implemented and evaluated by the authors. The Experimental Manpower Laboratory for Corrections (EMCL) and the Motivating Offender Rehabilitation Environment (MORE) are the programmes in question. Both programmes involve techniques like token economies, remedial education based on individually programmed instruction and a 'licence' purchased through educational achievement and which was required in order to get the rewards (eg recreation, movies, leather goods and clothing) offered in the token economy.

The procedures involved in improving educational and vocational work standards are most detailed and impressive. The success claimed in a behavioural approach to vocational training is encouraging, particularly for those involved in training prisons and borstals. Improvements were gained, not only in task completion, productivity and training, but also in interpersonal work skills. Increased skills in reduced training times seem particularly appealing in the light of proposed shifts towards shorter sentences for young offenders. The whole approach of teaching skills and rewarding each improvement, however small, comes across clearly and should appeal to anyone facing the problems of motivating prisoners to work in poor conditions with difficult work-mates and low pay.

Chapter 11 covers staff training and there are a number of similarities between the authors experience and my own. In discussing the problems, they highlight the dilemma between treatment and custody (discipline) and the importance of providing reinforcements (salary increases, etc) for staff who actually do the work of the new programme. Supplementary evaluation of the two programmes include selected narrative accounts from five prisoners which indicate they were well-disposed toward them. Although these case histories are encouraging, the criterion of success after release doesn't get confirmed. The evaluation stops at the gates of the prison and there is no follow-up information as to the extent to which skills are maintained in the natural environment. It is, of course, debatable whether these are the concern of those of us who work within the walls.

For those who might wish to pursue the specialised line of argument concerning evaluation of behaviour modification and corrections: Feldman: Criminal Behaviour: A Psychological Analysis (1977) is recommended.

ERIC CULLEN  
Senior Psychologist  
Bullwood Hall Borstal

## Guide to the Social Services

The Family Welfare Association, 1979, £2.50

The 67th edition of the *Guide* marks the 100th year that this book has been published. Its content, and indeed the titles used over this period of time, would provide a history of the development of social work in recent times. That it has survived over 100 years says much for its value and ability to briefly, but accurately, outline the structure and relationship of social agencies.

The *Guide* usefully outlines both central and local government services and the relationship between them, something which helps clarify a seeming maze for the uninitiated. Linking this with the role of voluntary and non-statutory organisations gives a broad general picture of services available.

Developing each main service in separate sections, the *Guide* is able to quote the main legislation covering the particular section, it

also contains addresses where further information may be obtained, and this provides a way of obtaining details of any local branches of these organisations.

In order to keep this a compact guide there are no long lists of addresses, although the end of each section and some appendices do list the main statutory and voluntary organisations which will be able to give more detailed information on resources available to deal with a particular problem.

With the growing involvement of prison officers in social work in prisons, this *Guide* will give an understanding of both structure and relationship of services available and will prove of value to anyone wishing to further their knowledge and interests. It will also be of value to anyone concerned with staff welfare

F. HAYNES  
Senior Probation Officer  
Bristol Prison

## Correctional Facilities Planning

M. ROBERT MONTILLA & NORA HARLOW  
Lexington Books, 1979, £12.00

So you want to build a prison? Perhaps, after the May Inquiry, we ought to think a bit more about building prisons since that is one way of solving the present problems of overcrowding and lack of proper resources. There are some recent good examples of what we can build and these had their birth in the early 70's when we re-examined the complex problem of prison design. We are now presented with an amalgam of factors which we have to take into account: security, control, supervision, the various functions of the prison and its parts, their relationship to one another, the staff, the inmates, the need for space and flexibility and the over-riding factor of cost.

In *Correctional Facilities Planning* M Robert Montilla and Nora Harlow bring together the issues which have to be considered by those responsible for planning prisons. In its discussion, the book provides an invaluable check list for the design team. This check list is easily translated into the UK setting as it takes due account of organisational and managerial considerations including the various concerns of staff, inmates and their respective needs.

The authors discuss many papers and points of view, none more than *The New Red Barn* in which William Nagel undertakes a critical analysis of the modern American prison.

Montilla and Harlow are concerned that prisons should not be built in ways that limit, through design, those functions universally accepted as essential to the effective management and treatment of inmates. The authors recognise that, although these standards are not a panacea, they do create a framework within which the task of the prison is set.

Montilla and Harlow have produced a book which should be statutory reading for all those involved in prison design. By carefully examining the meaning of the prison they have shown how life in prison can be made saner and safer for both the keeper and the kept.

J R SANDY  
Governor  
HMP Feathersone

## Social Work and Sexual Conduct

JOHN HART  
Routledge and Kegan Paul, 1979, £7.95

This is a brave book by John Hart who works currently as Principal Lecturer in social work at Sheffield City Polytechnic. He has had experience in Probation and psychiatric, medical and counselling services. In tackling this subject the author is trying to shed light, rather than the usual heat, not only on sexual conduct but also on how social workers and probation officers feel personally about sexual

issues. He suggests that as these workers are seen so often as agents of social-control, they should be looking at the morality and political issues which are usually involved in achieving change in sexual behaviour, as well as their own attitudes and feelings. Hart suggests that these workers are individuals probably working to their own standards and that a code of practice would be difficult to achieve.

The heart of this book is the presentation of interviews between social workers, probation officers, and their sexually aberrant clients. The 12 social workers selected were all 'gay'. Two of the fifteen probation officers were homosexual. The interviews show that workers have grave doubts about their work and its direction and, in particular, they lack expertise and knowledge in matters of sex and how to deal with their own feelings. The object of only choosing 'gay' social workers was to try make comparisons between their reactions and those of heterosexual probation officers to certain sexual matters. However, the comparisons are only loosely drawn and conclusions are not categorical.

The book acknowledges the difficulties about under-age heterosexual relationships; those of consenting incestuous relationships between, for example, the 17-year old daughter and her father. These issues present dilemmas for all of us, including the judiciary. For social workers, with a predatory media waiting to pounce on malpractice and a public very vulnerable to such influence, the problems are especially intense.

It is hard to avoid the conclusion that the book raises more issues than it solves and that John Hart might have bitten off more than the reader or he can chew. The book is, none-the-less, thought provoking and fascinating. I only take serious issue with John Hart in his final chapter, 'Towards a Normative View of Social Work and Sexual Conduct', where his own prejudices or opinions begin to show. He suggests, for instance, that 'the professional might, at a national level, try to equalise or abolish the age of consent. He also suggests, in a difficult part of this chapter, that workers should be 'community health orientated' and actively opposed to sanctions or threats to all sexual deviants (rapists or expositors or whoever). They should make, instead, a 'policial analysis' of criminals' behaviour to see if reform is possible. This is vague, rather oblique, and highly political.

For anyone involved in treatment, justice or control this book presents many thought-provoking and disquieting issues.

CHARLES FOX  
Probation Officer  
Avon Probation and After-care Service  
(Seconded to Bristol Prison)

## Victimology

Volume 3 Numbers 3 & 4, 1978  
"Fear of Crime"

Spike Milligan put it pithily:

Things that go bump in the night  
Should not really give one a fright.  
It is the hole in each ear  
That lets in the fear -  
That and the absence of light.

Recently, an American researcher made the parallel point when he suggested that 'the fear of crime is now a more serious social problem than crime itself'. This particular issue of the journal, *Victimology*, features articles on the fear of crime from the impact of personal defence training to community strategies, from the fears of women to the well-foundedness of the public's anxieties.

Should we leave such worries to the Americans or begin to admit with them, that the more attention we pay to crime the more we may disable ourselves? Is one job of the prison to contain society's fears? The questions may be fascinating or futile, but have we any answers?

## Probation Journal

Volume 26 Numbers 2 & 3

### National Association of Probation Officers

In June 1979, the *Probation Journal* included an open letter to the Home Secretary, wishing him well. It also included an account of what prisoners made of their through-care, a whimsical story of the abolition of the Probation Service in 1989 and an acknowledgment of the *Prison Service Journal* as a sister journal! In September, after an agreeable outcome to pay negotiations, it was back to business-like matters—court welfare work, the probationers' ideas about probation, and the regimes of probation hostels. There's good reading in it. See if 'the welfare' will lend you their copy.

M.B.

### Endorsement and Disqualifications under the Road Traffic Acts

C H MOISER, *Barry Rose*, 1979, £1.50

In this booklet, the author has gathered together, and presented in an easily understood table, the 32 offences under current legislation which attract the endorsement of a driver's licence. The powers of a court, in relation to compulsory or optional disqualification, are also listed in this table. Penalties of fines and/or imprisonment are referred to each offence, and whether the offence is dealt with at a Magistrates Court or on indictment.

A brief synopsis of the various Acts of Parliament is at the beginning of the booklet, and I found in these sections all the information I required. Whilst this booklet may not be of value to the majority of this *Journal's* readers, it is nevertheless most useful for those who need to have at their fingertips a quick reference to the labyrinth of the law on this particular subject.

Those whose interests lie in the world of statistics will value the tables at the back of the booklet, which list the codes allocated to the various sentences ordered by the courts and the road traffic offences usefully grouped under various headings for easy reference.

P B TUCKER  
Assistant Governor II  
HM Remand Centre  
Pucklechurch

## Social Work: Face to Face

STUART REES  
Edward Arnold, 1978, £3.50

In an era when social work is often dismissed as a failure or a waste of time it is refreshing to read an empirical study which looks at the views and attitudes of social workers and their clients, and at the meaning which social work has for both groups.

Those who see social work's clientele as scroungers might be surprised at some of the client's attitudes—their reluctance to seek help and their desire to preserve their self-respect. Those who believe in social work might be intrigued to learn that the ideological standpoint of some of social workers prevents them from helping some people, whilst enabling them to assist others.

The stated aim of the book is to discover why social workers feel unable at times to meet the needs of their clients, and why members of the public are reluctant to come forward. Clients and social workers were asked to explain the nature of their transactions and their significance in relation to other events in their lives. The study took place in a unnamed Scottish city in two agencies—in a local authority Social Work Department and a voluntary agency. Sixty cases were studied involving ninety people and thirty-eight social workers.

This research confirms previous studies which indicate that the majority of clients are women—41 women and 19 men. Although the majority of the clients in the research were

working class, there was a wide diversity of experience with differing expectations and styles of coping. There was, however, a good deal of ignorance about the role of social workers, not only from clients, but also from referral agents such as police, doctors, lawyers and friends—all of whom tended to rely on stereotypes.

The research discovered that social workers had a tendency to care for certain categories of people rather than to care for all and 'a sense of pressure of time ensured that in day-to-day activities, ideals were often forgotten.' Social workers saw casework as the most prestigious activity whereas the giving of immediate help and routine service-type encounters were less popular. One client's observation about her social worker might strike a familiar note: 'She's nice, she really is, but she never does anything'. The study also highlights how value judgements about people are at the centre of social workers' decisions and this inevitably leads to assessments on deserving and undeserving cases, no matter how ideologically unpalatable this might be. It would be wrong, however, to conclude that clients were not always helped. When client and worker were able to relate effectively social workers were able to use their time creatively and would often come up with solutions which were not very obvious.

This book should be essential reading for anyone engaged in any form of front-line social work where the reality is often different from the ideal. It shows clearly that social work is not the answer to all of society's problems: it can help some of the people, some of the time.

R. W. WATERS  
Senior Probation Officer  
Leicester

## 1. The Violent Few: A Study of Dangerous Juvenile Offenders

DONN HAMPARIAN, RICHARD SCHUSTER,  
SIMON DINITZ AND JOHN CONRAD

Lexington Books, 1979 £11.50

## 2. International Journal of Offender Therapy and Comparative Criminology

VOLUME 23, NUMBER 1: 1979 \$8.00

There's something characteristic about Lexington research studies such as *The Violent Few*. It's not simply the smell of the newly-opened book, the average of one figure or table every 1½ pages, or the extensive appendices. It's just that from the moment that the authors thank their spouses in the book's Acknowledgements right through to the entries in the Bibliography, you get a feeling you've seen it all before.

This book deals with dangerous juvenile offenders. It is a 'cohort analysis' in the style of Wolfgang: everyone born between 1956 and 1960 and having been arrested for violence in the city or its suburbs becomes a research subject for the team from the Academy for Contemporary Problems, Columbus, Ohio. The book studies 1,138 dangerous delinquents arrested at least once for violence between the years 1962 and 1976 in the large not-too-run-down, urban jungle of a mid-western American city.

Fortunately, the findings are summarised in the foreword of the book. Of all juvenile delinquents, only 2% are violent and most do not remain violent offenders: fewer than 10% are heading towards confirmed criminality. Finally, institutional experiences can only be seen as negative in preventing further delinquency. Despite all this, the book concludes:

'This study has shown that there must be changes in our comparatively well-endowed city of Columbus. In many other cities the incidence of delinquency so far outstrips the available resources that some doubt that effective measures can be undertaken. Unless this challenge can be met realistically, we can be sure that it will mount in severity to the extent that urban life in this country cannot continue in the form in which we have known it'. You may groan.

Meanwhile, the *International Journal of Offender Therapy and Comparative Criminology* is disappointing too, for those trying to get closer to the real world of the young, dangerous offenders. Danto argues that psychiatric and penal approaches to violence have left much to be desired. Capital punishment is ruled out by the author, so prisons will have to be revamped, with suggestions of more privacy for convicted prisoners and of more professional staff. The article dribbles out in righteous exhortation. Whitehead in his article entitled 'Violence in Mental Hospitals and Prisons' affirms part of the Lexington study: there is not such an increase in violent crime as we think. He includes a call, too, for more humane and therapeutic approaches to institutional treatment, citing the recent example of the Barlinnie Special Unit as the way forward. There are other papers on dangerousness (for example, on murder by an 8 year old, and case studies of young murderers following bereavement—the latter by Dr Washbrook of Swiffen Hall). The last essay emphasises the 'Dietary Management of Juvenile Delinquency'. Maybe this is the answer. Like the reader, perhaps juvenile delinquents also get fed up.

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