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Editorial Office:
HM Prison, Leyhill, Wotton-under-Edge, Glos. GL12 8HL
Reviews Office:
Prison Service College, Love Lane, Wakefield, W.Yorks. WF2 9AQ

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

Comment

The latter part of 1983 saw the service remaining very much in the public eye. There were a number of TV programmes devoted to specialised penal subjects — the Mad/bad continuum on the Rule 43 wing at Maidstone and documentaries on Brixton in relation to its remand and hospital functions to mention some. Certainly the overlap between the special hospitals population and some parts of the prison population came across closely; we might hope that instead of continuing acrimony between the two services and departments over who holds who we could move to joint consideration and development of ways of working with and helping prisoners/patients who fall into this wide category. There must be much experience and no doubt pockets of success on both sides.

The Home Secretary's speech to the Conservative Party Conference containing the policy changes for release on licence for life prisoners and others convicted of certain offences attracted widespread comment both for and against. Not surprisingly some of the prisoners directly involved wished to voice their views too and the whole question of regimes within the dispersal system has come under scrutiny and is currently being examined by the Control Review Committee which may well have reported by the time this PSJ is published. There is a good deal of support within the service for a return to a system that relied more heavily on privileges being earned on a progressive system and, of course, at the same time the resource implications of particular regimes are becoming more widely appreciated. But the speech was wider than simply changes in the operation of the parole system. There were clear indications of an expanded prison building programme and larger prison service, more of which in a moment, but also a reference to exploring the possibility of part-time prisons. All of these points were followed later in the year by more specific detail.

The examination of part-time prison, meaning the use of weekend and day-time only imprisonment, is taking place and will no doubt draw on the All Party Penal Affairs group report published in the last PSJ. It is a scheme that operates in other European countries and the main issues centre now around what premises might be used and who might organise and staff it; perhaps another area for a joint venture between the appropriate services and voluntary organisations.

Finally then the expansion of the resources available to the prison service. Everyone within the service must welcome the expanded building programme as one part of the attack on overcrowding and the present appalling conditions for both staff and prisoners in many local prisons; however there remains the nagging doubt highlighted in a number of articles by Andrew Rutherford of Southampton University, that the new establishments will be accompanied by a commensurate increase in the population without reducing existing overcrowding in any significant way. This is a matter which will not become clear until the end of this decade or the beginning of the next but it will require close monitoring if the new establishments are to achieve the stated objective of reducing overcrowding. To go with this are an extra 5,500 staff by 1988 and we hope the journal will be able to devote some space during 1984 to the very many personnel issues raised by increasing the service by about 20% in total or in the prison officer grades by about 30%.

ALCOHOL

BEHIND BARS!

Mike Bagshaw
Senior Psychologist
HM YCC Hewell Grange

"Youngsters in jail should get 20 pints of beer a day — on the house. And those with bad drinking problems could chase that down with a whisky as well. That's the idea of psychologists who want to set up bars in prisons and borstals offering free booze."

DAILY MIRROR, August 9, 1983.

Another crackpot idea from psychologists or sensational rather than factual reporting?

There's no doubt that alcohol abuse is an expensive problem amongst the prison population. According to recent series of surveys conducted by Prison Psychologists about 40% of adult and young prisoners are judged to drink excessive amounts of alcohol when they are out of prison. Although it can't be said with certainty that alcohol abuse is linked directly to criminal behaviour there's no doubt that for a significant number of prisoners alcohol played a part in their offences. This seems particularly the case for crimes of violence. For example, in 1980 a survey of lifers at Wormwood Scrubs showed that 44% of the offences were alcohol related. But even if the link between alcohol and crime wasn't established the social costs alone of alcohol abuse might lead us to attempt to do something about this problem. The cynics would probably say that you can't do anything and if someone's got a drink problem nothing works. A traditional 'educational' approach which relies on a formal presentation of factual information about the bad effects of drinking clearly doesn't work. At best this approach may increase knowledge slightly. At worst it will alienate the very people we are trying to reach, especially those youngsters who are at risk of developing chronic alcohol problems. But it is a myth to say nothing works.

Various alcohol programmes have shown consistant success rates as high as 70% at one year follow up. In addition the effect of most of these programmes bears little or no relationship to the amount and intensity of the treatment. The exception to this is that longer programmes may be of differential benefit to a small number of severe alcoholics. The possibility still exists that properly conceived preventative programmes run by trained 'lay' persons may be effective in modifying drinking patterns among 'at risk' drinkers.

At present a number of Psychology Units are piloting such alcohol programmes in Young Offender institutions. The main emphasis of these programmes is on responsible controlled drinking as the desired outcome rather than abstinence. As

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Mike Bagshaw, aged 34 is married with 3 children — 9 years, 6 years and 3 months. He joined the Prison Service at Glen Parva YCC in 1977 after studying for a BA Psychology at Bangor University, North Wales. He was awarded a Phd in 1981 for research carried out in human operant behaviour, and is presently, the Senior Psychologist at Hewell Grange YCC. Recent tasks have included working with staff at PSC to produce a Pre-Release Manual, and an 'interactive skills' training programme for newly recruited Prison Officers. Interests: Modern art, Indian cookery and good beer.

CRIMINAL RESPONSIBILITY *and* PSYCHIATRIC DIAGNOSIS

P. D. Toon

The criteria for deciding that an offender is not responsible for his actions on the grounds of mental abnormality has been a matter of discussion for many years in forensic and philosophical circles. More recently however the issue has become a matter of more general debate as a result of the decision in the trial of Peter Sutcliffe, where in spite of a great deal of psychiatric evidence stating that he suffered from a mental illness, the Court decided that he was responsible for his horrific actions. Some have suggested that a public desire for retribution was allowed to over-ride the natural justice of his case, whilst others have argued that the Court's decision illustrates the "bankrupcy of psychiatric diagnosis" for all purposes as an intellectual system. What is the true state of affairs?

I have argued elsewhere that the concept of disease in medicine fulfils two quite separate roles, one of classification and one of evaluation. To say for example that a patient suffers from pneumonia is to say two things: that the condition of the patient is that known as pneumonia, in contrast say to asthma or cardiac failure (a statement with implications for prognosis and treatment); and that pneumonia is a bad condition, and one which it is appropriate should be analysed by doctors using the medical model in order to alter it.

Disease in psychiatry fulfils essentially a similar role. To say that Peter Sutcliffe has paranoid schizophrenia is to distinguish his condition from, say, depression. To define paranoid schizophrenia as a disease implies that it is an undesirable condition for which treatment by the medical profession is appropriate.

These two aspects of the concept of paranoid schizophrenia can be challenged separately. One could suggest that paranoid schizophrenia is not a useful classificatory concept, without denying either that such states are undesirable or that medical intervention is the best way to alter them. Some psychiatrists would indeed do so, and debates about classification are common in psychiatry. This is however in the narrow sense a scientific argument which is of little importance to the general public. It makes no difference to the patient whether he is called a paranoid schizophrenic, a paraphrenic, an acute schizophrenic, or whatever except insofar as it affects his treatment.

In contrast one can accept the definition of paranoid schizophrenia as being a logical one, but deny that it is a bad thing and requires treatment. Some "antipsychiatrists" might hold such a belief.

It is also possible to challenge the assumption that a problem is properly medical, without denying that it is a problem. Some psychologists, for example believe that they are better equiped to treat certain psychiatric conditions than are doctors, but they accept that treatment is appropriate.

In none of these aspects does a medical diagnosis say much about responsibility. The purpose of a medical diagnosis is not to apportion blame, but to provide a logical rationale for the understanding and treatment of an individual's problems. The purpose of defining a condition as an illness is firstly to state that it is a problem, and requires action, and secondly that the appropriate type of action is medical. That the attempt to deduce conclusions about responsibility from such a diagnosis or such a labelling is unsatisfactory is not surp rising, and is not due to the inadequacy of the medical model. Rather it shows that society, via the legal system, has attempted to use psychiatric diagnosis for a purpose for which it is not suited.

Peter Toon trained as a doctor at King's College Hospital Medical School in London. He also has a degree in psychology from London University, and worked in psychophysiological research at Oxford for two years. He now works in general practice in Hackney. He has a long-standing interest in the philosophy of medicine, and particularly in the concept of disease, and in the interface between philosophy, psychology and medical practice.

The belief that a psychiatric diagnosis can help attribute responsibility derives from two features of such diagnoses — they help to explain the cause of a patient's behaviour in some way, or try to do so, and they confirm the patient as being "abnormal". The link between these two features and responsibility is however illusory.

To give a causal explanation, which may facilitiate one's understanding of how a situation arose, and how it may be altered, implies nothing about responsibility, whether the explanation is in terms of biochemistry, genetics, or previous experience. If a pattern of behaviour is associated with an unusually high level of some chemical substance in the brain, or with a particular childhood experience, that does not make the person doing the action any more or less responsible for it. To explain something is not the same as to explain it away.

Similarly, because a behaviour pattern deviates widely from the norm does not make it necessarily bad, or mad, or the individual less responsible for it. Writing "Paradise Lost" is as abnormal as an obsession with killing prostitutes, yet that does not mean that Milton was not responsible for his work.

Our views on responsibility depend on our beliefs about free will and determinism, and our difficulties in sentencing arises out of an inconsistency in society's attitudes, enshrined in our legal system, about free will and determinism. On the one hand we have the belief that individuals are responsible for their actions; therefore if these actions are bad they deserve to be punished. In contrast to this free will approach there is a recognition that there are certain cases where it seems unjust to apply this belief. Either we find the individual's motives and actions so bizarre and remote from most people's experience that we abandon the attempt to understand them and consign them to the rag-bag of the inexplicable we call madness, or conversely the chain of events causing the behaviour outside the individual's control is so clear to us that we feel that "there but for the grace of God go I" and try to spare the full rigour of the law. The forensic concepts of unsoundness of mind and deminished responsibility are attempts to resolve these conflicts.

There seem to be two assumptions linking lack of responsibility to psychiatric explanation. One is a form of Cartesian dualism whereby some events are physical and others mental. The former are determined, the latter free. Mental illness, by providing an actual or potential explanation of behaviour and experience in physical terms, shifts them from the mental to the physical where they are the consquences of an illness which is external and beyond our control. The second is the belief mentioned above, that if one can point to a chain of events leading up to an action, or to a set of predisposing factors—deprived childhood, a biochemical imbalance—then the agent is in some way less responsible for the action.

The lesson of the Sutcliffe trial should be that psychiatric concepts should be used for the purpose they have been developed — treating the sick — and if as a society we wish to treat offenders differently according to their presumed mental state, then an appropriate forensic psychology by which this can be done must be devised. ■

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ALCOHOL BEHIND BARS

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well as dealing with the problems associated with alcohol abuse such as the effects on family relationships there is discussion and demonstration of the skills necessary to cut down one's drinking. For example, the group members may be required to act out roleplay vignettes of drinking situations such as saying 'no' when under pressure from their peers to drink more. Basic self-control skills of sipping rather than gulping, spacing drinks and counting drinks are also covered. So far, we have evidence that these programmes can increase alcohol knowledge and change attitudes positively towards responsible drinking. As yet we haven't sufficient evidence that drinking behaviour, after discharge from prison, is modified towards more moderate and responsible use.

The main difference between prison programmes and those which are run outside prison is that on outside programmes group members have access, either as part of the programme or incidentally, to drink. If you are going to train someone to either avoid drinking venues altogether or to cut down his drinking then it makes sense to do some of the training in the environment where he has the problem or at the very least allow him the opportunity to practise the skills he has learned in the environment where he intends to use them. The period of enforced abstinence which the prisoner inevitably experiences is more likely to exacerbate his drink problems once he has been released rather than enable him to control his consumption.

This was the reasoning which led to the rather sensationalist *Daily Mirror* article. In my view, it is still valid to suggest that for some individuals controlled access to alcohol may be an effective component of a training programme designed to establish responsible drinking behaviour. This doesn't mean that we allow people in prisons to go on a bender. It may involve taking an individual out to a pub to practise drinking in moderation and to receive feedback on his performance. But there are also other ways we can increase the impact of our programmes. Some recent developments with Young Offenders are very encouraging. For example, there is a plan to make a series of video films which show youngsters drinking responsibly and coping with pressures to drink excessively in typical drinking situations. In addition, there has been a move to look at the decision-making skills which lie behind excessive alcohol use and to teach individuals how to make more reasoned choices when faced with the opportunity to drink. A further development is the emphasis on alternative ways of coping with problems which can lead to heavy drinking. For example, teaching someone how to be assertive in social situations generally may help him to say 'no' when being pressured to drink more than he knows is good for him. Another example is training individuals to cope more effectively with relationship conflicts which otherwise lead to heavy drinking.

It is hoped that these new developments may help us to reach those prisoners 'at risk' of developing alcohol problems who we have so far failed to reach. Perhaps we also need to take a more sober view of sensationalist reporting about 'bars behind bars'. ■

Show me a five month sentence

Ken Pease
Department of Social Administration, University of Manchester.

On 4th February 1884, Sir Edmund Du Cane wrote to the permanent Under-Secretary of State at the Home Office. His first paragraph would demand the attention of the present incumbent of the post even more surely than that of his predecessor. "Sir, I beg leave to request that you will call the attention of the Secretary of State to certain points connected with the terms of the sentences awarded by the various criminal courts, as I venture to think that, if the subject were duly brought under consideration of those who are responsible for the administration of justice, a considerable amount of unnecessary suffering might be saved without any diminution of the efficiency of the law; and that a very appreciable economy in the cost of our penal establishments might be effected."

The "points" which Sir Edmund had in mind concerned the tendency of courts to make prison sentences of certain lengths rather than others, for example to make sentences of five, seven and ten years rather than six, eight and nine. Part of the problem, Sir Edmund opined, was derived from judges passing sentences in terms equivalent with periods of transportation conventionally used. He was clearly outraged, arguing that "It is impossible not to feel that some more exact measurement is possible than is exhibited in the above figures, and, if it is possible, that the present arbitrary practise is incapable of justification." He pointed to the "needless suffering" of the prisoner and his family, and "the cost of our penal establishments" in suggesting that the more exact measurement he hoped for would result in a net shortening of prison terms.

Eleven years later the Victorian scientist Sir Francis Galton happened upon a summary of prison terms passed. He noted the same pattern as had Du Cane, with short sentences clustering around the three, six, nine and twelve months marks, and longer sentences rounded to years, with even larger gaps between very long sentences which were used. He was fairly acid about this aspect of sentencing. "The extreme irregularity of the frequency of the different terms of imprisonment forces itself on the attention. It is impossible to believe that a judical system acts fairly which (acts in this way). Runs of figures like these testify to some powerful cause of disturbance which interferes with the orderly distribution of punishment in conformity with penal deserts". He goes on "We may..... be pretty sure that if the year had happened to be divided into 10 periods instead of 12, the exact equivalent of 3 months, which would then have been 2½ (months) would not have been used in its place. If this supposition be correct, the same penal deserts would have been treated differently to what they are now".

Nearly a century later, and, to be frank, in complete ignorance of what had gone before, Margaret Sampson and I made the same observation. In fact the pattern had changed little from that observed by Du Cane and Galton. Our first responses to what we found were also similar to our distinguished predecessors that injustice was involved. We thought in terms of 'just noticeable differences', and reasoned that if a judge thought an offence was too serious for four years it would be given a sentence, not of four years and one day, not of four years and a quarter, not of four years and a half, but of *five* years. The extra year would be deemed necessary to make a 'just noticeable difference'

Ken Pease is currently senior lecturer in social administration at Manchester University, and has been Principal Research Officer in the Home Office Research Unit and Head of the School of Sociology and Social Policy at Ulster Polytechnic. He is part editor of the Howard Journal, and has published widely on sentencing skill.

of sentence length. We cited an Appeal Court reference to a reduction of sentence from five years to four as 'minimal'. This difference may, we argued, be regarded as minimal at the point of sentence, but it works out at 243 nights locked up for the prisoner assuming he is denied parole, and an extra 121 nights assuming he is paroled at the earliest possible date.

Later work by Catherine Fitzmaurice clarified further how a judge goes about choosing sentence length, and I will paraphrase her account of the process. When a sentencer judges an offence to merit a sentence of imprisonment of, let us say, between 6 and 18 months, he will provisionally light upon a figure within that range which is a multiple of 3 months — either 6, 9, 12, 15, or 18 months. If he is thinking that the appropriate sentence is in the range 18 months to 3 years, he will tentatively choose the sentence length which is a multiple of 6 months, i.e. 18, 24, 30 or 36 months. In the range 3 — 6 years, he will think of multiplès of one year. On reflection or after negotiation, he will adjust sentence length by the relevant amount (multiples of 3 months up to 18 months, multiples of 6 months in the 18 month — 36 month range and so on).

An interesting piece of evidence for the Fitzmaurice view comes from a totally unexpected quarter, the 1977 report of the Advisory Council on the Penal System, *The length of Prison Sentences.* There we read "..... at this juncture we wish merely to pose a few simple questions. Are there not cases of two years' imprisonment where 18 months, or 15 or even less, might safely be passed?" It will be noted that the sentence below two years is conceived as 18 months, (a gap of six months) and the sentence below that 15 months (a gap of 3), just as Fitzmaurice suggested. Why does the gap change from 3 to 6 to 12 months where it does? *Very roughly, it changes where the gap between adjacent sentences falls much below 20%, as though this were the percentage increase needed to make a just noticeable difference between sentences.* Recall the Court of Appeal's view cited earlier that a 20% reduction of sentence from 5 years was "minimal".

Injustice or rough justice?

Du Cane and, especially, Galton saw injustice in the pattern of sentences I have described, because sentence length cannot reflect "penal deserts". I think they were wrong. Margaret Sampson and I were wrong too. What the pattern shows is the roughness of justice. The crucial point is whether judges are increasing sentence length apace with increases in what *they* see as culpability. Eschewing proper caution, the answer is that they are. They are appoximate in their sentence lengths because they are approximate in their assessment of culpability: They make distinctions at the *general* level e.g. "a bad case of rape/robbery/fraud" rather than "A case of rape involving four scratches of a total length of 4.3 cm and bruising to.....". The fact that judges never pass sentences of, for example, four years and one day, is because they do not classify culpability so precisely either. In this sense, the crudity of sentence lengths does not distort proportionately between culpability and punishment. An increase in culpability yields a roughly similar proportional increase in sentence length. In fact, there is some suggestion in Catherine Fitzmaurice's work of an additional sophistication, namely, that a doubling of culpability leads to less than a doubling of sentence length because the pains of imprisonment are judged to increase faster than the length itself. A four year sentence is seen as more than twice as bad as a two year sentence, so that you need not double sentence length to reflect a doubling of culpability.

Having read the foregoing sentences a couple of times, I trust you will agree with the assertion that the pattern of sentence length probably does not introduce systematic injustice. It just shows how rough sentencing justice is. Even so, can we leave the matter there? There are good reasons for thinking we ought not to. First, number preferences in sentencing should be taken into account in framing legislation. Second, the use of conventional number preferences in sentencing choice probably protects sentencers from thinking about what a sentence means in practice, and the implications of this need to be explored.

Tactical legislation

Sentencers use numbers in particular ways. This fact can be used, subtly, in legislation. This is clearly already recognised in some quarters. Sentences of imprisonment conventionally take the form of multiples of 3, 6 and 12 months. Fines typically are expressed in multiples of ten pounds. Sentencing to imprisonment is duodecimal, sentencing to fines is decimal. When one wants to introduce a sentence which the courts will use instead of imprisonment, what should its substance be expressed in multiples of? Right first time: 3, 6 and 12. It was cunning of those who introduced community service to consider 120, and finally accept 240 hours as the maximum number of hours service which may be ordered, since the upper end of community service thereby has associations with sentencing to imprisonment rather than fining; which it would have had if say, 250 hours had been the maximum. However, the pitching of community service was exceptional (although similar thinking may have informed the 60 days Day Training Centre attendance requirement). Typically, the thresholds for innovations like suspended sentences, youth custody and parole have periods set as their boundaries which are six months or multiples of six months.

Take parole as an example of what tactical legislation could have done. Parole eligibility was set at 12 months or one third of sentence whichever is the longer. Thus those sentenced to eighteen months were not eligible for parole. Eighteen months is a very popular sentence length. If people so sentenced could have been paroled, even with only a short licence period, a significant decrease in prison population could have been achieved. For example, if parole eligibility had been set at 10 months or one third of sentence, back-of-an-envelope calculators suggest that the prison population could be reduced by perhaps 200 on the basis of early release of those serving eighteen months sentences *alone.* Obviously, earlier release of longer-sentence prisoners will increase this figure substantially. Substantial savings would be made under the proposed early release scheme if the threshold were to be set at five months rather than six.

Savings could also be made by setting the youth custody threshold at six months and a day rather than four months and one day. The use of Detention Centres for six months sentences, with their greater remission would reduce the use of custody overall. Quite simply and generally, I am suggesting that legislators look at conventional time-fixing in sentencing and set thresholds for new initiatives which maximise the benefits (which usually means minimising the use of custody).

Doing time and marking time

In an article with that title, Margaret Sampson and I suggested that the very use of conventional units of time by sentencers made it easy for them to forget the meaning of the sentence for the prisoner. 'Three months' is quick

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PART-TIME PRISON

Parliamentary All-Party Penal Affairs Group

A report on weekend imprisonment, day detention and semi-detention, arising from a visit to Belgium and Holland on 21st-22nd January 1983.

Members: Robert Kilroy-Silk M P , Janet Fookes M P , Lord Hunt
Secretary: Paul Cavadino

In the course of the past 13 years, the development of weekend imprisonment has been proposed both by the Advisory Council on the Penal System and by the House of Commons Expediture Committee.

In 1970, in its report "Non-Custodial and Semi-Custodial Penalties", the Advisory Council recommended that a new sentence of weekend for a maximum of 10 weekends "as soon as circumstances permit" for offenders of fixed abode in regular employment. It recognised that there would be serious problems if full-time and part-time prisoners were mixed together and therefore envisaged that separate accommodation should be provided for those undergoing weekend imprisonment.

Eight years later, in its report "The Reduction of Pressure on the Prison System", the Expenditure Committee recommended that "a start should be made on an experimental basis with a limited number of schemes for weekend detention" and that these experiments should then be evaluated. Since then, however, the Home Office has made no moves to establish weekend imprisonment, even on an experimental basis, preferring to give priority to the development of other alternatives to full imprisonment.

As a result of these two reports, it is now well known that Belgium, West Germany and Holland operate systems of weekend imprisonment. Belgium also operates a system of "semi-detention" whereby certain prisoners go out to work during the day and return to prison at night. Moreover, since 1962 New Zealand has had a system of "periodic detention work centres", to which offenders report at weekends and on one evening a week for a specified period not exceeding a year.

The obvious merit of systems of weekend imprisonment, which attracted both the Advisory Council and the Expenditure Committee, is that they avoid some of the undesirable results of continuous custody such as the loss of employment, the disruption of family life and the continuous exposure to a criminal fraternity. Weekend imprisonment enables offenders to keep their jobs and maintain their family life and reduces or eliminates the need to rely on fellow prisoners for companionship.

We therefore welcomed the opportunity for three members of the Group* to observe the operation of weekend imprisonment and semi-detention in Holland and Belgium and to assess their possible relevance to this country. We are grateful for the generous financial support of the Barrow and Geraldine Cadbury Trust and the South West Midlands Society which made the visit possible.

Holland

On the morning of 22nd January 1983 we visited the Ministry of Justice in The Hague and met Dr. Hans Tulkens, Head of the Dutch Prison Administration, Mr. Ben van Goorbergh, Head of the Prison Policy Planning Section, and Mr. Erik Besier of the Ministry of Justice.

In Holland weekend imprisonment was introduced experimentally in 1964 in The Hague, following which it was gradually extended to other areas and since 1970 it has been available throughout the whole country. It is available only for sentences of two weeks or less — the majority of which are for drunken driving (in Holland 7000 drunken drivers are imprisoned each year) — where following sentence the public

prosecutor can stipulate with the offender's agreement that this will be served in a series of two or three day periods. A two week sentence which is served in this manner will normally be served over seven weekends, but it does not necessarily have to be served at weekends: for example, an offender who works at weekends may serve two or three days at an appropriate time during the week.

The number of people serving sentences of weekend imprisonment has decreased considerably in recent years, and only 60 people are currently serving such sentences in Holland. Our hosts felt that there had been a reduction in interest in weekend imprisonment for two main reasons. First, there was a feeling that to turn up at a prison for seven separate weekends was a stiffer penalty than serving two weeks' continuous imprisonment: an offender in a job need not lose it as a result of a two week sentence, since he could take it as two weeks' holiday. Secondly, prosecutors had become increasingly conscious — and are likely to become more so — of the pressure on prison places and the uneconomic use of cells which were filled only at weekends. There are currently about 200 prisoners in police cells in Holland awaiting a place in a remand prison, and the Prison Administration is trying to discourage public prosecutors from using weekend imprisonment for the next two years because of these problems.

Mr. van Goorbergh and Mr. Besier accompanied us to the remand prison which forms part of a complex of four institutions in The Hague, where we met the Governor, Mr. Frans Lemmers. The remand prison normally accommodates 135-140 prisoners, and had 140 inmates on the day we visited. 10 cells are set aside for those serving weekend imprisonment, of which 6 were occupied. Most stay from Friday evenings to Sunday evening, but if they wish they can serve one day or three days at a time or serve their "weekend" during the week. If a prisoner reports too late or too drunk at the beginning of a weekend, he is sent away and has to come back another weekend. If he fails to comply with the terms of the sentence by, for example, failing to keep time or to behave properly inside or outside the prison, he may be withdrawn from the scheme and required to serve the remainder of his sentence on a continuous basis.

Like all prisoners in the remand prison, those serving weekend imprisonment have single cells. They are segregated from the rest of the prison population and from each other. They stay in their cell except for an hour's exercise daily in the open air, and even then they exercise in isolation. They may bring in their own books and writing materials and may listen to the radio.

We spoke to a prisoner who had received a 14 day sentence for drunken driving and favoured the system of weekend imprisonment because it did not interfere with his studies as a medical student. It had also enabled him to retain his anonymity since his friends did not know he was serving a prison sentence. He devoted the time he spent in his cell to studying.

Belgium

On the afternoon of 21st January we visited the Ministry of Justice in Brussels, where we met M. J. de Ridder, Director-General of Prisons, and Mme. Jacobs-Coenen, one of Belgium's two Chief Inspectors of Prisons.

In 1963 both weekend imprisonment and semi-detention were introduced in Belgium as methods of executing short term prison sentences. The public prosecutor can offer any offender who has a job and receives a sentence of two months or less the opportunity of serving his sentence at weekends; but in practice they do not make such an offer unless an offender asks to serve his sentence in this way. Offenders in work who receive prison sentences of up to 6 months can be offered the opportunity of serving semi-detention, where by they go out to work during the day and return to the prison at night. Semi-detention can also be offered by the Attorney-General (in practice by the central prison administration) after an offender has begun to serve his sentence.

Prisoners serving semi-detention leave the prison in the morning and return at night. A prisoner working a night shift may go out to work in the evenings and stay in prison during the day. Such prisoners pay a small amount (about £5 a week) towards their keep in the prison. An offender serving semi-detention remains in prison for the same number of days, weeks or months as if he was serving full imprisonment.

Those serving weekend imprisonment are kept separate from other prisoners in individual cells. Most come from Saturday evening to Monday morning, which counts as two nights, but they can opt to come from Friday evening to Monday morning, which counts as three nights. If they turn up drunk or late, they are sent away and told to come back another weekend. The ultimate sanction for non-co-operation with the terms of semi-detention or weekend imprisonment is a reversal to full imprisonment, and this also happens if the offender loses his job.

The number of offenders serving both weekend imprisonment and semi-detention has declined as unemployment has increased. The total on 9th January was 68 serving semi-detention and only 4 serving weekend imprisonment, out of a sentenced prison population of 2,547. While the Prisons Administration would like to increase the number serving semi-detention, because it enables offenders to retain their jobs, they do not feel so positive about weekend imprisonment, as they consider that the period over which it stretches is too long. For example, a two month sentence is served over 30 weekends and even a one month sentence is spread over 15 weekends. If the purpose is to retain the offender's job, we were told that both prisoners and the Prisons Administration prefer the system of semi-detention to weekend imprisonment, because it is completed more quickly.

Mme. Jacobs-Coenen accompanied us to St. Gilles prison, one of the two large remand prisons in Brussels, where we were met by the Governor, M. Wille. The prison has room for 320 people but was then holding 500 inmates. No-one in the prison was currently serving weekend imprisonment, but 15 were serving semi-detention. The latter were accommodated in a large dormitory set aside for this purpose. We were told that in some other prisons those serving semi-detention were kept in a few cells separated from the rest of the landing by a partition. If a prisoner serving semi-detention does not arrive back at the right time and has no good excuse for being late, he is not allowed in that night and must serve an extra day at the end of his sentence.

We interviewed a prisoner with a wife and three children, the youngest of whom was seven weeks old, who had been sentenced to three months' imprisonment for drunken driving. He was a plumber, partly self-employed and partly working for an employer. His lawyer had asked if he could serve his sentence in semi-detention, without which he would have been unable to continue working and his family would have had to be supported by the state: by serving his sentence in semi-detention, he was able to retain his employment and continue supporting his family.

Discussion

Semi-detention, although not used as extensively as the Belgian Prisons Administration would like, is a practicable way of enabling some short term prisoners to retain their jobs and support their families which causes no significant administrative problems for the prison system. In this country there are a number of instances of prisoners going out from prison to undertake forms of work, training or community service. The best known example is the pre-release employment scheme which currently operates at 12 prisons and was described by the White Paper "The Reduction of Pressure on the Prison System" (1980) as "a valuable and constructive contribution to the rehabilitation of longer term prisoners". However, this is available only for selected prisoners serving sentences of 4 years or more who are not a serious risk to the public and are within 6 months of their earliest date of release.

In considering the possible application to this country of the Belgian system of semi-detention, we were strongly attracted by the notion of enabling prisoners to retain their jobs and continue supporting their families. However, it seems that the wide catchment areas of some local prisons would impose considerable limitations on the use of semi-detention: it would be difficult for a prisoner from an area 40 or 50 miles away from a local prison to travel daily to his job from the establishment. We are also very conscious of the reluctance which courts often feel to imprison offenders who are in employment and we have considered the possibility that, if short term prisoners were routinely allowed to go to work, this could remove an inhibition on sentencing such offenders to custody. However, these and other practical issues might appropriately be explored and assessed in the course of one or two local experiments.

We recommend that experiments in semi-detention, whereby selected short term prisoners who are employed when they begin their sentences would go out to jobs from prison during the day, should be developed in one or two prisons. A contribution towards the cost of their imprisonment should be deducted from earnings of prisoners serving semi-detention.

Weekend imprisonment is a more complicated issue and it will be clear from the above that it has encountered serious practical problems in Holland and Belgium, which have led to a sharp decline in its use. Nevertheless, those we spoke to accepted that the principles which lie behind the idea are sound. We remain of the view that a partial deprivation of liberty would be preferable to full imprisonment for a considerable number of the less serious offenders who currently receive custodial sentences.

The two greatest problems attached to the operation of weekend imprisonment in Holland and Belgium are:

(i) the demands on someone required to turn up at a prison on seven separate weekends are perceived by most prisoners and by administrators as more severe than those imposed on someone who serves a continuous two week sentence and thereby gets it over and done with.

(ii) Weekend imprisonment is served in busy remand prisons and it is an uneconomic use of resources to reserve cells for occupation at weekends only.

The first problem might be overcome if weekend imprisonment were introduced as a separate sentence in its own right. The courts could then take these considerations of relative severity into account and need not require an offender who would otherwise have received a two week sentence to serve seven weekends, but could stipulate a lesser number. The second problem could be overcome if premises separate from normal prisons were used for the purpose of weekend imprisonment. The possible drawbacks of such an approach would be:

(i) Unless suitable residential premises could be found which were used for other purposes during the week but were free at weekends, the maintenance and staffing of separate weekend imprisonment centres would be a relatively expensive operation in comparison with other alternatives to full imprisonment.

(ii) M. de Ridder suggested to us that a separate sentence of weekend imprisonment might be used by courts to give a taste of custody to offenders who now receive a non-custodial sentence, thereby increasing the total number of people serving some form of imprisonment. The White Paper "The Reduction of Pressure on the Prison System" (1980) made a similar point at paragraph 112.

However, we do not consider these problems constitute sufficient reason for abandoning the exploration of new forms of sentence involving partial deprivation of liberty. One possibility is the Magistrates' Association's proposal for "day imprisonment". The original proposal put forward by the Association in 1981 was aimed at the less serious offenders who in the opinion of magistrates' courts merit a custodial sentence including fine defaulters, traffic offenders and persistent petty thieves. The Association proposed that magistrates, having decided on a sentence of imprisonment appropriate to the offence, might then consider whether the offender could properly serve his or her sentence in a day prison. Prisoners would be under the control of the day prison from 9 am to 10 pm every day except Sunday. Day prisons would be built up round a regular programme of work for prisoners who were not in full-time employment while those in employment during the day would attend the day prison in the evenings and on Saturday; and other activities could include classes in literacy, numeracy and social skills and physical education. Breach of the rules would render the prisoner liable to serve the rest of his sentence in a local prison.

It has become apparent in the course of discussions between the Magistrates' Association and representatives of the Home Office that, to achieve any real economy in the use of custodial places, the maximum period of day imprisonment would need to be the maximum sentence available to magistrates' courts, i.e. 26 weeks. It also seems that, during any experimental scheme on these lines which the Home Office might establish, day imprisonment would be limited to those serving whole days in custody and not available for outside employment: it would therefore result in the loss of any job which the offender might have. As a result of these discussions, it has been suggested that access to day prisons might also be available for prisoners towards the end of a custodial sentence by transfer by the Prison Department as a preliminary to release. We consider that the Magistrates' Association's proposals are worthy of further exploration.

In addition, we already have a successful and widely used form of partial detention for younger offenders in the form of the attendance centre, which provides a cheap straightforward penalty without the undesirable side effects of custody and which the White Paper "Young Offenders" (1980) described as "one of the most useful non-custodial penalties for young offenders". There are currently 107 junior attendance centres for offenders under 17 in England and Wales — 87 for boys, 7 for girls and 13 mixed centres. There are also 15 senior attendance centres for offenders aged 17 and under 21. The period of

attendance ordered by the court—currently between 12 and 24 hours, though for young adults the maximum was increased to 36 hours by the 1982 Criminal Justice Act — is normally divided into sessions of two hours each on Saturday afternoons.

We reiterate the view which we expressed in our report "Young Offenders — A Strategy for the Future" (1981) that the number of attendance centres should be increased until both junior and senior attendance centres are available to courts in at least all the main centres of population for offenders of both sexes. However, attendance centres are available only for those under 21, and in most part of the country only for those under 17. Moreover, attendance centre orders are regarded as a low tariff penalty: e.g. they cannot usually be used for offenders who have served a previous custodial sentence and, although the 1982 Criminal Justice Act has enabled this to happen in special circumstances, the general rule has remained.

In our view, the attendance centre principle of partial deprivation of liberty should be extended in a form which would involve attendance for a greater number of hours, be available for older as well as young offenders and occupy a place higher up the sentencing tariff. We are encouraged in this view by information which the New Zealand High Commission obtained for us from the New Zealand Department of Justice: although they are phasing out residential periodic detention because of underutilisation and official doubts about its achievements in relation to its cost, they are simultaneously expanding facilities for non-residential periodic detention which requires attendance for an eight hour period at a convenient probation-run centre every Saturday for work of a charitable or public nature in the community under the supervision of the centre staff. In some areas the offender is also required to attend on one evening each week for a programme which might include work, lectures and appropriate group activities. The report of the New Zealand Penal Policy Review Committee (1981) said:

> "We regard this sentence as a bold and much-needed innovation, which has now acquired an accepted place in our system and deserves widespread support. It has worked well as a constructive penalty which does not involve the social and economic costs of imprisonment, and results in tangible benefits for many sectors of the community" (para. 296).

Offenders of all age groups are sentenced to non-custodial periodic detention, though the majority are under 30, and the offences for which it is most commonly used are drunken driving, theft and burglary, driving while disqualified, deception, wilful damage and assault. Research by the New Zealand Department of Justice has found that for comparable offenders non-residential periodic detention is no less effective in preventing re-offending than residential periodic detention, but the cost per offender of non-residential periodic detention is only 20 per cent that of the residential sanction.

We recommend that a system of "day detention" should be developed, whereby suitable offenders would be required to attend day detention centres for up to 8 hours on a set number of days within a six month period. The purpose of this sentence would not be primarily reformative: rather it would aim to provide a straightforward, credible and easily understood penalty which would avoid the undesirable side effects of custodial sentences. Furthermore, in the case of offenders such as football hooligans whose offences are connected with circumstances arising mainly at weekends, it would also provide a measure of prevention through containment. However, during the time which offenders spend at day detention centres, the programme should be constructive in content. It might appropriately include work; crafts; educational activities including lectures and instruction in topics ranging from first aid, life-saving and road safety to home economics to motor mechanics; physical education; and forms of work of benefit to the community.

Since residential premises would not be required, we do not envisage that there would be any great problem in finding suitable premises which are used for other purposes during the week and could be used for day detention at weekends, in the same way that attendance centres operate in existing premises. Another option which might be considered with increasing school closures is the use of redundant educational premises. Although most attendance centres are run by police officers, we consider that there may be considerable advantages in making day detention centres a responsibility of the prison service, many of whose members would welcome the opportunity to become involved in work with offenders outside as well as within the prison walls. An increased staff complement for the prison service would of course be necessary if the service were given the additional responsibility of running and staffing day detention centres. Whichever service has overall responsibility, members of staff might also be drawn from other disciplines as appropriate.

So far as full weekend imprisonment, including overnight stays for offenders is concerned, the practical difficulties which we have observed in Belgium and Holland do not detract from the strong attractions in principle of such an approach to the deprivation of liberty. Weekend imprisonment would constitute a very substantial penalty which would have credibility with the courts and the public, while enabling the loss of employment, the disruption of family life and the reinforcement of criminal attitudes which often result from imprisonment to be avoided or reduced. In addition to its possible application to offenders who now receive immediate custodial sentences of six months or less, weekend imprisonment might also be appropriate for some fine and maintenance defaulters. However, the offenders concerned must be stable enough to be relied on to turn up each weekend to serve their sentences, and we acknowledge that the proportion of suitable defaulters may be lower than the proportion of other offenders.

Because the use of cells in local prisons for part of the week only would be uneconomic, such sentences would have to be served in separate centres maintained either exclusively for this purpose or also for other purposes such as the holding of remand prisoners. They could be served either at weekends or in appropriate cases on days during the week. We acknowledge that, since it would involve the maintenance and upkeep of separate premises and an adequate complement of staff, weekend or partial imprisonment would be more expensive than other alternatives to full imprisonment. Therefore, if it is to be developed, this must be done in a way which ensures that it will be used for a large number of offenders who would otherwise have received short custodial sentences, thereby providing substantial relief for the prison system.

We are conscious of the danger that, if the use of such a penalty were left entirely to the courts' discretion, it might be used for a substantial number of offenders who now receive non-custodial sentences and provide only marginal relief for the prison system. However, the approach employed in Holland and Belgium of first imposing a prison sentence, and then deciding

whether it should be served at weekends, has proved to have major disadvantages: the view of most prisoners and administrators that seven separate weekends' imprisonment is a more severe punishment than two weeks' continuous imprisonment has been a major factor in the declining use of this form of custody. One possible alternative would be the use of a scale, whereby a given number of days' continuous imprisonment could be converted to a lesser number of days' imprisonment (say, half the number) served at weekends. This might, however, be widely seen as a "soft option" rather than in the way partial imprisonment should be regarded, as a substantial penalty.

We recommend that the Home office should give active consideration to the most practicable way in which weekend or partial imprisonment might be developed. This consideration should include an examination of the practice in West Germany, where courts can order the detention of young offenders aged 14-20 for between one and four weekends. In 1981 over 26,000 young people served such sentences and the examination should include an attempt to assess the number of these offenders who might otherwise have received full custodial sentences.

In summary, we recommend that:

(i) A system of "day detention" should be developed, whereby offenders would be required to attend day detention centres for up to 8 hours on a set number of days within a six month period.

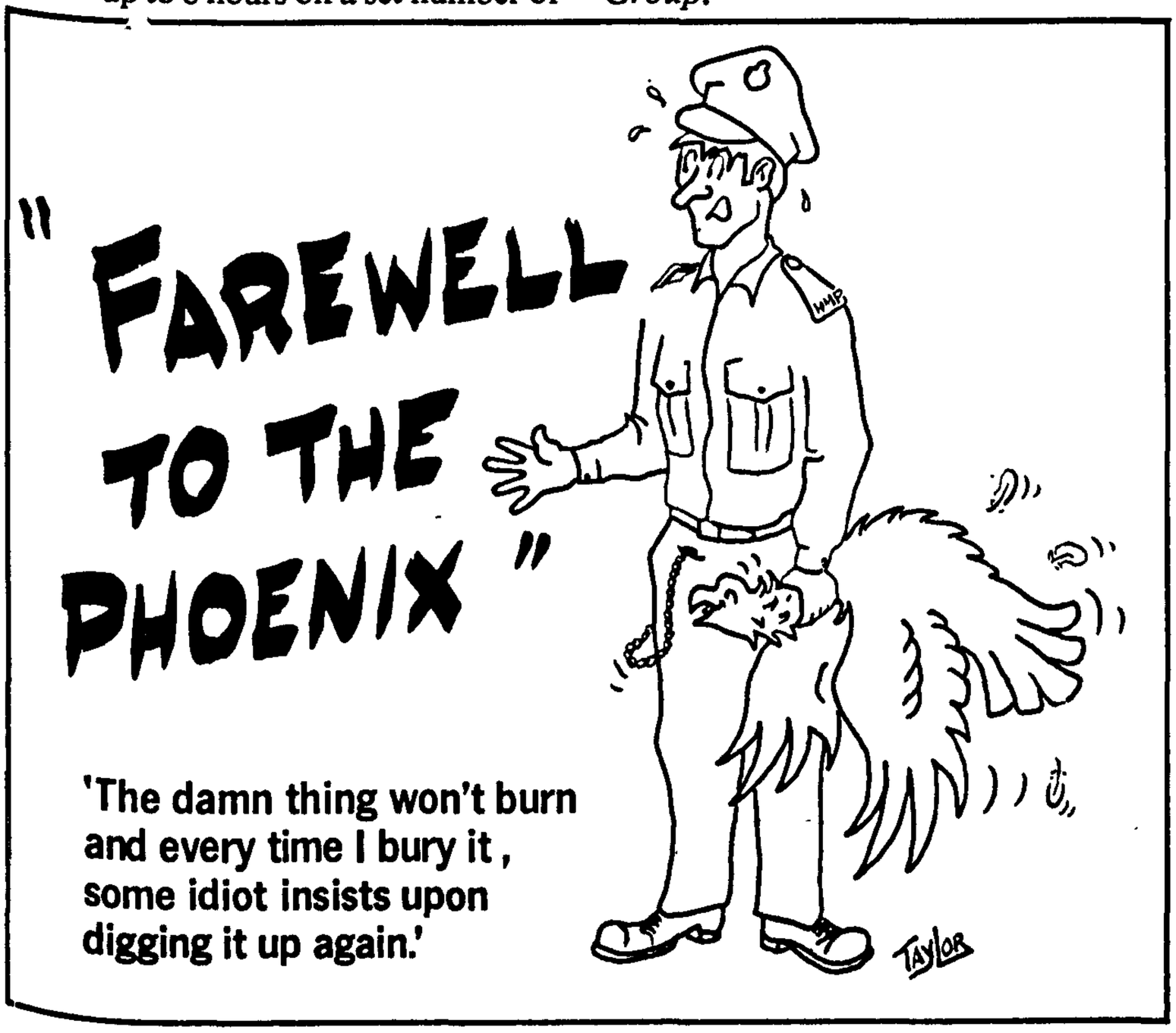
(ii) Experiments in semi-detention, whereby selected short term prisoners who are employed when they begin their sentences would go out to jobs from prison during the day, should be developed in one or two prisons.

(iii) The Home Office should give active consideration to the most practicable way in which weekend or partial imprisonment might be developed.

In proposing that these recommendations should receive serious consideration, we are encouraged by the acknowledgement in the White Paper "The Reduction of Pressure on the Prison System" (1980) that "there is an attraction in sanctions that make a demand on offenders' leisure time without resorting to full-time custody" (para. 112) and that:

> "In the longer term however there may well be a place for other economical and well-planned sanctions which make a demand on the time of offenders at weekends, and thought will continue to be given to the possibilities, the penal objectives that they might serve and the type of offender for whom they might be suitable" (para. 113).

* *The members who took part in the visit were Robert Kilroy-Silk M P, Janet Fookes M P and Lord Hunt. They were accompanied by Paul Cavadino, Assistant Secretary to the Group.*



SHOW ME A FIVE-MONTH SENTENCE
continued from page 4

in the saying but long in the living. I have argued earlier that the use of conventional units means rough justice, not injustice. By that I meant that rough proportionality between culpability and sentence length can be maintained. It is not inconsistent with that to say that fuller recognition of the experience of time passing for the prisoner could lead to a general reduction in sentence lengths. Margaret Sampson and I thought that one way of doing this was by expressing sentences in unconventional units. A small experiment (with people who were not judges) showed an enormous reduction in sentence lengths expressed in years on the same cases. Other ways of bringing home to the judge the reality for the prisoner of the sentence pronounced might include reference to life events. "You will serve two years. Since you have a wife and three children, you will miss ten family birthdays; two Christmases, New Years and Easters; 42 home games at Old Trafford..." Or might refer to life expectancy. "You will serve two years. Since you are 50, and can be expected to live to 70, that means that you will spend 10% of your remaining life in prison".

Before the reader ceases to take me seriously (assuming it's not too late already) I will simply restate the fact that bringing home to the sentencer the extent of what he is inflicting, from which reality he is in part protected by the use of conventional time periods in sentence, is bound to change sentencing practice, probably dramatically. How to achieve this is difficult. I have made some suggestions. I hope the suggestions of others will be added. An early sign of success, as the crocus is a sign of spring, will be the passing of a five-month sentence. ■

FURTHER READING

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THE BRITISH CRIME SURVEY

First Report

Mike Hough and Pat Mayhew

The following is the concluding chapter of "The British Crime Survey: first report" by Mike Hough and Pat Meyhew, published by HMSO in February 1983 as Home Office Research Study No 76, at £4.35 (ISBN 011 340786 6).

The first British Crime Survey collected information about victimisation from a representative sample of 11,000 people in England and Wales. It offered a new way of counting crimes, including those not in police records, and a means of identifying the sorts of people most at risk. It has also provided unique information for this country about the impact of crime on victims, people's fear of crime, their experience of the police, and related topics. The greatest value of the survey will come from repeats when information about crime trends can be provided. This report offers an overview of the results of the first survey, the main findings of which were as follows:

* Because people did not report all crimes and because the police did not record all those they came to know about, there was much less crime recorded than actually occurred. For those crime categories where a valid comparison can be made between BCS figures and notifiable offences recorded by the police in 1981, the survey indicated around four times more offences of property loss and damage than official statistics and around five times more offences of violence (wounding, robbery and sexual offences). Many types of crimes were not covered by the survey — those where organisations are victims, for example, such as shoplifting, commercial burglary and fraud. Other evidence indicates that a far greater proportion of shoplifting cases go unrecorded, and a far smaller proportion of commercial burglaries.
* The 'hidden' crime was generally less serious than that which appeared in *Criminal Statistics*, though some relatively serious offences were not recorded and many fairly trivial ones were.
* The elderly were the group least likely to be victims of violent crime. Those most at risk were young men who spent several evenings out each week and drank heavily.
* Motor vehicles were the target of one in three property crimes covered by the BCS. People who left their cars on the street overnight were most at risk.
* The average household can expect to be burgled once every 40 years. However, risks were higher than this for various sub-groups. Houses in the inner city, for example, were burgled on average once every 13 years.
* The survey did not uncover a single burglary in which there was 'soiling' of furniture or floors. And there were few instances of serious deliberate damage.
* Burglary and 'street crimes' were what worried people most. 60% of elderly women living in inner cities said that they felt "very unsafe" when out on foot after dark.
* Victims' recommendations about punishment were broadly in line with current police and court practice, showing victims to be less punitive than might be imagined from many opinion polls.
* In general, people showed high levels of satisfaction with the police. However, one in five of victims who called the police expressed dissatisfaction: lack of action was the main complaint, though police manner, slow response and poor follow-up were also mentioned.

* A high proportion (almost one in five) of young men complained of misconduct on the part of the police.

Public concern about crime

Crime has probably always been a source of concern to broad sectors of the population, but it seems to have achieved particular prominence as a social problem in the post-war period. Does the BCS justify this concern?

The large number of incidents uncovered by the BCS is not evidence of an emergent 'crime wave' in England and Wales. Rather, the BCS documents the extent of a phenomenon which the country has lived with for centuries — unrecorded crime. That there has been a large volume of unrecorded crime has been known to criminologists and criminal justice practitioners for as long as crime statistics have been collected. What is new is the ability to set an estimate to this and, with repeated crime surveys, to make valid estimates of trends in crime.

The real message of the BCS is that it calls into question assumptions about crime upon which people's concern is founded. It emphasises the petty nature of most law-breaking — a point which also emerges from *Criminal Statistics*, but which is often overlooked. In showing that many crimes go unreported to the police or unrecorded by them, the survey also demonstrates the extensive scope for error when drawing conclusions about crime trends from statistics of recorded offences. Thus, the survey lends credibility to explanations of rising crime which have been dismissed in the past — that, for example, people's tolerance of petty crime may have declined, leading to increased reporting to the police; or that additional police resources and greater efficiency in recording practice have led to increased recording of crime.

Those incidents which go unreported usually do so for a very good reason: victims judge them too trivial to justify calling in the police. Of the offences uncovered by the BCS only a tiny proportion were crimes of serious violence, and very few were serious property crimes such as burglary or car theft. The vast majority were, for example, petty thefts, acts of vandalism, and minor assaults. As discussed in Chapter 3, a corollary of this is that the risks which people face of being victims of *serious* crime are remarkably small. The survey shows that the risks of petty offences are appreciable, but it should not be inferred from this that society is overwhelmed by crime. Indeed, there is still room for surprise at the extent of conformity to the law in England and Wales. Somewhere approaching 50 million people and their possessions are packed into a comparatively small geographical area; huge amounts of property are left with minimal security in houses, offices, shops, and on the streets. The opportunities to steal are boundless and the pressures to behave aggressively often considerable.

It is far harder to convey these points convincingly than it is to talk in generalities about soaring crime rates, a breakdown in law and order, and the like. Serious crimes are cause for legitimate concern, however rare they might be. But these crimes — rape, serious wounding and robbery, for example — are a small minority of the total. The public should have a balanced picture of crime — especially in view of the likely consequences of sensational presentation: excessive anxiety about crime not only impoverishes people's lives, but also makes it difficult to secure rational discussion of criminal policy.

Implications for police manpower

The revelation of so much more crime than is recorded in *Criminal Statistics* might suggest the need for further increase in police manpower. But it is doubtful whether the police could do much in respect of crime that is not reported to them; and while people might be encouraged to report more crime, it is debatable whether the police should be called in over each and every breach of the criminal law. Moreover, a substantial body of research indicates that it is difficult to enhance the police effect on crime (cf. Clarke and Hough, 1980; Morris and Heal, 1981). In particular, it is becoming clear that the effectiveness of the 'core' of policing —preventive patrol and criminal investigation — cannot be significantly improved by increasing manning levels. For many sorts of crimes, people themselves might take more effective preventive action, either acting individually or together with others. The police could do more to promote preventive action of this kind, while the trend towards putting more officers on the beat may have the desirable effect of reducing fear of crime.

Pointers to action

A number of pointers for specific action emerge from the present results. Some of the main ones are outlined below — not in any detail, nor with any full consideration of the constraints of putting these into practice.

i Methods of making cars more difficult to get into, drive away and vandalise seem urgently needed. Encouraging drivers to take precautions is only part of the solution, because car locks can at present be easily overcome. In an age of rapid technological development, however, the prospects for increasing car security can only be good. Motor manufacturers could produce stronger wing mirrors, cheaper automatic aerials, better alarm mechanisms, and more secure ignition and door locks—magnetic card systems have been suggested, for example, and infra-red door opening devices are already marketed. Motorists' preferences may at present be for velour seats rather than better security, but if they were to appreciate the true risks of theft and vandalism to their cars, their priorities might be shifted.

ii There is scope for the police to improve their service to victims. Police inaction was the main sour- Police inaction was the main source of complaint, the most practicable solution to which is for the police to explain more clearly why little can be done. In general terms, there would seem to be a need to provide victims with realistic speed of response or extent of follow-up, and then meet these expectations.

iii The findings suggest the need for greater care on the part of the police, especially in urban areas, in dealings with young men. These often view themselves, rightly or wrongly, as treated aggressively and insensitively by the police. This may jeopardise whatever cooperation they presently afford the police.

iv Criminal justice policy might also take account of the fact that people are less punitive towards lawbreakers than is usually imagined. Asked how 'their' offender should be treated, victims show awareness of, and support for, court sentences involving community service and compensation, and frequently favoured informal warnings and reparation. There may, therefore, be scope for diverting offenders from the courts to non-judicial arbitration and mediation schemes of the type now being developed in the United States.

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IMPRISONMENT IN THE 80's

Dr Lance St John Butler

Dr. Lance St. John Butler of Stirling University, wrote a pamphlet for the Tory Reform Group. It was published in September 1983 and this article is a synopsis of it.

This report starts by listing some grounds for optimism about the prison service and includes among these the success of the Special Unit at Barlinnie Prison, the increase in the prison-building budget, the acceptance of the May report and the more flexible approach to detention centres now in evidence. From this it can be seen that the T. R. G. takes a liberal view which welcomes alternatives to imprisonment and believes in the possibility of reformation through treatment of the Special Unit type.

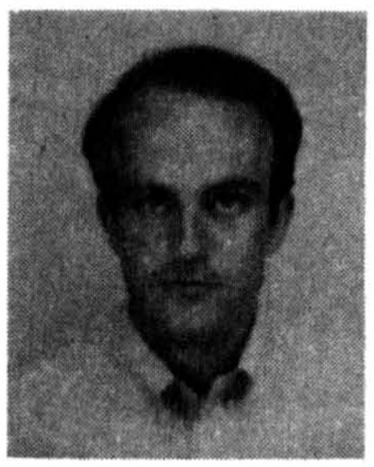
The main thrust of the report, however, is critical of the slow pace of modernisation in the prison service. The thinking here is particularly directed at the Victorian buildings and Victorian ideologies that still beset the service after the rest of society has moved on into the twentieth century. The report contends that:

a) Many criminals are imprisoned unnecessarily
b) Most criminals are imprisoned too long
c) Prisons are unnecessarily unpleasant.

Under a) the author argues that the huge number of prisoners remanded in custody who turn out to be not guilty should where possible not be so remanded; that drunks, the emotionally disturbed and the like, need treatment, not incarceration, and that fine-defaulters should as a matter of principle be kept out of jail. Keeping these three categories out of jail (the innocent the inadequate and the fine-defaulter) would cut the prison population by a staggering 50%.

Under b) there is a comparison between British and Dutch prison statistics. This shows that whereas only 10% of prisoners in Holland serve six months or more, in the U. K. the figure is over 80% for men (and 67% for women), with 20% of men serving four years or more. The Dutch crime rate is no worse than the British. The report therefore suggests as a principle that *"only the very worst criminals need to be incarcerated for so long that all previous ties with the outside world are likely to be broken"*.

Under c) the report observes that in the modern world we are incredibly prosperous by historical standards and that only prisons have failed to respond to this. Schools, hospitals, barracks, universites are all comfortable places now, so prisons can afford to be proportionately more comfortable, too. In particular the T. R. G. would argue, with John McVicar, who should know, that it is the fact of being in prison it-



Dr Lance St. John Butler was born in 1946. He was educated at Belmont Abbey School, Hereford and Pembroke College, Cambridge. After working in Iraq, Algeria, Brazil and Saudi Arabia he was appointed Lecturer in English Studies at University of Stirling in 1972 (to date). As Councillor on Scotlands' Central Regional Council 1980-82, he was a member of the Perth Prison Visiting Committee. He is a frequent visitor to the Barlinnie Prison Special Unit and a founder member of the Tory Reform Group in Scotland.

self which is the important thing, "nothing else means anything". Here we can make a comparison with Scandinavian prisons which are generally modern in style and at least as effective as our own. Or, once again, reference can be made to the Barlinnie Special Unit where comfortable and relaxed conditions are seen as the very basis of its spectacular success in the rehabilitation of some of the most desperate characters.

Following from these points the report puts its finger on the psychologically damaging nature of most prison buildings in Britain and particularly of their regimes. Over-crowding, meaning the fact that we now have more than one prisoner in most prison cells, is a terrible handicap for any hope of improvement. The "slopping out" process is condemned as degrading and outdated. Visits are seen as a vital life-line between the prisoner and the normal world outside. The present incredible limitations under which visits take place (they are infrequent, very short and appallingly awkward affairs) mean that normal family relationships are often, and in the case of longer sentences *usually*, destroyed. The writing of letters should be made easier and indeed encouraged. Above all the attitude of prison staff is criticised as needing revision; the expectation that prisoners and staff stand to each other in the relation of erring other-ranks to their N.C.O.'s is pointed out and seen as the least useful sort of relationship.

After these strictures the report proposes some remedies which are intended to interact for the benefit of the prison service as a whole. Shorter sentences and the wider use of non-custodial sentences, for example, would bring about an automatic improvement because they would mean that there was more space in prison and more time for staff to get to know and help inmates. This is so obviously desirable that the report now addresses three questions that would follow such a policy. They are:

a) What should be done with offenders if they are not sent to prison?
b) What should be done with offenders who have served only a short sentence?
c) How can prisons best be humanised for those who must remain in them?

Under a), alternatives to imprisonment, the report endorses Community Service and Compensation orders but consistently with its goal of reformation, proposes that things should be taken further. Restitution, confrontations with crime victims, an *explanation* to the criminal of what he has done, and the adoption of American-style "outward-bound" schemes should all be aims for the British penal system. Fine defaulters can be set to work to generate a sum of money equal to the fine or, where possible, can have possessions distrained and sold. Sending such people to prison achieves little. Alcoholics should be sentenced to attendance at detoxification units which should, now that the legislation has enabled them, be set up forthwith. The emotionally disturbed need treatment from specialists, not six months in the extremely abnormal world of prison.

Under b), aftercare, the report argues in favour of a rapid movement of prisoners through the different types of prison, arriving fairly rapidly in most cases at an open prison or a Training For Freedom hostel. Follow-up social work is of course essential but it might be less needed if prisoners were kept in touch with the normal world as much as possible.

Under c), improvements in prison, the same theme is evident: prisons may need high physical walls for security but psychologically we need to lower the walls substansially and to reconnect prisons and prisoners as much as possible to the normal world. To this end the report proposes:

Greatly increased visiting.
Unlimited and uncensored mail.
The abolition of prison uniform.
Proper sanitation.

And then, more radically, these reforms:

The division of all prisons into small units where eight or ten inmates, led by a member of staff, have to face and live with each other, to discuss their problems and to be encouraged to think again about their lives, much along the lines of Alcoholics Anonymous discussions or the Special Unit system.

The establishment of compulsory education programme whose object would be the decriminalisation of individuals. Prisoners are obliged to do boring work; perhaps it would be possible to oblige them to listen to and discuss the idea of reform; at the moment this is not attempted at all. John McVicar is again quoted in support of the contention that prisons at the moment actually *criminalise* inmates. This education programme should include as many people from the normal world outside the prison as possible.

The report ends with another plea for us to learn the astonishing lesson of the Barlinnie Special Unit. Many of the reforms the report has proposed are founded on the success of the institution. A long quotation from Jimmy Boyle's book *A Sense of Freedom* concludes the report. It stresses how this worst of criminals and most dangerous of prisoners learnt nothing in the conventional prison system but in the Unit began to face, for the first time, that most formidable of opponents—himself. ■

THE BRITISH CRIME SURVEY *continued from page 12*

* BCS results also indicate that attempts should be made to reduce fear of crime, this over and above attempts to reduce crime itself. The widespread fear of burglary is one subject for attention, as well as the anxieties of women about 'street crime'. Provision of better information seems the most promising approach to this.

The future for crime surveys

Inevitably, the BCS has left some large gaps in its coverage of the spectrum of offences. The prevalence of some of these — shoplifting and white collar crime for instance — could be tapped by research, though not necessarily through surveys of victimisation. Comparing the extent of these crimes with that of crimes covered by the BCS may have far-reaching implications.

There seems scope, too, for individual police forces to use crime surveys to assess people's experience of and attitudes towards the police and crime. Local crime surveys of this sort will prove particularly useful in evaluating crime prevention initiatives. (Crime prevention schemes can be effective in reducing crime yet produce increases in recorded crime because of increased reporting).

Finally, since basing criminal justice policy solely on a picture of recorded crime is hazardous, repeats of the BCS at regular intervals are essential. Repeats can serve as a check on trends in crime as shown in *Criminal Statistics*. The costs of repeats are not insignificant, there is imprecision in survey estimates, and the coverage of 'crime' is incomplete. Within these constraints, however, BCS repeats will provide independent measurement of victimisation and reporting levels over time. This information may well be crucial in indicating what needs to and can be done about those crimes which occupy a central place in current concerns. ■

READERS Write

THE EDITOR
Prison Service Journal

Dear Sir

I am grateful for the contribution of Mr Twiner in your April 1983 issue. Whilst not accepting some of the criticisms that he makes in respect of my article, and accepting certain limitations in that anyone who is operating outside the Prison Service must of necessity have a lesser depth of knowledge of the workings of the system, I nevertheless assert that some of the points that he has made are not justified.

On the question of Prison Rules it was in fact the Governor of Gartree Prison who decided that the possession of Prison Rules by a particular prisoner would be subversive in his view. It was dealt with on a Governor's application. Other Governors have taken the same view. I also know of instances where copies of the Prison Rules perfectly properly acquired by a prisoner have been taken from his possession on transfer to a local prison on Circular Instruction 10/74 or Rule 43 by staff at the local prison. Applications in these instances to a Governor at the local prison has resulted in the information to the prisoner that he is only there for a limited period of time and he can deal with the matter when he gets back to his normal location.

Admittedly in those days, and I am talking of days prior to the amendment of Standing Order 5, the Prisoner did have a right to petition but it was one which was severly circumscribed by the requirement that an existing petition had to be answered (the speed of the answer being determined by the Home Office and not by the prisoner) before a further petition could be put in hand. This was despite the fact that the Home Office had been maintaining in the European Commission of Human Rights for some years that petition was legitimate and mandatory pursuant to Article 26 of the European Convention. Even now there are limits on petitioning and one is only allowed a second petition whilst one remains unanswered in certain circumstances. Whilst that may have certain administrative benefits it is clearly constricting a proper avenue of complaint and flies in the face of the assertions made by H M Government to the European Commission of Human Rights. Such conduct is dishonest and all the more reprehensible when the international integrity of this country is under scrutiny in a Human Rights forum.

Standing Orders are available in the House of Commons Library but only to M P's. They are not available to anyone else, the only exception I know being Standing Order 5 as amended. That only became available to prisoners because the Government had to comply with what it had already said it would do to the European Commission of Human Rights. However if M P's can have them why can not prisoners? What is in them that would be inappropriate for a prisoner to see or know about? Mr Dubbs is therefore right. They are secret from the prisoners and from everyone else except M P's. No one but M P's have any right of access to the House of Commons Library.

As to Mr Twiner's assertion that Mr Dubbs is highly misleading in his statement that correspondence between a prisoner and a solicitor can be read, presumably this statement was made without the knowledge of the judgment of Mr Justice Forbes in the case of ex-parte McComb. The judgment makes interesting reading and is, in my respectful opinion, precisely the sort of intellectual dishonesty with which one must contend when what is needed is an alteration of the Prison Rules (which only Parliament can deal with) but the Courts aggregate to themselves the function of shoring up the status quo because of what can only be presumed to be a fear of the consequences.

As to legal representation before Boards of Visitors, events have overtaken the correspondence. Most will now be aware of the judgment in the cases of ex-parte Tarrant and Leyland where the Courts found that the proper exercise of a discretion by Boards of Visitors was required in connection with an application for legal representation. The principle which had hitherto been adhered to by Boards of Visitors on direction from the Home Office that the Prison Rules did not permit legal representation was dismissed summarily by the Court. There is no right to legal representation on the basis of the judgment in the Tarrant and Leyland cases but, as can be seen from perusal of that judgment, there would be very few cases which would not now result in legal representation either because of their severity or because of the segregation of the prisoner pursuant to Rule 48 or because of the complexities of the legal issues involved or because of procedural difficulties.

There is a strong possibility that the European Court of Human Rights will go further and require legal representation as a right pursuant to Article 6 of the Convention in certain cases if not in all cases where Boards of Visitors are adjudicating upon prisoners. Police Officers are not represented as such in criminal cases but the recent pronouncement of the Home Secretary that in all cases where legal representation is granted to the prisoner the "prosecution" would also be represented by a lawyer who would allay fears as to the justice that such a situation would create. It should also be borne in mind that the Court was very firm in the Tarrant and Leyland judgments and that the standard of proof applicable in Boards of Visitors cases was identical to that applicable to the criminal law in the public sphere.

Naturally, there will be difficulties which will ensue from this alteration in the system but with goodwill and a pragmatic approach there should be no difficulties which can not be overcome.

I do accept Mr Dubbs' proposed system whereby a Governor can not order a forfeiture of a single days remission. I have said for some considerable period of time that disciplinary offences in prison should be classified

along the lines of those that exist in the public sphere for criminal offences. They should be classified into four categories:

1 Those of a purely disciplinary nature which the Governor alone should deal with.

2 Those of a more serious nature which either the Governor can deal with if on the facts it seems warranted or should be remanded to the Board of Visitors.

3 Those of a serious nature which only the Board of Visitors can deal with.

4 The power to remit to the Board of Visitors cases of persistent offending for minor disciplinary offences within the Governor's sphere which would thereby attract a heavier sentencing capability.

However I would argue that where a consecutive sentencing capability is available it should be the rule that those cases should go to the Board of Visitors because it makes a nonsense of circumscribing the Governor's powers if in reality, by the multiplication of offences, the power of consecutive sentencing produces a penalty equivalent to that which a Board of Visitors can order. Theft or violence are matters which almost universally are dealt with or are capable of being dealt with by a Crown Court. If the classification indicated above were adopted minor matters could be dealt with by the Governor and more major matters by the Board of Visitors.

I do not subscribe to unrestricted visiting. It would present insuperable administration problems. However, a more enlightened approach to the question of location and the adoption of the principle of locating a prisoner in all but the most exceptional cases close to his family, is not only humane but consistent with the policy which has been articulated in the past that it is an essential element of the rehabilitation of the prisoner that he maintains meaningful contact with the outside world.

My proposed Duty Solicitor Scheme would extend to representation on adjudication. I would suggest that it would be more desirable for solicitors familiar with the management of prisons and with the circumstances of imprisonment to have conduct of defences to serious disciplinary charges.

Of course, I accept that it is Head Office who are responsible for Circular Instructions and Standing Orders. I do not, however, accept that there is any realistic prospect of resolving the problems that exist in the application of them by passing the "buck" to its authors. The Secretary of State's answerability to Parliament is outside the prison. It is also inevitably ex post facto. Unrighted wrongs, whether real or imagined, are causes of dissent and I believe that remedies at local level are far more efficacious than the tortuous and often circuitous methods which I have described (and which in fact have been added to by Mr Twiner by his suggestion that Members of Parliament and the media should be employed). Such actions remove responsibility from the prison at local level for both staff and prisoner.

Management of any local establishment is essentially a matter of teamwork. The co-operation of prisoners is an essential factor also. If a prisoner believes he will get a fair hearing or fair treatment at local level he will be less inclined to wage unremitting war on the system. If prison staff of all grades faced the Home Office with a united front and demanded constructive discussion, progress might be made. However Mr Twiner's indignant reaction is rather like the drowning man who has been asked to design a boat. I sympathise with him but sympathy does not solve problems. Equally, to continue the simile, if the fabric of the boat is disintegrating, then there is a limit to the efficacy of patching operations. The existence of a "them" and "us" situation between staff and Headquarters and local levels respectively only adds to the dimensions of the problem.

It is mandatory that a certain proportion of Boards of Visitors should be Magistrates. If disciplinary matters (which now require compliance with the Rules of Natural Justice) are to be dealt with by Boards of Visitors then there is no reason why those members of the Boards of Visitors who are Justices of the Peace should not assume that task. Furthermore, (and I am particularly reinforced in this view by having read some of the Notes of Evidence of Boards of Visitors Hearings) it is essential that such Members of Boards of Visitors should sit with a qualified Clerk. Like it or not there are going to be more and more applications to the Divisional Court for Judicial Review in respect of Boards of Visitors Hearings. Increasingly the Courts are critical of the manner in which Boards of Visitors Hearings have been conducted.

Indeed there may be an argument for taking the conduct of disciplinary hearings out of the Boards of Visitors hands altogether and putting them into the hands of the Stipendiary Magistrate sitting with a qualified Clerk as, for example, exists in Australia. Mr Twiner will have to accept that the adversarial process is built into Boards of Visitors hearings. He only has to read the Form F 1145 to see that this is so. The Prison Act 1952 and the Prison Rules 1964 (as amended) reinforce the adversarial process. The wording used in relation to offences, apart from such words as "award", are similar if not identical to those used in the public sphere relating to criminal offences. Caring and control, compassion and authority are exercised at local level daily by Prison Staff but the very fact that Boards of Visitors are required to act in a judicial capacity shows that those into whose hands the caring control, compassion and authority are placed must seek some higher authority for those offences which by their nature are so serious that they warrant it.

I note what Mr Twiner says in re lation to parole. I wonder what Mr Leon Brittan's comments at the Conservative Party Conference are going to have on the parole system? It is significant that his comments indicate the intention to exercise control which by-passes the Parole System completely. The prisoner should appear in person at a parole hearing. He should know all the allegations against him so that he should have the chance of answering them. The victim (disregarding for the moment that there are a substantial proportion of people in prison for victimless offences or who could be more properly described as victims themselves) is in no position to comment one way or another or whether or not the prisoner is fit to be released back into the community. For these reasons I regard Mr Twiner's remark in that regard as being emotive and unhelpful. If the prisoner is to assume responsibility for his life and the lives of others who may be dependent upon him on his release, part of his rehabilitation must be to educate him to exercise that responsibility properly and with due regard to the rights of others. To deprive him of the chance of representing himself effectively on a matter as important as parole is, I contend, a serious and continuing case of discontent amongst prisoners.

In any event Mr Twiner's remarks ignore the very real fact that no Category A prisoner is eligible for parole despite the fact that they are forced to go through this rather meaningless formula. The fact that they are categorised as Category A will never allow them to be released on parole. If their categorisation is such that their release would be dangerous whether to the

public, police or the state what is the point of asking them to go through the parole procedure? Anyone who contends to the contrary should give an indication of a case where a Category A prisoner was granted parole whilst still in Category A.

Yours faithfully,
ALASTAIR LOGAN

Mr Twiner comments:

In response to my letter published in the April 1983 edition of the PSJ, Mr Logan introduces new comments on other governors, court decisions, and policies for which the present Home Secretary is responsible. I am in no position to discuss these with him, but I should be grateful for the opportunity to comment briefly on the points Mr Logan makes that relate to my original letter.

My position on access to Prison Rules remains unchanged and essentially unchallenged. Surely Mr Logan is not suggesting that there is not a prisoner in the country with immediate entitlement to a petition who can have the matter settled for the benefit of all of us.

If material that is available to 650 Members of Parliament, who are not (as far as I know) expected to regard it as absolutely privileged information, can reasonably be described as secret, then words are being given meanings that distort them out of recognition.

I did not assert that Mr Dubbs was highly misleading in his statement that correspondence between a prisoner and a solicitor can be read. I argued that it was highly misleading not to refer to the limitations on this practice, thereby implying to the general reader that there was an absolute right to do so.

I did not advocate use of the media by prisoners to ventilate grievances. I should have thought that the opening sentence of my letter would have indicated that I hold the news media in no special regard. I merely stated that, despite the wish of some people to maintain the view that events in prison are kept especially secret, prisoners and ex-prisoners have access to news media (about which I make no complaint) in circumstances denied to staff.

Mr Logan refers to my "indignant reaction" to his original article. My indignation is reserved for his apparent disdain for Parliamentary government. It appears that Mr Logan is suggesting that public servants who carry out the wishes of our elected representatives are "passing the buck". He worsens his case even more in my estimation by shifting his ground from the content, authorship and authority of the regulations themselves and referring now to "the application of (Circular Instructions and Standing Orders)". Given that I made an unequivocally clear statement in my original letter about the responsibility of prison staff for their own decisions, it is difficult to interpret Mr Logan's present reference to "remedies at a local level" as anything but a call to apply regulations in a way not intended by their authors and to undermine Ministerial responsibility. Mr Logan must be aware that prison staff, individually and collectively, continually make representations to Ministers and their senior officials, but there are constitutional limits to our actions.

It can hardly be otherwise than that the extension of entitlements or the development of rights (the subject of Mr Logan's original article) is ex post facto the situation before reforms are introduced. I therefore make no apology for suggesting that Members of Parliament should take more interest in these matters. Prisons remain in being only because it is the wish of Parliament that they should do so. Those in custody are not prisoners of the Prison Department but prisoners of the community.

Mr Logan says that I "will have to accept that the adversarial process is built into Board of Visitors hearings". I have never indicated my reluctance to do so. My objection to Mr Dubbs and to the Jellicoe Report was quite clearly stated to relate to their support for unilateral legal representation for the prisoner, which would have been a travesty of the adversarial process. My reference to that process was made in quite a different context. In that connection, I note that Mr Logan acknowledges that prison staff are capable of managing a range of responsibilities with their attendant responses, but he does not modify his original suggestion that Board of Visitors members should be expected to behave otherwise.

I am interested that Mr Logan does not voice any disagreement with my contention that the granting of parole should depend on "whether the sentence could be completed in the community without unnecessary risk to the public and specific potential victims", yet he considers my remark that a past victim might have some interest in the offender's release to be "emotive and unhelpful". Since I made it clear that my concern about Mr Logan's view on parole was based on the generalised nature of those views, and I made it clear that my comments were based on local prison experience, I must ask Mr Logan to excuse me for having ignored the specific question of parole in relation to Category A prisoners.

DEREK TWINER

UNIVERSITY OF CAMBRIDGE
INSTITUTE OF CRIMINOLOGY

CROPWOOD SHORT-TERM FELLOWSHIPS 1985

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

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

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

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

Applications should be sent to The secretary, Cropwood Scheme, at the Institute of Criminology, 7 West Road, Cambridge CB3 9DT, to arrive not later than 31st October 1984.

BOOK REVIEWS

Books for review to be sent to:
THE REVIEWS EDITOR, Prison Service Journal
Prison Service College, Love Lane
Wakefield, West Yorkshire WF2 9AQ

Prisons and Punishment in Scotland — From the middle ages to the present

JOY CAMERON
Canongate Publishing 274 pages £12.95

This book presents a systematic review of the developments in the Scottish Prisons and changes in society's methods of punishment over the last 450 years. The author manages effectively to combine a neat mixture of facts and analysis. She is particularly incisive when tracing the growing influence of the Church in penal affairs and, the industrial revolution's effect on Scottish Prisons.

The author sets out with some vigour to attempt to identify any element of coherent rational strategy in the development of penal policy. With devastating accuracy she concludes in a crucial passage on Page 84

"Penal practice and attitudes tend to develop by way of haphazard reaction to particular problems ..... in a rapidly changing society, the penal system may be said to be continually out of date".

Inevitably, much of the book is concerned with comparative comment on penal developments in England.

The author has some difficulty with regard to obtaining original source material on the Scottish system. On one occasion she states "There are no descriptions of Scottish Prison life at the turn of the century comparable to those by Wilde and Neville. Either there were no prisoners with a literary turn of mind, or they did not care to enlighten the world on such a subject, or failed to achieve publication. But as uniformity had been established in 1877 the conditions which Wilde and Neville describe may be taken as representative of Scottish Prisons also".

These assumptions, whilst questionable, do not detract from the overall value of the book.

The historical account of Scottish Prisons is quite fascinating even if somewhat episodic. There are many items of potential interest to prison staff in the 1980's. I would like to refer to a few.

The text traces with considerable perception the developments in Scottish Law which saw the demise of law based on expediency and the growth of a strict moral code prompted by "Presbyterian fanaticism".

There is some early reference (P60) to a very interesting wages systems for inmates operated in the Edinburgh Bridewell in the early 1800's. These systems would be regarded as very progressive in the 1980's as they allowed for any "surplus" produce of a prisoner's labours to be directed to the support of his family.

With regard to the wages system for staff the following are quoted (P109) for 1868 salaries at one Scottish Prison:- Governor £550, Head Warden £100, Matron £225. It is easy to comprehend why the Governor is so relatively well paid when you read later (P114) that his role in trying to prevent a riot involved firing 2 blank shots at the ceiling from his double barrelled pistol!

Legislative changes are comprehensively described with particular and justified emphasis on the 1877 Act which effectively introduced central government control over all penal establishments. It is interesting to note that in 1839 there were 178 separate locally administered Scottish establishments, in 1877 — 56 and in 1898 the total number of penal establishments was only 14.

The author reserves her most acerbic passage for describiong her perception (with regard to the 1877 Act) of the effects of introducing Civil Service control of the Prison Service. For example she states (P127) "Once any organisation comes under bureaucratic control it tends to become much more rigid and conservative, civil servants are there to implement regulations. There is no interplay of ideas; no fresh thoughts are brought to bear on problems. Everything is done by the book therefore there tends to be very little development.

Members of the public who may be interested are handicapped by the difficulty of getting access to the facts because Civil Service departments are notoriously secretive".

The criticism on lack of development hardly seems valid in the 1980's and certainly could be powerfully refuted by citing the achievements of the Scottish Prison Service in innovating and sustaining a wide range of regimes for such a relatively small prison service. For example, the author mentions the Special Unit at Barlinnie and the Inverness Unit—these represent the extreme options at either end of the penal spectrum.

Perhaps the most disturbing feature of this book is the unchanging nature of societies' attitudes towards the penal system over the last few hundred years. For example:-

(P12) "If on the other hand he had money or influence he might hope to escape the harsher consequences (of his crime)".

This view expressed about the anomalies of the Scottish Judicial System (in the 1500's) is still prevalent in certain sections of society today.

(P44) "Prison reform aroused no interest in a complacent public". (1729).

How less complacent is the public in 1983?

(P136) "There was a constant fear lest prisners were found to be better off than their counterparts outside". (1891).

How often do we still encounter this attitude when meeting the public?

The author concludes, with little substantiation that (P184) "The mood and temper of the 20th century public is undoubtedly reform orientated.....".

She considers the main problems for the Scottish system in the 1980's to include:-

staff recruitment standards
work provision for inmates
inmates wages systems

and,crucially, the rate of imprisonment (94.3 per 100,000 population—the highest in Europe). A table on P212 shows that only West Germany of all the other West European countries has a comparable rate of imprisonment, (83.6 per 100,000) to Scotland. England and Wales are the third highest at 72.4 per 100,000. Reasons for this rate of imprisonment are analysed and presented in a balanced manner. The analysis highlights the principal factors as:- religious influences, the problems of alcohol abuse in Scotland and the "drunken, quarrelsome" (a statement by a former Chief Constable of Aberdeen) nature of the Scottish nation.

Overall, this book is a most useful addition to the available material on Scottish Prisons' history, and should, hopefully, stimulate a more informed public interest in the development of penal policy.

PETER WITHERS
Scottish Tutor Governor IV
Prison Service College Love Lane
WAKEFIELD

Community versus Crime

Increasing police numbers (since 1966 they have risen from 86,000 to over 110,000). Specialized training techniques and sophisticated equipment do not seem to be the answer to ever-increasing crime rates, so Community versus Crime has stepped outside the traditional boundaries of the Police Force to search for other solutions to this potentially "epidemic" problem, and in doing so provides a valuable contribution to the current debate on the future of policing.

Its authors, Colin Moore, a serving Chief Superintendent and John Brown, Director of the Department of Social Policy, Cranfield Institute of Technology, describe a unique experiment — the Crime Prevention Support Unit (CPSU) of the Devon and Cornwall Constabulary, set up by the ex-Chief Constable, John Alderson, in the City of Exeter.

The book vividly portrays, in a very readable text, how local crime statistics were not only gathered, collated and analysed, but were put on display and discussed with several thousand Exeter people including politicians, councillors, town planners, representatives of statutory, cultural and voluntary agencies and for the first time the public themselves, in an effort to stimulate community involvement in the fight against crime.

The response was enormous and varied from total commitment to suspicion, criticism and cynical amusement (the major opposition ironically coming from police colleagues not outsiders!), and the authors show step by step how the CPSU activated and co-ordinated the various agencies, organizations and communities into working together as an effective and valuable team in controlling local crime using such schemes as the setting up of a community association with a local policeman on the committee, recreational schemes for youngsters in "juvenile at risk" areas, anti-litter campaigns, youth clubs, "good neighbours" scheme etc etc.

However, the reader is left with the impression that Exeter is probably no different from most cities and that there will be a wealth of un-

tapped self-help available within every community. All that is needed is enlightened prospectors — in this case the Police Force took the lead — but unfortunately with the present punitive and economic climate I fear that very few will take up the authors' suggestion of using Community versus Crime as a "Do it Yourself" guide to develop communal strategy for crime control.

STACEY MURRAY

Assistant Governor
Feltham

System of Justice

An introduction to the Criminal Justice System in England and Wales

MIKE FITZGERALD and JOHN MUNCIE

Basil Blackwell 1983 Paperback £5.95 204 pages

"You can't judge a book by its cover". Possibly not; but you can uncover the odd clue. When the front depicts a prisoner being sent down, behind the boldly printed title, when the appraisal on the back asks, "What kind of system of justice do we have? How fairly or unfairly does it work?", and when the author is the co-author of "British Prisons", you may be forgiven for judging that this is no apology for Home Office Policy. Your judgement would be verified by reading the book. Fitzgerald's partnership with John Muncie has produced a fresh attack, not merely on the prison, Service, but against the Criminal Justice System as a whole.

Their approach is to examine the three pillars on which the system rests—the police, the courts and the prisons. They descibe and evaluate aspects of each, and discuss the relationship between the three.

This leads to a problem for readers involved in any of the institutions discussed.It is easy to discern generalisation and over simplification relating to an area about which one has detailed knowledge. It is far more difficult to assess criticism relating to the other areas. Thus there is a tendency to read the book "unevenly", however unintentionally.

The first section of the book relates to police matters and covers such areas as recruiting and promotion, police work and powers, decisions to prosecute costs and organisation and changing attitudes both to and within the ranks of the various police forces. The authors introduce several controversies, amongst which are political control, complaints procedures, stop and search, clear up rates, racism, the widening gap between police and public and "political" policing. Their conclusions suggest that the police have become more concerned with order than law, more authoritarian, more political and more punitively minded. They suggest that this is partially due to lack of local control and to lack of involvement with the public.

The courts come in for harsh criticism. The factual content centres on the different types of courts, the officials and participants and a statistical breakdown on sentencing. Controversies raised are jury vetting, plea bargaining and disparity of sentencing. This section concludes that justice is being unfairly dispensed due to pressure to plead guilty, local variations, overworked court officials and other reasons—including the class bias of judges and JPs.

Turning to the penal system, we find a shortened and updated version of "British Prisons". The authors discuss costs and organisations, staffing types of prisons, conditions in prisons and the treatment of inmates. There is no reference to young offenders. They conclude with a section on the "Crisis" facing the prisons. Areas of criticism here are prison conditions, staff attitudes, "de-humanisation", lack of privacy, poor facilities for visitors, racism, food—in fact, pretty well all that goes on in prisons. If we do some things right it is insufficient in quality or quantity.

The book concludes by asserting that the crisis is not simply one for the prisons but for the Criminal Justice system as a whole. More authoritarian police prosecuting more people, fewer of whom will even see a jury, being sent to dirty, overcrowded jails where they will be de-humanised and deprived. Powerful stuff —but is it justified?

Not on the strength of this book alone. If any defendant had to face the same selectivity of evidence, sweeping generalisations, misleading statements and unconcealed bias that the system of justice faces here, we would indeed be facing a crisis.

Which is a pity, because despite all that, the book does raise some very serious questions which are worthy of national debate. Control of the police *is* of concern in a changing world. Some prison conditions are an affront to civilised society. And if the jury is the cornerstone of English justice, it is quite right to ask why 98% of all criminal cases fail to reach one.

There are, though, *ways* of asking these questions. The best and fairest way is to ask the question in such a way as to obtain some response. The Home Office will not responed to the book because its questions are asked purley rhetorically. Reading it, one constantly feels that the "evidence" was collected after it was decided to find the subject guilty. At some points, this resulted in quite ridiculous situations. On page 90 (et seq) there is a discussion about why people plead guilty. It chooses to ignore guilt. I have already mentioned the front cover photo. Why choose this picture to represent justice when of 2½ million cases only some 2½% or so get "sent down".

You will have gathered by now that I found this book unconvincing. That is not to say I found it uninteresting. It does contain a brief guide to the criminal justice system in an easy to read form, and is a good starting point for anyone interested in law—although its bias prevents it from being a text book, and I find myself wondering just what market it is aimed at. Would I buy it? probably not—but only because there is little new in it, and most, if not all, points have been raised elsewhere—and, more impartially.

ROGER I. HALEY

Assistant Governor
HM Youth Custody Centre Portland

Social Work Values: An Enquiry

NOEL TIMMS

Routledge & Keagan Paul 1983. £5.95 (pbk)

This book holds a complex theme within a simple framework. More of complexity later.

One helpful element in Timms' work is his occasional and brief summarising of what has gone before. The early sentences of his chapter 6 give both the bones of his argument and a feel for the style of his more lucid passages.

The argument has so far advanced through 4 stages. First, whatever one's understanding of social work, "values" are given a central place in social work activity both in the exposition and in the justification of social work. Second, values, despite their agreed importance, have not been given the sustained and critical treatment warranted. This, it has been argued, is not a satisfactory situation: "values" rendered into no distinguishable elements at all are expected to perform too many generalised tasks. Third, it is suggested that conceptual analysis, whether applied to the situation of the social worker making a moral decision or to the customary lists and listings of social work values, constitutes an important advance in securing an improvement on the present treatment of social work values. However, such analysis is a necessary not a sufficient condition for the success of the present enquiry, so the fourth stage of the argument concerned the historical contexts in which important differences between social workers have been recorded .....

Got it so far?

The fifth of Timms' stages is an examination of the concept of value (or values) in the writings of selected economists, sociologists and philosophers with a view to throwing light on social work values. (Timms seems much more 'at home' in the company of philosophers than of either of the other two).

However, back to complexity, an underlying and important theme of the book. Timms has to demonstrate that 'social work values' is not the simple concept that social work theorists have tended, hitherto, to suggest (mainly by default). Who would read a book which merely confirmed that it was? So, he poses searching questions and then points readers in the directions from which answers might eventually come. None of the cherished values (of social casework in particular)—confidentiality, self-determination, acceptance and the rest-is allowed a scrap of respectability until it has passed through the fine mesh ot Timms' scrutiny. None emerges in quite the shape that it entered. If such theorising actually had short term power in application, where would social workers search for a sense of security? Perhaps, as Timms suggests, social workers get on pragmatically with their task and rarely step aside to examine critically just what it is they are doing, how and why, leaving social work educationists with philosophical inclinations to ponder over deeper issues.

As Timms observes "..... the fact that many practitioners and thier managers can or are constrained to practice without explicit reference to controversy and conceptual complexity is potentially of considerable interest in any appraisal of the role of theory in social work.

If social workers can get along without controversy and conceptual complexity, Timms clearly cannot. He asks questions more than he provides answers. Only in his last few pages does he begin to hint at a denouement of his tangled plot. Values on social work, he suggests, might find context and coherence in the concept of social work as 'a practice'. However, the "..." notion of a practice is somewhat complex.... Timms is content to offer a few clues to its meaning but anticipates writing a further volume on this complex theme.

DEREK WILLIAMSON

P.S.C. Wakefield

The Industrial Tribunal

ARTHUR H HOWELL

Barry Rose 1981

Tribunals, like courts, provide a means of resolving disputes. There are over 2,000 tribunals in England deciding more than 1,000,000 cases a year. Industrial Tribunals deal with disputes over matters relating to employment. "The Industrial Tribunal" is a guide to issues under the jurisdiction of Industrial Tribunals arising from the following Acts:-

The Employment Protection Act 1975
The Employment Protection (Consolidation) Act 1978
The Employment Act 1980
The Equal Pay Act 1970
The Sex Discrimination Act 1975
The Race Relations Act 1976

A work of reference, "The Industrial Tribunal" is laid out so as to make it easy to find the statutory provisions relevant to any of the issues covered by the Acts. It thus provides a useful starting point from which to move to more detailed textbooks and to appeal decisions. It is aimed not at the layman but at those lawyers and others who are engaged in advising on and applying the provisions of the Acts.

ROBIN HALWARD

Tutor
HM Prison Service College

Women's Imprisonment — a Study in Social Control

PAT CARLEN

Published RKP 1982 £4.95

In 1980 Pat Carlen, a senior lecturer in Criminology at Keele, went to Cornton Vale the only women's prison in Scotland, and interviewed twenty women. She sought their views not only on their experience of what she calls "the moment of prison" but on the whole criminal justice system as it had affected them.

Where she was able to the author spoke to social workers, policemen, court officials and prison officers to seek evidence in support of what the women said.

The picture presented is of a group of women who feel themselves to be outside the system, not part of it but simply caught up in an automatic and ineluctable process in which they have only a passive role to play. "I don't know what went wrong in the end but something went wrong. I was in here on remand without a solicitor and I wrote away at the last minute for a solicitor and he came. He seemed really genuine and really like he was going to help me. Then when I went to court there was this other man in a suit, kind of standing there sniggering (and that's a fact, I'm not just saying that) and he was the man that was going to be representing me and he just wasn't interested. He couldn't have cared less. He just waved a couple of bits of paper in front of me and off he went". (P125)

A court official confirms that this kind of dismissive treatment is all too common, "..... all because a lawyer didn't fancy talking to a woman who was in a state", (P122) and another says "a large proportion of female offenders are totally unaware of their rights and of what is going on in court ....." (P122)

Many men would not tolerate such treatment without a violent reaction but few women protest. Pat Carlen offers an explanation of that submissiveness in the history of the role of women in Scotland and in the examination of the lives of the women portrayed where she finds patterns of violence, loneliness and drinking preceding the appearance in court.

Although most had been married, only two women of the twenty still had links with any family and only seven had a place to go on release.

All the women at one time or another had aspired to the conventional aim of a happily married family life but experience had left them with a "desire for independence". "The man and his family" (P55) had become not only a source of personal unhappiness but in the court the break up of the family had been used against the woman; had she been able to show that she was "a good mother" a non custodial sentence would have been more likely whatever the offence.

What then should be the role of Cornton Vale prison in preparing these women for release? Pat Carlen argues that the regime tries unsuccessfully and inappropriately to make a reality of those faded dreams of family life which the women have discarded. She quotes the then governor as saying that "to rebuild family relationships" (P71) is the aim. To do so would be difficult given the severe breakdown of most such relationships but added to those difficulties is the one of distance from family which being in prison inevitably brings. For the women interviewed here Cornton Vale seemed at best irrelevent to their problems and at worst, by increasing their sense of failure and isolation, damaging. One woman says "In here Oh, how can I explain it? It's like an existance. Nothing seems real. It's when you go home the worries start" (P85). And a prison officer comments, "most of them are isolated outside. All the friends they've got are staff"(P86).

Cornton Vale is criticised in a number of ways. The physical design of the building in small living units may enhance control or encourage greater conflict between prisoners and staff but certainly it does ensure the continual presence of prison officers amongst prisoners. This has the effect of formalising relationships between the women themselves and lessening opportunities for them to take responsibility or be spontaneous.

The traditional, hierarchical staff structure encourages attitudes of superiority both towards prisoners and between staff themselves. An officer says of the women "they're very childish. They're just like bairns. You wouldn't speak to a four year old how we have to speak to some of them sometimes" (P102). And a senior officer is quoted as saying "I think of myself as a mother to inmates and officers" (P108).

These attitudes are reinforced by routines which encourage dependancy; the loss of privacy by censoring letters; the bureaucratic system of applications for extra letters or petitions; and the delay in replying to requests because of the need for higher authority to be sought.

Pat Carlen suggests it need not be like that and gives a favourable portrait of the project for alcoholics at Cornton Vale which would be even more helpful if the social services gave any back up to the women on discharge. In that unit the hierarchical structure is relaxed and the women are given responsibility. It would have been interesting to have had more of the views of some of the women and staff here.

I discussed the book with the present governor of Cornton Vale who said staff were disappointed by the observations in this book but had used it to look critically at their institution. They felt that there was a too ready acceptance by the author of the opinions of the women and that staff were misunderstood. Indeed there does seem to be little appreciation of the reasons for some of the apparently petty rules. For example there have to be controls on visits because otherwise they are abused and in the prison contacts between women have to be controlled to some extent in order to protect prisoners from one another.

Nor is there in the book any understanding of the constraints on regime imposed by having the functions of holding both remand and sentenced prisoners within the same institution. To have groups of people who are subject to different rules and levels of privileges under the same roof is a considerable problem in maintaining a fair but liberal regime.

There are some points in the book which will receive much support from prison staffs everywhere. Two of them are the over-use of prison by the courts simply because in a crisis no other accommodation is available and that "there is a desperate need for some kind of official and public recognition that prisons are containing many people who lay people would call mentally ill" (P206).

On the other hand there are other arguments which to my mind ring true but are uncomfortable to admit.

There is a tendency to treat women prisoners in a condescending manner as if they cannot be expected to take responsibility for themselves. And that can lead to staff believing they always know what's best for the women and a confusion between what are the needs of the women and our own administrative convenience.

In addition, the design of modern prisons to look more like motels than penitentiaries and the official instructions to staff to call women prisoners by their first names push us into the trap of believing that the experience of imprisonment is somehow less painful and damaging for women than for men. This book is a useful corrective and should be read by all who work in women's prisons.

What I hope the book will not do is to hasten the steps already being taken in the wake of evanescent notions of reform to use the traditional male prison warehouse model on which to pattern future developments in the women's service. To take that direction is to ignore the very real skill many women staff show in their day to day work with prisoners. It is still true that the boundaries between staff and prisoners are much more easily overcome by women than men and that a first offender coming into prison can cry and be comforted at Holloway in a spontaneous and sensitive way that would be unthinkable at Wormwood Scrubs. This sort of action does much to maintain control and gain for the service a respectable and humane image with the public it serves.

There is no criticism in this book which could not be met by a sensitive and positive management, building on the skills of staff at Cornton Vale it is to their credit that they are applying themselves to that task.

May I add that the bibliography listed at the back of the book is the most comprehensive on this subject I have come across.

JOHN STAPLES

Deputy Governor HMP Wormwood Scrubs formerly HMP Holloway.

any COMMENTS? ARTICLES? THOUGHTS?

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