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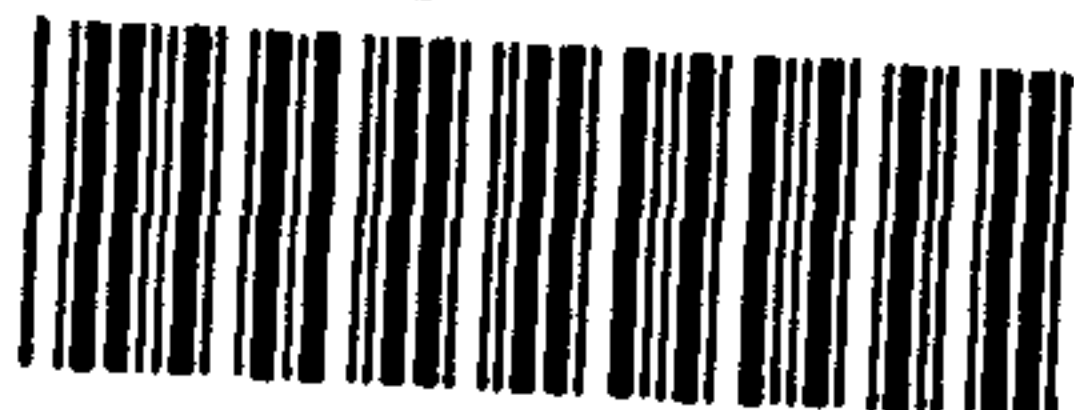
# PSJ

No. 53 New Series

## prison. service journal







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

# Comment

The articles in this issue return to two themes that recur persistently in the material submitted to us. Firstly the question of moving forward on the population front by the introduction of some form of non-custodial sentence which would involve day-time attendance and secondly the relationship between the prison and probation services. The two themes are intertwined in Martin Davies' significant piece on community-based alternatives, where, not for the first time, there is consideration of a Community Connections Service with contributions from both services but importantly for the prison service a heavy involvement in the running of the centres suggested by Professor Davies. It is in part a recognition of the public need to associate sentences with retribution and punishment that he is aiming at in his description of the proposed control centres. What is needed, perhaps in further articles, is a more precise description of how the control centre would operate, what its objectives would be and who would be sent to it. The article also, of course, highlights the juxtaposition of the two services beautifully and I am sure, will produce some wry smiles on both sides.

Robert Kilroy-Silk in his article following the one in our last issue takes up the question of non-custodial alternatives and produces a catalogue of measures that might reduce the prison population. It may be that by the time this issue reaches publication there will have been

changes on this front. David Luff in his timely report on the Bournemouth Conference tackles the probation/prison options for working at it. Again the resolution may depend in the end on wider initiatives on the prison population front and the way resources are allocated between the different parts of the criminal justice system. However, the piece from Dorchester serves as a good example of a piece of co-operative working between the two services.

On a more international note there is then the article on grievance procedures in American institutions. We hope this might provoke some contributions from within the service; certainly it needs more detail putting to the scheme but it is contemporary in that the adjudication process is coming more and more under scrutiny. More and more Board of Visitor adjudications are being subjected to examination in the courts and at the time of writing the position is very unclear with some adjudication awards from the Albany disturbance now suspended because of such examination. The adjudications conducted by Governors may also be subject to review on the basis of the recent case at Cardiff. Much of this will take time to determine but it seems inevitable that the rules will change in some way. The question of judgements from the European Court will also have a bearing on the outcome.



# Community-based alternatives to custody:

*The right place for the Probation Service*

Martin Davies

Professor of Social Work, University of East Anglia, Norwich.

The problems of managing alternatives to custody can only be tackled if we are clear about their nature and purpose in the eyes of the courts and the public, and if we are honest about the limits of the probation officer's role within non-custodial facilities. I believe that the development of punitive, restrictive and controlling community-based alternatives is a prerequisite for achieving a reduction in the size of the prison population; that if these are to be run by the probation service, then probation officers will have to out-shine the leopard and change their spots; and because I don't think that is likely, that room must be made for a more feasible alternative with the probation service confined to its important but traditional social work role in the community, in institutional setting, and in between.....

*This paper is a revised version of one originally presented to a meeting of Chief Probation Officers. The author is grateful for the many comments he received, some of which have been incorporated into the text.*

Uncertainty about where the probation service fits into the penal system has been brewing for a long time; indeed I would argue that the origins of today's concerns are to be found primarily in the period 1961-1972. That decade opened with the Streatfeild and Morison Reports—Streatfeild with its notion of scientific sentencing in the context of which probation officers were portrayed as the diagnostic experts, Morison with its broad conclusion that all was well with the service, casework was God, and the probation officer should keep up his good work. In the middle sixties, came the first hints that probation officers were to be drawn more directly into the maelstrom of penal policy and practice:

there was first the absorption of after-care and prison welfare following the ACTO Report of 1963, and then the statutory introduction of parole in 1968. Both, in terms of *practice*, were taken on by the service as simple adaptations of familiar styles of supervision, though they undoubtedly carried within

them seeds of greater significance because of the closer links they established between probation officers and prisons—though the relationship, neither then nor since, has ever become a particularly comfortable one. The 1972 Criminal Justice Act was almost certainly the most critical event in



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recent penal history so far as the probation service was concerned. After it, nothing was ever going to be quite the same again. In particular, two Parliamentary decisions—taken only after long debate in the Wootton Committee and in the House itself—can now be seen to have been crucial.

The first was the decision to introduce forms of community supervision which broke with the casework tradition—with the one-to-one talking relationship: Day Training Centres were a minor manifestation of this, but it was the Community Service Order that emerged as the UK's biggest contribution to penal policy since Borstals began around the turn of the century.

And the second was the decision—taken after a great deal of debate—to accommodate these initiatives under the umbrella of the probation service, that decision is now reinforced under the 1982 Criminal Justice Act by the extension of Community Service to 16-year-olds and by the statutory provision for 60-day centre attendance requirements to be attached to probation orders. That the repercussions of that decision are still gathering pace can be discerned from the fact that, in 1981, for the first time, adult male offenders in England and Wales were *more* likely to be given a community service order than a probation order.

Since 1972 it has become possible to identify two increasingly distinct and perhaps mutually incompatible, forces within probation politics: There is the *correctional* lobby, and there is a coalition of views opposed to it.

1. On the national scene, the influence of the correctional lobby might be said to have peaked in 1974 when the Younger Report on Young Adult Offenders recommended the introduction of Supervision and Control Orders and Custody and Control Orders—proposals which, though received with sympathy in some Government circles, failed to win either public or professional acceptance, and which have found no place in the 1982 Criminal Justice Act.

The proposals surfaced again in 1978 in the pages of David Haxby's book where the idea was mooted of a Community Corrections Service, centrally financed but administered by area boards, and with responsibility not merely for the probation service's traditional social work roles but also for the development of a 'range of other non-custodial approaches to the treatment of offenders'.

Finally, in 1979, Peter Ralphs, Chief Probation Officer in Kent, established a Close Support Unit—for juveniles—in 1979, and a Probation Control Unit for adult offenders in 1981. The creation of these units—known collectively as the Medway Experiment—undoubtedly marks a significant departure from past probation practices, although Ralphs insists that he will not tolerate a negative, restrictive or purely controlling strategy in either Unit.

2. The anti-correctional voice within the probation service is united more by a view of what it does *not* think probation officers should get up to than by any unanimity as to what they *should* be doing. In particular it has two wings: there are the traditional defenders of the liberal/humanitarian status quo, those who broadly speaking like the probation service the way it is and do not want to see it become more explicitly an arm of a restrictive penal system; and, secondly, there are those who, from a variety of radical perspectives, not only do not want to see correctionalism rampant, but would like the probation service to commit itself more unambiguously to client advocacy, to community development, and to social and political reform. Chief Probation Officers Conference is, I suppose, broadly identified with the former wing; and vociferous elements within the membership of the National Association of Probation Officers with the latter.

New light has just been thrown on how the pro and anti-correctional forces are reflected at the grass-roots level of the probation service by a research study carried out by Gwyneth Boswell of the University of Liverpool, and based on interviews in Merseyside, Durham and Surrey.

Boswell found little support in the service for the radical perspectives adopted by Walker and Beaumont in their recent book. Most probation officers, she says, view the criminal justice system, not as antagonistic to their clients' interests, but as realistic in the light of offences committed and social circumstances operating. Her respondents placed emphasis on the business of using social work techniques *within* the criminal justice system, not in direct opposition to it.

Similarly, Boswell found support for Haxby's proposed Community Corrections Service. She reports considerable frustration at the loss of direction experienced by many officers; 86% of her sample said that they

would be in favour of a more explicitly correctional approach. In the course of her conversations with probation officers, she says that many of the ideas for new developments that they themselves put forward reflected the kinds of non-custodial variations that Haxby outlined in 1978. (On the other hand, the probation officers don't want to be judged by their ability to control crime: only 4% said that effectiveness in probation practice could be judged by measuring reconviction rates).

Boswell found a strong feeling that the probation service should concentrate on work with offenders: when she asked her interviewees which tasks they thought could be discarded, 41% said divorce court work, 23% said juvenile work, 19% said prison work, 16% said matrimonial work and 10% said Community Service Orders. There was nevertheless a widespread lack of faith among the officers in anybody else's ability to do these jobs as competently as the probation service! Despite their abstract liking for a correctional approach, however, Boswell could find no support for the idea that the probation service should change its style of supervision or its traditional social work philosophy: the idea of probation officers running a community-based non-residential detention-centre-type regime did not appeal. "Those who come to the probation and after-care service," said one probation officer, "need to have limits imposed on them via social work rather than surveillance."

And although 100% said that the ideas of care and control were entirely compatible and both were equally applicable to the probation officer's work setting, the feeling was strong that they were not talking about the heavy end of the control spectrum—nor indeed about its enforceability. It was the kind of control which probation officers have *always* said they exercise—by personal influence and reasoned argument.

The main paradox in Boswell's findings lies in the fact that, although she found that probation officers were concerned about goal confusion and task ambiguity in the service, they nevertheless displayed a quite remarkable degree of high morale and job satisfaction: 77 per cent were highly satisfied with their job, and a further 19 per cent said that their satisfaction was 'about average'. Linked with this is the other main finding of the study: that all the officers enjoyed considerable autonomy in their work (one, for



example, was practising hypnosis on his clients), and they said that although they 'felt accountable' in a generalised sense, it was mainly a form of accountability to their clients, to themselves or to colleagues for whom they had respect. In other words, despite all the talk about bureaucratisation and hierarchies, probation work remains a remarkably self-controlling occupation, granting a great deal of personal responsibility to officers and providing an almost private sphere of duty within which the probation officer can operate with minimal supervision.

This last finding seems to me to offer a clue to any inceptant opposition that exists to the correctional or controlling ideas in Haxby's work or in the Medway model once the organisational implications of them being spelt out: there is a fear that, with greater emphasis on a semi-institutional setting, on group work, and on the identification of specific and explicit goals to be pursued under managerial supervision, some of that autonomy which the probation officer traditionally enjoys and so highly prizes will be lost. This might well, of course, be a necessary step for the profession to take for the good of the penal system—there is nothing inherently good about job autonomy if the work is not effective; but equally *high morale* is a valuable corporate commodity and should not easily be cast aside unless that which replaces the present model is clearly superior in its effects and its effectiveness.

I therefore suggest that the probation service's apparent tendency to play 'hard to get' in the past decade—so far as the correctional idea is concerned—can be put down to two things: *firstly* the vociferousness of both the liberal and the radical wings in professional leadership, opposed to such moves on either practical or ideological grounds—or an amalgam of the two; and *secondly*, at the grass-roots level, despite intellectual support for a more controlling approach, there is a kind of safety first conservative streak in practitioners, because of the way they cherish their job autonomy and because of their anxiety lest it be lost under a new non-custodial-alternatives correctional regime.

And yet in the middle of these organisational and ideological niceties (important though they are in the context of personal careers), we are still faced with the fundamental problem that confronts the UK penal system today: the apparently inexorable up-

ward trend in the prison population.

There is evidence that courts have moderated their sentencing practice to some extent, but none of the legislative contributions of the past fifteen years have been able to claim great success in reducing the prison population. Parole cuts it by around 3000 at any one time, although we really don't know to what extent increased sentence lengths neutralise that benefit overall. Community service appears to take at least as many from probation as from custody. And the effect of introducing suspended imprisonment and deferred sentences has been difficult to judge.

Critics of the new plan to introduce partially suspended sentences of imprisonment under the 1982 Criminal Justice Act are sceptical of its likely value. There is now a growing groundswell of opinion in informed quarters that there is only one way of bringing about a radical reduction in the size of the prison population: the provision of a non-custodial disposal that will be seen not only as an acceptable option to prison, but as a punitive, retributive and controlling facility in its own right, hard enough to *replace* prison as the preferred short term sentence when the tariff so demands it, hard enough to be acceptable to the public as a just penalty for the serious wrongs committed. Such a provision must involve day-long containment for five, six or even seven days a week; it must be adequately resourced, and there must inevitably be a massive switch of capital and recurrent funds into the new regimes. If this were done, and if the non-custodial control centres achieved a sufficiently hard-line identity, there is no doubt that then and only then could we move steadily towards a reduction in the number of sentenced prisoners of something between 30 and 50 per cent. The strategy *would* solve the problem of overcrowding; but that is not the main reason for pursuing it. The research evidence about the damage done by prisons to inmates is there for all to see; a hard-line non-custodial option would lay the foundations for a much more optimistic and rational approach to rehabilitation after sentence than is possible with the "apology for vengeance" treadmill to which the probation service has allowed itself to become steadily more tightly shackled.

At a conference held in Maidstone in 1982 to review the performance and potential of the Medway Probation Control Unit, a number of voices—including that of NAPO's National

Chairman, Bill Beaumont—were keen to assert that the Unit was too punitive, too hard, too destructive. The Kent management rejected such accusations. But whatever the truth, my own view is that the social work tradition of the Service is too strong and the welfare orientation of officers too dominant a motive in their choice of career to allow it to assume a correctional or punitive role; and furthermore that the radical minority will campaign vigorously and successfully to preclude any such trend at managerial level.

I understand and have some sympathy with both the traditional social work and the radical views.

And yet I am haunted by my awareness of the inhumanity, the purposelessness and the sheer psychological and social destructiveness of imprisonment. So much so, that I cannot avoid the fearful conclusion that, by its very humanitarian and its radical stance, by refusing to offer acceptable hard-line alternatives to custody, the probation service is participating in a dreadful charade: one which means that many more men are kept in gaol than need otherwise be there.

The probation services's desire for separateness, its anxiety not to be contaminated by too close an attachment to a destructive penal system, is understandable. But probation officers are employed as social workers within that penal system for which they feel such distaste, and it is perhaps time that they accepted that they cannot exist independently of it.

Any system which produces too clear a distinction between probation officers as goodies and prison officers as baddies cannot be helpful—or rather it can only be functional in the distorted sort of way that is encouraged by the closed wall mentality characteristic of total institutions. It can have no part in a rationally designed correctional system.

What then do we do?

On the one hand, the probation service must now move, *not* out of the prisons, but from the periphery into the centre of penal practice. No longer an appendage, a sop to the nation's conscience after the damage is done; but firmly representing its humanitarian values throughout the correctional system.

In return for this, the major shift of emphasis will come from taking a large number of discipline officers—eventually perhaps up to half of them—out of the prisons and into the manning



of a new-style non-custodial option. No single step would have a more radical impact on magistrates or judges; no longer would they doubt the feasibility or validity of non-custodial options for offenders whom they wished to punish, to 'teach a lesson', to deter; institutionalisation would be minimised; and the probation service would find an active and much expanded role in working with offenders and their families and communities during and after sentence.

Every commentator (including the most radical) recognises that traditional imprisonment for some offenders is and always will be inevitable. And every commentator (including the most conservative) recognises that the damaging effects of gaoling a man or woman are aggravated by the fact that too many of them are imprisoned unnecessarily. With a massive reduction in the prison population (especially at the point where the problems are at their worst—in local prison), the whole system could be up-dated, the pressure taken off the staff, and conditions made more generally humane while still appropriately restrictive. The traditional separation of the two arms of the penal system—custodial and non-custodial—(a separation which starts at the top in the Home Office and extends downwards) is a tailor-made structure for ensuring the perpetuation of our present imbalance: the hard-line punitive dimension of prison, and the soft-hearted, supportive face of probation and after-care.

There is little love lost between the two services. But the experience of individuals nevertheless suggests that the barriers are not impenetrable. We know that some prison officers play an informal welfare role and are often proud of it; some are specially selected to do so on a more formal basis; many in Borstals, training prisons and Detention Centres take a personal interest in the future prospects of some inmates, an interest clearly apparent in some of the contributions made by discipline staff to Parole Dossiers. Conversely, Community Service recent experiments like Medway have shown that probation officers are prepared to take on new, unfamiliar and sometimes more directive roles than their social work training may have prepared them for.

If non-custodial options were to be established in major urban areas with prison officers as key personnel and probation officers as gatekeepers, community liaison links and specialist

operators within the regime, we would be on course to shut down the monstrous juggernauts that are our local prisons.

Such a development would have five attractions:

1. It would be a non-custodial option more reminiscent of custody than probation—and as such it would be acceptable to justices and judges in a way that nothing else has yet been;
2. It would render the management of prisons for those remaining there more feasible;
3. Though not de-stigmatising the system, it would minimise the lasting damage done to offenders once they had completed their sentence;
4. It would give the prison service a more positive role within corrections, and encourage its personnel to view their work with less cynicism;
5. It would draw the probation service rapidly into the centre of the correctional system without undermining its traditional values or objectives.

Already the Magistrates Association has floated a proposal which would involve the prison service in a scheme not wholly dissimilar from that I have outlined. The Government meanwhile remains committed to its prison-building programme, and the Home Office is keeping its fingers crossed that the system of partially suspended sentences introduced under the 1982 Act will alleviate the problem of over-crowding. (Demographic trends, with a declining population of young men, may also come to the Home Office's aid from the mid-eighties). Oddly neither the Prison Department nor the Prison Officers' Association seem to have sensed that a whole new sphere of non-custodial employment might be there for the taking if they showed a mind to pursue it.

Of two things I am certain:

Our local prisons and our inhumane sentencing policy, cannot be allowed to survive the century. Non-custodial control centres should be designated the normal non-financial penalty, except where judges deem there to be a *high* risk to the public if the offender remains at large or where the offence was such that the sense of public outrage requires a custodial sentence of significant proportions. In other words, Community Control Centres should virtually replace sentences of up to three years and so become the focus of those traditional penological objectives: vengeance,

retribution and deterrence; rehabilitation will be an integral part of the sentence, rather than an afterthought and an apology.

Secondly, the probation service will have to make up its mind very quickly whether it is willing to take this penological lead, and move full steam ahead into the community corrections arena. If it is not—and it is my conclusion that managerially the strategy is probably not sustainable—then it has to be said loud and clear: the service can't have it both ways. Of course managers and staff alike are right to argue that they did not come into the job to engage in controlling punitive or restrictive work with high-risk or recidivist offenders; but if the chance arose for just such an approach to be adopted in the community instead of in prison, it would be unforgivable if the service adopted a dog-in-the-manger attitude: "We don't want to do it, but we don't think the prison service should do it either".

I cannot believe that that *would* be the Service's attitude. Non-custodial control centres would offer major new opportunities for welfare and social work, so that even from a self-interested perspective, there are powerful reasons why the probation service should hitch itself to the bandwagon. But the most important reason of all, of course, is that the probation service is professionally and historically committed to the pursuit of any policy that will lead to the de-institutionalisation of the penal system. There would be no more effective way of pursuing long-term social work objectives in the penal system than by forming an alliance with the prison service to revolutionise and accelerate the development of alternatives to custody. ■

#### REFERENCES

- ACTO Report. "The Organisation of After-Care", report by the Advisory Council on the Treatment of Offenders. HMSO, 1963.
- Boswell, Gwyneth. "Aims and Objectives of the Probation and After-Care Service". Ph.D Thesis, Liverpool University, 1982.
- Haxby, David. "Probation: a Changing Service", Constable, 1978.
- Morison Report. Report of the Departmental Committee on the Probation Service. HMSO, 1962.
- Streatfeild Report. Report of the Interdepartmental Committee on the business of the Criminal Courts. HMSO, 1961.
- Walker, Hilary and Beaumont, Bill. Probation Work—Critical Theory and Socialist Practice. Blackwell, 1981.
- Wootton Report. "Non-custodial and Semi-custodial Penalties", a report by the Advisory Council on the Penal System. HMSO, 1970.
- Younger Report. "Young Adult Offenders", a report of the Advisory Council on the Penal System. HMSO, 1974.



# PRISONS: THE LAST TWENTY YEARS OF THE TWENTIETH CENTURY

Robert Kilroy-Silk MP

*In this article, the second of two, Robert Kilroy-Silk MP develops further some of the ideas explored in the last issue of the Prison Service Journal.*

The problems of our penal establishments vary from one part of the prison system to another—for example, the problems of the training and dispersal prisons are very different from the problems of local prisons and remand centres. However, any discussion of prisons in the last twenty years of this century must be dominated by the resource implications of catering, even at the most basic level, for the excessive number of prisoners the prison system currently has to cope with.

The prison population, as I write, stands at 44,600. If the 2-300 prisoners in police cells are included, the total number is approaching 45,000: 8,000 more than the figure of 37,000, above which the prisons become overcrowded. This situation requires over a third of those in prison to spend the majority of every 24 hour period in an overcrowded cell without access to integral sanitary facilities. Such conditions make a mockery of the prison system's stated aim of preparing prisoners to lead a good and useful life. They fail to meet the most elementary standards of human decency, violate internationally agreed minimum standards for prisoners, create tensions and serious hardship for prisoners and prison staff, and increase the risk of serious disorder in prisons. The Prison and Borstal Governors' Branch of the Society of Civil and Public Servants has pointed out that, if we are to achieve the minimal objectives of ending compulsory cell sharing and slopping out, we would need to reduce

the prison population to 32,000.

Unless radical action is taken, the position will get worse. The official Home Office projection is that on present trends the prison population will rise to 49,000 by 1990.

We need to move forward simultaneously with measures to reduce the prison population, and also to improve regimes in prisons.

## MEASURES TO REDUCE THE PRISON POPULATION

### Developing alternatives to custody

A substantial number of those in custody could and should be dealt with in other ways. Estimates of the number will vary, but Home Office research findings in the past have indicated that as many as a third of the average daily prison population (and it would be a higher proportion of those sentenced to imprisonment each year) are divertible from prison on the following criteria: no serious offences against the person, no suggestion of considerable gain from crime and no

obvious competence in planning.

There is a great deal of scope for expanding the scope of existing alternatives to custody—for example, community service orders are still used on only 4% of the adults convicted of indictable offences. We also need to pay particular attention to the probation order—supported by adequate resources in the form of hostels, day centres, workshops, and facilities for drug dependents and alcoholics as a viable alternative to custody for many of those who are currently imprisoned. Regrettably, the planned 1% growth in probation service resources over each of the next two financial years allows little scope for an expansion of such alternatives. It is a tragedy, for example, that some probation areas have had to restrict the number of community service orders available to the courts because of inadequate resources. Unless adequate resources are devoted to the development of alternatives, the prison system will have to cope for the foreseeable future with considerable numbers of offenders who could and should be dealt with in other ways but for whom the alternatives are simply not available.

We also need to develop new alternatives to custody, in particular those involving reparation by the offender. In many parts of the United



States restitution schemes have been established, where the offender, the victim and a mediator draw up a "restitution contract" in which the amount and nature of compensation is agreed. This may be financial or it may be in the form of community service agreed by the victim. These schemes have several attractions. First, they confront the offender directly with the suffering which his crime has caused to the victim. Secondly, they involve the victim in the process in a positive way and do not merely use him as an aid to the prosecution in proving the offender's guilt. Thirdly, such schemes have a very welcome practical outcome in that they involve the offender in making restitution direct to the victim or to the community in a way approved by and agreed with the victim. Such schemes should be widely established and used as alternatives to custody.

### **The length of sentences**

One of the main reasons for our high prison population is that most prison sentences in this country are longer on average, than in most other West European countries. The overwhelming weight of research now indicates that longer sentences do not produce greater benefits in preventing or reducing further offences than shorter ones, and that any impact which a custodial sentence may have occurs in the early stages. These considerations argue for a reduction in sentence lengths, except for the minority of offenders who are a serious danger to the public.

### **Supervised release**

A reduction in maximum penalties is desirable, but would have only a limited impact because the majority of sentences are already well below the maximum. Therefore, some form of early release scheme is the only way in which a substantial reduction in sentence lengths could be achieved in a short time. One option would be a scheme of supervised release for short term prisoners, which would reduce the prison population by up to 7,000. Under this proposal, prisoners would serve a shorter period in prison followed by a period of supervision in the community similar to parole supervision, with the threat of recall to prison if they misbehaved. There is now clear evidence from Home Office research that release on parole licence—which combines supervision by a probation officer with the deterrent effect of the threat of recall to prison for misbe-

haviour while on licence—reduces offenders' chances of reconviction. There are therefore powerful arguments in favour of a scheme combining the impact of a short period in custody with controls over an offender's future behaviour of the kind contained in a parole licence, quite apart from its likely impact on the prison population. A less radical but nevertheless useful measure which might be introduced in the meantime (the power is already there under the 1982 Criminal Justice Act) is to make short term prisoners eligible for discretionary release on parole—a measure which would reduce the prison population by at least 2,000.

### **THE IMPROVEMENT OF REGIMES IN PRISON**

A substantial reduction in the prison population could be accompanied by the following improvements.

#### **The development of enforceable minimum standards for prisoners**

In the United States, there has been a movement in recent years towards the formation of minimum standards for prisons. For example, the standards laid down by the American Correctional Association require a minimum of 60 square feet if prisoners' confinement does not exceed 10 hours a day and at least 80 square feet if prisoners are confined for more than 10 hours a day. They also require prisoners to be housed singly. To be accredited by the Association, correctional agencies must comply with all the standards classed as "mandatory", with 90% of all standards classed as "essential" and with 80% of all standards classed as "important".

In this country the Prison and Borstal Governors' Branch of the Society of Civil and Public Servants has proposed the formulation of statutory minimum standards for prisons, and the report of the Chief Inspector of Prisons for 1981 said:

*"We regret that there are no specific binding standards of entitlement which have been approved by Parliament concerning such matters as the size of the cell to which an inmate is entitled, or the hours he must spend outside it, and which would serve as guidelines for us".*

We must press for the development of such enforceable minimum standards in this country.

#### **An improvement in the facilities for work and education in prisons**

At present, substantial numbers of

prisoners have nothing to do all day and many others have very short working days or poor quality work. Recently, there have been closures of skilled weaving and tailoring workshops at some prisons, for example at Manchester and Birmingham; prisoners' access to vocational training courses has been reduced; the number of education staff has been cut; and a range of educational activities have been pruned. This is the precise opposite of the development of "positive custody" advocated by the May Committee, for which we should argue strongly.

### **Contact with families**

We should be particularly concerned to promote changes which increase opportunities for prisoners' links with their families, such as an extension of visits and home leave opportunities and a reduction of censorship of letters. For example, two recommendations of the Expenditure Committee report "The Reduction of Pressure on the Prison System" in 1978 remain just as valid now as they were then. The first was that home leave should be extended to more prisoners and that it should be given more frequently and for longer periods. At present, a terminal home leave period of five days is allowed to prisoners serving 18 months or over and may be taken only in the last four months of sentence. In addition, persons sentenced to three years or over may be granted an extra weekend of home leave in the nine months preceding release. Evidence from other countries with more liberal home leave policies indicates that our system could be extended without undue risk of pushing the breakdown rate beyond an acceptable level.

The second recommendation was that censorship of letters should be lifted in most prisons and for most prisoners. Limitations on correspondence are likely to damage relationships and censorship of letters tend to inhibit the expression of intimate feelings. Correspondence should therefore not normally be subject to censorship (although it is of course reasonable for mail to be inspected for contraband) except in a minority of cases where security clearly demands it.

### **A more constructive role for prison officers**

The Prison Officers Association has been pressing since the early 1960s for an increased involvement by prison

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*Mr. Bethel took a degree in Law, and for the past six years has worked as a Mediator and Consultant in Dispute Resolution Techniques. He works for the Center for Community Justice, Washington, an organisation which has been the major innovator in methods of resolving disputes in prisons. This talk was given at the Howard League Summer School in Bristol 1981.*

# MEDIATION BETWEEN STAFF AND INMATES:

*an approach to Prison Institutions  
in the USA*

Charles Bethel

*(Centre for Community Justice, Washington DC.)*

I would like to speak about an experiment in the resolution of inmate grievances and complaints. I use the word "grievance" to mean any complaint about the substance or application of any policy, written or unwritten; or about the absence of any policy or procedure; or about the actions of any staff or inmate in any institution. In many cases, we mean the word 'grievance' to be a suggestion.

The last fifteen years or so have seen what I call a revolution in the place of penal institutions in American life. There is now a public awareness and consciousness of prison problems. Prisons can no longer manage and be managed the way they were, and I should like to highlight a few of those changes.

## **Courts**

One change has been that the Courts, have taken a far more active role in policy than they ever did before. The Courts became involved when other great civil battles were being fought in the United States. Because we have a written Constitution that applies to everyone including the inmates of State Prisons (and the majority of prisoners in the United States are resident in the State institutions, and

not Federal institutions), the Federal Courts' power extends to State institutions and prisons.

As a result of increasing litigiousness on the part of inmates and their supporters, beginning in the mid-1960s, the Federal Courts have, in a series of decisions, laid out (rather generally, it is true) a series of basic rights to which inmates are entitled. Many of these are procedural, rather than substantive rights; they are what we call 'due process' rights. In the last eight or nine years there have been a number of cases in which judges have stepped in, in what we call 'general condition' or 'omnibus' suits in which no single practice of a prison system is challenged, but where an entire range of conditions is challenged as being in violation of the Constitution. In some cases, Federal judges have virtually

taken over the day-to-day management of entire systems, and certainly individual prisons, as a result of suits which have been filed.

## **Inmates**

There have been other changes. We have a burgeoning prison population in the United States, but the population itself is different from that ten, twenty, or even thirty years ago. Firstly, there is a different racial composition within the States. In some of the Northern States, for example, where thirty or forty years ago the majority of the prisoners were white, the majority would now be black. This has caused a lot of tension within the institutions, because many of the larger maximum-security prisons are for some reason located in rural areas where the staff are almost completely white.



Connected with that, it is a fact that the old method of inmate self-government has broken down. This is partly because the prison population is more fragmented than it used to be, and also because there has been a breed of inmate in the last ten to fifteen years who does not easily accept established patterns of support.

We have seen a breakdown of the traditional methods by which prisoners could operate trouble-free, and relatively violence-free, for many years. Because of these changes, a greater interest has been shown in methods of resolving conflict within prisons. Impetus was given to this enquiry by some major disturbances. At Attica, for example, although I am not suggesting that every item was a prime cause of the 1971 riot, the prisoners made a list of their complaints. As a result of occurrences like this, people began to take more notice of the causes of the prison violence and to pay attention to the methods used in response to prisoners' complaints.

### Grievance Procedures

In any institution there are many informal grievance procedures. The most common is for the inmate to go to the Officer in charge of his Wing, or Block; or, for a different kind of complaint, he would consult a social worker, or a visitor from outside; or to a fellow inmate with connections and ways of getting things done. Although these exist, I shall be concentrating today on the formal methods of grievance mechanism, which operates according to certain rules which are written down and understood by all.

A formal procedure can be extremely cumbersome, but for a formal grievance procedure to be effective and have some credibility with inmates, it should be a process which provides a relatively speedy response; which is not too complicated for those who have to deal with it; and which works as close to the source as possible. Any formal process ought to look like a pyramid: the greatest proportion of grievances ought to be settled to the satisfaction of the inmate at the bottom level. A progressively smaller proportion of grievances ought to reach those higher levels.

### Councils

In the United States, the earliest experiments with formal grievance processes took a number of forms: I shall mention three of these briefly because

they may have counterparts here. In a number of institutions an 'Inmate Council' or 'Inmate Representative Group' was set up, usually a representative-elected body set up to advise the Superintendent or Governor with regard to matters of concern to all inmates, and to express the inmate population's views about certain issues and to ask that complaints be rectified. These are not very good at dealing with individual inmate complaints. Secondly, because the group is composed solely of inmates, the groups are isolated and many tend to focus more on internal inmate power-struggles than they do on positive, constructive solutions to problems. Because they are an inmate group only, they are written-off from the outset, in my experience, by Officers and administrators, and even by the Governors who set them up, because it is predicted that they will be concerned only with the inmate point of view.

### Ombudsman

A second method of responding to grievances is the Ombudsman. Unfortunately, in America the Scandinavian concept of the Ombudsman has been distorted slightly and tends not to be truly independent, but someone working for the Department of Correction or for the State Government. The Ombudsman can serve a very useful purpose, but there are problems from our point of view. In the first place, the Ombudsman rarely gets sufficient staff, and even when their staff is adequate, in a large city with thousands of inmates, there is no way that an Ombudsman can quickly respond to a large number of grievances.

### Board of Visitors

A third common form of grievance process in the United States is the group which contrasts and compares with your Board of Visitors, an independent commission to which grievances can be appealed, generally after they have been responded to by the Governor. In some cases, the Commissions are appointed by the Governor of the State, or they may be independent of the correctional establishment, but they do share some of the problems with the Ombudsman: they cannot deal with a large quantity of grievances. Most of the people who serve on these Commissions are volunteers or have full-time occupations, and many take a long time to respond to individual complaints.

It was the shortcomings of existing systems of this sort that led my own organisation and others to begin to ask

what else could be done. Out of our experiences came a few experiments. Those I was involved with were the sort of experiments that Mr. Steel, Chairman of the Prison Officers Association, had alluded to in that they took into account the experiences of those who were directly involved.

### 'Design Principles'

Many of the principles are self-evident; for example, all inmates ought to have access to a grievance process, including inmates in special housing and protective custody. There should be a guarantee that inmates who use the procedure and staff members who co-operate with it should not suffer reprisals.

Secondly, written responses should be given with reasons for actions taken or not taken. Formal grievances ought themselves to be in writing as well. This is essential, otherwise there is no way of tracing what was done or not done, and in many cases a grievance is really a request for information: why do we do this? why do we have this rule?

Thirdly, responses to grievances ought to be made within certain time-limits, with special provision being made for emergency grievances. This is because we have all been in situations where, without a time-limit, the process drags and nothing is done.

Fourthly, inmates and custodial officers ought to participate in the design processes and in the actual resolution of grievances when the process begins to operate. You will notice that this list I am discussing is vague; the principles do not constitute of themselves a working grievance procedure. That has to be evolved so as to incorporate these principles.

The fifth principle is that at some point in the grievance process, there ought to be an opportunity for some group or person outside the prison establishment to review grievances that have not been resolved earlier. As yet in the United States, no Head of a State Prison has voluntarily given any outside group the power to order him or her to do anything. In some cases there is legislation which requires that the administrator accepts an outside recommendation in one of his systems unless there are reasons why the recommendation cannot be accepted. This is in fact open enough to drive a truck through, but it does require that a reason be given if the recommendation is not accepted.

Finally, to be workable, grievance processes ought to apply to as many



different areas and issues as possible, and ought to contain some mechanism for deciding whether a particular issue is 'grievable' or not, if there is some dispute over it. Rather than giving an individual the power to say, 'That's not a grievance, and this is,' let the procedure itself resolve questions of its own jurisdiction.

### Mediation

Mediation as I would define it, involves a third party, who is completely unconnected with either of the parties, can sit down with them to attempt to help them come up with a solution to the problem.

What benefits does a system like this offer to the people who have to live and work in institutions? My belief, is that there are benefits for the major groups in institutions, but they take a lot of work to achieve. The programme is not easy to implement or to keep operating over a long period of time. Inmates obviously benefit when a system like this works well because they have a way of getting a response to complaints, suggestions, or grievances within a reasonable length of time.

### Staff Benefits

Officers stand to gain from a system like this in several respects, the main one being that a well-functioning grievance procedure should help lessen the tension that exists between staff and inmates, and provide a better atmosphere in which to work. A common example is when an inmate asks an Officer about something that the Officer has no responsibility for, there is somewhere that the Officer can direct the inmate to, in order to get a response. The Officer does not have to deal with all the problems: he can channel them to the grievance process which supports him.

Another interest that Officers share with inmates is in the consistent application of policies, rules and regulations. In the United States, Officers are victimised as often as are inmates, by outmoded policies, or policies which are inconsistently enforced, or policies which are never clearly articulated. This is something that a good grievance process can help with, because a grievance can result in a clarification of the policy.

The idea that rules and regulations can be normalised is important to staff and inmates alike.

Another benefit which was, frankly, a surprise to us, applies to those Officers who work with and for

the grievance process itself; even though formal procedures are instituted to respond to inmate complaint, many Officers found that for the first time the Officers themselves were represented. For the first time their opinion was asked about a proposed change in a rule, policy or regulation procedure. One complaint that Officers have about these procedures is that the inmates' process is better than that of the Officers, and my answer to them is that they are right, and that they should agitate for a better process for themselves; it is not an excuse not to implement the grievance procedure for inmates.

A good grievance procedure, because it has rules which must be followed and because grievances and responses must be in writing, can give management a sense of where problem areas in the institution lie; what policies are in need of revision; which areas of the institution are not carrying out the wishes or directives of management itself. A grievance procedure can also be a vehicle for change that management might wish to make, but will not institute on their own behalf.

### End-piece

I would say that the United States is in the middle of a process whereby the formal grievance procedure is accepted as the norm, rather than the exception in penal institutions. I firmly believe that this has only benefits to offer to all who work and live in our institutions. You may be wondering which types of institutions are best suited to a formal grievance procedure. When you visit a small institution, the Governor will say, "We are a small place, and everybody communicates well, my office door is open to anyone all the time." That may be true today, but with the change of Officer, Governor or inmate, it may not be true tomorrow. I believe that these processes are applicable to small, minimum-security institutions just as well as they are to the large, maximum-security institutions. The difference is not in the principles themselves, but in the way they are incorporated into specific design.

Finally, I should like to add that I do not pre-suppose that the experiences I have mentioned and the conditions I have described are directly applicable to Britain, and I would be very interested to hear some of the reasons why the things I have been talking about may seem outrageous to you, if indeed they come across that way. ■

PRISONS: THE LAST TWENTY YEARS  
*continued from page 7*

officers in prisoners' welfare. In 1977, pilot experiments began operating in five prisons, whereby prison officers are involved in welfare work in partnership with probation officers. The results have been encouraging, and a number of other establishments have developed similar approaches. This approach should become the norm in prisons, not the exception.

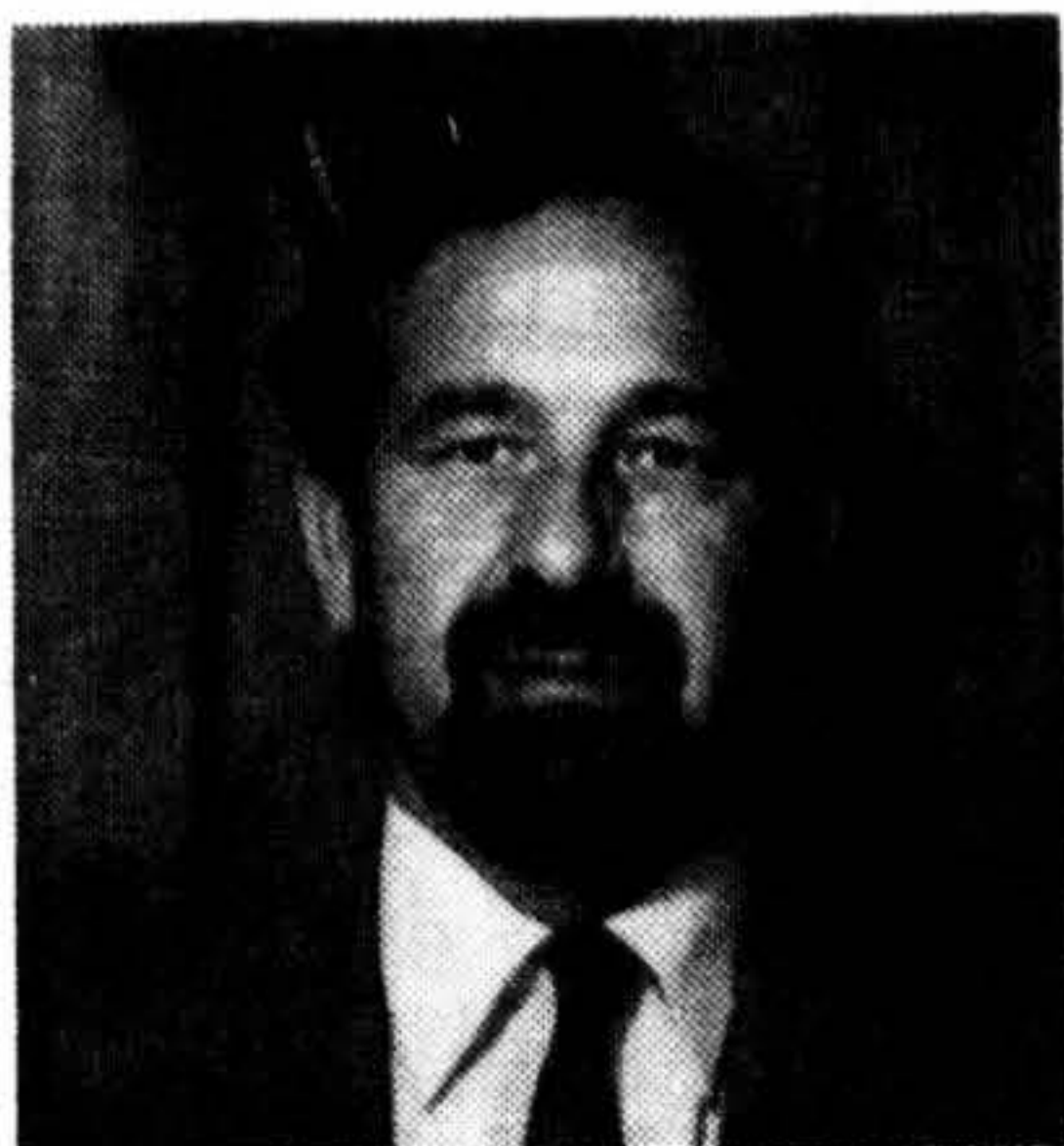
### A prison building programme

I am not one of those who oppose the idea of a prison building programme or take the view that, if only we could reduce the prison population, there would be no need to devote resources to prison building. So much of the penal estate is falling to pieces that a substantial building programme would still be needed to improve conditions even if we reduced the number of prisoners by 10,000 tomorrow. However, I am concerned that so many new prisons are built in remote rural locations, making it difficult for prisoners to maintain contact on a regular basis with relatives, probation officers and voluntary associates from their home areas of the kind which will assist their eventual resettlement. As the Home Affairs Committee recommended in 1981, the emphasis in the building programme should be on new urban prison building and on refurbishing and improving existing urban prisons, rather than, for example, building a new dispersal prison at Full Sutton when the places for Category A prisoners in the existing dispersal prisons are never full.

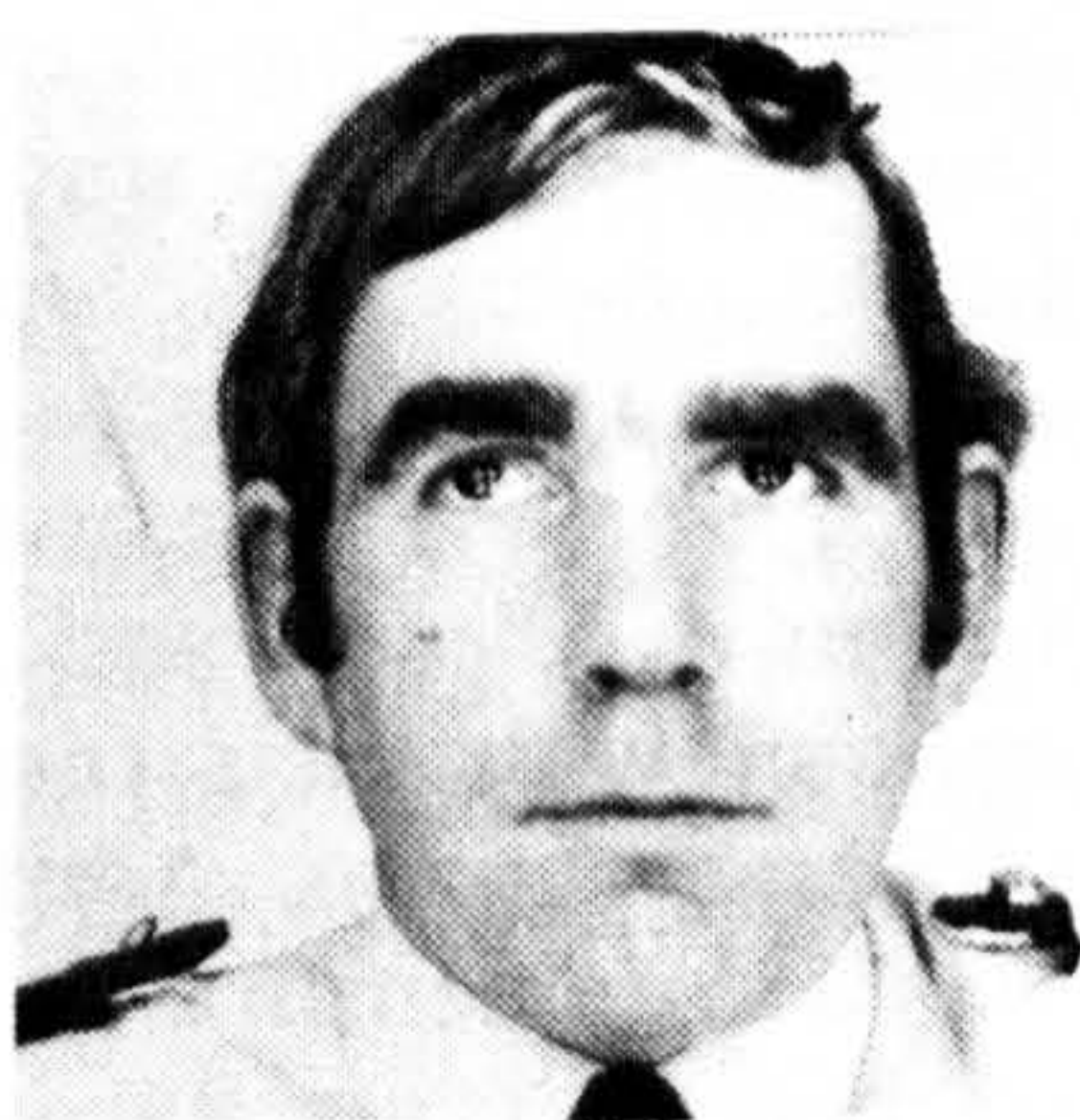
### CONCLUSION

The more public knowledge there is of the work of the prison service, the easier it will be to explain the need for sufficient resources to provide decent conditions and facilities in prisons, the difficulties prison staff face, the ways in which prison should be used and why its use should be reduced. The prison service itself has a key role to play in maintaining and extending the attitude of greater openness which has developed in recent years. The Churches are among the other groups who have an important role to play in educating the public, and the excellent report "A Time for Justice", produced in 1982 by the Catholic Social Welfare Commission is a good example of the role which the Churches can play both in raising public awareness of the prison system and in pressuring the Home Office for changes in Penal policy. ■





Malcolm Cox has been a Senior Probation Officer for the past 10 years. He trained at Bristol University and completed a research degree at Surrey University.



Chris Hukins joined the Service in 1976 at H.M.P. Dorchester. On completion of training posted back to Dorchester. Joined H.M.P. Erlestone in 1983 in Erlestone Detention Centre.



David Robinson joined the Prison Service in 1973 from H.M. Forces. He served at Portland Borstal, Dorchester and is now at Long Lartin. He has spent the last 3 years studying for a Psychology degree with the Open University.



Peter Yeomans joined the Probation Service in 1972. He worked in Nottinghamshire, West Yorkshire and is now in Dorset. For 2½ years was seconded to H.M.P. Leeds. Currently Senior Probation Officer at H.M.P. Dorchester.

# Prison cares too much

## *A Survey of Persistent Petty Offenders*

Malcolm R Cox, Chris Hukins,  
Dave Robinson and Peter Yeomans

**"The Prison System is dangerous and costly as well as inhuman".**  
*New Society Volume 54 No 1070*

### Introduction

In the past, concern had been expressed, both by staff members of Dorchester Prison and by the Dorset Probation Service, over those individuals constantly receiving prison sentences for offences which, by their nature, were seen as trivial.

This study, therefore, was set up to examine the size and characteristics of the persistent low risk offender committed to Dorchester Prison and serving a period of less than 6 months. It is also an example of how liaison between the outside Probation Service, the Prison Welfare Service and Prison Staff can be effective in working together to understand the clients that we are all actively involved with. Each member of the study team was responsible for certain parts of the project, but the two Prison Officers were particularly responsible for completion of the questionnaires with the clients in prison.

Over the years there has been a considerable amount of interest in the persistent low-risk offender and a

number of studies have been carried out, mostly attempting to examine their characteristics and how many of these clients are constantly going in and out of prison. The problem in examining this particular group of offenders is one of definition. If one examines the literature, there has been no definition that is totally adequate to describe this type of client. Definitions which tend to concentrate on the characteristics must vary from urban to rural areas, with the type of sentence passed and with individual perceptions of the group studied. It is fair to say, however, that this type of client is in general a passive isolate who is often withdrawn, inadequate, deviant and discredited. He may have some mental disorder or a drink or drug problem. At the same time he is not directly injurious to others, he does not threaten the security of the social system, punishment does not deter him, and he is not easily rehabilitated. One could argue, therefore, that punishment per se is inappropriate and his needs really lie in the direction of less criminalisa-



tion, less labelling, less stigmatisation, a lower institutional commitment and a greater use of imaginative, tolerant and humanitarian policies.

Whatever definition one uses, it is suggested that at least 10% of all prisoners fall into this category. Fairhead and Banks in their study ("The petty Short Term Prisoner", 1976) on the South Eastern Prison population, believed that 30% are imprisoned for trivial offences; thus in theory one third of the prison population can be diverted from custody. With prisons under stress there is a general consensus for such diversion. It is fair to say that studies have shown the lack of success of the system in dealing positively with the casualties considered here. These clients are often highlighted as having difficulties with emotional control, conflicts with job, families and society, and they do not avail themselves of after-care unless it is confined to urgent needs. Nevertheless, after-care is in greatest demand amongst those clients who frequently find themselves in prison. They are secure in prison and insecure out of it, they often reject offered help and return to prison and blame all, other than themselves. They are generally unable to plan ahead, they lack insight into the nature of their problems, and their defences are characterised by a stubborn fatalism which is insidious and disabling.

### The Project

The objectives of the project were two fold.

- 1 To attempt to quantify the persistent low risk offender group admitted to Dorchester Prison from the Bournemouth, Poole and Christchurch conurbation.
- 2 To identify common factors for this type of offender and for his relationship with the community and others. The sample was all male, aged 17 and over, admitted from Bournemouth, Poole and Christchurch Magistrates Court and Bournemouth Crown Court, serving a sentence of a minimum of one week up to a maximum of 6 months, for any offence including non-payment of fines, but excluding civil prisoners. The period of the study to be from 1 September 1982 until 30 November 1982. We have not attempted to define the type of client more closely, but have taken the view that anybody serving these short sentences must, in general, have committed an offence of a relatively trivial nature. We were particularly interested in

those who were committed for non-payment of fines, because the team believed that the Magistrates had no intention of sending them to prison, but they did not take into account the client's likely inability to pay, so that within a short time, he would actually be committed for non-payment.

Prior to the start of the study a pilot questionnaire was developed and tested, and then amended accordingly. The final questionnaire given in the Appendix was thus developed. Part 1 of the questionnaire was designed to look at the personal characteristics of the client. Part 2 was to define his criminal and social background. Part 3 was to examine how the client perceived prison himself, and how he believed others perceived him. The use of subjective material was intentional, and, we believe, inevitable and justified in view of the subject matter of the project.

All prisoners who fell within the defined category during the period of study were interviewed by the 2 prison officers on the morning after reception. A total of 69 men were interviewed during the survey period. The Prison Officer introduced himself to the inmate and explained the reasons for the survey, confirming to him that no answers would be cross-checked with other records. It was also pointed out to the inmate that we wanted no details that would identify him and that, though the information he gave would be of no real help to himself, it might help others in the future. As a result of this type of introduction, the men were extremely helpful. The use of prison staff for interviewing did not result in any problems due to lack of co-operation. It was found that other prison staff became increasingly interested in the survey and were keen to find out its outcome. It was felt that the survey helped to break down staff/inmate barriers.

On completion of the questionnaires, the data were subjected to punch card sorting, in order that a variety of aspects could be evaluated.

### Analysis of Results

Initial analysis of the data suggested that it was convenient to divide the persons surveyed into two distinct groups, those 30 years of age and under, and those over 30 years. There were 37 in the lower age range and 32 in the higher. From the raw data a profile was obtained of the typical older persistent low risk offender in Dorchester Prison. He turned out to

have more than 6 previous convictions, to have experienced 5 previous periods of custody, to have been discharged within the last 3 months, and to have been subject to 2 probation orders, which he had not broken. He had not been the subject of Community Service Orders or partially suspended sentences. He had not seen his family for at least 6 months or significantly longer, and had been frequently of no fixed abode in the last year, in which time he had had 2 jobs. He had required medical treatment in the last 2 years and thought that his health was deteriorating. He frequently believed that his offences were drink or drug-related.

Turning to the younger age group, it was not unusual for members of it to have amassed already 4 to 6 previous convictions and, sadly, 50% of them had experienced up to 3 custodial sentences. After discharge, however, they were able to stay out of prison longer, over 50% having not been returned for 6 months or more. They were, moreover, as one might expect, in much closer and more regular contact with their families than the older age group. Additionally, there was a commensurately low incidence of being of no fixed abode in the younger age range. The same self-awareness in respect of drink and drugs was present in both age groups; a common perception that they were major contributors to their problems.

In both age groups, a majority had been made the subject of 1 or more probation orders, but only a relatively small proportion had then gone on to breach that probation. This significant finding implies that, if given probation orders, the type of offenders studied are able to be sustained in the community. Perhaps, however, thought should be given to the length of the order, since it may be that a 6 month order could have a significant good effect.

Examination of Community Service Order data shows that the younger group were sentenced in this way, while the older range were, in general, not. Again, there was a very low incidence of subsequent sentences for breaching of the Orders, which shows that the younger age range, at least, are able to be sustained on a Community Service Order. Courts rarely seem to consider Community Service for those with many previous convictions and multiple custodial sentences, but the small sample studied indicates that such men do not breach an Order, if subject to one.



In both age groups, significantly more than half the sample had held jobs in the past year, in some cases, up to 3 jobs. When one takes into account the recession, the fact that this type of client is able to obtain a job is a significant and encouraging feature, but it would be interesting to know the reasons for frequent job changes. In the older age group there was a relationship between their higher incidence of being of no fixed abode and an inability to secure work. There is clear evidence that the more often a man has no settled address, the more difficult it is for him to find employment. Such a finding points up the need to be effective in developing accommodation schemes.

In terms of perception of worth, or lack of it, both groups turned in similar results. On the one hand, a significant proportion saw themselves as nuisances and unemployable. On the other hand, an even higher proportion saw themselves as sociable and helpful. Thus, most of them do not regard themselves as socially inadequate and, in this respect, do not conform to the imposed stereotype.

### The Caring Prison

"Prisons do not teach a person to live in society; they teach him to live in prison" Alan Bartholomew (Penologist) "The Bulletin 1970".

Our findings show that, once an individual goes beyond a certain number of previous convictions and previous custodial sentences, Courts tend to consider only custodial measures and Probation Officers are reluctant to look at alternatives to imprisonment, colluding with the image of the Caring Shelter that prison offers. That such an image has reality is borne out by the replies to our subjective questions about our participants perception of prison, and their role within it. In both groups, a few saw prison as lonesome, but the majority had friends there. The older men in particular did not see prison as a deterrent, but a high proportion in each group—and it is particularly sad to record this for the younger—saw prison as easy, comfortable and caring. Moreover, the more often he goes into custody, the more the individual see prison as a friendly place with faces he knows.

Such an attitude was more pronounced in the older group, in line with its higher incidence of being no fixed abode and of being much less in contact with families. Where family and community ties are lacking, our

data confirm that convictions rise and prison is seen as comfortable, easy and less of a deterrent.

### Conclusions

Our evidence highlights three factors that contribute to imprisonment being seen as no longer a deterrent, but as a caring environment. These are a number of custodial sentences in excess of 3, previous convictions in excess of 5, and being 3 or more times homeless on discharge. At lower levels than these, prison can still be a deterrent and the client retains, to some extent, the ability to determine his own future. He is able to hold down a job, to obtain an address and to avoid breaching Probation and Community Service Orders. Younger men are in regular contact with their families and would be ideal candidates to be considered for Day Centres and Community Service Orders. Older men are still able to get work but there is a higher incidence of being no fixed abode, suggesting that a Drop-In Centre might be a more feasible way of dealing with this group.

A point arises, however, when the client appears to make the transition from being secure outside to being secure inside. His whole perception of the caring prison then becomes a dominant feature in how he sees himself and how others see him. However one defines this sort of client, prison becomes the place which cares for him and perhaps, when this pattern is well established, the opportunity to break it is no longer wanted by the offender or taken by the Probation Officer or the Court. All three parties collude to contain him in the caring environment of prison where, at least, he finds some security and where alone, as our depressing finding indicates, he feels at home and, in some way, wanted. It is possible that we should start to consider diverting these clients from prison earlier in their criminal career, by using more effectively the existing alternatives to prison.

### Acknowledgements

We would like to thank Dorset Probation Committee for giving Mr. Cox and Mr. Yeomans the time to carry out this project, and the Governor of HMP Dorchester for giving Mr Hukins and Mr Robinson the opportunity to partake. Although this was a relatively limited project, we believe that it clearly demonstrates that Prison Officers and Probation Officers are well able to co-operate in the development and analysis of their work. ■

### Appendix—Persistent Petty Offender questionnaire

#### PART 1

- 1 Age
- 2 Sentencing Court
- 3 Sentence for criminal behaviour or non-payment of fine.
- 4 Length of sentence

#### PART 2

- 5 Number of previous court appearances
- 6 Number of previous custodial sentences
- 7 Date of last discharge from prison
- 8 Number of Probation Orders
- 9 Breach of Probation Order in past 5 years
- 10 Previous C.S.O.
- 11 Breach of C.S.O.
- 12 Partially Suspended Sentence
- 13 Are you in contact with any member of your family?
- 14 How often do you see members of your family?
- 15 Do you consider that drink or drugs contributes to your criminal behaviour?
- 16 How many times have you been NFA in the past 12 months?
- 17 How many jobs have you had in the past 12 months?
- 18 Have you had any medical treatment in the last 2 years?
- 19 Do you consider your physical health has deteriorated in the past 2 years?

#### PART 3

- 20 Do you consider prison to be:-  
Comfortable, Easy, A deterrent, A lonely place, Caring, Your friends are here, Difficult, None of these, Other
- 21 Which description do you think applies to how other people see you:-  
A Criminal, A Nuisance, Unhappy, Sociable, Unemployable, Helpful, A threat to others, None of these, Other.
- 22 Which do you think, of the following, best describes your feelings:-  
Unable to cope outside prison  
Have had no success in life  
Apprehensive about the future  
Have few friends  
No one helps you  
Have a drink problem  
Nowhere to go on discharge  
None of these  
Other



# BOURNEMOUTH- ON THE ROAD TO SHARED WORKING?

**David Luff**  
*Senior Probation Officer  
HM Prison, Bristol*



David Luff is married with 3 children. He joined the Probation Service in 1970 from a business background after completing a Home Office course for mature entrants. His first post as a Probation Officer was in the Royal County of Berkshire. In 1974 on promotion to Senior Probation Officer, he moved to Maidenhead where he remained until taking up a secondment in 1980 to H M Prison Service at Bristol as Senior Probation Officer.

During his time at Bristol Prison, he has actively pursued opportunities for shared working between Probation Officers and Prison Staff and has encouraged links between the National Association of Probation Officers, and the Prison Officers Association on both the local and national level. David Luff completed nearly four years secondment in September this year and is now Senior Probation Officer for Special Projects in the County of Avon Probation Service.

Last year, the National Association of Probation Officers confirmed during their Conference, by a narrow majority, a motion to continue the process of withdrawal of Probation Officers from prisons. The debate was evenly matched with Probation Officers currently working in prisons both speaking for and against the motion. Having voted for the withdrawal from prisons and having subsequently been involved in the Prison Department research about the "Social Work Needs of Prisoners", followed by the Bournemouth Conference in June 1983, I would like to present a personal view for colleagues' consideration.

Behind the decision at National Conference was a belief by many Probation Officers that their professional expertise was not being used to its best advantage in many prison situations, and that this expertise might be more appropriately based within the community, providing additional manpower to over-worked and under-resourced Probation field teams. This Conference decision, the following debate and the Prison Department research proposals and implementation have brought the debate about the role, task and professional status of the Probation Officer into the limelight. The first argues in favour of remaining within institutions, pointing to the successful integration of many Probation Officers with uniform and governor grades and the provision of social work services for prisoners. Those who in the debate argued against, point to the frustration and largely inappropriate work, sometimes described as "fire-brigading" or "first-aiding", which makes a planned

long-term intervention almost impossible. Amongst those holding the latter view are many Probation Officers currently working in local prisons, who are faced with large numbers of prisoners passing through the system, whose manifest needs can neither be assessed nor provided for adequately.

Nevertheless, during the past 5 years the concept of social work in prison, now more generally called "shared working", has grown and the Prison Department itself has recognised its value by establishing some experimental regimes (e.g. Exeter and Featherstone) in which uniformed staff participate in welfare work. In other areas, informal and semi-formal schemes often initiated by Probation staff have struggled to demonstrate that the welfare task in prison is a legitimate one for Probation staff to share.

## **Local Research**

A recent study of "shared working" schemes in the South West region was undertaken by Senior Probation



Officers and the result analysed by the Psychology Unit at Bristol Prison. Initial conclusions were that "a great deal of enthusiasm and positive thought had been directed towards making shared working schemes operate, often under the most difficult conditions". "It appears that many of the schemes are operating well but that it was also apparent from the questionnaires that a great deal of frustration was being experienced by virtue of the lack of training resources and, in particular, Essential Task List status." It concluded that "a considerable degree of apprehension was evident amongst staff about the future of shared working schemes, if official support was not forthcoming."

### **National Research**

The research, which was featured at the Bournemouth Conference, was introduced with uncharacteristic speed by the Prison Department at the end of 1982. The design of the project itself quickly came under attack from both Probation staff and psychologists working within the prison system. It was felt that research about the "Social Work Needs of Prisoners" could not be adequately fulfilled by the proposed design because the results obtained would be open to wide interpretation. During the course of consultations, slight modifications of the design were carried out but the overall effect of these changes still left many Probation Officers with doubts as to the validity of the research.

In June 1983, the Bournemouth Conference set out to review the role of the Probation Service in adult establishments. It brought together academics, representatives of the Probation and Prison Inspectorates and Departments, Probation Officers, and prison staff from officer to governor level. The Conference had the benefit of a literature survey compiled by Professor Norman Jepson, which gave a very thorough coverage of Social Work in Prison. Debate and discussion within the Conference was wide-ranging and well-informed, though I believe there were some concerns that the objectives of the Conference were not strictly adhered to. A detailed analysis of the material produced is currently being undertaken by the Prison Department.

### **Strategies for the Future**

The Probation and Prison Services have at last recognised that there is a need to review how social work is undertaken within institutions, and to assess its effects on the through-care programmes. My own belief is that

the debate, as evidenced at the Bournemouth Conference, could bring about one of four workable alternatives: any one of these could be argued as the logical outcome of the debate.

**The status quo.** Arguments for maintaining the status quo suggest that seconded Probation Officers should continue the work currently being done in prisons to meet the functions described in Home Office Circular 130/1967. This allows for the individualistic approach, which can be argued for with some validity on a local level. It must be recognised that the effects of the Criminal Justice Act 1982 has already brought about some changes of status of the Probation Officers seconded to Young Offender establishments, but that these changes are not dissimilar from tasks until recently done by Senior Probation Officers attached to Borstal regimes under earlier arrangements. At the Bournemouth Conference, there appeared to be a section of prison management who favoured the strategy of maintaining the status quo as it offered them a service which has most often been described as one of reducing tension or anxiety and thereby promoting a stable regime.

**Gradual withdrawal.** The arguments for this strategy suggest that the phased withdrawal of Probation Officers from prisons should take place during the course of the next 5 years. During this time, Probation Officers, in co-operation with prison training departments, uniform staff and prison governors, should hand over the majority of welfare work currently being carried out by Probation Officers in prisons. By the end of this period, Probation/Welfare Departments would be staffed almost entirely by prison officers; a Probation or Senior Probation Officer, acting as a liaison consultant and co-ordinator of the work, might be retained. Main grade Probation staff would be re-located in field teams, enhancing the Probation Service's ability to take on an increased commitment to after-care and licence work which is currently under-resourced in the community. A gradual process would also enable the transfer of funding arrangements to be accommodated within annual budgets.

While this strategy was certainly discussed at the Bournemouth Conference, it was felt that problems might arise because of the different budgetary arrangements between central and local government. It does, however,

most nearly represent the National Association of Probation Officers present policy. This year's National Conference will need to grapple with the inherent political, budgetary and staffing implications if this policy is maintained.

**Social Work in Prisons or Shared Working.** This model, which is in experimental operation at some prisons, argues that Probation Officers' job specifications should be re-written, in co-operation and consultation with prison management, the Probation Service and the Prison Officers' Association, to recognise formally the concept of shared working and to organise on a team basis the social skills training, individual counselling and specialist group work. Such teams, where they operate, are usually Wing based. This enables closer co-operation between Probation and prison staff on a daily basis and is currently in use in selected prisons. The system, which has already been proved to work, provides opportunities for a very real change of attitudes by prison management and prison staff. Management does not always appear to recognise the full potential of the uniformed staff or the advantages to be gained by the inclusion for welfare work into their job specifications, particularly since individual and institutional security may be improved. Equally, not all prison officers are as constructive as the P.O.A. might suggest.

Throughout the Bournemouth Conference, there was an expression of support for shared working schemes, both formal and informal, and the recognition that if this style of work was to be carried forward, commitment by the Home Office, in endorsing the philosophy and providing the resources, was essential. A strong plea was made for a thorough evaluation of all the schemes currently in operation throughout the country, so that any future action could be based on experience already gained.

This general strategy is the one that brings N.A.P.O. members into conflict with each other. Whilst there is strong evidence that it works effectively at enhancing both the work and the professional relationships between staff, it goes against both N.A.P.O. and P.O.A. official policies.

**Amalgamation.** An argument for amalgamation is perhaps most controversial and seems not to have been widely debated because it implies a different management system. It suggests that many of the tasks currently



carried out within the prisons, directly relating to prisoners' development, assessment, education and allocation, might be reorganised and integrated under a new department. This new department, probably headed by a Deputy or Assistant Governor, would encompass all the tasks currently done by individual departments, thereby uniting Probation Officers, educationalists, psychologists, uniformed staff and governor grades in a way as yet not experienced. This is clearly the most complex strategy and would entail a considerable amount of formulation and debate at all levels. The rewards of such an unification could be considerable, bringing about changes in some of the basic assumptions about the handling and management of prisoners. It would also provide opportunities for a greater cross-fertilisation of ideas and would unite a number of disparate departments which, at best, find a co-ordinated approach almost impossible under present arrangements. In reality, it is unlikely that the Prison Service could undertake such a change in management and structure and, it is fair to say, the strategy of amalgamation was not discussed at the Bournemouth Conference.

### Conclusions

The official outcome of the Bournemouth Conference has yet to be published but there are some conclusions which, I think, can be drawn. The prison management seem united in the expression of their desire that the Probation Service continue to second Officers to the Prison Department. Other areas of agreement within the Conference were as follows:—

- a) the two Services should work together to produce a set of objectives which are stated clearly and concisely;
- b) the priorities for the two Services and their relatedness each to the other should be defined—i.e. who can do what and to or for whom;
- c) communications between Probation and Prison Departments at all levels should be improved;
- d) the two Services need to clarify the roles of the prison and probation officer in a shared working regime with regard to the care, concern and control of prison inmates;
- e) the Conference seemed to endorse the multi-discipline approach to prison management and the treatment of inmates, recognising that all staff have something to offer on a general basis (experience) and

on a unique basis (training, professional skills);

- f) a pragmatic approach was suggested, recognising the need for evaluation and willingness to share information about different models of working.

On a personal level, during nearly 4 years of working within the prison system, I have been impressed by the willingness of many uniformed staff to undertake welfare work on an informal and voluntary level, and their willingness to participate in group tasks or group discussions focussed on pre-release or social skills projects. Relationships between Probation and prison personnel seem to be generally good, though there are some notable exceptions. On a management level, however, there appears to have been some reluctance to recognise that the Probation Service has very much to offer the Prison Department, except as agents of tension reduction or anxiety control of prisoners' day-to-day welfare needs. The Probation Officers' professional training, expertise and experience are considerably under-used. The recent research discussed at the Bournemouth Conference might be used to further one of the logical alternatives, four of which have been described here. ■

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## The Abuse of Power

PATRICIA HEWITT

The Abuse of Power by Patricia Hewitt, the General Secretary of the National Council of Civil Liberties carries in its title the provocative declaration of criticism that identifies the NCCL and its General Secretary as committed against arbitrary authority. Such a prejudiced assumption will have the unfortunate effect of causing those who might otherwise benefit from a challenge to their righteousness to conclude that NCCL merely represents the anti-establishment approach without any pretensions of balanced arguments. The book justifies its title and will confound its detractors.

The opening paragraph of the introduction asserts that the book explores the gulf between the widely held belief "that Britain leads the world in civil liberties" and the reality and by the second paragraph refers to Habeas Corpus. The stark contrast between the theory and the practice is epitomised by the law and procedure applicable to the Writ of Habeas Corpus which requires an understanding of the jargon of the Rules of the Supreme Court, the formalities associated with presentation of High Court proceedings and then the availability and access to a judge. The author throughout the book illustrates the cruelty, some of it a consequence of inadequate compassion, some of it arising without even apparent concern as institutionalised agencies exercise their powers and discretion.

The book is handicapped in that it appears to have been prepared in advance of events which are relevant to and perhaps the essence of the reasons for NCCL. There is no mention of the report of Lord Scarman into the Brixton riots, (which sustained and justified previous criticism of police methods and which has caused marked variations in that practice), nor the review of Lord Jellicoe into the draconian Prevention of Terrorism Act (which describes the exclusion orders as "an inferior substitute for criminal proceedings" and on the issue of increased police powers concedes that "There can be no clear proof that the arrest powers in the Prevention of Terrorism Act are, or are not, an essential weapon in the fight against terrorism"), nor the Police and Criminal Evidence Bill currently before Parliament, which is being criticised by doctors, church leaders, journalists, lawyers and other concerned groups and individuals who do not expect to be involved other than professionally or as observers of its provisions. NCCL will have found more expressions of concern over civil liberties in recent months than might have been expected when the book was published. Just as there is a need for a second edition so, too, there is a reason for considering the first edition as encapsulating the intense anxiety that exists over the safety of the individual citizen when pursued by an increasingly anxious administrative and investigative atmosphere within the forces of law and order.

Modest data is provided about the author herself, apart from her position as co-chairwoman of The Human Rights Network and her potential as prospective parliamentary candidate. The book is dedicated to her mother in a personal gesture which pervades through the pages as the peril of the problems of individual cases is exposed. We are reminded of the causes of the Shrewsbury Two, the wrongly convicted

Confait killing defendants, the ABC prosecutions and names in the legal textbooks such as Hosenball, Agee, Dutschke, Blair Peach and Harriet Harman, legal officer of NCCL, whose case went to the House of Lords and where the law was upheld but is expected to be changed.

The abuse of power is identified in several fields but none with more telling effect than that of official secrets. Starting with the Official Secrets Act 1911 apparently rushed through Parliament with little debate "all its stages in the House of Commons being completed in less than an hour", chapter 4 refers to the 1970 prosecution of Sunday Telegraph journalists, (including the now mediaman Jonathan Aitken), the resultant Franks Committee Report and the 1979 Protection of Information Bill which was abandoned about the time the Blunt saga became public. The proposed secrecy laws would have prohibited discussion of telephone tapping or mail interception and "confidential" information would cover "almost any information...without any test of whether publication of material would damage foreign relations". But where the law is not promulgated by Parliamentary procedure it is enforced through the Civil Service disciplinary regulations, which are contained in an official document "whose publication has not been authorized". The Crossman Diaries in 1975, the British Steel mole and Granada TV and the Sunday Times articles on thalidomide are cited as examples in the arguments against censorship and secrecy and which arguments found favour with the European Human Rights Court.

NCCL according to its current annual report has a record number of cases before the European Commission of Human Rights including matters relating to immigration, the use of plastic bullets in Northern Ireland and the complaint by a county councillor over the health and safety standards at Aldermaston. The provision whereby individuals can make complaint against their government under the European Convention on Human Rights was continued on 1981 but not without opposition from those objecting to interference of foreign institutions with the decisions of parliament and the courts. Amongst the recommendations put forward to improve the enforcement of human rights standards in the UK include the establishment of a human rights commission as created in New Zealand in 1978 with power to scrutinise legislation and ministerial decisions for their compatibility with the Convention on Human Rights and the Civil and Political Rights Covenant, and "where necessary to provide legal assistance with complainants who wish to pursue their cases".

One third of the book relates to the police and civil liberties and ranges through issues of policing the police, the role of the special branch, data protection, the system of police authorities, the proposed scheme whereby neither the police nor a police authority would control prosecutions which would be transferred to the crown prosecutor and the police complaints procedure. The persistent arguments for an independent police complaints tribunal put forward by NCCL seem to have found favour with both the Law Society and the Police Federation as evidenced by a joint statement issued on 22nd April 1983.

On analysis of the complaints set out in the 250 pages of narrative there is an obvious conclusion that the principle respondent in most, if not all matters, is the Home Office. No distinction is made of the political calling of the ministers of state. The complaint is against the servants of civil administrations and who by their catalogued actions appear to have abandoned the ethos of service to the citizenry. The all-party Home Affairs Committee proposed an independent review body on allegations of miscarriage of justice on the argument that it was unreasonable that the Home Secretary should be expected to decide whether to grant a free pardon or remit a sentence on the advice only of officials at the Home Office. The proposal was rejected "the introduction of an advisory body or other institutional change would not ensure that such decisions were infallible."

The book reviews claims for compensation for wrongful imprisonment, prisoners rights, restrictions on assembly and non violent protest and identifies the changes which have taken place in recent years. Whatever changes have taken place only serve to emphasise the previous unacceptable standards but do not alter the desperate observation that at an individual level claims to be preserved, protected or compensated are subject to legal aid, subject to judicial discretion, the delays of ECHR or the interest of a parliamentarian. So limited are the real opportunities for protection of individual liberties until it is too late, until there is a commission or public enquiry, or there is a death in custody inquest that the merit of the work of NCCL as portrayed by this publication cannot be ignored.

When the authorities rule by force, they first arrest people, then they send them to camps and then they start killing them. Their actions must be countered at the outset" said Edelman, a victim of nazism and the Warsaw Ghetto and imprisoned under martial law in Poland in 1981. It is not unknown for persons in the UK to be unlawfully arrested, strip searched without justification, convicted on corrupt evidence, imprisoned in inhuman conditions and found dead in custody. Once is once too often. There is evidence that the fears of NCCL are being established. The correspondence published with a special report by the Police Complaints Board into a police raid on private dwelling in Brixton in July 1981 shows "at best, ignorance or misunderstanding of their powers on the part of a large number of officers or, at worst, institutional disregard for the niceties of the law".

Patricia Hewitt produces an extensive bibliography and notes to the various chapters and by so doing assists those adopted the causes championed whether that of race relations, equal opportunities or sexual minorities, and also those who seek to understand the arguments for human rights.

This book fails to imagine society from the position of the administrator and to that extent deserves to be seen as a challenge for a reply. A dialogue between those charged with administering good order and those adopting the awesome responsibility of representing the abuse is surely in the public interest, particularly as the community prepares to polarise on issues of unemployment of masses of modestly maintained



workers and deployment of missiles of monstrous capabilities. In the event of a national emergency the potential for abuse of power is exaggerated, and in that this book illustrates existing administrative failings, many of which are admitted either in whole or in part, the need for a standard of human respect, enshrined not only in statute but in the minds of the administrators of peoples lives, freedoms, duties and responsibilities is vital, literally. Even those in power fear "darkness at noon".

DAVID HALLMARK  
Solicitor  
Worcester

## Punishment: A Philosophical and Criminological Inquiry

PHILIP BEAN  
*Oxford; Martin and Robson, 1981.*

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 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 administrations during the coming months.

DAVID CORNWELL  
Assistant Governor  
Northallerton

## The Inmate Economy

DÁVID B. KALINICH  
*Lexington Books 96pp*

Despite the fact that in 4 years at Wakefield Dispersal Prison I never once overheard a wheeler dealer prisoner shuffle along the landings mumbling "Is it X=2.3 (X=1.4) for the risk of dealing in getting Bill a new cell or X=2.1 (X=.5) for the risk of harassment from the rest of the cons?" this book does have certain value. Its value, at least for this reviewer, is a confirmation if one were needed, that once again careful research has shown that prisoners are very good at calculating the risks and returns in manipulating the world of the unofficial privilege.

In 1980 the author researched the effects on prisoners and the prison (the State Prison of Southern Michigan (SPSM)) of dealing in contraband. The author claims that the work "analyses the organisational phenomenon that facilitates the contraband system, the informal inmate power structure that supports and is supported by the distribution of contraband to residents and the dilemma that prison administrators are faced with in attempting to control the informal prison market system and recommends strategies that may decrease the flow of contraband." With an analysis and a target like that this reviewer immediately waded into the first of the almost indigestible pages of this 100 page book. The author describes how he got information for this thesis in a variety of ways so that his conclusions would be as realistic as possible. Certainly, the analysis of the system is a good one and one strangely enough that makes the journey across the Atlantic quite well. In particular the descriptions of the underground economy in the State Prison mirror fairly closely the concerns and the processes of dealing in contraband in a British Prison. Despite this, of course, there are very real differences between the Michigan Prison system and our own: one need look no further than the crude fact that SPSM has a daily average population of some 5,000 (in some 4,900 cells) and is really a complex of prisons including a minimum security farm outside the wall. Whatever our overcrowding problems in England not even our largest jails could boast a total of 5,000 prisoners. It would be like putting all the main London prisoners together within one wall and also throwing Leyhill outside the wall for luck.

Despite these differences then, what can be gleaned? It is recorded that SPSM management had drawn up a very comprehensive list of what may or may not be legally enjoyed by its guests. This list is, incidentally, very similar to the basic list drawn up in countless prisons round the UK system. The list is to be found on pages 3 and 4 of the first chapter and with the wording slightly changed could usefully be pinned up in all our dispersal prisons at least. (There is comfort in knowing that the American prison system is as obsessed by the need to limit privileges in precisely the same way as the UK service!). Again like some parts of the Prison Service there is a simple credit system but using "scrip" which is an internal currency used both to pay inmates and for them to buy goods within the various canteens. It will come as no surprise to read that goods and services, including sex, are available for a price in the system even though they may not be sold over the counter. It will further be no surprise to learn that the real currency is cigarettes within the alternative economy. (To a much lesser extent real money is used unlike our own system.) What does come as a surprise, however, is the matter of fact acceptance that the corner-stone of the contraband system in SPSM has little to do with the self seeking desires of prisoners and everything to do with the corruption of staff without whose ready supply of contraband articles, including drugs of even the heaviest sort, the system could not continue. The point is made by the author that in many cases the guards turn blind eyes to infringements of regulations in order to maintain "control". We may smile at this from our tolerant position of



knowing that we are the best prison service in the world until we remember the use made by every borstal housemaster (despite what he said) of the dorm or wing "daddy" and the tacit acceptance of what is termed an acceptable level of prisoner control in any association prison. But however similar we may be in our use of prisoners to control prisoners the scale and complexity far exceed what we could contemplate in this country. The corruption in SPSM is focussed on the printing shop. The small town that in reality is SPSM has its own printing shop where amongst other things "scrip" is printed (both legally and illegally) but in addition to this forged credentials and cheques for the use of discharged prisoners were printed and distributed. There appears to be a lively trade in selling forged books of scrip to guards for 5 dollars with a scrip face value of 10 dollars thus at once creating 5 dollars of real money for circulation in the system and allowing the guards to purchase an extra 5 dollars of real goods from the canteen. The scale of corruption is exemplified by a guard who in 1977 was convicted of making 60,000 dollars in one year by dealing in cocaine. I do not believe I am being over confident in believing that corruption on such complexity and scale could not exist in the UK prison system.

Much of the book, though, does not contain such tasty tippets of gossip like that, most of it is fairly predictable and dull description of the kinds of contraband dealings that go on in a prison. A typology is used for each of the types of contraband which covers, supply methods, a dealer typology, the market structure, the risk in dealing (and here we get these obtruse mathematics right through the book), consumer typology and consumption patterns. The investigation covers everything from contraband clothing to contraband appliances (not that sort, TV's and radios), drugs, gambling, sex, weapons (you name it it's there for the asking). In truth these parts of the book do not really repay a great deal of close study. But, and here we come to the importance of the study if we accept the general nature of the contraband response to the pains of imprisonment and the general validity of the response as applied to the UK service what are the learning points promised in the author's 'come on' introduction? Do we congratulate ourselves that our paternalistic and officer-involved social system of imprisonment prevents such wide scale abuse of privileges or can we learn from the promise of the author that he would set out a strategy for the assistance of prison managers?

The author believes from his researches that smaller institutions (and here I suppose Wormwood Scubs would be a small institution!) seem a theoretically more manageable alternative to the traditional prison for several reasons: "In a smaller setting staff will have more opportunity to evaluate individual residents and have better understanding of their needs and behavioural patterns. Programming aimed at legitimately meeting residents needs could be developed and problem residents could be dealt with more efficiently as they would be more readily identified". One is tempted to ask just how small such a prison has to be for this to be a realisable objective. Apart from such questionable ideas quoted above what does the author put forward as a future for prison management? It is unfortunate that as with a great deal of the book the author is long on possibilities and short on suggestions; reading this last chapter is akin to reading a counsel of despair when one has served for some time in the UK prison system. The same old chestnuts are there; "If the threat of parole loss is eliminated and the reward for good behaviour eliminated or limited prison administrators will be forced to consider other means to control inmate behaviour"—well I never! "I would also speculate that an internal reward system would not be as powerful a deterrent to inmate misbehaviour as the parole and good time systems and the incidence of inmate misconduct would increase equally with such a system causing a general increase in the punitive approach to

control". (Some of us have been here too). But in closing perhaps the final paragraph should be quoted in full as a chilling testimony to the impossibility of finding the Holy Grail of prison management. "In every respect prisons will become more difficult to manage, traditional management tools of prison administrators will be eliminated or subjected to control by the political legal system. Inmates will enjoy more freedom within the prison environment and will attempt to have impact on the system through formal prison channels and political legal systems. Guards will probably unionise to protect their interests. Administrators will be forced to work actively with both groups in seeking a compromise. These factors will make the prison administrator's job very difficult and, while working in this highly unstable environment they will be subject to constant scrutiny by the courts. Managing a prison may, like the mayoralty of New York City or Cleveland, become an overwhelming job. But the majority of the inmates will observe the conflict and problems created for the prison administrator with mild amusement and will derive even greater pleasure from good faith efforts to improve their conditions. They will continue to develop their own informal norms and sub-rosa methods to make their existence more tolerable".

With such a depressing conclusion one feels that emigration is the only answer because, as the English prison system is already where the American prison seems to be going, maybe we do have something to teach the USA after all!

MIKE GANDER  
Governor  
Low Newton

## Assets and Liabilities of Correctional Industries

FUNKE, WAYSON and MILLER  
*Lexington Books, D C Heath & Co, Lexington, Mass. USA*

This curiously titled book is a study of the "Free Venture Model" for prison industries in the United States. This model originated in research carried out for the Law Enforcement Assistance Administration in 1975. Originally it contained certain radically new elements:

- realistic work environment; with a full working day, wages based on output, productivity comparable with outside industry, limited scope to "hire and fire" and transferable training and job skills
- inmates to partially reimburse custody and welfare costs from earnings and pay restitution to victims
- graduated preparation of inmates for release
- responsibility (with financial incentives and penalties) for placing inmates in jobs on release with financial benefits to prison industries where offenders are successfully reintegrated
- self-supporting or profit-making business operations.

Before the first demonstration projects were funded, however, the LEAA removed some of the elements from the model notably the financial incentives for post-release job placement, financial benefits from successful reintegration, reimbursements by inmates and preparation for graduated release. No explanation of why these amendments were made is provided or is indeed necessary for the informed reader but one cannot avoid feeling a sense of disappointment that even in the United States—which many British and European penologists regard as the most productive source of radical experimentation—it proved practicable to proceed with the "Free Venture Model" only in an emasculated version.

By 1979 there were twenty-one industrial workshops in six states operating on the "Free Venture Model". An account is given of attempts made to evaluate the impact on the institutions and inmates involved, to measure

the economic effects in terms of productivity and to analyse the effects of legal restraints on prison industries. Understandably the picture is confused: the propensity of different institutions to alter model systems to suit their own perceived or actual special needs (a phenomenon not unknown in the British penal system) made the task of data collection, comparison and evaluation extremely difficult. Information and data are given, however, which should be of the greatest interest and value to anyone who is involved in the operation, control or direction of prison industries and institutions. A further passage of time is needed before a full and authoritative analysis can be made but perhaps the major contribution of the "Free Venture" programme has been that it has focused attention on the problems and potentialities of prison industries.

The book concludes with a review of the legislation currently in force in the states in which the "Free Venture" model operates. Federal and state legislation to restrict the operations of prison industries was introduced as long ago as 1890 but by the 1970s had come to be seen as an anachronistic hindrance to penal progress in view of the apparent failure of education, training and welfare counseling within the increasingly discredited medical model. British penologists should feel grateful that their systems have almost entirely been unaffected by the dead hand of restrictive legislation on prison industries; the self-contradictions and inconsistencies in the legislative provisions of the states operating "Free Venture" is a sad reflection on the quality of states' legislation. States are recommended to review their legislation on prison industries thoroughly and comprehensively: they should acknowledge the business purposes of prison industries, adopt business plans comparable to the private sector and in particular should establish proper management control systems for production, marketing and financial monitoring and controls.

This study of prison industries in the United States has a timely relevance for other penal systems based on the same cultural traditions. Disenchantment with the failure of education, training and counseling to produce the promised rehabilitative results and an increasing awareness of the enormous costs involved in providing the resources needed for such programmes are leading to renewed interest in the potentialities of prison industries. Experience in England and Wales since 1970 when prison industries were remodeled shows that well managed and well controlled industries can achieve self-sufficiency by a value of production which equals or exceeds the cost of the resources required and that they can provide the purposeful occupation for prisoners which contributes to the good order essential for institutions as well as providing the realistic training and work experience without which a prisoner's successful reintegration into the community is not likely to occur. In England and Wales some 16,000 prisoners (over 56 per cent of the convicted population) are employed each working day in industries and farms with a value of production in 1981/82 amounting to £44 million and a cash trading deficit of some £4 million. The total value of sales by industries operating under the "Free Venture Model" amounted in 1979 to 3.668 million dollars or approximately £2 million: some 1,000 inmates were employed and the cash trading deficit was some 367,000 dollars. In England and Wales totalisation of results disguises the facts that many industries, particularly in newer prisons with good industrial resources, are self-sufficient in that the value of production equals or exceeds the costs of providing and operating the resources. Many more industries could achieve these goals if a better approximation to a normal working week could be regularly obtained.

This stimulating and well-presented account seems, oddly, not to have appreciated that the need for labour-intensive work in prisons can best be met by using capital-intensive machinery to generate it. A report by the US General Accounting Office on industries in Federal



Prisons in 1982 strongly recommended the introduction of more automation in Federal prisons. The same report records that the termination of the LEAA was almost certain to lead to the ending of the Free Venture programme at the end of the fiscal year 1982.

PETER CANOVAN

Director

Directorate of Industries & Farms  
H.M. Prison Department

## Confinement in Maximum Custody

DAVID A WARD and KENNETH F SCHOEN

Published by Lexington Books 1981

This book is virtually a record of a conference held in the State of Minnesota, U.S.A. in June 1978. The conference was convened by the State as a kind of "Think Tank" to help it plan a new high security prison. The book follows a logical sequence. Part I is concerned with problems in identifying habitual offenders and dangerous inmates; Part II with research on the effects of long term confinement on inmates and staff; Part III with legal issues and sentencing problems relating to maximum security prisons; Part IV with new American and Part V with new European maximum security prisons; Part VI with policy implications. The book consists of 194 pages split into 15 chapters so is concise, and generally easy reading.

I say the book is *virtually* a record because, as the preface confesses, an entire paper was lost, as were the discussions following all but 6 of the fifteen recorded lectures, "because of technical malfunctions with the sound recording equipment".

There is also a sad tale at the end of Chapter 11, which gives the Minnesotan background leading to the legislative sanctioning of a new prison to replace one for 1,000 prisoners built at Stillwater in the early years of the century—"a massive fortress-type institution" (why Chapter 11? It would have been helpful to have had this background at the beginning of the book). The section on page 119 headed "Postscript" recounts how the election of a new State Governor in November 1979 was followed by the departure of the Commissioner of Corrections and his Deputy, and the replacement of the Parole Board Chairman. "Two years later, the Department appears to be administering the system in a more passive fashion. During this same time period, the prison population increased some 10% and the number of incarcerated juveniles rose substantially. Adult inmates were pulled out of one of the youth facilities. Female staff were banned from working in the living areas in men's prisons, and vice versa. The research contract for the University of Minnesota to study the transition to the new high security facility and the impact of that facility on inmates and staff was terminated by the Commissioner. The impetus to remodel the old prison to ensure a reduction in its capacity appears to have disappeared, and bars have been added to the windows in the new prison.

It remains to be seen what our text book-like planning will finally produce. The bricks and mortar will certainly be arranged differently than those used in earlier prisons. Whether the programs and the lives of inmates and staff will differ much depends upon the new leadership".

These two things—"technical malfunction" of equipment (not my stereotype of American technology) and political change bringing to a grinding halt the full development and testing of a comprehensively designed and coherently managed approach to the running of a new prison—are thoroughly familiar to all of us with a decade or two's experience of our own Service and tend to reinforce a feeling which seems sadly widespread within it, at all levels, that attempting anything other than keeping a basic machine running, whose mechanics are fundamentally prescribed by the size and speed of throughput, is a waste of time and energy.

The contributors to this book are all struggling with our problem, also in the face of negative research results. It is fascinating to read them, a galaxy of talent, mostly well known academics and practitioners of the 50's to 60's. I was still working in a dispersal prison when invited to review the book; hope that it might provide distilled wisdom of a practical and applicable kind soon faded. It was, and is, of some comfort to find that fine brains, pooling a wealth of wide and in-depth experience, European as well as American, could not come up with a clear consensus, even about the subject matter. Whereas the sub-title is "New Last-Resort Prisons in the United States and Western Europe", and the five assumptions given to the conference are couched in similar terms (ie long term prisons are inevitable; "maximum custody" is bound to be their characteristic and is intended to be punitive; long term imprisonment is not for the purpose of rehabilitation; all those who can be otherwise dealt with will have been filtered out; confinement in these prisons will be based on "due process" procedures), Norval Morris, in the last review statement of the conference (Chapter 15 pp 191/2) remarks that the prisons examined and proposed are not wholly or even largely for very long termers "and are certainly not institutions of last resort, whatever that may mean.... There probably is not and should not be an institution of last resort. It understates the complexity of the world and the interdependence of our processes".

However, it is heartening to find the struggle to create something better than "humane containment" continuing. I found the first review statement by Lloyd E. Ohlin (Chapter 15 p177 FF) helpful in summarising both the book and the major areas where experience and experiment have produced some learning. He refers to the problem defining and structuring effect of the way society sets up forms of official confinement; the costly and dysfunctional effect of "over predicting" (ie exaggerating dangerousness; the need to look at society's mechanisms for producing "state raised kids"; the need to create prison environments which "mute" negative definitions and, instead, "accent positive rewards and new opportunities. We should not be creating Alcatraz-type prisons and definitions of offenders, in spite of enormous pressures to do so" .... "We have to open our institutions to the outside world.....closed institutions mean keeping in those we so not want to let out; it does not mean keeping out those that we ought to let in". He goes on to say that the inmate and staff subcultures, and the way they interact, are matters which can and ought to be tackled. It is possible to create inmate cultures supportive to official efforts to enable individual prisoners to achieve better solutions to personal problems. Finally, however, he comes back to the question of managing "the politics of change"; perhaps, in the end, whether we are optimists or pessimists depends on our view of the long range effects of the political process under which our Prison Service has to operate.

E.V.H. WILLIAMS

Governor

## Judicial Discretion in Sentencing by Judges and Magistrates

by VIVIAN GERALD HINES, Q.C.

Chichester, Barry Rose. £42.50

Before his retirement from the bench, Judge Hines was well known in judicial circles for his keen interest in the theory and practice of sentencing and more widely for his membership of such bodies as the Advisory Council on the Penal System. This substantial book is the culmination and development of a series of earlier editions of a text on sentencing (originally presented as a paper at the first judges' seminar on sentencing in 1968) widely used by the judiciary, although not previously published

commercially. Its pedigree is attested by the fact that this edition carries Forewords by the Lord Chancellor and the Lord Chief Justice.

It provides comprehensive and authoritative coverage of the law and procedure applicable to all the major discretionary decisions by magistrates and judges, related to the sentencing of offenders, with Appendices that incorporate useful reprints of relevant judgements from the Court of Appeal, Practice Directions, Home Office circulars etc. Interspersed with this main text are more personal sections on the historical background of sentencing and the contemporary debate about sentencing policy. It is to be hoped that those readers who consult the book primarily as an authoritative source of reference will not ignore these more subjective parts, which raise questions and present challenges to all those concerned with the operation of the criminal justice and penal systems. Judge Hines rightly points out that the development of new penal measures in the 20th century—particularly in the last 15 or 20 years—has resulted in a bewildering choice of sentences: "This growth has been piecemeal, a response to particular situations and a reflection of the outlook of their particular times, with the consequences that they do not constitute collectively a systematic scheme of powers and their use has been very much an empirical matter" (para 16.2).

Among the important topics addressed by the author are the frequently conflicting objectives in choice of sentence, the relevance (or not) of sentencing principles evolved in the Court of Appeal (for application mainly in the Crown Court) for the rather different context of the magistrates' courts, and the need for a 'continuum' of sentencing policy and practice throughout the court system. In discussing the typical choice before a court as to whether a case calls for a tariff sentence or one that is most likely to reduce the risk of future offences, Hines suggests that the tariff or 'policy decision' may often merge with the 'clinical' one. Indeed, it is clear that the distinction so often drawn between 'tariff' and 'individualised' sentences is far from being a simple one, and needs more careful analysis if it is to serve a useful function in the clarification of sentencing principles and the achievement of greater consistency of sentencing practice.

As a work of reference, it is rather unfortunate that publication was not delayed for a few months so that the important provisions of the 1982 Criminal Justice Act could have been fully incorporated in the text, rather than sketchily outlined in an Appendix. This accident of timing makes it even more quickly out of date than most similar legal texts. As a critique of sentencing policy, it is a pity that more of the issues are not developed at greater length, and more answers proposed for some of the crucial questions raised, especially on the development of an authoritative source of sentencing principles for magistrates' courts.

The vicious sting in the tail is the cost—a mere £42.50. To publish a work of this kind, at this price, and with an above average number of misprints and a rather ugly mixture of typescripts, seems very hard to justify. For individuals and institutions alike it may indeed be a valuable book but in no way is it value for that sort of price tag.

Dr A KEITH BOTTOMLEY  
Reader in Criminology  
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## Girl Delinquents

ANNE CAMPBELL

Basil Blackwell, 1981.

One opens with trepidation nowadays many books which profess an exclusively 'female' concern. All too often such works are so radically feminist that they are little more than political tracts.

It is therefore refreshing and comforting to find that Ms. Campbell's book is a scientific study which attempts to analyse first delinquency



itself and then moves on to look at the phenomenon amongst girls. By doing so she carefully avoids the pitfall of isolating female crime from the mainstream of criminal behaviour in such a way that it can be seen as bizarre.

One of her central concerns is the way that past analysts usually (but by no means exclusively) male, have approached the subject of female crime by focussing first on the female stereotype and then seeking to explain criminality by reference to this stereotype. The actual facts and the flesh and blood woman have all too often been ignored or used in such a way that they fit the ready made conclusions. Campbell stresses that this is rarely a deliberately dishonest approach, but the stereo-type of woman as fundamentally weak, at the mercy of events around her, wishing to love and be loved and representing sexual gratification, is still so deeply ingrained in modern thinking that it results in muddled and confused thinking from researchers whose scientific training meant they should have known better.

In her chapter "Second Rate Theories for a Second Sex" Campbell illustrates the dangers inherent in faulty methodology and reasoning. For example it is still widely believed that the relative rarity of crime amongst women is because crime is only a male occupation and therefore women who commit crime are abnormal and sick. (Incidentally the sickness theory neatly encompasses our picture of the menopausal shoplifter or baby batterer suffering from PMT). Holloway Prison still operates largely to a medical model 20 years after the general idea of crime as a 'disease' which could be 'treated' was abandoned in penology.

It is worrying enough that analysts make incorrect assumptions about female delinquency but similar strange assumptions are seen time and time again in Juvenile Courts and amongst the general public. The female offender appearing in a Juvenile Court is far more likely to be questioned about her sexual behaviour than her male co-accused whose sexual habits (if scrutinised at all) will be seen as an essential part of his normal maturation.

The very unsavoury—yet seldom publicised—police procedure of having female prisoners examined for VD is still fairly common even where there is no suggestion of the girl being permissive or in 'moral danger'. As Campbell points out the very phrase "delinquent girl" suggests to many people sexual promiscuity. This point was beautifully illustrated by one of my male colleagues who picked up this book "to look for the dirty bits" (He was disappointed!).

It is typical of Campbell's balanced approach that whilst she attacks poor research techniques and conclusions which begin with the female stereotype she also criticises the same nonsense from the feminist camp. Thus she dismisses the popular feminist view which sees the rise in female crime as reflecting the new awareness in women becoming involved in hitherto male concerns by referring to the fact that the vast majority of women convicted of crime are lower class women little affected by feminism who invariably hold ultra-traditional views of their roles as wives and mothers. Even a superficial glance at the research data establishes that female crime (like male crime) usually has an economic basis, not a philosophical or political one.

Girl Delinquents is not a 'beginners' book and at times makes some large assumptions about its readers—eg. "On Aggression".

"Raismen and Feld have suggested that the junction of the amygdala with the preoptic area of the hypothalamus may be particularly sensitive to the male hormone androgen".  
(page 133)

So now we know!

Campbell does not provide "an answer" to the problem of female delinquency but she offers helpful signposts to the major studies of female crime and a valuable collection of warnings for future students of the subject.

S D HILTON  
AG HM Prison Preston

## Probation Work: Critical Theory and Socialist Practice

by HILARY WALKER and BILL BEAUMONT

Any criticism of current penal practice, whether prisons, courts, police, is a subject upon which everyone has an opinion. This is no less true for those working within the system than without. The difference perhaps, is that for those working in the field conflict between what they are able to do, and what they would like to do to solve the problem is inevitably present, be their view to the left or the right. In this book the authors set out to offer some resolution of these difficulties for practitioners within the Probation Service. They recognise the frustrations, describe past attempts to deal with them, and conclude with a Socialist perspective, offering a critical framework through which to examine day to day work.

The first section of the book looks at what Probation Officers do, focusing on two broad areas, Court-based work and Prison-based work. It describes in detail some of the major tasks making up Probation Officers' working lives, and identifies the problems encountered. In each case this is done through an "official account", drawn from Home Office Circulars, Government Reports etc. and a "practice account" drawn from personal experience of the authors and others. The parallel presentation of these two, often sharply differing accounts, clearly shows the inherent conflict, and will strike a chord in all those engaged in penal work, whichever field they are in. The section ends by looking at recent new developments in the Probation Service, both as a result of legislative changes and those arising from within the Service itself. The conclusion is that, whatever the stated rationale for such developments, the result has been an increase in control to maintain the status quo.

Moving from the practical to the theoretical, the second section of the book presents the radical critique of social work which evolved in the early 1970's, and subsequent attacks on this

critique. The Younger Report of 1974 brought into focus issues of care, control and coercion, and so initiated a major debate, forcing Probation Officers to look at their role, both through existing and proposed tasks. However the authors suggest that the questions raised within the Probation Service at that time were too individualistic and over-simplified, and that the radical critique lacked coherence. They then attempt to move on from there to provide a Marxist analysis, setting the Probation Service very firmly in the position of reinforcing the ideological nature of the law. This chapter is the pivot, joining the two halves of the book, but relationship with the earlier critique is tenuous, and the flow of the argument becomes halting. However, as an assertion of the authors own view, it is compelling, though provocative reading, and whatever one's political persuasion, will provide a useful basis for critical examination of the Probation Service's role.

Section three, "Socialist Practice" follows neatly on from the Marxist analysis of the role of the Probation Service, and if one has followed the book thus far it is a neat and tidy conclusion. Disposing of the limitations and contradictions within the work, the authors then explore its potential, concentrating mainly on "the potential for Probation Officers to contribute to the 'struggle within the State'" (p 170). They offer a "framework of understanding" providing an analytical tool to be applied to problems faced. The practical and concrete suggestions with which the book ends will be useful for most Probation Officers, and can be used and adopted whether one has followed the argument through the book or not. It would be a pity if this chapter was not widely read, even if early sections of the book were only skimmed. However, I fear that those who have most to gain from the final thoughts and suggestions may be the least likely to reach them.

S.M. CAREY  
Probation Officer  
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