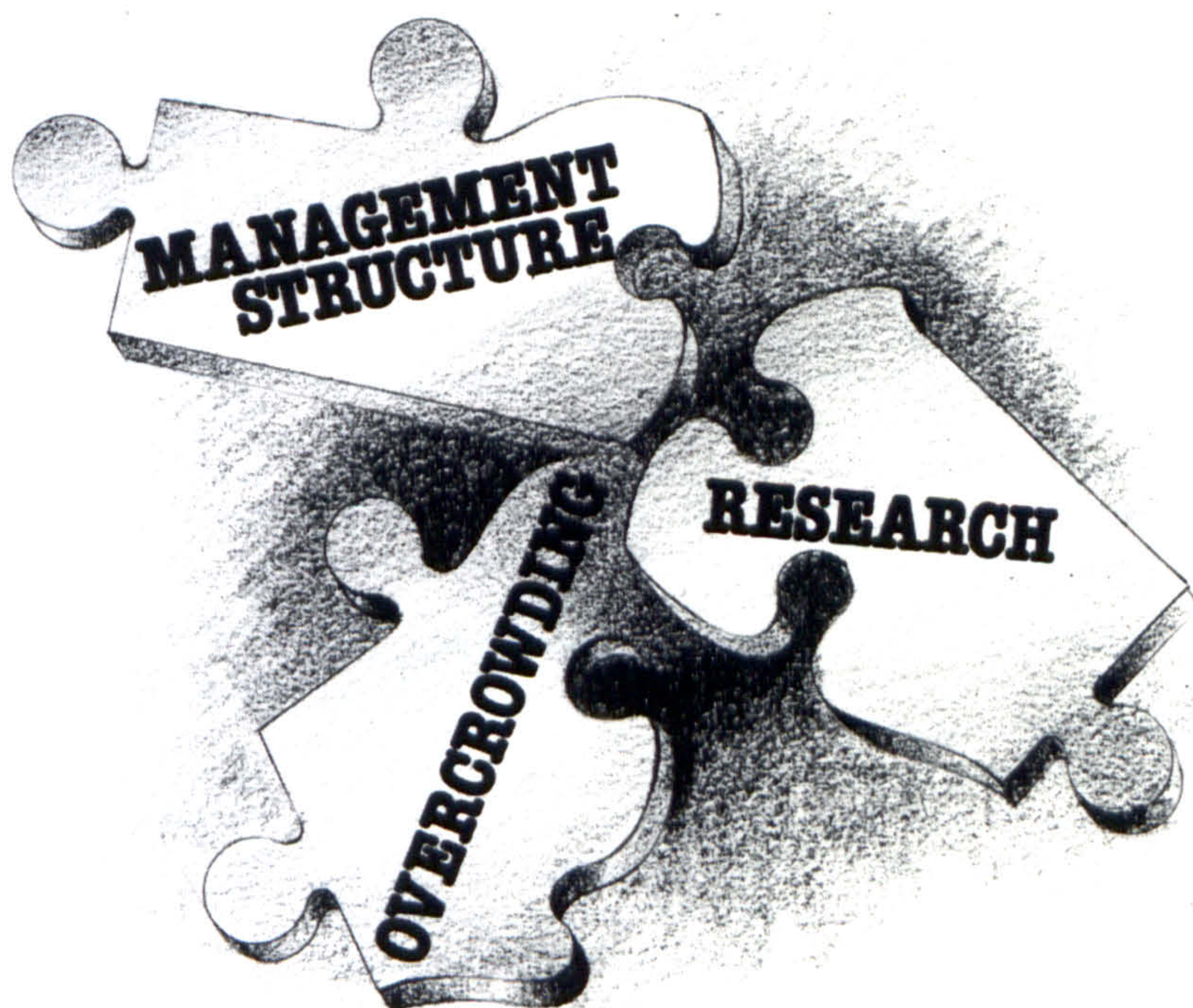


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*Editorial Office:*

HM Prison, Leyhill, Wotton-under-Edge, Glos. GL12 8HL

*Reviews Office:*

Prison Service College, Love Lane, Wakefield, W.Yorks. WF2 9AQ

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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

The early part of the year has seen the service receiving a great deal of media attention particularly on the television. There has been the continuing problem of prisoners in police cells which is a symptom of the acute overcrowding that continues to worsen in the local prisons and some internal tensions flowing from the Management Structure Review document.

The Department has pursued a policy of 'openness' in its relations with the media so that the general public can be made aware of the very serious and intractable problems that the service faces. It was, perhaps, then gratifying that the Thames TV 'Lifer' programme should be a sympathetic treatment of problems in this area with the ever-increasing number of lifers testing the policy and the available resources to the limit. Nonetheless I think many of us well understood the reaction of the prisoners at Kingston who refused to take part because they resented the intrusion into their life and privacy and perhaps also because they were apprehensive about what the camera and editorial team might make of the film and dialogue that the prisoners were subsequently unable to control. In my view the standard set by this programme was not maintained by the Anglia TV series on prisons screened on Channel 4. Here we seemed to have returned to prison television of much earlier years with the artificially intoned voice and the slant on the apparent evils perpetuated by prison staff. Clearly these sort of programmes do nothing to advance the vital job of informing the public accurately about the issues we face and they certainly do nothing to encourage staff to believe that they will get fair treatment if they expose their working lives and problems for the film makers. The series was concluded with a discussion in two parts, firstly the interviewer with Lord Elton and then the interviewer leading a discussion group composed of John McCarthy, Colin Allen, Jimmy Boyle, Jack Price and Roger Scruton, a Reader in Philosophy at Birkbeck College. The service representatives (Colin Allen and Jack Price) made the point effectively and speedily about the Anglia series and its misrepresentations. There was something artificial about splitting the discussion in two so that Lord Elton did not engage in the main discussion for there were some telling points made, particularly by John McCarthy, about the lack of will both in the service and the department to tackle the overcrowding problem. The same analysis was applied to the question of

treatment objectives for the service. Notwithstanding the problems we face it was good to hear a reaffirmation from Colin Allen of the need to pursue constructive work in establishments. Again John McCarthy pressed for the department to take a more adventurous and exploratory line in relation to treatment initiatives.

In a way this raises again the discussions held last year on the 'Justice Model' as an alternative philosophy for the service. There are many who have lost hope in the 'treatment model' and the 'justice model' may prove to be an attractive and effective replacement. What does seem important is that there should be an active dialogue taking place within the service on this issue for the service is in great need of a credible philosophy to which staff can commit themselves.

So much for the media, within the service the printed word has been having its effect in the shape of a green booklet entitled Management Structure Review. Yet another attempt to consider the structure of the service in order to make it more effective for its task. The document has been issued for consultation, seeking the views of staff and will be in the process of distillation by the time this issue of PSJ is printed. It is difficult to gauge the response at the moment but the document has served to concentrate people's minds on the issue of a unified service with the consequent merging of grades that might flow from this. There are many signs that all is not well at establishments; in many respects this is almost certainly caused by the pressure staff are working under, however if we are to continue with these pressures on us we must have a structure that can cope and that does not lead to internal bitterness and dissension. In this sense I welcome the document and more importantly the consultation process it heralds—this will need to be translated into action without delay. However it is worth noting also that many voices have been raised about the inappropriateness of the overall structure and organisation for the task of managing an operational service. There were hopes that the May Committee might tackle this problem which many field staff would see as being the most pressing. Whilst a reorganisation took place as a result of May it did not answer the fundamental point of a need for a structure that has the capacity, ways of working and staff to direct an operational service that in many instances needs a quick and responsive hand.



# FINNISH BEGINNING

Zoe Ashmore  
Psychologist, Usk Detention Centre

## *The first part of an exchange programme between Britain and Finland*

In September 1982, our group of 14 arrived in Helsinki for the first part of a British-Finnish Exchange Programme. After lectures at Finland's Prison Department Central Office, learning about the social welfare and the Prison and Probation Services of that country, each member of the group lived and worked for 8 days with their partner in the exchange programme.

The population of Finland is small (less than 5 million) although the country is relatively large. In 1979, for example, there were 14 inhabitants per square kilometer compared to 229 in Great Britain. Over the past 30 years, there has been a population shift from the rural community to the towns so that 60% of the population now lives in the urban centres.

**The Old House at Kerava Youth Prison**  
My "pair" in the exchange programme is Marja Hatunen, a psychologist at Kerava Youth Prison which is about 25 miles from Helsinki. For 8 days, I lived with her and her family and followed much of her normal daily routine at work.

The Youth Prison is the only Young Offender establishment in Finland. It is divided into two houses.

The Old House holds approximately 40 prisoners aged 15 to 21 and about 140 other prisoners from Southern Finland serving a first custodial sentence. All Finnish Young Offenders serving sentences of between 6 months and 4 years will be sent here to await allocation by the Prison Court. This comprises a higher and a lower court judge, a representative of the Central Office, a psychologist, a member of the National Board of Social Welfare, and a secretary. The board has the court papers and reports from the governor and a psychologist to assist it. The only power of the Prison Court is to decide whether the young of-

fender should go to the Youth Prison, an ordinary prison or a labour colony. At the Youth Prison he will serve only one-third of his sentence: at an adult prison he will serve either half of his sentence or two-thirds if he is a recidivist.

It seemed incredible that such people were meeting to make an often straightforward decision with such limited choices. At one time, the Prison Court had been able to add up to a year to any sentence if it considered this necessary. Although this is no longer possible, the board continues to meet twice a month to make allocation decisions. The staff gave me

different reasons for the continuing existence of the Prison Court. The law, though outdated, requires the procedure; the decisions are sufficiently important to warrant such a high level board. An inmate, however, told me that no prisoner would miss it and others said that many prisoners dread going before the Court to be asked about their cases.

Some prisoners in the Old House are not waiting to see the Prison Court but are on punishment in the solitary block or have been removed from the New House for reasons such as bullying. There were also prisoners who had come to Kerava from other prisons to take vocational training courses.

### **The New House**

The New House holds about 90 prisoners who are serving sentences of between 6 months and 4 years. The average is about 6 months. The New House was built 20 years ago though it looks much newer. It is about a quarter of a mile from the other prison buildings and has a security fence around the side and back only. The



Zoë Ashmore graduated from Portsmouth Polytechnic in 1978 and joined the prison service as a Psychological Assistant at Camp Hill Prison. She is presently the Senior Psychologist at Usk Detention Centre and Youth Custody Centre where she has worked since 1979.



front door is unlocked and it is possible to walk into the offices without passing a gate officer. The manned gate lodge is about half a mile away.

The workshops are also in separate buildings some distance away: there are bookbinding, carpentry and metalwork shops and a car maintenance course. When I visited, 5 inmates were continuing the vocational training course in metalwork at an outside college and returning to the prison each evening. Other inmates work in the kitchen, farm and gardens, cleaning and works parties.

### Conditions

The cells are about the same size as single cells in England. They contain many personal items and on some landing, as a privilege, inmates are allowed curtains, mats and other small items. Prisoners are permitted a television set in their cells and most have a radio or tape recorder as well. The electric power for the sets is controlled by the staff from outside the cells. I saw no cells at Kerava with more than one inmate: overcrowding is not a problem. First, the prison population is decreasing because some offences, primarily drunken driving, no longer carry a statutory term of imprisonment on conviction. Secondly, offenders do not always come straight from the courts but may return home after sentence of imprisonment. The police notify the offender of the date and time and the prison to which he must report. The number of prisoners can therefore be controlled.

The staff eat the same food as the prisoners and it is generally agreed to be of a low standard. The canteen, however, is well stocked and the inmates are paid considerably more than are prisoners in England: this may help to compensate for the standard of meals.

I was shown the two small but well equipped classrooms. Of three teachers working at Kerava, only one conducts lessons. Two inmates were undergoing remedial education. Our initial lectures and the staff at Kerava informed us that gypsies are the only illiterates in Finland. Apparently, most difficulties in learning are identified early and rectified by a system of special education.

Classes at Kerava are voluntary except for inmates under school leaving age. A class leading to examinations was to begin in October with 14 inmates. The list of those wanting to join the class exceeded the number

of places available. Any inmate arriving at Kerava after the class began would be unable to study unless he was serving a longer than average sentence. In the Finnish Prison system, generally, it appeared that education was poorly organised and lacked resources. The staff I spoke to thought it unfortunate that some inmates who want to study are not given the opportunity but, on the whole, I gained the impression that nobody feels it very important.

The same attitude seems prevalent with regard to Physical Education except that (in Kerava at least) the gymnasium and equipment are of high standard. There is, however, only one Physical Education Instructor in the whole prison system. He was surprised to hear about Physical Education in British prisons. He saw his role as looking after the sportsfield and the equipment rather than as taking classes. On the whole, inmates use the facilities without receiving instruction.

### Principle of Normality

The Penal Custody Decree, a document issued by the Finnish Ministry of Justice in 1974, states:-

"Conditions at penal institutions should be arranged to correspond as far as possible to living conditions in society in general."

This principle of normality aims to avoid the creation of parallel services in and out of prisons and the abolition of separate systems as opportunity arises. It is evident in some of the prison workshops where conditions compare favourably with many outside industries. It is also seen in labour colonies where inmates are paid the national minimum wage and taxes and board are deducted. Public telephones can be used by inmates in their free time.

In closed establishments, evidence of the principle in action is less obvious. While personal items are allowed in cells (pornographic pictures are not permitted on the walls since they would not be in a family home) and all prisons have saunas, these examples fall short of the spirit of the principle of normality.

Although the principle seems worthy, it can be used as the reason for failing to develop services within the prison. Since the services of Physical Education Instructors are not available outside, there is only one such post in the Finnish prison system. The education service, too, is poorly de-

veloped by British standards. The principle of normality tends to enshrine such practices. It ignores the fact that prisoners may have special needs because they are in prison.

### Procedures

During my visit to Kerava, I attended a meeting which considered prisoners' applications for leave from the institution for short periods (furloughs). The Board consisted of two Principal Officers, two Assistant Governors and was chaired by the Governor. Decisions can be made by the Governor alone and, when I visited Helsinki Main Prison, the Governor was dealing with applications with only a secretary to assist him. At Kerava, the Board considered applications and the Governor consulted the members before he made the final decision. The prisoners can apply every Monday and are eligible after they have served half of their sentence. They can be granted a furlough once every 4 months or more often if they have an important reason. Many reasons were considered important, including moving house and grandmother's 70th birthday party. If the sentence is over 2 years or the offence is serious or violent, the Board makes a recommendation only and refers it to Central Office. The only papers available are the discipline sheet, a paper showing the dates of sentence and release and of previous furloughs, previous convictions, and the furlough application from the inmate. Each application is read out and the standard of prisoners' written contributions seemed high. The usual furlough granted is 3 days, though it can range from one to 7 days. Most of the decisions are reached in a short time because the Board is very clear about its criteria: no previous sex or violent offences, no previous failed furloughs, good behaviour in prison, no outstanding court appearances, serving a short sentence, and that the prisoner reported to the prison to begin his sentence when instructed to do so.

The main purpose of furloughs is to help a prisoner maintain his contacts with the outside world. Furloughs are granted whenever possible and there is quite a lot of support for the system among the prison staff. The present system has operated since September 1971 and the rate of successful furloughs is high (89% in 1977).

Another procedure I observed is the Board of Directors. Every prison is managed by a governor but some



decisions are passed to the Board of Directors. This is chaired by the governor and comprises two assistant governors, the medical officer, the financial manager, three staff representatives and a lay person appointed by the Ministry of Justice. The three staff representatives are elected and usually serve for one year (this is now being changed to 3 years). The Board's tasks are laid down by the Central Office and include the confirmation of release dates and staff matters. In some prisons, the governor refers other decisions: at Kerava Youth Prison, for example, the Board deals with all discipline reports. Decisions are reached by voting and the governor has a casting vote.

Referring to a Board of Directors, rather than leaving all matters with the governor, seems to ensure commitment to the decisions made. The minutes of meetings, though not details of the voting, are available to staff. The system guarantees consultation and staff participation is also ensured through the three elected staff representatives. This means that decisions reached are more likely to be seen as fair and hence more likely to be properly implemented.

#### **Staff at Kerava**

The communication between staff appeared to be good and is served by several formal and informal meetings. There is a weekly meeting between the Chief Officer, Principal Officers, two social workers, two psychologists, chaplain and nurses. The meeting ensures communication between these groups of staff about particular inmates, alterations to the regime, staff changes or forthcoming events.

Another weekly meeting between the psychiatrist, nurses and psychologist discusses psychiatric referrals and the medications issued by the psychiatrist. Approximately 30% of the prisoners at Kerava receive sleeping tablets, mostly mild I was told. Medication is not difficult to obtain.

Each house at Kerava employed a social worker. When I visited her, the social worker on the New House was calculating how much of the annual clothes grant was left following her trip to Kerava that morning with one of the prisoners to buy him clothes for his release. From the lectures at the beginning of the programme, we knew that social workers study accountancy because they calculate and pay out welfare benefits. The discipline staff were very

curious about the British prison system. They willingly talked about their system and gave their opinions. To some degree, this was because they are rarely asked their views and seem to have a very low opinion of the job. This was illustrated by an officer who had been off work and had required a sick note from his doctor. When the doctor asked him his job, he said he was a woodcutter rather than admit to being a prison officer.

#### **A Labour Colony**

I visited a labour colony which is situated near Kerava Youth Prison and largely administered from it. The words "Labour colony" conjure up a grim picture but, in reality, the labour colonies are very pleasant. In small open institutions, the prisoners are paid the national minimum wage out of which they pay for their board and tax is also deducted.

The labour colony which I visited accommodated approximately 30 women ranging in age from 17 to 56. The women live in dormitories but, after serving some months, can move into single rooms. The women work from 7 am until 4 pm, Monday to Friday; most are employed sewing and weaving carpets and only a few work in the kitchen and in the grounds. There are 9 officers, a Chief Officer, a driver and an assistant governor at the labour colony. The atmosphere is very relaxed and the surroundings pleasant. The women take a pride in their environment: for instance, the dining area had numerous plants and the women's rooms were well looked after. Nearly all the women had come from Hameenlinna closed prison which is the only other female establishment in Finland.

#### **Helsinki Main Prison**

The main prison, situated on the outskirts of Helsinki, houses approximately 460 prisoners. The building looks similar to many of the older British prisons, both inside and out, but there are some differences. The prison has a large sauna since Finns regard saunas as essential as baths or showers. The appearance of the cells, too, makes the prison seem relaxed since the inmates are allowed many personal possessions such as televisions, curtains, mats and pictures. The officers do not wear key chains and prison keys are similar to domestic ones. There is a very large area in a basement of the prison which is well equipped with games for association periods.

The prison has a Psychiatric Unit which can accommodate 10 young men. It is well staffed with nurses and has its own psychologist, social worker and psychiatrist. Other establishments send prisoners for treatment, sometimes for short periods before transfer back. The atmosphere of this unit is even more relaxed than the rest of the prison. The resource is certainly expensive but the staff to whom we spoke saw it serving an important role. To provide such a resource for so few prisoners seems like a "drop in the ocean" even though the Finnish prison population is very much smaller than ours.

My impression of Helsinki Main Prison, from this short visit, is of an atmosphere more relaxed than in comparable English prisons. It is not overcrowded and most inmates work and have generally better conditions.

#### **Value of the Exchange**

The real value of this sort of programme is the questioning and rethinking about aspects of the job. It shows things being done differently and, while these may not necessarily be possible or desirable, it prompts ideas and helps establish how and why we work in particular ways. Penal systems share many basic problems yet often resolve them very differently. Comparison is healthy.

This year, the Finns in the exchange will be coming to England. This will complete the programme and give further opportunities for learning and examining again the way we work.





# PRISONERS AND THE MENTAL HEALTH ACT

David Kemp

*Senior Probation Officer  
Leicestershire Probation and After-Care Service*

## Introduction

In May 1982 the East Midlands Branch of the National Association of Probation Officers adopted a Report prepared by a Working Party of its members. This Report in revealing specific problems caused by the transfer of prisoners to Special Hospitals, made a number of recommendations which broadly would, if adopted, recognise that the National Health Service hospital is the place for a patient to be, not prison, and that life for patients, and their custodians, would be simpler if N.H.S. doctors provided the diagnosis and supervised the treatment.

An examination of the development of the Prison Service shows that it has never sought an 'asylum' role. Its 'caring' role should be recognised, and it is encouraging that the Department has a policy opposed to segregation and solitary confinement.

The recent Mental Health Amendment Bill does not ensure that Courts are able to make Hospital Orders in appropriate cases, and no legislative steps are to be taken to compel Regional Hospital Authorities to set up secure units. Even if they did build a secure unit, restrictions may be placed on admissions as at the Leicester Unit which will not admit patients over 65 years; nor admit aggressive psychopaths or determined escapees; will restrict admission of offenders who have been admitted to hospital under s.60, 65, or 72 of the '59 Act.

It has been argued that because doctors are less willing to certify an offender is suffering from a mental illness as defined by the '59 Act, and hospitals are less willing to accept patients from Courts, the fall in Hospital and Restriction Orders from 1,148 in 1965 to 596 in 1979, when crime has shown an unprecedented increase, that such offenders are sent to prison instead.



David Kemp joined the Probation Service in 1964, and worked in the then City of Stoke on Trent Service. He had spent some time at Sudbury Prison during training, and joined the Leicestershire Service in 1967 to take part in the experiment to determine the place of Social Work in Prisons on secondment to H. M. Prison Gartree.

As a Senior Probation Officer, he returned to Gartree in 1979, remaining until 1982. He tried to move the Social Work practice towards the Prison Officer, and it is his belief, supported by examples during his secondment, that there are benefits to be gained by all parties.



### The Working Party Report

In respect of prisoners actually transferred under S72/74 the numbers are not large, 107 in 1980 in England and Wales, and may seem insignificant, but the underlying principles and the moral and professional judgements attaching to those principles are of concern.

A Governor of Wormwood Scrubs has stated that his prison is a dustbin for society. If some of the dustbin's contents are buried somewhere else in England should we care? Our interest in addition to the desire for justice, should be to maintain rights which might be seen to be inalienable; the right to medical treatment of one's choice; the right to refuse treatment without damaging feedback; the right to be judged by society's tribunals; the right of access to advice and to family.

Our concern is that the Probation Service should not assist or collude with practices which may fetter and demean us all, patients, prisoners, probation officers and public alike.

Because Probation Officers man the Welfare Departments of prisons and because of the contact Field Officers have with serving prisoners the way in which prisoners are treated in prison is of legitimate concern to N.A.P.O. One specific area of concern has been the management of the mentally disordered in custody and in particular the regulations of the 1959 Mental Health Act that enables such prisoners to be transferred to hospital for treatment.

The 1959 Act has been the target for much criticism from several quarters. Aspects of it were criticised by the Butler Commission in 1975 and then in 1978 the Act was overhauled in the Review of the Mental Health Act published by the D.H.S.S. in that year. This was to form the basis of the new legislation should the then Government have been returned to power in 1979. In late 1981 the present Conservative Government have introduced legislation substantially altering the 1959 Act.

### Sections 72, 74 of the 1959 Mental Health Act

The transfer of convicted prisoners to psychiatric hospitals is governed by section 72 and section 74 of the 1959 Act. These state that the Home Secretary, on the recommendation of two doctors, one of whom must be a psychiatrist, to transfer a person from prison to hospital if that person is

suffering from one of the four categories of mental disorder, i.e. mental illness, severe subnormality, subnormality and psychopathic disorder. Section 74 enables the Home Secretary should he think fit to impose restrictions on the transferred patients which means that the patient remains subject to return to prison and, up until his Latest Date of Release, can only be released with the consent of the Home Secretary. If subject to Section 72 the patient ceases to serve his sentence and his discharge from hospital is at the discretion of the hospital authorities.

### Principles behind the N.A.P.O. Response

In suggesting changes to these sections the Working Party has tried to be governed by certain principles which we believe are reflected in other policy statements of the Association. First, we believe that serving prisoners who are ill should have access to National Health Service facilities. Secondly, we believe that long periods of incarceration, particularly indeterminate sentences, are not only highly damaging to the individual concerned but have little or no deterrent value and that they should be replaced by shorter, determinate sentences.

Furthermore, we believe the Association is concerned about the involvement of the executive in determining the periods that people spend in prison and that wherever possible this should be a matter for the judiciary in open Court to decide.

The decision to transfer mentally ill prisoners is an executive decision taken by the prison staff, the N.H.S. or special hospital staff and Officials at the Home Office. It is a process independent of the judiciary; there is no right of appeal, no right of representation. There is much that is objectionable to the whole procedure, and below the Working Party sets out proposals to amend the process, principally by seeking to shorten the time a transferred prisoner would be subject to such a transfer decision. Nevertheless, the Working Party are of the opinion that these powers should only be used when necessary. Possibly the greatest safeguard against the abuse of these quite extraordinary powers are for the Courts to have adequate alternative measures to resort to instead of sending the mentally ill and handicapped to prison.

Plainly the Courts lack such non-custodial provision at the present time.

This is borne out by our own experience of seeking hostel, day care and even hospital places for our mentally abnormal clients. Also there is occasional comment by Crown Court Judges who complain of being forced to impose a sentence of imprisonment when in actual fact the defendant requires psychiatric treatment. It is our view that despite the good intentions of Government in drawing up policies on hostels, Regional Secure Units and Community Care and even in some instances when these policies have been supported by substantial amounts of cash, too many mentally disordered offenders end up in prison custody through a lack of alternative schemes.

In such circumstances the temptation to use Sections 72 and 74 of the Mental Health Act to rectify this problem once a prison sentence is imposed is a strong one. Nevertheless, this has to be resisted. N.A.P.O. believes that the length of time someone spends in custody should be determined wherever possible by the Courts and not by the executive. Therefore, Sections 72 and 74 should only be used when somebody during the course of his prison sentence becomes mentally ill and requires hospital treatment. They must not be used as a back door entrance for offenders who, but for the lack of resources, should have been offered hospital treatment at the discretion of the Court.

### The Additional Time Spent in Custody

The overwhelming majority of transfers carry the Section 74 restriction conditions. This has the effect of prolonging a prisoner's sentence to his Latest Date of Release thereby at a stroke increasing his sentence by a third. His release before that date can only be with the Home Secretary's consent and although when his Latest Date of Release is reached the restrictions cease he is still liable to be forcibly detained by the hospital authorities for up to another 12 months.

We therefore propose that restrictions on transfer orders should cease on what would have been the prisoner's Earliest Date of Release. The one third remission principle for good behaviour is so firmly rooted in the criminal justice system that to deny it to this category of prisoners would be blatant discrimination. Therefore, the transferred prisoner would cease to be a serving prisoner at his earliest date of release and he would therefore



revert to civilian status within the hospital. The hospital authorities would then be faced with the choice of discharging him, inviting him to stay on as a voluntary patient or applying for compulsory detention under section 26 of the 1959 Act which they are perfectly entitled to do with any civilian. This proposal is identical to the changes that the 1978 review were suggesting ought to be incorporated into the new Mental Health Act and in the last three years there has been nothing to suggest that that view point ought to be changed in any way. Indeed to the contrary the proposal put forward is already the practice in Scotland and they have no difficulties in operating this principle; and the compulsory sectioning powers available to the hospital authorities are sufficient to cover any offender deemed to be still dangerous to the community on his earliest date of release.

Whilst in hospital the transferred prisoner under restrictions has no right to apply for parole even though he is still technically a serving prisoner and as such could be returned to prison custody any time. He is however able to ask the Home Secretary for permission to apply to a Mental Health Review Tribunal after 12 months of custody in the hospital to review his case (the Home Secretary must agree to this request) and, thereafter, refer his case again after a further period of 12 months but then at three yearly intervals. The Working Party were struck by the similarities between the way that Mental Health Review Tribunals work and the operation of the Parole board. Significantly, in both bodies it is a group of professional and lay people who consider someone should be released on licence and then they make their recommendation to the Home Secretary who has the final say.

This branch of N.A.P.O. is opposed to the principle behind the Parole system in this country but whilst it remains in operation we consider that the prisoner in hospital should still be considered for early and conditional release as often as his counterparts in prison are entitled to. We therefore recommend that although a transferred prisoner with restrictions should be entitled to apply to the Mental Health Review Tribunal we believe that his first right to apply should be at his parole eligibility date and then at annual intervals thereafter.

### **The Status of Transferred Prisoners**

The Working Party were concerned to find that the offender patient transferred from prison to hospital is in an inferior civil rights position than his fellow civilian mentally ill hospital patient. There are safeguards in force for the offender patient which do not pertain to the civilian compulsory detained patient, and which as a matter of course seriously limits the individual freedom of the offender. We believe this discrimination against the offender is wrong in principle and can lead to stigmatisation in practice.

In particular we wish to comment specifically on two discrepancies in the existing legislation which unfairly prejudices the interests of the transferred prisoner. At the present time a transferred prisoner subject to Section 72 provisions (but not subject to Section 74) enjoys the same status as somebody subject to a Section 60 order, i.e. someone who the Courts thought required psychiatric help at the time of his Court appearance. We believe that this comparison is wrong and that it is more equitable if the transferred prisoner has the same standing in the hospital as a compulsory detained civilian patient. For although it is reasonable for a Court to set limits on an individual's freedom when passing sentence it is unreasonable for the authorities to impose restrictions on someone who, through no fault of his own, becomes mentally ill whilst serving a prison sentence, and who may have ceased to be a serving sentence prisoner.

Therefore, we believe that a prisoner transferred under Section 72 and not subject to Section 74 should, as his civilian counterpart, have the right to apply to a Mental Health Review Tribunal within the first six months of his transfer (and not after 12 months as at present). Similarly the nearest relative should have the power to discharge the patient from hospital, a right at present totally denied to the nearest relative of a mentally ill transferred prisoner.

Secondly, we are concerned that the criteria for compulsory transfer to hospital of a prisoner are considerably wider than those for compulsory detention of civilians. Adults over twenty-one years of age suffering from subnormality or psychopathic disorder can be detained in hospital if they are offenders but not if they are civilians.

In our review of the literature we have seen no justification for making this distinction and in the absence of

any such justification we feel that it is grossly unfair for there to exist such blatant discrimination. Although we understand consideration is being given to include these two disorders as grounds for compulsory detention of civilians it is not part of our remit to comment on the desirability or otherwise of such a move other than to assert that this discrepancy should be removed at the earliest opportunity.

It is important to consider the attitudes and working practices of the Prison Officers Association (POA) and the Confederation of Health Service Employees (COHSE). The POA is in favour of an extension of the existing Prison Medical Service, with larger hospitals with comprehensive facilities being established.

COHSE accepts that the number of hospital orders made by the courts and the number of Sect. 72 transfers are declining. Robertson and Gibbens (1980) state there has been a breakdown in goodwill between prisons and local hospitals and in the case of Sect. 72 transfer applications they show that the hospitals are not in fact being asked to take people with whom they have had no previous involvement. 81% of their sample had had previous hospital admissions prior to their imprisonment.

There is an increasing reluctance, however, by hospitals to admit such 'offender-patients' at the court stage and a reluctance to admit serving prisoners, who are mentally ill at the time of receiving a prison sentence or who develop mental illness during imprisonment.

Parker and Tennant (1979) conclude the conflict between the local hospitals and the courts is a result of difficulty in reconciling the 'open door' policy of the local hospitals with a degree of security which is often felt to be required. This dilemma also applies when local hospitals are asked to receive prisoners for treatment, under Sect. 72.

COHSE feels such offender patients on the wards of local hospitals lower standards of care, disrupt ward routine and that there is a risk that informal patients may be adversely influenced by offender patients.

COHSE representatives also feel strongly that patients who are to be transferred from prison to local hospital under Sect. 72 should be transferred well before their E.D.R. as a transfer close to E.D.R. results in additional management problems for hospital staff.



COHSE has recently been looking at the need for secure treatment units and COHSE's views are outlined in 'N.H.S. Secure Treatment Units - a Policy Statement (1979)'.

This document stresses the dislike nursing staff have of the custodial role which is difficult to reconcile with an open door therapeutic policy. It acknowledges that lack of secure accommodation has created stress in special hospitals and in the prisons but COHSE states the secure units must not be used as auxiliary prisons. They should be health establishments and patients must be likely to benefit from treatment.

COHSE is also anxious that secure units must not become mini special hospitals.

COHSE describes the type of patient who could be considered for referral to a secure unit. Such patients would

- (1) suffer from a psychiatric condition
- (2) require treatment under a degree of security not available in local psychiatric hospitals but less than in special hospitals.

COHSE is anxious that secure units must not be used as a substitute for the development of adequate psychiatric facilities *within* prisons and in the special hospitals.

Parker and Tennant (1979) feel the relief which regional secure unit will offer to the prisons (and special hospitals) is, therefore, doubtful. Parker and Tennant conclude that as the secure units may well place the emphasis on providing a service to the N.H.S. hospitals, the present plight of the mentally abnormal offender in prison can best be alleviated by the provision of better and more extensive psychiatric facilities *within the penal system* itself, a view which the Prison Officers Association would agree with but which Probation Officers should regard with concern.

Thus the mentally ill offender faces considerable problems in securing the treatment he may well require. For those serving prison sentences, however, the result of transfer from prison to hospital may well create more problems for the offender-patient than it solves.

#### Recommendations

1. Integration of the Prison Medical Service into the National Health Service.
2. Hospital Officers to receive basic training up to SEN before practising and incentives for further training and qualification.

3. The Special Hospitals should be phased out in the next five years.
4. Patients who are assessed as a danger to themselves and others should be in secure units as close to their relatives as possible.
5. All patients and prisoners classified as mentally ill should have the same right of access to Mental Health Tribunals, and the Home Secretary's consent should be dispensed with.
6. The Probation Service should condemn solitary confinement and the continued use of devices to maintain its use as a means of behaviour modification or punishment.
7. Factory Inspectors and Health Inspectors of the central and local government should have an equal right of access to prison department establishments as they do to other establishments.
8. Prisoners who develop mental illness should be treated as patients in hospital.
9. As Courts can now commit to prison without asking if there is room available, Courts should be able when mental illness is defined, to commit to hospital secure units under S60 M.H.A..
10. Likewise the practice of imposing long prison sentences out of all recognition for the seriousness of the offence on the basis that his treatment needs require a lengthy spell of incarceration is a practice unacceptable to many N.A.P.O. members.
11. The Working Party is concerned at the lack of safeguards protecting the interests of prisoners in the transfer process. The Home Secretary can authorise transfer on the recommendation of two doctors and although not compulsory it is usual to obtain the consent of the receiving hospital. The prisoner has no right of appeal against the Home Secretary's decision. We felt that because a transfer could substantially lengthen the period of incarceration we consider that at the very least the decision making process should be broadened to include the following duties on the Home Secretary before agreeing to such an application.
  - (1) The nearest relative should be informed of the doctor's application.

- (2) That the Home Secretary should consider a report outlining the social circumstances of the prisoner from either a Probation Officer or Social Worker.

The implementation of the first proposal would enable the nearest relative to, if they wish, take legal advice and seek independent psychiatric opinion. The second proposal broadens the decision making process and we would envisage the author of such a report to critically examine the need for a prisoner being detained for a longer period. Where a transfer application is made close to the expiry of a sentence we would wish the report to look at community based alternatives where perhaps a prisoner could go for assistance immediately on release.

If the transfer application is granted by the Home Secretary we would wish to see the right of the prisoner to appeal to the Mental Health Review Tribunal of the hospital to which he has moved.

Ultimately the Working Party felt that the Home Secretary's powers in this field should be abolished, and that decisions of transfer should be determined by the Crown Court so enabling Doctors and prisoner to present their evidence to an independent adjudicator.

12. We saw no good reason why the transferred prisoner should not be able to apply direct to a Mental Health Review Tribunal and therefore we recommend that the Home Secretary's permission, which can add delay to the process, should be dispensed with. These issues should be discussed between N.A.P.O., P.O.A. and other unions and professional bodies whose membership is in contact with them. ■

#### References:

1. Transfer from Prisons to local Psychiatric Hospitals under Sect. 72 M.H.A. 1959 Robertson & Gibbens Brit. Med. Journal 24th May 1980.
2. The 1959 M.H.A. and Mentally Abnormal Offenders - a comparative study. Parker and Tennant - Medicine, Science and Law (19) 1979.
3. N.H.S. Secure Treatment Units - a policy statement - COHSE May 1979.



Trevor Williams was formerly an assistant governor at Feltham Borstal. He now serves at HM Prison, Long Lartin. In this article he describes the setting up and running of a novel training exercise which involved the whole staff of South House at the Borstal.

# An Aggression Training Project at Feltham Borstal

Trevor K. Williams

**This article traces the growth of a training project and follows the development of ideas into reality. It describes the birth of a new training methodology. It portrays the search, by staff at Feltham, for an alternative approach to training in the sensitive area of aggression within the institution. This was achieved with the assistance of Yochanan Altman, a student of institutional aggression, who had worked, formerly, with the Israeli army. The result was the simultaneous development of a training methodology and the growth of individual understanding of aggression. Each had significance at local level and each had the potential for adaption to the needs of the wider Service.**

The aims of the project were, "to promote an awareness and understanding among staff of aggression in the institution, which will (a) be helpful to staff while dealing with aggression and (b) encourage staff to seek ways of reducing aggression in the institution". Though simply stated the objectives proved more difficult to achieve. Aggression with obvious connotations of fear, force, pain, and even pleasure, lies at the very heart of our institutions. It can dominate the lives of inmates and staff alike, and open discussion of it is all but taboo. We examine and record its endless outbursts, we describe it, limit it and suffer its consequences as part and parcel of our daily task. Its manifestation has consequences for time-serving inmates and may, in extreme circum-

stances, affect the success or otherwise of our own careers. Yet there is a price to pay elsewhere in the system for its successful management, a crucial discovery which requires closer analysis.

The next stage was to select staff and devise the programme. After careful thought, an approach was made to a complete House team, who it was believed, would be receptive to the idea and would actively participate in the project. The House had a high incidence of uncontrolled aggressive trainee behaviour which would heighten the reality of the training. Preliminary meetings took place between the staff team and the training consultants (Yochanan Altman, assisted by the Principal Psychologist) to establish a working rapport and to agree the format and

content of the sessions. It was agreed that the first training phase should consist of a series of day and half-day seminars attended alternately by each staff division. Topics to be covered were determined at the first session, by the whole staff group.

The series of seminars took place in the spring of 1982 and covered a wide range of topics, from an analysis of "joke" assaults to practical measures in the control of very aggressive trainees transferred in from other establishments. The ground rules for member participation and expectations of consultant input were established, and the House team began to function as a learning group.

By the end of the first phase one thing had become clear. A group of prison staff working together does not necessarily constitute a cohesive team. A consistent approach to handling, inmates dealing with aggression, and being constructively critical of our colleagues does not materialise without first providing a safe and structured environment in which individuals can express themselves on equal terms.

To build on the foundations established in phase one and to focus



more acutely on the meaning of aggression both towards and within ourselves, the format of phase two would have to be radically altered. The agreed format was to be a complete training week involving the whole staff team and providing both time and resources to study issues in depth. This presented local management with a number of major difficulties which, on reflection, were overcome only by the total backing received from all staff in the institution. The decision to replicate, as far as possible, the ethos and *modus operandi* of an external training course was crucial. The planning of the programme proved to be far more demanding than it had been for the seminary sessions, but the enhanced level of participation and commitment which resulted was vindication of the policy.

A suitable venue was needed that would be comfortable and provide the necessary teaching aids. A co-ordinator was appointed to ensure the smooth running of domestic aspects of the course and maintain session boundaries. Secretarial cover was provided to produce transcripts of each day's proceedings. Outside speakers were approached, persuaded and engaged. A course programme was produced giving not only the timetable of the week's events, but background details of guest speakers, a synopsis of each session and notes on the rationale behind the course. Provisions were made for certain sessions to be video-recorded and specialist equipment was acquired.

The programme was designed to provide twenty sessions of lectures, discussions, group exercises and role-play as well as the more "traditional" components of a training course, the structured tea, coffee, lunch breaks providing opportunity for the informal exchange of views and ideas. At the end of each day participants were asked to complete an assessment sheet, rating interest, relevance and enjoyment on a scale of 1 to 5, and time was taken at the start of each day to feedback results of these to the group. The ratings on the assessment sheets, which never fell below 4.2 throughout the week, were not needed to prove the success of, and commitment to, the week.

In writing this article it is difficult to recapture or convey the personal meaning of this project. In understanding aggression, the realisation of our corporate responsibility

in provoking as well as handling aggressive situations was a significant advance in our personal and professional lives. In an area which has generated much public concern and which produces operational problems ranging from covering sickness resulting from staff injury, to the aftermath of institutional riots, it was a rare experience to share as equal partners our hopes and fears, our doubts and difficulties, and to grow because of it.

Perhaps of more tangible value is the development of this "new" training methodology. It became clear that local training, with equal ownership and responsibility, can compete in quality and professionalism with the best of external training. The benefits of this approach to training are not immediately obvious when compared with the high cost of local disruption, but they exist and, I believe, are long lasting.

There is much talk in training circles of the "job related" approach, and we have seen a significant shift in this direction in our own training establishments. The idea of "joint ownership" of local training is a natural, perhaps ultimate, development in this direction. If the responsibility for the content rests with those who are to participate in training, the concept of job relatedness becomes a reality. The purpose of the trainer becomes the presentation of material in such a way that development and personal growth follows.

Central to this approach is the establishment and development of team identity and commitment. In our case, in theory, the team already existed but the grouping of staff together on a wing, in a House, or on

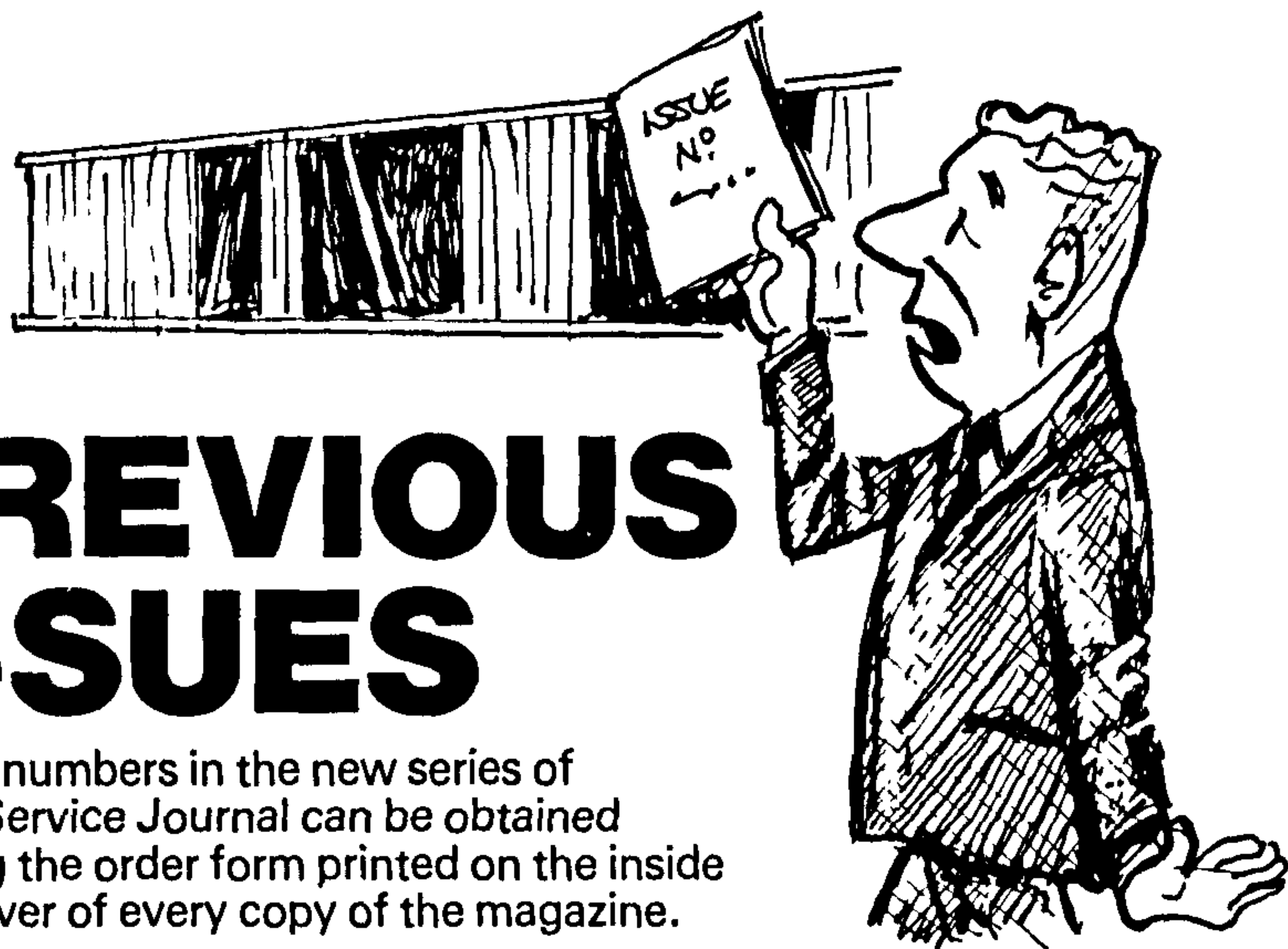
a sub-division, does not necessarily mean the creation of a co-ordinated approach. This can only come when we are given the opportunity to develop ourselves and each other. A criticism that can be levelled at external training courses is that the benefits of the team approach, whilst real in an artificial setting, dissolve when individuals return to their own establishments. The enthusiasm ebbs and the learning may be lost.

Last but not least of the benefits stemming from this method is the opportunity to involve specialist resources and develop a multi-disciplinary approach to training at a local level.

The aggression training project at Feltham has reached a natural conclusion. Its proceedings have been written up in a paper available through the Prison Department Psychological Service\*. It is hoped that further papers will be published in due course. The overwhelming feeling of participants at the end of phase two of the project was that they wished to share something of their experience and learning with their colleagues. This article has been an attempt to meet that challenge.

I stated that the successful management of aggression at a personal level has implications for ourselves and the system in other ways. It is the nature of the support that we give to staff who endure aggression that now concerns me. Perhaps the price that individuals pay in their private lives for the successful control of aggression in our institutions is too high.

\* A Staff Training Project at Feltham Borstal, Y. Altman and F. Clarkson publ. Home Office Prison Department Directorate of Psychological Services. (Ref. DPS Series II No. 117.)





# THE PRISON DEPARTMENT RESEARCH GROUP

The May Committee had little to say about research in its Report beyond noting (paragraph 4.11) that:-

"Intensive research has so far failed to demonstrate that any particular penal regime is superior to another, or has any general success from the rehabilitative point of view".

At the time of the Report prison research, as reported in successive Annual Reports of the Work of the Prison Department, appeared to be a blend of discrete but limited programmes sponsored by the Home Office Research Unit and Scientific Advisory Branch, and the Directorate

of Psychological Services supplemented by facilities granted from time to time to individual post-graduate students and members of interested professions. However, the planning, commissioning, dissemination and publication of these activities under the aegis of the somewhat unwieldy Prison Department Research Committee had been a largely piecemeal process, reflecting the range, variety and uniqueness of interests involved.

In March 1981 the Prisons Board, having regard to the major thrust of the Report of the May Committee—in particular towards a

new central structure increased accountability and openness, and more positive and cost-effective management—took note of the situation regarding prison research and invited the Director of Regimes and Services to arrange an early review of the Prison Department machinery for commissioning and evaluating research. As a result a sub-group of the Prison Department Research Committee undertook a review of the machinery for research.

At the time the sub-group began its study it was aware that the Home Office Research Unit was to be re-organised later during the year. It





was, therefore, able to take into account changes in the general Home Office arrangements for research and scientific development, including the proposed outpostting of staff to the Prison Department from the newly created Research and Planning Unit, which provided an opportunity for conducting research that would be both relevant and useful to the Department.

The sub-group also recognised that a new spread of research effort within the Prison Department needed to concentrate on three main fields; internal management of prisons, prisons in the criminal justice process and prisons in society. To achieve this the research elements available needed to be more manageable and flexible with an integrated focal point for research and it was proposed that the Prison Department Research Committee should be dispensed with and that a Research Group established as the formal agency for commissioning and co-ordinating the research needs of the Department. The responsibilities of the Group were to be to identify particular areas where research might be able to contribute to operation and policy questions, advise the Prisons Board on research priorities and strategy, and keep the Department and Prison Service informed of the results and implications of research findings and research possibilities. It was proposed that the Group should be small with a core consisting of the Director of Psychological Services, the Senior Principal Research Officer of the outposted prison research team, and one representative of the Directorate of Operational Policy and another for regions. The proposals were endorsed by the Prison Department Research Committee with the Group being widened to include representatives from each of the other Headquarters Directorates.

In the 15 months of its existence the Group has already begun to demonstrate clearly its ability to fulfil the functions for which it was designed. Through regular meetings close working relationships have been established between the Group's representative members who individually have developed effective consultative systems within their constituent Directorates and Regions. As the work of the Group continues to progress the structures which have been developed for the planning and co-ordination of Prison Department research will be further refined and made more effective. ■

## UNIVERSITY OF CAMBRIDGE INSTITUTE OF CRIMINOLOGY

# Cropwood Short-Term Fellowships 1984

The Institute of Criminology is again offering Cropwood Short-Term Fellowships to practitioners in British services connected with criminal justice, crime-prevention or the treatment of offenders (including juveniles).

Fellows will be attached to the Institute for a period of work or study varying from six weeks to three months, according to the scale of their project. The project may involve a specific piece of research, or the completion of an inquiry already begun, and the presentation of results in the form of an article or longer monograph, the preparation of special lectures, or intensive study of a topic of practical concern.

Awards will cover living expenses in Cambridge. Fellows will have access to the Institute's Library and other facilities, and will be provided with study accommodation. A member of the Institute's staff will be available for consultation and guidance.

No formal qualifications for candidates are specified, but it is essential that they have experience relevant to their project. A well-conceived and detailed proposal is required as evidence of capacity to take advantage of the Fellowship. Candidates should also enclose a *curriculum vitae*.

Applications should be sent to the Secretary, Cropwood Scheme, at the Institute of Criminology, 7 West Road, Cambridge CB3 9DT, to arrive not later than 31 October 1983.



# Directorate of Psychological Services Research

P.H. Shapland  
*Director of Psychological Services*

Research carried out by psychological staff is broadly of two kinds, that which is commissioned and arranged from Headquarters and projects which are organised locally. One task of the Headquarters Directorate staff is to co-ordinate these activities, to decide in what form to publicise the results, and to consider how best to use the material to assist in the formation of policy. The purpose of this article is then to describe some recent researches and the means by which it is publicised.

## Research from Headquarters

Recently, three major national surveys have been undertaken by the Directorate. The first was a survey of the comparative preferences of prisoners for the various extra privileges and provisions available to them whilst on remand. Not surprisingly, it was the extra visiting that was the most consistently preferred first choice, both for men and women, and adults and juveniles. This was closely followed by the use of a radio and access to private cash, and (for women) the choice of one's own clothes. The consistently least preferred privilege was access to prison work. But within this overall picture, there were distinctively different patterns of preference, the major sources of which were access to the gym and to educational classes. These tended to polarise opinion strongly either for or against the activity in question. The results (1) will be considered when the provision of resources in Remand Centres is reviewed at Headquarters.

A second major survey was the recent census of all the mothers in custody on a single day in March 1982. The intention was to estimate the potential demand for places in a mother

and baby unit, taking into account various possible criteria for eligibility, including the mothers' own preferences. The results suggest that even with the widest criteria the numbers of eligible mothers is of the order of 80, of whom about one half would not choose to enter such a unit.

The third survey is one which is currently attempting to estimate the social-welfare needs of prisoners. This is intended to provide Headquarters with information primarily about how prisoners themselves see their needs. It is one part of the information available for the review of the role of the Probation and After-Care Service in Prison Department establishments.

## Research in Institutions

Most of this research centres either on work with prisoners, or on what can best be described as services to management. The former is concerned primarily with the development and evaluation of treatment and training methods, whereas the latter focuses on particular organisational matters.

## TREATMENT AND TRAINING

Over the last few years there has been an increasing use, both in prisons and

outside, of the treatment methods generally known as Social Skills Training (S.S.T.), (2). Prison psychologists have been actively involved, not only in organising such training, but also in research designed to evaluate its efficacy.

One recently published study (3), for example, described the successful impact of SST on a young Detention Centre inmate convicted of a minor sexual offence. Another study (4) reported behavioural changes before and after SST given to a group of trainees at Feltham Borstal. One of the measures used was the incidence of disciplinary reports. These showed a reduction in the group who received the training, but a similar improvement was noted in a control group who were only given attention. This illustrates the need for sustained research to determine which elements of any treatment-procedure produce changes, and for how long such changes persist. This is especially important as there is as yet no convincing evidence from elsewhere that SST can produce lasting changes in the behaviour of offenders.

*continued on page 20*



# RESEARCH AND PLANNING UNIT; PRISONS OUTPOSTS RESEARCH

Mary Tuck

*Senior Principal Research Officer,  
Home Office Research and Planning Unit,  
Portland House.*

Since early 1982 a group of staff outposted from the Home Office Research and Planning Unit have been working within the Prison Department. This outpost was a new experiment designed to bring research staff closer to the real needs and preoccupations of both headquarters and regional staff. The machinery of the Prison Department Research Group has been invaluable in achieving co-operation between administrators, prison psychologists, the regions and research staff.

The Research and Planning Unit both carry out internal research and dispose of a budget for external research carried out largely by universities. The internal research staff include operational researchers, psychologists and sociologists. Over the last eighteen months they have been engaged in a wide range of work. Some of it has been ad hoc and short-term in nature, consisting essentially in giving professional advice and information on problems presented by Prison Department administrators. It is not possible to describe this kind of research fully here but it has included for instance, data collection and analytic assistance to a group reviewing the use of prison resources. Short papers reviewing recent research findings have also been produced on

request from customers, on issues ranging from information concerning ethnic minorities in prisons to the effects of imprisonment and the effects of overcrowding in prisons.

Though this advisory role is a

Mrs Mary Tuck MA MSC is Senior Principal in charge of research in the Home Office Research and Planning Unit Prison Department Outpost, and is also Deputy Director of the Home Office Research and Planning Unit. Mrs Tuck has worked for the Home Office for the past 7 years, first as an administrative principal (she joined the service on direct entry) and later in the Research Unit, where she has worked on most of the main areas of Home Office interests. Before joining the service, Mrs Tuck worked as a social psychologist both in academic and commercial institutions and is the author of a book on attitude measurement, 'How Do We Choose' published by Methuen. Her other publications include a Home Office Research Study on Ethnic Minorities, Crime and Policing.



useful one it is important that the tradition of carrying out large scale empirical research on topics of central theoretic concern should not be lost. During the last eighteen months the Research and Planning Unit outposted staff have been engaged in two such large scale studies. The one which has taken up most resources was in progress before the outposting took place and is aimed at exploring ways of reducing the prison population. The research is taking place in Hampshire which has a crime rate and sentencing pattern which is similar to the rest of England and Wales. The study has involved holding discussions with judges, magistrates, justices' clerks and probation officers throughout the country concerning the scope for shorter prison sentences and for non-custodial alternatives. Most of those consulted seem to think that the terms of imprisonment currently imposed could be reduced somewhat without any serious consequences. For those individuals for whom a custodial sentence has seemed imperative the researchers have attempted to persuade the courts to use shorter sentences by informed and reasoned advocacy at probation case committee meetings and by circulating summaries of relevant research findings. The research is being conducted under the guidance of a local consultative committee chaired by a judge and including representatives of the probation service, the magistrates and the police as well as other interested bodies. Data collection for this study has been completed and it is now being written up. Conclusions can obviously not be discussed at this stage, but it seems likely that the considerable amount of work undertaken will result in a definitive study of the scope within a specific region for diversion from custody; a topic of some importance to those running prisons.

The second major internal study on which outposted staff have been engaged is a description of the implementation of the formal procedures within prisons for dealing with prisoners' requests and grievances. The aims of the study are to assess the extent to which the procedures enjoy staff and inmate confidence, to identify variations in practices between prisons, to see if any changes in practices are necessary or desirable in the interests of fairness and economy and to see what lessons, if any, emerge for general policy on grievance pro-

cedures. The research is being carried out in six adult male prisons. Once again it is impossible to preempt results but it seems likely that the final report of this study will be both of theoretic interest and of practical use to those running individual establishments and to headquarters staff. Work on this complex study has undoubtedly benefitted from the closer relationships and consultation which have resulted from outposting.

### **Information Systems for the Prison Department**

As well as these major social science projects the Research and Planning Unit staff have been much occupied with the development of management information systems. An important project in which RPU staff have been involved has been the installation of a management information system in HM Prison Bedford in the early part of 1983. Detailed fact finding and systems analysis preceded the introduction of this system. The co-operation of the staff at HM Prison Bedford was particularly important in devising software systems genuinely helpful to actual prison workings, and has been much welcome. This system is due to go into operation very shortly and if it is as successful as all concerned hope, should act as a pilot for systems in other establishments.

As well as the Bedford project a great deal of behind the scenes work has gone on at headquarters in defining information technology needs. The task has been to ascertain current and possible future requirements for both computing and access to data so that comprehensive management information programmes can be developed. An efficient management information system form prisons is important both because it will facilitate the administration of prisons and because it will provide the necessary data for research.

In addition to the above planning and development work, operational research staff of the RPU have carried out a series of ad hoc tasks not all of which can be described here but all of which have had practical value. One example (available for limited circulation within the Home Office) is a study of prison escort work carried out by May and Morgan and documented in RPU working paper No. 5. Work is now in progress on a software programme for the calculation of release dates. When prepared, it will be tested in an establishment and

if successful should be a useful and practical innovation. These are examples only of the kind of detailed operational research projects in which RPU staff have been involved.

### **External Research**

The prisons outpost of the Research and Planning Unit has also negotiated a considerable programme of external research which is being carried out at various universities. The Centre for Criminological Research at the University of Oxford is engaged in two major studies of concern to the Prison Department.

Soon to be concluded is an observational study of the ways in which the Boards of Visitors at eleven establishments (including adult and young prisoner establishments, borstals, detention centres and remand centres) carry out their 'watch-dog' role. The second research project being carried out by the Centre is at an early stage and is concerned with studying how women in different age groups interact with each other in three prisons in order to examine the implications for the management of the establishments.

A study by the University of Southampton Department of Adult Education began in January 1983 on ways of improving the educational courses provided at three remand centres in the south west region. Finally, a report of a study of the Medway Close Support Unit—an intermediate treatment scheme for juveniles who might otherwise have received a custodial sentence—should soon be available. The research is being carried out by the University of Kent. It was planned to study the effect of the availability of the Unit on the sentencing practice of the local juvenile courts, the operation of the Unit and the effect of the particular type of supervision provided by the Unit on the criminal behaviour of the juveniles while they were attending.

### **Future Developments**

During the last few months staff of the outpost have been occupied with the review of research priorities and strategies to which Mr Roberts has referred in his article. The presence of Research and Planning Unit staff within Prison Department has made much easier the wide consultation this exercise has entailed. It is too soon yet to define the directions in which the review will lead. But the value of continuous consultation across a wide range of professional staff will certainly remain. ■



# Sex Education Sessions at Feltham Borstal

Ted Butt and Anna Edmundson

*Senior Officer*

*Senior Psychologist*

Feltham caters for the more disturbed trainees in what was until recently the borstal system. Treatment and training therefore include specialist interventions and a variety of therapies. Emphasis is placed on the socially inadequate trainee and, over the last five years, social skills training classes have been made up largely of sex offenders. An area of particular difficulty expressed by many of the trainees is that of relating to people of the opposite sex, much of this difficulty being based on ignorance.

A need was expressed for some form of sex education by a number of trainees in Centre House which caters for the more disturbed by providing a more structured regime than is offered by the other Houses. It also contains a larger percentage of sex offenders and those having previously exhibited socially unacceptable sexual behaviour.

On a number of occasions, a Senior Officer (Ted Butt) was requested to give individual sex education sessions but, feeling that these may have been inadequate, he sought guidance from a member of the Psychology Department (Anna Edmundson). In an attempt to provide an input of proven value, it was decided to replicate the study carried out by a psychologist at Glen Parva Young Offender Complex (Woodward, 1980). This study showed that sex education courses were followed by an increase in trainees' sexual knowledge and a decrease in their anxiety.

## Background

Research by Schofield (1968) had indicated that there was little demand for information about emotional or moral aspects of sexual activities. Only one per cent of his sample of 1,873 secondary school children had required such information. The areas most in demand were: the pleasure and dangers of intercourse and the different techniques; methods of contraception; venereal disease; and the right words to use since pupils felt embarrassed

to ask questions when their vocabulary was limited to slang expressions.

Schofield showed that the majority of teenagers learned about conception from friends, usually through jokes. Although 25% of the girls obtained information from their mothers, boys rarely did and only 7% of them learned about conception from their fathers. On the other hand, boys made more use of the literature on the subject than did girls.



Edward Butt joined the Prison Service in 1968, serving as an officer at Feltham borstal and Dartmoor prison. He was promoted to Senior Officer in 1976 and again posted to Feltham where he has taken an interest in social skills, sex education and relaxation therapy. He was successful on a recent promotion interview and is now placed on the list of Senior Officers awaiting promotion to Principal Officer.



Anna Edmundson gained a BA Honours degree in Psychology from Manchester University and joined the prison psychological service at HMP Birmingham in 1978. The following year, she joined the Psychology Unit at HMB Feltham where she worked for two years pursuing her interest in group and individual therapy. At present seconded to a two year MSc course in Clinical Psychology, she will return to Feltham in October 1983 to continue her work.



Several studies show that the majority of sexual information is gained from peers and this indicates how anxiety and myth can be generated and sustained. Sexual difficulties can arise under conditions of anxiety, fear and embarrassment. Little research has examined the effects of sex education, but Crawford and Howells (1978) demonstrated decreased sexual anxiety for a group of sex offenders in "talking to women" and "feelings associated with intercourse".

Recent policies and practice in the area of sex education have been criticised because they attempted to tackle moral, emotional, marital and psychosexual difficulties. The aim of the Feltham courses has been to provide facts in order that sexual knowledge may be increased and sexual interest be relieved of anxieties provoked by ignorance, myth or embarrassment. Since it has been suggested that anxiety contributes to the development of deviant sexual behaviour, the reduction of such anxiety could be seen as a therapeutically beneficial outcome of a sex education programme.

### The Course

The trainees who were considered in need of sex education were referred by the staff in Centre House. They were asked to complete a sexual knowledge questionnaire as part of the selection procedure. The questionnaire includes four sections which can be scored objectively: puberty, adolescence, male and female anatomy; contraception, childbirth and pregnancy; sexually transmitted diseases and sexual dysfunction; sexual intercourse, experience and anxiety. A fifth section deals with personal preferences and responses to sexual situations. Trainees scoring less than 60% on this initial test and who consented to attend a course were assigned as follows: 6 to Group A (three sex offenders and three others) and 8 to Group B (four sex offenders and four others).

The course consisted of seven 1½ hour sessions led by Senior Officer Butt. Each included a factual film on an aspect of sexual information which was followed by discussion. Prepared handouts, information sheets and booklets were given out for retention by the trainees, if they wished to take them away from the class. Contraceptive materials were also illustrated and inspected. During discussions, an informal but repeated question-and-answer technique encouraged retention of the information.

Topics covered in the sessions were:

1. adolescence;
2. contraception;
3. sexually transmitted diseases;
4. childbirth and pregnancy;
5. male and female anatomy;
6. sexual intercourse;
7. sexual dysfunction.

The Senior Medical Officer (Dr. Ellis) was invited to the fourth session.

### Evaluation

Groups A and B were assessed on three measures:

- a. *sexual knowledge* as ascertained by a questionnaire with a multiple-choice format including the labelling of diagrams;
- b. *sexual interest* as assessed by the Sex Drive and Interest scales of the Sex Inventory (Thorne, 1966);
- c. *sexual anxiety* as measured by the Neurotic Conflict scale of the Thorne inventory.

Following this assessment, Group A took the sex education course but Group B received no further interventions during that time. As Group A finished the course, both groups were re-assessed. Group B then underwent the course and was re-tested on its completion.

For both groups, there was a significant rise in *sexual knowledge* over the course period. Average scores on the sexual knowledge questionnaire before and after the courses were 50.0 and 85.4 for Group A, and 49.4 and 89.2 for Group B. The results clearly indicate that objective sexual knowledge was increased for both groups, and for sex offenders as well as those convicted of non-sexual offences.

Interestingly, Group B also gained significantly in knowledge during the period of the first course: the average score immediately before their own sessions reached 60.4. This significant increase in sexual knowledge shown by Group B between first and second testings is attributed to discussion with members of Group A, although a practice effect must also be considered. The course appeared to create a climate at the borstal in which not only members of the two courses but also other trainees could talk frankly to each other and to members of staff about matters of sexual concern.

Comparing scores on *sexual interest* and *anxiety*, no significant differences were observed for the Sex Drive and Interest or the Neurotic Conflict scales of the Thorne inventory. Overall, the

hypothesis that sex education would reduce sexual anxiety was not supported to a statistically significant degree. Group B alone, however, did achieve a considerable decrease in anxiety as measured by the inventory: lack of any statistical significance may be due to the small numbers involved in the analysis.

It is interesting to note that the level of sexual knowledge prior to the courses was similar for sex offenders and non-sex offenders. This prompts the question also asked by Woodward (1980) as to why some of these young people act in illegal and unacceptable ways. No significant differences were found between sex offenders and other offenders on any of the questionnaire measures.

The groups at Feltham comprised sex and other offenders while Woodward had separated these types at Glen Parva. It would be interesting to compare the effects of the two different designs and to select groups by the type of sex offence and by the number of previous convictions for such offences, as we may be dealing with very diverse populations under the one heading of "sex offenders".

### The Future

Follow-up on the lasting effects of sex education courses is obviously desirable but subjective reports of trainees' appreciation are encouraging. Some of the responses to the fifth section of the sexual knowledge questionnaire indicate a decrease in anti-social replies which can also be taken as an encouraging sign.

The courses were successful in increasing sexual knowledge and, on this basis, the programme should be continued and developed. At the time of writing, Ted Butt is taking his seventh course.

It would be hoped that, in line with general educational principles, the knowledge gained would exert an influence over future behaviour, by allowing the course members to make decisions and behave from a more informed and understanding viewpoint.

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# IN TOUCH WITH SELF – IN TOUCH WITH OTHERS

## Flick Ling

### Setting the Scene:

Holloway Prison, established in 1852 and rehoused in entirely new buildings in 1977, now contains some three hundred women. Within the prison provision is made for general and remedial education, domestic science and workshop activity. Additionally a Skills Training Unit was established in 1981 and, developed from that, the present unit functions predominately as an arts orientated therapy unit. It offers facilities for work in the visual arts, dance, music and drama and through selected craft activities.

The unit is housed in a large open-plan space with adjacent resource areas. Some functions are detached, such as work with women in the prison wings and, for example, a garden project. Unit staff have the immediate support of prison officers and a nurse.

On a typical day some thirty women attend for morning and afternoon sessions. Some will have been remanded for medical reports, others convicted for such crimes as arson, murder or for petty offences. Almost entirely drawn from the psychiatric and medical wings they suffer a wide range of illness from chronic schizophrenia to personality disorder.

Alongside specific symptoms the women commonly have a deep sense of failure and lack experience of good relationships. Behaviour is often unpredictable and violent towards self and others. Both individual counselling and group co-operation play a part in re-constructing a sense of self and the capacity for genuine relationships.

The arts serve as a medium through which psychological content, phantasy and often extreme aggression can be expressed, accepted and controlled. Much spontaneity and supportiveness are required from

staff who may, in a single session, move from modifying personal appearance, to a danced interaction, to talk about an elaborate biographical collage.

Activity is not simply recreational or occupational, rather it is as specifically therapeutic in orientation as is possible within the constraints of the prison. A positive co-operation with doctors and prison officers is important. Case conferences, a consultative committee which guides the unit and informal meetings facilitate this. Opportunities are taken for staff training and the development of the work. The unit has received a number of distinguished visitors including the Home Secretary.

### How it is:

Thirty women are in the room, an atmosphere charged with varying states of emotional and physical behaviour. One woman is aggressively pacing to and fro, another is in tears as she puts paint to paper then tears it up, while another, her head swathed with her clothing worn as decorative head-dress, is dancing rhythmically to her own music. A typical scene in a unique unit of Holloway.

The prison, like other penal establishments, offers a range of day-time occupational and educational facilities. Inmates may spend time in

workshop activity, domestic or gardening duties. Vocational training provides secretarial and home economics courses, and education ranges from remedial reading and writing classes to Open University course work. Psychologists offer facilities for group therapy and individual counselling. Medical provision includes psychotherapy and full psychiatric supervision.

However, the women in the scene above can neither participate in nor benefit from the educational and vocational facilities. They are largely segregated from the rest of the prison population for various reasons: protection against violence to themselves (there is careful monitoring of access to objects that can be used for self-mutilation) and to others; their inability to cope with or communicate in everyday situations; their unpredictability of behaviour and thought, as is common in cases of psychiatric disorder.

These women, typical of those discussed by the media in its recent interest in penal institutions, are imprisoned by their disabilities as much as by the institution. In the world outside they would be hopelessly cut off, unable to cope with the routines of life and work, let alone to form worthwhile or lasting relationships. Some are specifically diagnosed as psychotic, others are psychopathic or present symptoms varying from hallucinations to depression.



Flick Ling qualified as a teacher and obtained her Masters degree at London University having presented a thesis on the subject of dance therapy. She worked as a peripatetic teacher, and lectured at the Polytechnic of Central London before taking up a full time appointment at Holloway Prison in January 1981. She was for a time in charge of the Skills Training Unit, the work of which she describes in this article.



Many have gross personality disorders associated with their inadequate and inappropriate behaviour patterns.

Such individuals form the source of a working relationship in which the Skills Training Unit operates. Visitors to the department are surprised to find the most disturbed section of the Holloway population communicating positively, involved in lively activity and finding pleasure in creative expression. The unit offers a wide range of activity all pursued towards a therapeutic end so far as the constraints of the institution permit. Through involvement in arts and crafts, feelings may find an outlet, frustrations be communicated and the women begin to find the basis of a trusting relationship with others mediated by their activity.

Body-orientated work is an important aspect of my own area, dance therapy. Dance seems hardly compatible with imprisonment. Indeed two years ago when the unit became operational in its revised form, a rather shocked surprise registered at the sight of light-footed inmates dancing happily, strange sequences. This is no longer so. The object is not merely to provide 'occupation' let alone amusement. If the women become happier, it is through recognising their own progress in therapy and because they begin to understand that the effort and control to do something constructive brings rewards. In this aim the unit has common ground with the prison as a whole and it is the professional pursuit of this that wins the co-operation of officers and other departments.

#### **How it works:**

How does dance therapy function with these women and in this environment? It is, basically, a very personal and immediate activity that is of particular significance to these women. Often characteristic of their disturbance is the lack of self-image or 'good self' perhaps as a result of a disturbed childhood—many come from institutionalised child care or home backgrounds, grossly unsatisfactory through violence, neglect and abuse.

A typical session may begin in front of the mirror. Many psychotic symptoms express themselves through the obsessional regard for the reflective image. I, thus, may 'play around' with make-up in order to make vivid the appearance. A woman may go through an elaborate

process of changing the colour of her face, transforming its sad features into a myriad image of colour; she may simply, with my help, normalise her features by cleansing her face, all of which may bring about a genuine response of amusement, pleasure and rapport between the patient and myself.

Such body contact is one of the essential grounds for trust and even mundane activities such as hair-washing takes on a different credence in a therapeutic environment. Such contact may not be pleasant in itself. The unattractiveness of the women, that they are heavily scarred, toothless or smelly is a barrier which reinforces their separation from life—and a start has to be made on reducing that. A highly disturbed woman, whose common pattern of interaction is violence and anger, finds herself the focus of care and attention. She is now trusting someone else to look after her body; and such trust can be built upon.

Movement can provide fresh possibilities of communication with women for whom words are debased and trivial. Holding a woman's hand, moving with her, sharing the rhythm of the music may enable her to experience a feeling of no longer being alone. Those whose personal habits of behaviour and dress (we have women who cover themselves and their environment with faeces) have isolated them, find in dance a shared experience. Women who previously have reacted with hostility to each other may begin to communicate, eye contact is made that may only lead to a smile the next time the woman enters the room. But if she, like so many is spending the rest of her time refusing to co-operate, smashing her room and banging continuously, this smile can be the only hope that her behaviour may be modified.

Dance as a physical therapeutic tool, seems to be particularly relevant for such disturbed women. Their crimes are often of a physical nature and may include assault of all degrees, criminal damage, arson etc. Thus it seems appropriate to work back through physical expression and begin to place it in an ordered form. Physical aggression expressed in a dance form, safe, contained, gives necessary physical release and may lead to discussion of reasons behind such behaviour. Movement patterns and relaxation techniques may be taught that give an alternative to such aggressive release of tension.

Dancing, in a one-to-one situation with the patient following the therapist, may give rise to a new repertoire of positive feelings for the body, a body which hitherto has only been seen as an object to be mutilated and destroyed.

#### **Two Cases:**

Perhaps the following two cases described in a simple way can help to illustrate the theories of dance therapy in action. The first is a girl of twenty with a total of six different admissions to Holloway over the last two years on charges ranging from assault to criminal damage. Her first admission to psychiatric hospital was at eight years, and she attended boarding schools for the disturbed adolescent until she was expelled at sixteen for attempting to stab another girl. Her body is proof of the way she has spent her time in prison—scars of self-inflicted wounds cover her arms and face. Her diagnosis is one of personality disorder, her behaviour is unpredictable, highly active and charged with excessive energy. Her tolerance for discipline and control is severely limited as is her cooperation with staff. Despite all these problems she engages enthusiastically in the sessions and her behaviour in general shows some improvement, with fewer assaults on staff and less 'cutting up'.

A recent exercise for her has been to create a dance based on her aggressive movement patterns, eg, hair pulling, pacing, banging the walls, doors etc. In doing this she is able to formulate this behaviour into a structured form, see it as having symbolic qualities rather than actual action. Her behaviour has previously led to her social isolation which increases her strong feelings of inadequacy—in dance however, she has found a mode of expression that gives her pleasure and which allows others to relate to her in a meaningful way.

Another example, a woman with repeated admissions to Holloway, diagnosed as suffering from a personality disorder with explosive, and psychopathic behaviour. She is generally regarded as untreatable. She is one who has a history of severely mutilating her body, on one occasion severing her leg nearly to the bone with the remains of a sink she had smashed in her room. Her physical appearance and movements, with their uncoordinated and stilted characteristics until recently could be said to be 'puppet-like'. Establishing



the connection between feeling and behaviour by promoting genuine expressiveness has altered her range of behaviour quite radically. The incidents of smashing her room and those of mutilation have significantly decreased, she shows greater interest in her appearance now being allowed her false teeth and glasses which hitherto had been used for damaging herself. Affection is now shown for others in what was previously and apparently affectionless personality.

Through dance she has begun to relate positively to her body and this has been promoted through performing work; being the focus of positive attention has reinforced her sense of 'good self'.

These 2 cases are just an example of the progress that can be made with the most disturbed of women working through an arts-orientated therapeutic approach.

#### Postscript:

But such long standing difficulties are slow to repair and when these women are discharged into general society, the cycle of inadequacy, rejection and criminal behaviour readily occurs. Most of the women who attend the unit are suited to imprisonment. They are there as victims of their illnesses and disorder. Many are not accepted by hospitals, under Section 60 of the Mental Health Act 1959, as they are felt to be too dangerous, too much of a management problem of it is too uncertain as to whether they will benefit from treatment.

Meanwhile they stay in Holloway one of the few prisons with facilities to cope with such inmates. It can be exciting to see how much progress can be made with such women. Some, whom medication can scarcely contain may, through an intense therapeutic approach in the arts, be capable of having their behaviour modified, and begin to cooperate as people, expressing positive feelings about themselves and others.

Until there are more psychiatric hospital facilities to provide a secure environment for such women they will find themselves in prison—an expensive and, in principle, unsuitable solution. As prisoners they are atypical and present peculiar problems of management. It is part of the unit's job to help with these difficulties while working to re-create these women as competent individuals ■

#### DIRECTORATE OF PSYCHOLOGICAL SERVICES RESEARCH

*continued from page 13*

Some of the research carried out in institutions has been concerned with what are sometimes seen as purely institutional problems, such as absconding. A particularly important example was a study of the effectiveness of an intervention programme designed to reduce the incidence of self-injury (particularly self-mutilation) among girls at Bullwood Hall Borstal (5). Here it was demonstrated that a combination of counselling, and practical and behavioural help, applied to "high-risk" receptions (identified by a psychological screening procedure) resulted in a fifty per cent reduction in the incidence of self-injury.

An analogous kind of intervention, at a group rather than an individual level, is reported in a research study concerning vandalism in Low Newton Remand Centre (6). Here again, a programme of intervention based on behavioural methods resulted in a dramatic reduction in the incidence of broken cell-windows in the institution.

#### SERVICES TO MANAGEMENT

Psychologists are regularly asked to help in the revision of local management structures or communication systems. The results of such work are often difficult to publish in the usual way, partly because of problems of confidentiality, but also because the results in individual cases tend to be of local interest only. However, an extensive account of some of this work is contained in the DPS publication 'Unlocking the Facts' (7).

One major example which is to be published, however, is an account of the opening and running of the emergency prison at Rolleston. From the outset (and on both occasions that the prison was used), a psychologist was involved as a member of the management team. Here he was required not only to be a member of the management team, but also to document fully the details of establishing and running an emergency penal institution. Another instance of this work is the evaluation of the accountable regime management projects at Featherstone and Shepton Mallet. This is being directly managed by the respective Regional Psychologists on behalf of DPS in conjunction with the oversight provided by Midland and South West Regional Offices. The evaluation task includes a description of the processes involved and an assessment of the effects on staff;

it is due to be completed by the end of next year.

#### DPS Publications

These research activities usually have a report associated with them and the DPS currently has 4 ways of publicising this material. The most frequent method is a DPS Series II Report. Summaries of work completed are regularly circulated in this Series within Headquarters and to Regional Offices. They are intended for internal Prison Department distribution only. When the subject matter is considered to be of interest to a wider audience then the Report is issued as a DPS Series I after Headquarters clearance and sent to interested persons outside the Department. In parallel with these Series is the possibility of submitting research findings as papers to professional journals or conferences. The fourth avenue of publication is a recently instituted Series called Directorate of Psychological Services Papers. This is intended for substantial pieces of work which are of wider interest and longer than those accepted by academic journals. The first paper to meet these criteria was "Ethnic Minorities in Borstal" (8). This will be followed shortly with papers describing the work already mentioned at Rolleston Emergency Prison. Over the last 2 years it is worth noting that 24 summaries were circulated in DPS Series II, 1 in Series I, 13 papers were published in academic journals and 8 presented by psychologists to professional conferences. I am aware, however, that it would be useful to describe our research work more regularly to staff within institutions and I hope this may be the first of a number of such articles ■

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# BOOK REVIEWS

We publish a review on this page by the late Dr. Mary Ellis. We felt it right to publish this short piece written just before the sad death of Dr. Ellis earlier in the year.

## Books for review to be sent to:

THE REVIEWS EDITOR, Prison Service Journal  
Prison Service College, Love Lane  
Wakefield, West Yorkshire WF2 9AQ

### Pain and its Conquest

H.B. GIBSON

Peter Owen: London and Boston. pp.224.  
£10.95 1982.

In his introduction the author states that this book is intended both as a theoretical elucidation of the phenomenon of pain, and as a practical manual addressed to those who suffer pain, and also to those who in their professional and private capacity seek to understand and alleviate it. Being a psychologist he says that he is particularly concerned with psychological methods of controlling pain. He implies that medical practitioners are no longer the experts at alleviating pain, and says that the future lies in an interdisciplinary collaboration.

Does the book fulfil these intentions? Certainly as an introductory textbook to the subject for the student, it is well worth reading. Some historical background is given, in particular a description of the discovery of anaesthetics in the eighteenth century, and developments in analgesics up to the last decade with the isolation of endorphins, chemical substances secreted by the body itself to damp down pain.

The evolution of psychological theories of pain are also traced. Much of the book is given over to discussing how personality, attitudes, emotions, and environmental circumstances affect the perception of pain and the handling of pain both physical and mental, by each individual. The work of various psychologists is quoted, and of particular interest to those of us working in the penal setting is that of Petrie. She described those individuals who hunger for intense stimuli, the loud radio and blaring disco, and found they were tolerant of pain. Conversely, those who exaggerated all stimuli were particularly sensitive to pain. The latter can tolerate sensory deprivation better than the former. This is worth bearing in mind when we are faced with the problem of "twoing-up" in our overcrowded prisons.

As a manual for the professional, I don't think the book has much to offer. The chapter on inhibition of pain by hypnotic suggestion may be quite interesting, but most people are still very suspicious of hypnosis, and one can imagine the response of the media if word got out that it was being practised "inside"!

As professionals within the penal system we encounter many people who are suffering, particularly emotional pain. What is required of us is concern. The sufferer seeks out someone to share his pain, because in so doing he knows that it is in some way alleviated. In addition to sharing, the prison officer may act as an intermediary to practical help, the doctor may add his pills, the chaplain may add his prayers, and the teacher may add his theoretical explanations. We all unconsciously employ psychological methods, and we practice all the time interdisciplinary collaboration.

As for the sufferer, he is more interested in the alleviation of his suffering than in the psychology of it.

ROSEMARY WOOL

### Vulnerabilities to Delinquency

Edited by DOROTHY OTNOW LEWIS, MD, FACP.

Published MTP Press Limited. ISBN 0-85200-563-6.

This book is described by its principal author in its final paragraph as "Representing the beginning of systematic research into the causes of anti-social behaviour in children." That is probably too modest a claim as the evidence presented is often highly significant in the statistical sense. Because much of it is of a very technical nature it is not easy reading though the style makes the best of difficult material to produce clarity. The book divides into three parts. Part 1 documents Professor Lewis's search on delinquency and various neuropsychiatric conditions such as psychoses, epilepsy, reading disabilities and hyperactivity, a common diagnosis in children in America, here, apparently re-christened attention deficit disorder (ADD). She makes the point that sociopathy (psychopathy in the UK) is a diagnosis that should be limited to adults.

Part 2 is the most technical section on physiological factors with a fuller account of minimal brain dysfunction (ADD again re-named). The descriptions of the children and their behaviours are very similar to a lot of youngsters at Feltham and the research evidence is persuasive for an organic background of neurological disorganisation which, combined with chaotic family situations from which these children come, makes the problems worse.

Part 3 is brief, just two chapters, one on racist attitudes which should be taken to heart by some psychiatric opinion in the UK and the other on the implications of psychobiological vulnerability for the treatment and prevention. I was left with a feeling of satisfaction that many of my guesses and superstitions over the years are showing signs of being proven and also of regret that I am retiring when such a fascinating area of research is opening up.

I think this is a most important book and I feel certain it is mandatory reading for those psychiatrists involved in the diagnosis, treatment and care of delinquent youngsters.

MARY J.L. ELLIS, MB, BS, FRCPSych, DPM.

### Law and Society in England

by BOB ROSHIER and HARVEY TAFF

Tavistock Publications 1980

"Law and Society in England" examines the role which law plays in our society, and in particular looks behind the formal structure of the law to see how it operates in practice.

The authors begin by considering how law emerges and whose interests it serves. This includes not only an account of how laws are enacted by Parliament, but also an examination of the role played by Official Reports and pressure groups in getting legislation onto the statute book. It is pointed out that it is not only Parliament which makes law. The role of the judges in applying the law is of such magnitude

that it cannot really be argued that they are simply declaring what is already implicit in the letter of the law.

The operation of the criminal law is extremely complex. The starting-point is the general public and the extent to which people feel the need to draw certain behaviour to the attention of the police, whatever the law says about the matter. Then the police have a vast amount of discretion as to the action they may take in many circumstances. The system could not cope if the police took formal action in connection with every instance of a breach of the law which came to their attention. So they have to choose a course of action based on such factors as the likelihood of obtaining a conviction, the seriousness of the offence and the need to demonstrate that law and order is being maintained. There is a detailed consideration of the powers of the police, of bail and of plea bargaining, before attention is turned to the trial itself and the jury system. I found the section on sentencing a particularly helpful account of the confusion of issues in this area. The consideration of the weight which ought to be given to rehabilitation is especially pertinent to our situation in the Prison Service.

The authors then turn their attention to the role that the law plays in the settlement of civil disputes. Arguably the law is often an inappropriate instrument in this area, especially in such matters as divorce and business, because it tends to polarise attitudes when in fact there is almost always a need for a continuing relationship between the parties after the resolution of the dispute.

There is a chapter devoted to the provision of legal services in our society. This includes an account of legal education and training, of the organisation of the legal profession, and also a consideration of the extent to which there is in our society an unmet need for legal services.

The book ends with a look at the social consequences of law, that is the extent to which law is effective. For law can be ineffective either because members of society choose not to use it, or because it is not enforced. The problem here is that the means necessary for effective enforcement may well be unacceptable. Legislation on morality, for example concerning gambling, homosexuality, prostitution, pornography, abortion and drugs (including alcohol in the case of Prohibition in the United States, 1919-33) is particularly problematic. Firstly, there are no victims, and it is the victims who are responsible for bringing most offences to the attention of the police. Secondly, there is usually a rather ambiguous moral element to such offences, with the result that they tend to generate protective groups opposed to the law itself.

Industrial Relations provides a further illustration of the complexity of the relationship between law and society. Although looked at from society's point of view the interests of management and employees are the same, at the level of Industrial Relations the interests are divergent. Mature systems of Industrial Relations depend on the balance of the collec-



tive forces of management and organised labour. As the relationship between the employer and the individual employee is inherently unequal, the law is primarily concerned with creating a balance. However, the law can only do this if labour is organised and powerful, otherwise it is circumvented. Then when labour is organised and powerful, it is difficult for the law to impose sanctions on it, witness the Industrial Relations Act 1971.

I found "Law and Society in England" both informative and thought-provoking, informative in that it covers the operation of law in our society in the broadest terms, describing as well as analysing, and thought-provoking in that it raises many questions about the effectiveness of the law in establishing and maintaining standards in our society.

R.P. HALWARD  
Tutor  
Prison Service College

## Freedom on Licence. The Development of Parole and Proposals for Reform

HOWARD LEAGUE FOR PENAL REFORM  
1981. £4.25.

This is a publication which looks at the development of the parole system, examines the criticisms of it and finally goes on to recommend considerable changes. It must be noted that from page one there exists an underlying bias in favour of an overhaul of the parole system but the book is nonetheless valuable in terms of its analysis of the situation if this is borne in mind.

After a preface by no less a personage than Louis Blom-Cooper, which seems to set an air of importance and judicial acceptance of the work, a comprehensive introduction to the system as it exists is given. This covers the introduction of parole into the penal field by the 1967 Criminal Justice Act, the rationales surrounding the introduction and some of the parliamentary debate and contemporary comment. This chapter introduces also an argument which is to be repeated in one form or another throughout the book. "Should the parole system be administrative or judicial?" It becomes increasingly clear that the Howard League favour the latter rather than the former and this forms one of the most fundamental objections made of the current system.

Chapter 1 begins by describing some of the attitudes underlying parole as expressed in parliament mentioning the theme of "keeping out of prison those who need not be there". This chapter goes on to reiterate the argument of judicial v administrative parole systems quoting from parliamentary speeches from Mr Quintin Hogg and others. Again the evidence stressed clearly favours a change to a judicial model.

Chapter 2 considers the parole system in operation by reviewing successive annual reports from the Parole Board dating from the first given by Lord Hunt (1st Chairman of the Parole Board) in 1968. It is pointed out that the Parole Board began its work in a spirit of optimism quoting from the first report to the effect that parole was seen as a "milestone on the main road of progress". Reports up to 1973 are considered as expansive and helpful documents which could provide a basis for review and/or change in the future. From 1974 however with the appointment of the next Chairman, Sir Louis Petch, who was a career Civil Servant a change in the tenor of reports is noted and a Whitehall defensiveness becoming apparent. The authors take exception to the fact that a report of that year by Dr. Roger Hood (To whom reference is made later in the book supporting the case) was ignored by the Board in its report. The issues for and against the giving of reasons for refusal of Parole are examined. This too with its implied recourse to appeal becomes a central theme in the case for reform.

Chapter 3 is entitled "Expressions of discontent", and expands on some of the general themes already introduced with quotes from distinguished authors and publications such as *The British Journal of Criminology*. Much is made of the secrecy of the system, the inadequacy of Local Review Committees and the inconsistency of decision making which can vitally affect a person's liberty.

Chapter 4 is devoted to the American experiences of Parole and consists of an academic debate regarding the various systems adopted in the U.S.A. I found this chapter to be of little interest but for one useful description of the parole process and one useful concept. The description is given on P49 and concerns the "morality play" or the dual notion of time in which the legislature could pander to public demand for "good stiff sentences" whilst an executive and secret Board can later "keep the turnover moving, the prisons quiet and the system lubricated". The concept is an analogy between discretion as exercised by somebody about somebody else and matter - both cannot be obliterated but merely displaced to another part of the system.

Chapter 5 draws together in a two page resumé the fundamental themes so far discussed in the book. A useful aide mémoire at this point in a dry and rather fraught subject.

Chapter 6 examines the options for reform which are summarised as follows:-

1. Present system OK but needing some changes.
2. Scheme is wrong and needs redesign.
3. Scheme should be abolished.
4. Scheme is OK as it is.

Two views are first examined in some detail. That of Dr. Roger Hood (Noted earlier) and Louis Blom-Cooper both favour change to a system which is more open and allows reasons to be given for refusal by a judicially constituted Board. Views by Terence Morris favouring abolition and Lord Harris (the then Chairman) favouring the present system are also considered.

Chapter 7 sets out the prospects for reform and makes the final recommendations of this work. The authors state that in their view the Parole Board has become a "creature of the executive" and criticise both Sir Louis Petch and Lord Harris as Chairmen of the Board following the "brilliant appointment" of Lord Hunt. The final recommendations are as follows (abbreviated):-

1. Three categories of prisoner eligible for release on parole. Those sentenced to terms up to 3 years - automatic release on licence after 1/3 sentence. Those sentenced to periods between 3 and 7 years - Automatic release as before but court could set a minimum (subject to appeal). Those sentenced to periods of over 7 years - review at 1/3 of sentence, as now.
2. A "Parole Division" of Court of Appeal should be established. This would hear all cases of appeal against Parole decisions and would consist entirely of Judges.
3. All prisoners subject to review would, in the case of a negative decision, have the right of appeal to the above court and it would be for the Secretary of State to show why the prisoner should not be released.
4. Supervision up to the two thirds point in sentence.
5. Lifers first review at 3 years then 2 yearly thereafter.
6. Abolish LRCs.

A conclusion is added at the end of this chapter which commends the recommendations to "those who have the power to decide upon the future shape of our penal system".

A short book containing a lot of information and detail which is clearly aimed at bringing about change in the parole system in line with the authors' recommendations. I did not find it enjoyable to read but it is written in a lucid style and is well documented.

JOHN ALLDRIDGE  
Tutor PSC

## Punishment: A Philosophical and Criminalological Inquiry

by PHILIP BEAN

Oxford; Martin and Robertson, 1981, viii and 215 pp. ISBN 0 85520 391 9. £12.50.

Philip Bean's latest book provides an interesting and provocative survey of the theoretical issues involved in the Punishment discussion. The framework is soundly constructed, the arguments are fluently reasoned, and the explanations are clear, though in many respects controversial.

A brief overview and definition of the subject matter in Chapter 1 set the scene for a lengthy discussion of the accepted components of punishment philosophy in the second chapter. Retribution, Deterrence, Reform and Rehabilitation are in turn considered in some detail, each in its relationship to theoretical antecedents in moral philosophical terms. The standard arguments are carefully discussed, with convincing reference to established authorities providing the main structure of the analysis. This chapter is, in volumetric terms, a major part of the work (pp. 11-68), setting a backdrop for the four chapters which follow.

Chapter 3 presents an examination of the uneasy relationship between punishment and justice in an historical sequence moving from Aristotle forwards through J.S. Mill, Adam Smith, Kant, Bentham, et al.. The main thrust of the argument in this chapter is to relate the standard concepts of chapter 2 to conceptual constructs such as 'justice', 'utility', 'mercy', and 'forgiveness', the latter two presented as the extenuating factors in punishment at the practical as well as the philosophical level.

In Chapter 4, Bean considers the conceptual aspects of punishment in terms of juvenile justice, and the confusion of aims which can arise when the social requirement to punish has to be squared off against the problematic aspect of responsibility. Towards the end of the chapter, Bean finds himself face to face with the dilemma which involves the need to differentiate in practical terms between adult and juvenile codes of punishment. His handling of this issue is somewhat less than convincing, and the reader is left with more than a sneaking suspicion that the direction of the argument tends towards the current politic of increasing retributivism rather than the pursuit of change via training and rehabilitative social realignment.

Chapter 5 is concerned with a discussion of modern trends in penal philosophy, and, in particular, with retribution, deterrence, and rehabilitation within the setting of the modern penal system. Though the 'Justice versus Treatment and Training' dichotomy is not articulated as such, or in the specifics of the current vogue, the underlying ideas are plainly evident, and the argument certainly moves towards the high ground presently inhabited by the penological hawks.

Chapter 6 provides a brief restatement of the dominant themes within the preceding chapters under the title of 'Some Tentative Conclusions'. Punishment theory is briefly discussed in terms of the Weberian power dynamic, and of the social inevitability of the need to punish offenders as a means of social control if not of social engineering. The deficiencies of the process in the former sense are acknowledged, and Bean is wise enough not to expand upon the latter.

Undoubtedly this is a book which merits careful reading, for Philip Bean sets out a neo-retributivist stall with some confidence and considerable persuasiveness. It is, however, a work which leaves the reader less committed to retributivism with the feeling that Bean's predilection for the retributive ideal derives more from the apparent flaws in other arguments about punishment than from conviction that retribution provides either a morally honest or a practically efficacious solution to the problems of a modern society or its penal



system. If such is the case, then he has played with loaded dice. The concept of social justice is markedly absent from the general run of considerations advanced in support of the moral enforcement of punishment.

The argument over deterrence (chapter 2, pp. 29-43) has the weakness of failure to differentiate between its general and specific forms. This makes Bean's attempt to link retribution and deterrence (pp. 41-44) fragile, when it might (using analysis of specific or individual deterrence) have achieved a greater credibility. In addition, his preoccupation with Benthamite utilitarianism should not allow that approach to be seen as the sole watershed of deterrence theory. There is a respectable argument which suggests that the promotion of 'the greater good' may be pursued by resort to philosophies of reform and/or rehabilitation: a conceptual bridge that Bean apparently declines to consider, but which once crossed by the offender, may deter him positively from recidivism.

Bean rightly points out (p. 29) the problems of providing empirical evidence for the assertion of propositions with regard to the deterrence theory of punishment, due to the difficulty of controlling the variables necessary for the completion of a refined study. The same is also the case with rehabilitative and retributive theory, and though results measured in terms of reconviction rates tend to appear disappointing (to say the least), there remains the argument that even marginal success rates should not be discounted merely on grounds of cost-effectiveness or the relative numbers of 'successes' or 'failures', however described. Quite a lot depends upon the type of conceptual rule with which one measures, and the dangers of specificity are legion.

To this reviewer, the statement (p. 58) that "the essence of a rehabilitative philosophy is to deny a connection between guilt and punishment" was far too bald and unsupported to be allowed to pass unchallenged. If the claim is true, then the entire custodial penal system could and should be dismantled overnight. I do not believe that Philip Bean would support such an innovation. Whether or not one admits the possibility of some element of rehabilitation under circumstances in which deprivation of liberty occurs, the concept of considered or retrospective guilt (remorse) is substantively worthy of comment: it need not become a belief system. Both Ewing (1929) and Flew (1954) pursue this inquiry to good effect, as did Hart (1968).

Such minor criticisms apart, Philip Bean's book is both instructive and thought-provoking. It will greatly encourage admirers of the 'Justice' model, and produce much argument amongst those who think deeply about the problems inherent in the morality of the differing punishment concepts. Above all, it is well produced and pulls few punches: no doubt it will stimulate a range of responses from those involved in social and penal administration during the coming months.

DAVID CORNWELL  
Assistant Governor  
HMP Northallerton

## Knockback

By PETER and SHIRLEY ADAMS  
*Duckworth*

Few ex-prisoners, let alone lifers, have written full-length books about their experiences, and I doubt if Peter's story would have made hard covers unaided. As it is, this joint effort with the devoted woman who befriended and finally married him is a poignant, possibly unique, addition to a sparsely-furnished corner of the penal library. Not a lengthy, nor a pretentious book, it neither plumbs new philosophical depths nor rises to great heights of language or style, but it is a plain and sometimes quite moving narrative, told alternately by two people in the manner of a correspondence (which much of

it actually is), whose separate perceptions gradually merge into one identity and outlook.

Peter Aitken (as he then was) was convicted in 1965 of the murder by shooting of a business associate. The Murder (Abolition of the Death Penalty) Act had just become law, and the trial judge took advantage of one of the provisions of that Act to recommend a minimum sentence of 15 years. Such recommendations are not mandatory, but they carry great weight, and in the event Peter Aitken served 17 years before being released on licence. It was his contention, and indeed his bitter preoccupation throughout, that the minimum recommendation was an injustice.

Shirley Cooklin (as *she* then was), recently divorced and seeking a socially useful diversion, joined the New Bridge Trust, became a voluntary associate visiting prisoners, and eventually met Peter. The mixture of curiosity and mild apprehension with which she approached her first "lifer" was dispelled at their meeting, and professional befriending did not survive much longer either. They fell in love, and from then on became united in a long war of attrition against "the system" which kept them apart, whose complexities - not to say iniquities - they never succeeded in understanding or accepting.

"Knockback" is thus first and foremost a love story, and as such it has integrity, suspense, many very human moments, and a happy ending. It would televise well, I think, and some BBC scriptwriter looking for all the familiar ingredients in an unusual context might do worse than apply for the rights to it. There would be some minor problems, one or two sequences in which the viewer might be required to suspend his disbelief, but that is perhaps because there is a great deal the authorities have not chosen, or have not had space enough, to tell us. Peter as hero comes through like a two-dimensional cardboard figure. He does not deny that he did what he was convicted of doing, or claim that he was wrongfully imprisoned. But well on in the book he is questioned by Shirley, who for personal reasons wishes to know the full story from his own lips, and to her he offers a factual explanation which he did not put forward at his trial, the circumstances of which may be described as highly extenuating. She believes him, and there is no reason why she should not, or indeed why the reader should not, but there is no further debate on the subject, no working through the very considerable issues, legal, forensic, moral, which must surely arise in the mind of anyone concerned about truth and justice. I found this area of the book curiously strained and incomplete, and Peter's position generally vague throughout most of his ordeal. Things happen to him, ranging from the irritating to the diabolical, and he reacts stonily. We never get a rounded picture of these events, of their genesis or the complex human interplay that must have accompanied them. His unremitting contempt and hatred for "screws" seems to stereotype in his writing that same two-dimensional, black-and-white quality with which he invests his characters - even, sometimes, himself.

By contrast, Shirley as heroine is never in doubt. Painfully aware of what she is going into, of what is happening to her hitherto fairly conventional life, of what others are thinking and eventually saying, she is a woman strong and defiant in love, suffering, fighting, comforting, and ultimately triumphant, and we are with her through every twist and crisis of her story.

"Misunderstanding" could well have been an alternative title for this book. There was a celebrated film in which a young couple holidaying in Paris became the victims of what was to them a cruel plot, in which their hotel room disappeared along with the events of previous days, and a conspiracy of denial threatened their very sanity. There was of course a very good explanation, though it was not one they could have dreamed of, nor once it had been explained to them (as being only a film it had to be) could necessarily have accepted. There is a similar Kafka-like quality

about this couple's experience, in their efforts to invest the incomprehensible with meaning; they are like captive players in a game where the stake is freedom itself, to whom the rules of the game are never made manifest. They acquire a few hints, some limited equipment, a set of instructions, they make moves which appear logical, and for a time achieve the illusion of winning; but suddenly the rules seem to have changed, their carefully-constructed theories are exploded and they are starting again. There is no umpire to appeal to, or if he is there they never see him. They argue that there must be a meaning, it is just a question of interpreting the clues. But this doesn't seem to work, and finally, doggedly and despairingly, they begin to make their own rules and try to play the game their way. And they get it wrong. Their master-stroke, their final gamble, is to separate, sever the relationship, because they believe that it must be this, their most precious possession, that is blocking them - sacrifice that and the mystery-makers will be placated. They make the sacrifice, and it seems to work. The irony is complete.

In our complex world the individual frequently finds himself in conflict with monoliths and collectivities - in matters of health, of education, in mental illness, in social policy; above all perhaps in criminal justice, where broad and often ill-defined principles of retribution and deterrence in the "public interest" coexist with more humane and human-sized aims and interests. The individual who is sick or disadvantaged or merely indignant and powerless, ascribes to the monolith human qualities which are the mirror image of the pain, anxiety, anger or frustration he is experiencing. He is rarely able to understand that, as the system is always more than the sum of its parts, so its actions will always depersonalise both the strengths and the weaknesses of the human beings who administer it.

I hope that prison staff will read this book without prejudice. There is plenty of that quality in its pages, but not always without justification, and it must do us good to see and reflect upon the way others - particularly "innocent" others - perceive us and the things we do, the big things and the very small but very important ones.

DAVID ATKINSON

*P3 Division*

## A Book of Five Rings

MIYAMOTO MUSASHI

*Allison and Busky*. 1982. £2.95.

During the 16th and 17th centuries Japan produced many formidable warriors. Foremost among these was the author of *A Book of Five Rings*, Miyamoto Musashi. Musashi followed the Way, termed *Michi*, to become a master of strategy, termed 'Heiho'. Whilst taking the *Michi of Heiho* he fought and killed over 60 opponents before he was 30. Satisfied that he was invincible he turned to formulating his philosophy of the *Michi of the Sword*. He retired to Mount Iwato to pay homage to heaven, pray to Kwannon, Goddess of mercy in Buddhism, although to be frank Kwannon had not figured large in his life this far, and to kneel before Buddha. This is where he wrote the *Book of Five Rings* in order to explain to posterity how to take the *Michi of Heiho* correctly.

*A Book of Five Rings* is divided into five further books, each of which explains a different aspect of *Heiho*. The *Book of Ground* sets out the broad principles and explains how the mastery of these principles will enable a person to manage many subordinates dextrously, bear himself correctly, govern the country, and foster the people, thus preserving the ruler's discipline. Obviously a chap who has mastered these principles would be a handy fellow to have on one's side.

The *Book of Water* stresses the importance of harmony of body and spirit.



The Book of Fire explains the importance of forethought. If one can put oneself into the enemy's shoes, and anticipate all of his tactics, he is beaten before he can say Heiho.

The Wind Book explains other Ways of Strategy. It describes their methods, lists their shortcomings, and demonstrates how they may be overcome.

The Book of Void describes how, by getting to know that which exists, we can know that which does not exist. Having this knowledge could be very useful if one is often tempted to buy things on impulse from strangers.

It is claimed that this book is used as a guide by many highly placed people in Japanese business and society. If this claim is true then A Book of Five Rings would seem to be required reading for any person likely to come into contact with Japanese society.

CHRIS ARNOLD  
Assistant Governor  
Glen Parva Young Offender Centre

### Receiving Juvenile Justice

HOWARD PARKER, MAGGIE CASBURN and  
DAVID TURNBULL

Basil Blackwell, Oxford, 1981. £5.50

This is a descriptive account of contemporary juvenile justice as seen through the eyes of the "receiving end", the consumer. By comparing and contrasting the functioning of a city area court with that of a county area court the

authors highlight the inconsistencies of our present system of juvenile "criminal" and "welfare" justice. The research is based upon synchronous observations of court proceedings and interviews with a sample of one hundred Merseyside juveniles and their parents during their progress through criminal and care proceedings. The only retrospective impressions are about initial intervention by the police. The major, and serious, conclusions are that those who appear before the juvenile court are there because of the idiosyncrasies of the selection process and there is no safeguard to ensure that guilt and need for control is fairly established and punishment and care equitably distributed.

The police role as "gatekeepers" of the system is the first topic under the microscope. The book aims to show that in a heavily policed area, like Merseyside, the exercise of discretion by the police in juvenile cases has singularly failed to meet its objective. Not only is much trivia put before the juvenile court, a phenomenon the authors call the "push-in tendency", but there is also an inclination for formal charges to distort, decontextualize and unduly criminalize the actions of juveniles, the so called "bump-up tendency".

The second area of scrutiny is the court process itself and here, in spite of all the rhetoric of recent years about demystifying the juvenile court, its consumers still feel alienated and manipulated, no less by their own counsel and social worker than by the magistracy, prosecutors and clerks. In this respect, the prejudice of the county court against working-class juveniles was more evident than in the busier city court

where the purely functional approach produced justice more acceptable to its receivers.

Finally, the book describes the giving and receiving of care and control in the form of social work intervention directed by the courts. The powerful, but invidious, position in which the social worker finds himself in attempting to represent "the client's best interests" and his own departmental line is succinctly documented. Conclusions about the receiving end, however, are significantly less tangible because of the uniqueness and complexity of each case and the reader is largely left to draw his own conclusions from examples of "typical cases".

Although highly questionable from a scientific point of view, the research approach adopted by the authors is dynamic and original. The evidence is presented almost entirely in the form of numerous snippets of dialogue out of which the framework of their argument is constructed, but the purist will no doubt wonder if these are not just so many clippings from the editing-room floor. It could never be claimed that this book is either substantial or comprehensive enough to stand on its own as a source of information about juvenile justice or statutory social work and yet it presents more than just a side-light on some key issues. To those whose interest in the justice system is general it may be recommended for its warnings about official discretion, deviation and diversity in the selection and sentencing processes.

STUART J. MITSON  
Assistant Governor,  
H.M.P. Acklington

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