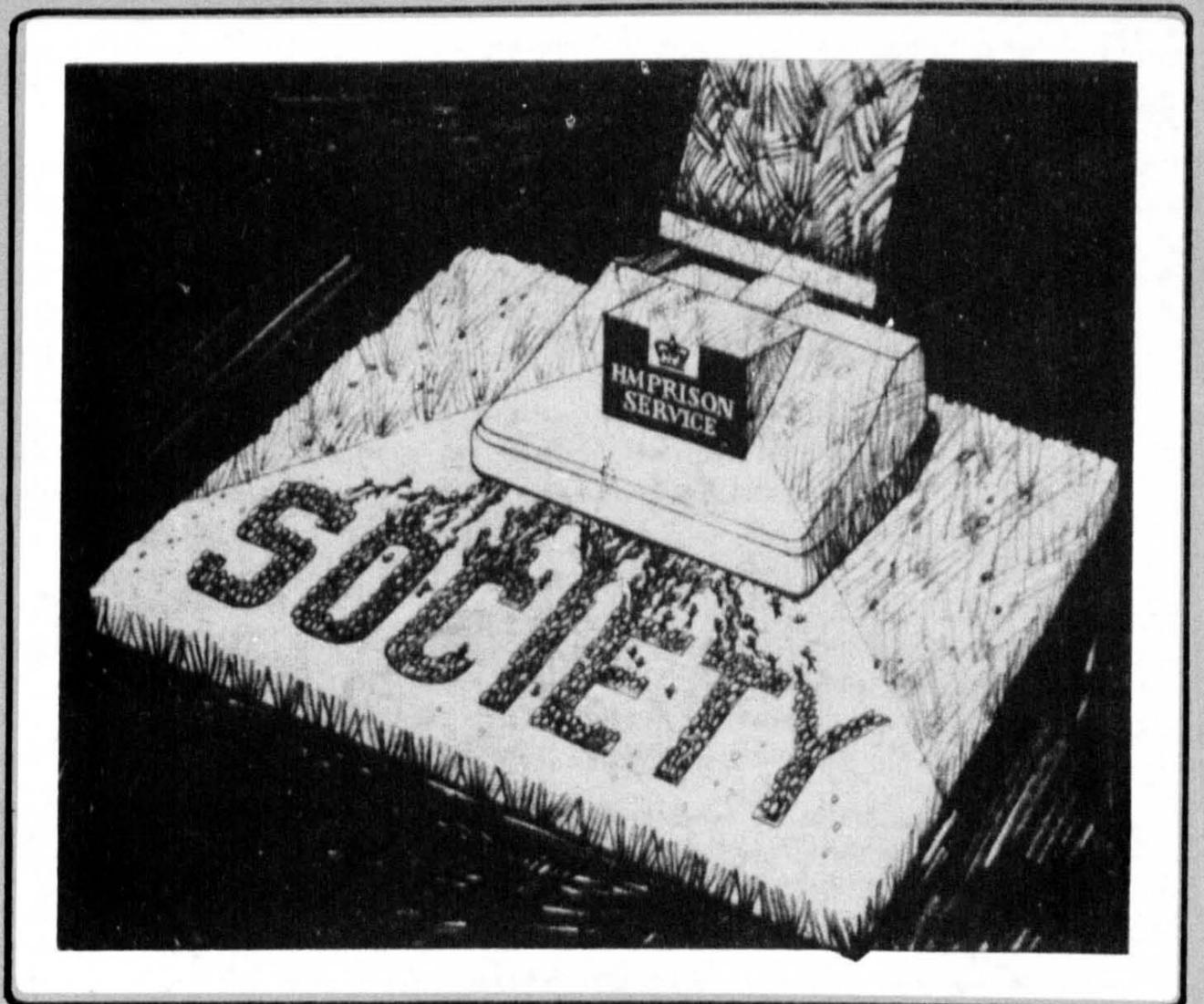


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Comment

4. The population of the prisons on the 31st March 1887 was 15,457, having been 14,379 at the end of the previous year. The average daily population in 1886-7 was 14,966, viz 12,244 males and 2,722 females; in the previous year it was 15,375, viz 12,467 males and 2,908 females.

5. The highest number of prisoners shown in any of the monthly returns was 16,121 on the 5th October 1886, and the lowest was 14,064 on the 4th January 1887, a difference of 14.6 per cent above the lowest number . . .

. . . The remarkable decrease in the prison population, which commenced in 1877, has been continued during the past year . . ."

Tenth report of the Commissioners of Prisons, 1887.

For the sake of completeness there were also 7,835 "convicts" on 31st March 1887, but the numbers had also fallen significantly over the previous ten years. As Governors and their staffs compose their annual reports one of their major concerns will, of course, be rising numbers. And while the Commissioners anguished over which prisons to close, their successors could well be doing the opposite (apart from wishing they hadn't).

Readers will note the trend of an autumn peak and a Christmas trough, also that 'monthly' returns only were required. Governors reports were brief, seldom more than two pages and generally reassured the Commissioners that statutory standards were being met. However, the Governor of Oxford Prison commented:-

"The Medical Officer states that the health of the prisoners has not been quite so good as usual, as there has been admitted a considerable number of unhealthy trampers from London."

A repeated phenomenon!

Appendix No 11 of the Commissioners' Report goes into detailed costs per prisoner at each prison; Birmingham's annual cost per prisoner was just over £19, Canterbury's just over £20 but Aylesbury's nearly £40—and all were locals. Staff costs a century ago were 60% of the total. And in 1987 we are struggling to restore such annual accounts—which will show that local prisons and open prisons are relatively "cheap", compared with dispersal prisons.

Staff are always our most valuable resource, as well as the greatest expense; only they can deliver the individualism, relationships and activities urged by Ian Dunbar in "A Sense of Direction". The "Fresh Start" initiative claims to be good for staff, for inmates and for management but Governors will need to monitor the effectiveness of their service and the standard of delivery—to the reassurance (or anguish) of those same successors to the Commissioners

But how should we measure 'value for money'? While readers consider the pressures and problems of numbers and changes of structure and regimes, let them ponder also how VFM is judged in prisons. Christopher Pollitt* has studied the pursuit of VFM in Government over the past eight years and sees many gains; he concludes:-

"The argument of this article should not be taken as a denial of the need for better management, improved resource consciousness, etc. These are each perfectly reasonable in themselves and constitute important aspects of performance. The point, however, is that concentration on these aspects tend to exclude a whole series of issues which should be integral to the concept of a public service. Some of these issues have been identified earlier, for example, public participation, equity, a concern with quality, an emphasis on social impact and a respect for persons." (p.167)

Why did numbers in prison fall a century ago? Why are they rising now? What part can the Prison Department play in breaking the cycle of recidivism, the despair of reconviction, the added cost of yet another sentence? It is perhaps by joint action locally with Police, Probation, Courts, Social Services, Churches and voluntary services. 'Localness' is sadly less possible than it was a century ago; it was Lady Franks (Board of Visitors, Oxford Prison) who said, "No county should be without its prison!" If only that voice had been raised successfully a hundred years ago! We would have been in a better position to deliver VFM to the courts, inmates, victims, families and the wider community—but this wider standard is not unattainable despite rising numbers.

*Pollitt, C. (1986) *Beyond the Managerial Model: The Case for Broadening Performance Assessment in Government and the Public Services. Financial Accountability and Management*, pp. 155-170, 2 (3) 1986.

Community Stress, Criminal Behaviour and Justice

This paper results from work undertaken at the Centre for Explorations in Social Concern at the Grubb Institute. Further details are given at the end.

Summary

This paper puts forward the view that, in a rapidly changing society, the increasing dependence on the criminal justice process is a result of displaced stress from the community. Greater investment in law and order services is therefore, likely to be counter-productive.

It is argued that this process of displacement arises from uncertainty about how community stress is dealt with, how to define criminal behaviour, and what is just or unjust.

The paper explores how these three factors are related to each other, and indicates certain points for bringing about desirable change.

The Theme

The theme of "Community Stress, Criminal Behaviour and the Concept of Justice" arose from a group of people meeting at the Centre for Explorations in Social Concern during the autumn of 1984. Through their work they had become concerned about the ways in which behaviour expressing anxiety and unrest in the community - community stress - was being dealt with as criminal behaviour within the criminal justice process, without underlying factors being tackled effectively. Examples of behaviour which seemed significant in social as

well as individual terms - that is, it was saying something important about stress in the community - included the following: inner city disturbances, anti-nuclear protests, miners' picketing, the DHSS frauds in Oxford, child abuse and the individual behaviour of Sarah Tisdall and Clive Ponting. A failure to recognise and respond to this behaviour other than as criminal led to an overdependence on the criminal justice process and the displacement of stress from the community on to the criminal justice system.

This displacement is reflected in an increasing investment in law and order services and a demand for harsher penalties, without a reduction in community stress. It raises the question whether the criminal justice process is being used to compensate for the lack of a shared sense of social justice by which to view certain behaviour. This process of displacement is particularly important to examine if policies related to criminal activity are likely both to increase community stress and also to undermine a shared sense of social justice.

An increasing concern and fear about social disorder, violence and crime is accompanied by uncertainty about how far unemployment, bad housing, poverty or the influences of television, changes in the family or in schools are related to these problems.

This indicates the difficulty of understanding what crime is expressing or representing about current society.

The resulting inability to respond in an appropriate fashion leads to consideration of stronger measures of control, such as legislation (as in the Public Order Bill). In addition, the pressure to respond politicises the issues, which in the current state of political debate tends to polarise responses, reducing the likelihood of a common approach to the problems at national or local level. Should no resolution be found through debate, then the police may have to deal with violent social unrest. If faced with escalating violence, police may respond by using riot shields, and then by stronger measures, such as using baton rounds, in order to preserve the peace.

Justice

It is difficult to hold on to the idea of a whole society - one nation - which is coherent, dependable and just in its concerns about the well-being of all its members. There are competing and conflicting versions of what is just, which are asserted by different groups, with those in power attempting to prescribe their version through laws, rules, sanctions and punishment as a means of keeping 'the whole' together - if necessary by force. This

leads to defining any behaviour as "criminal" which threatens the stability and cohesion of a dominant version of the whole.

There is much anger over the extent of crime, with demands for severe punishments, more police numbers and equipment. Alongside this there is what is perceived as police interference, harassment and provocation of certain members of the community, and the victimization of the poor, black and the unemployed. Yet a shared concept of social justice is a necessary condition of a whole and integrated society. Where the behaviour of some members expresses different assumptions about social justice, then to deal with their behaviour simply as criminal leads to an individual being seen as an 'offender' in one view of social justice but as a 'victim' in another view. The criminal justice process then aggravates the difference by taking sides and thereby increasing community stress, as certain social problems become redefined as individual crimes without recognising what the behaviour represents in terms of the community. Living together requires some accommodation of difference and the reassessment of social values to maintain a shared concept of justice within which difference can be expressed. Without a shared concept of social justice, the criminal justice process is unable to alleviate community stress effectively and the over-dependence and displacement referred to earlier is likely to promote the opposite outcome - an increase in conflict and stress in the community.

Both working with community stress and dealing with criminal behaviour need to be undertaken with reference to a common concept of justice. Government and social agencies work with social problems and criminal justice agencies deal with social disorder, violence and crime in the context of justice in society. Where this context is uncertain and fragmented there is a more dominant assertion of the state, and this affects what various agencies are seen to represent. For instance, the police who are perhaps most clearly involved with both community stress and criminal behaviour, may in the future increasingly be experienced as a paramilitary national force representing the state, rather than a local service working on behalf of local communities. Other social and criminal justice agencies are subject to the same risk and the various agencies of the state may represent a part-

icular concept of justice which may not be shared by other groups in society.

Criminalisation

Where social agencies fail to adapt to change and to deal with stress in the community in ways which are experienced as just, so the challenging of these agencies practices is increasingly expressed in criminal ways; the agencies become more inaccessible and concerned with their own survival. Criminal justice agencies are then left attempting to deal with social problems in terms of individual criminal behaviour, mainly by formalising the expression of public disapproval; but they are able to do little to prevent such behaviour or tackle the social problems. The police in their central position in relation to community stress and criminal behaviour are a focal point for the tensions within society. To increase dependence on the police in the present circumstances would simply intensify these tensions and risk promoting further divisions and confrontations and reducing the chance of maintaining effective police/community relations, or restoring them where they have ceased to exist.

The present sense of frustration and alienation is not confined to those who commit offences. The different versions of society and the emphasis on the interests and rights of particular individuals and groups lead to a difficulty for many in identifying with society as a whole and in being represented other than as an individual or in a very specific way. This leads to an assertion of their rights as individuals or groups rather than of their duties and responsibilities to society.

Democratic structures and processes which were established to deal with representation are unable to cope with representing all the different parts of society. In effect these structures and processes appear to undermine representation in that minority groups become dominant and act as if their authority should be accepted by all, even though increasingly these groups represent only themselves and do not act on behalf of any others. Where there are strong feelings about issues but there are no legitimate ways for these to be represented, frustration can lead to apathy, despair and to extreme - even violent - expression in order to force attention to be paid. Both national and local politics leave many to seek alternative means of being heard. At the same time social agencies have difficulty in representing

shared values of society and they respond to social problems in partial ways; as a result, they may fail to meet the expectations of the community and be experienced as remote and partial, if not irrelevant, in respect of community needs.

Points For Action

In the light of this account, what is required is a greater understanding of what crime is indicating about the current state of society. This is particularly important because of the enormous changes now taking place in various aspects of social living.

There is need to view the implications of these changes in a longer time scale. The emphasis on law and order when strains are felt and things go wrong may be seen as a short term reaction which can be counter-productive. A number of suggestions can be made where action can happen, some of which can pick up on developments currently taking place.

1. Social Values

Those in positions to determine national and local policies in such fields as housing, social security, social services, employment, and education need to examine such policies in terms of the social values they assume and express, and their potential for increasing or reducing crime.

2. Openness

People in positions of responsibility in social agencies and services may recognise the need to develop co-operation among themselves, but they also need to examine how they relate to and are seen by the public, especially at local levels - what the public expects and how agencies recognise and respond to these views and expectations. Such a process involves identifying values which are shared between agencies and the communities which they serve. It requires an openness among those who work in social agencies to listen and to develop skills to enable local communities to express their views, to participate in determining what is provided, and to act on their own behalf in relation to the needs of individuals, families and groups within those communities.

3. Co-operation

Those who work in criminal justice agencies need to develop greater understanding of the part they each play in the criminal justice process and how each affects the others by the way

continued on page 6

A Bishop's View of Imprisonment

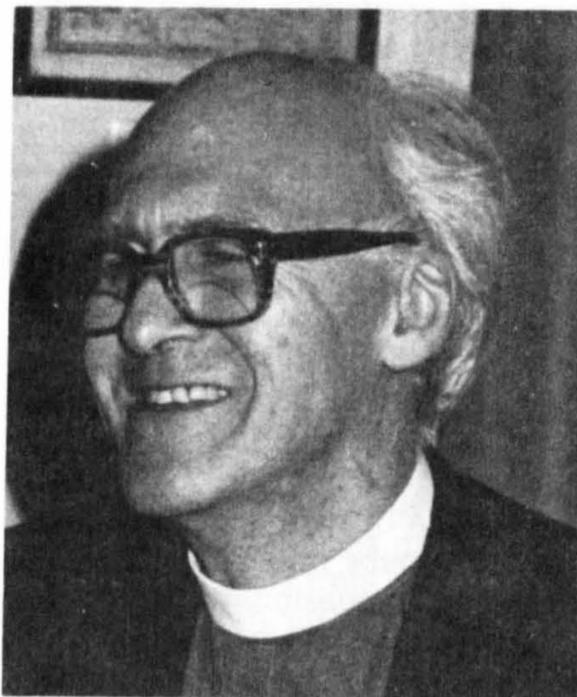
The Rt. Rev. Hugh Montefiore

Bishop of Birmingham

The Sunday Press of 7 December noted briefly that the Bishop of Birmingham had the previous day spoken at Diocesan Synod about prisons. Bishop Hugh Montefiore has kindly allowed us to print the text of his Presidential Address. He is Chairman of the Church of England's Board of Social Responsibility.

A Change of Focus

The last two addresses that I have given to Synod have concerned church matters. Today I look outwards to the world. I am going to discuss something from which we would prefer to avert our eyes, and about which most of us know little. I refer to those who have to live inside Her Majesty's Prison Establishments, and the custodial sentences that land them there. I think that Christians have a special duty to consider these matters. Our Lord's parable of the sheep and the goats, shows a special concern for those in prison. In the Litany we pray that God will have mercy on all prisoners and captives. At the same time the scriptures remind us that the state authorities are there to deter crime, and that they are God's agent of punishment for the retribution on the offender. And so we must not be too sentimen-



tal or soft-hearted when we consider this unwelcome subject. Incidentally one of the few secular privileges still remaining to a Bishop is to be able to enter at his pleasure a Prison Establishment situated in his diocese.

Crime and Response

Before we look at sentencing policies, we must first look at the escalating rate of reported crime. I say reported crime because it is said that only one in four of all thefts are reported to the police, which is a depressing thought when you realise that last year 1,839,000 cases of theft were reported, an increase of 60% in six years. The total number of criminal offences recorded by the police in

England and Wales has risen from half-a-million in the 1950s to over three-and-a-half million last year. That works out at one offence for every 16 people a year, if you like to average it out that way—although of course the truth is that a few commit many offences while most do nothing wrong, except perhaps drive their motor-car too fast, which is not, thank goodness, included in these statistics. However, before you get too depressed by those appalling figures, let me point out what these offences actually are. Violence against the person, increasing though it is, only accounts for 3%; fraud and forgery only 4%—that is, reported fraud. As for robbery only 0.8%; and sexual offences only 0.6%. So what are the majority of offences? 95% of all crimes are offences against property. Now I don't want in any way to belittle the seriousness of the present escalation in reported crime. It is very grave indeed, and something must be done about it. It is interesting that an administration determined to uphold law and order has been able to make no headway in the problem at all—in fact there has been a serious escalation in the last six years. The Home Secretary, in his recently issued Working Paper on Criminal

Justice, associates it with wider social problems such as a weakening of the family and a decline in standards of conduct and respect for authority. It is particularly important, I think, that his Working Paper contains this sentence: "Wider social policies for example, for education, housing, employment and support for the family, must play a part." I am sure we all hope that such policies will be put into practice, because they are badly needed.

Prison Numbers and Conditions

Inevitably one of the results of this crime wave is an increase in the numbers of those who are given custodial sentences by magistrates and by judges. Lord Elwyn Jones said last month in the House of Lords: "The United Kingdom now sends more people to prison, both in absolute numbers and relative to its population, than any other major European country. It also has a higher average daily prison population than any other Western European country except Turkey."

The Report on the work of the Prison Department for 1985-6 which has just been issued shows the extent of overcrowding in our prisons. The average daily prison population was just under 46,600. If you set this prison population against what is called the "certified normal population", you have an overcrowding factor of 14%, nearly three times as bad as it was twenty years ago. The present administration undertook to repair the neglect into which prison establishments had fallen under previous governments, but despite a large and expensive building programme, which has added 9,000 places already, it seems that the rise both in custodial sentences and also in unsentenced prisoners means that overcrowding is still very much with us. In 1985/86 there was an average daily unsentenced prison population (on remand or convicted but unsentenced) of 9,700, an increase of nearly 10% on the previous year! Almost all the doubling up (or trebling up) takes place in the old Victorian prisons, with their degrading "slopping out" which will not be eliminated by the time the new building programme is completed in 1991. The Chief Inspector of Prisons in his 1984 Report, wrote this of one establishment: "The stench of urine and excrement pervades the prison . . . so awful is this procedure that many prisoners become constipated." There are other results

including staff shortages. This is what the Prison Officers' Association said in their last annual report: "The living conditions of prisoners create intolerable working conditions for prison officers". In 1985/86, over a million prescriptions were dispensed for psychotropic drugs (anti-depressants, sedatives and tranquillisers) for inmates. As a result of overcrowding, less time can be spent in workshops, and there are now more people in cells for 23 hours a day than ever before. What is more, this last year has seen the most serious prison riots that we have known, during an industrial dispute of prison officers, with a frightful night of riot, arson and destruction—to say nothing of over 1,100 assaults on prison officers during the year. So what is the good of these custodial sentences? Alas, over half the male offenders in custody are back before the courts within two years of their release, and as for young offenders, no less than two-thirds of them return to the courts within two years. When in my capacity of Chairman of the Board for Social Responsibility I wrote to Lord Hailsham, the Lord Chancellor, on custodial sentences a year ago, he replied: "The only certain thing about a custodial sentence is that the offender does not do it again when he is inside". But this is only very modest comfort to his potential victims, for by the nature of the case he is going to be outside for far longer than he is inside. Surely some better rationale than that is needed where the offence is non-violent.

Executive Policy and Juvenile Guidance

We are fortunate that both the present Home Secretary, Douglas Hurd, and the Lord Chancellor are Christian men who take these matters very seriously. Mr. Hurd has publicly endorsed the need for alternatives to prison in appropriate cases, and the Parliamentary All Party Penal Affairs Group has produced an important Ten Point Plan. The Lord Chancellor has pointed out to me that there are constraints on custody, written into the law itself; and the Court of Appeal and the Appellate Committee of the House of Lords to some extent influence the judiciary. For example, a case before the Court of Appeal in 1980 emphasised the need to keep prison sentences for non-violent offenders short if they had to be imposed at all, and the Lord Chancellor has told me that this is the doctrine that he preaches

to magistrates in his visits to them throughout the country. It must be confessed however that although sentences have been reduced they have not been reduced enough. Numbers in prison (both sentenced and on remand) go up and up. I am assured by the Institute of Criminology in Cambridge that the main reason why our prison population is the highest in any major European country is that sentences in this country are longer than in those other countries. Many sentences may seem comparatively short, but if a man is sentenced here to four months where in other countries the sentence would only be three, we would by that token have a 25% higher prison population.

It is unfortunate that the last Home Secretary, Mr. Leon Brittan said: "The Government is determined to provide the prison places necessary to accommodate those whom the courts decide must receive custodial sentences." Obviously new accommodation was badly needed in the light of past neglect and the terrible increase in crime; but his words sounded like a blank cheque to the judiciary. The separation of powers between Government and the judiciary is quite essential, otherwise we would have governments of different complexions leaning on the judiciary and the chance of a fair trial would be greatly diminished. But there are pressures which could be applied to keep the prison population within bounds. It is ironic that the new Criminal Justice Bill now before Parliament includes procedures for increasing lenient sentences, while nothing is being done to reduce custodial sentences.

Limits

In the USA, the state of Minnesota has a procedure for "capping" prison capacity—as prisons approach their capacity, the courts' sentencing procedures are adjusted so that capacity is not exceeded. The French Minister for Justice has said recently that if present lengths of custodial sentences continue, he will release prisoners within three months of the end of their sentence, so as to make room for the newly convicted. The Board for Social Responsibility earlier this year suggested that the Home Secretary could exercise his executive discretion in a similar kind of way. I repeat this suggestion now, in the hope that it may be taken more seriously. We must certainly take a grave view of the crime increase and pay due respect

to our police, our courts, our judges and our magistrates. But however excellently the magistrates and judges may perform, their sentencing practice is not beyond criticism. We must not let them become the sacred cows of the Establishment. Why should we be the only major country out of step in Western Europe? I realise that the public want custodial sentences—as long as they are not the actual people sentenced. The Lord Chancellor has told me that he receives ten letters complaining of alleged leniency for every one about alleged severity. The tabloid press is often to blame for this. But there is evidence too of a saner attitude, and present custodial sentencing practice must be challenged—indeed, I think it is a duty to do so, both for the welfare of the country, and for the sake of prison inmates and prison officers. At the same time I would not wish anything that I have said to be taken as in any way condoning crime, and I wish the Government, the judiciary, and in particular the police, all success both in preventing crime, and in being able to clear up more than the present rate of only 35% of reported crime. ■

COMMUNITY STRESS, CRIMINAL BEHAVIOUR AND JUSTICE

continued from page 3

they function. Attention needs to be given to how the different agencies can act co-operatively on behalf of the communities which they serve, and how they can make sense of and deal with crime in its community context. This will be assisted by working with identifiable geographical boundaries and involving local social services, churches, schools, youth services and the voluntary sector in interpreting and responding to what crime is indicating about social living in a particular community, and the nature of the tensions being experienced by individuals and families within that community.

4. Distinguishing Laws

The more intrusive nature of the law, the expansion of legal aid and the considerable dependence on legal process needs examining in relation to their effect both on crime and on people's ability to deal with matters which affect them in their daily living. Some distinction between laws expressing moral values (eg about violence and dishonesty), those concerned with administrative regulation and social control (eg about traffic and employment), and those dealing with the breakdown of relationships (eg about

divorce and care of children), may be worth making both in categorisation and administration, although the distinction is sometimes difficult to draw.

5. Process of Action

Some model of action needs to be worked out for representation and working across boundaries where there is some breakdown in social living in particular neighbourhoods or communities. Such a model should identify the factors to be taken into account when promoting a process of mediation and reconciliation - for instance, the boundary which the various groups recognise as being common to them all, the groups and individuals who need to be included in the process, the methods of enabling views to be expressed and exchanged, and who might take responsibility for setting up and supporting the process.

6. Relations

Further specific issues which could be considered in programmes for action are how to reduce the pressure on the police, how to provide support for ethnic minorities, how to cope with the problems of local government, and how to improve the relations between central and local government, and how to develop the use of the voluntary sector.

7. Context

A major approach is to facilitate the development of small local communities with recognised boundaries who can act for themselves with the support and help of the various agencies and services directly related to local circumstances. To complement this, an understanding is required of the national context in which social needs and problems exist, rather than to assume it is simply a matter for those areas most affected, such as inner cities.

It is important for some lead to come from central government, demonstrating an ability to listen and respond, with an understanding of the variety of need and of the nationwide responsibility to give attention to this concern.

Appendix

Introduction

This paper arises from the concern of a number of individuals about problems related to social tensions and criminal behaviour and the apparent ineffectiveness of measures to promote order and cohesion within society. The purpose of this paper is to stimulate

further discussion among others who share this concern.

A number of individuals have participated in discussions about this subject which have contributed to the production of this paper. They do not necessarily subscribe to all that is contained within the paper, but they do consider the matter of sufficient importance to promote further examination.

The group who have been meeting at the Centre for Explorations in Social Concern and who contributed to the original discussion paper on "Community Stress, Criminal Behaviour and the Concept of Justice", included:

Michael Day, Chief Probation Officer, West Midlands Probation Service
 Jean Hutton, Director, Centre for Explorations in Social Concern
 Alan Morrison, Deputy Chief Probation Officer, Nottinghamshire Probation Service
 Bruce Reed, Executive Chairman, The Grubb Institute
 Cliff Swann, HM Chief Inspector of Probation, Home Office

Those who participated in subsequent discussions on the theme included:

Roy McL Archibald, Occupational Physician, National Health Service
 Jeremy Connor, Metropolitan Stipendiary Magistrate
 David Faulkner, Deputy Undersecretary of State, Home Office
 Eric James, Director of Christian Action
 Tony Pearson, HM Deputy Chief Inspector of Prisons, Home Office
 Celia Redknap, Member, Kings College Land Use Research Unit, House Design Disadvantage Team
 Helen Reeves, Director, National Association of Victim Support Schemes
 Margaret Romanes, Deputy Chairman of Council, Magistrates Association
 Roger Street, Detective Superintendent, Community Relations Branch, New Scotland Yard
 Mary Sugden, Principal, National Institute for Social Work
 William Utting, Chief Inspector, Department of Health and Social Security
 Paul Whitehouse, Assistant Chief Constable, Greater Manchester Police

REGIME DEVELOPMENT IN THE PRISON SERVICE

Fred Crowe

Governor, HM Youth Custody Centre, Huntercombe.

Initiatives

It is trite, but nonetheless true, that the Prison Service is going through a process of great change. Barely a week passes without some aspect of penal philosophy or practice being analysed, scrutinised or criticised either by penal practitioners, or by political commentators or journalists. Internally, in the past few months, and in no particular order, we have had reports on suicide prevention, shared working between probation and prison officers, shift complementing systems, preparation for the release of prisoners, a guide for line managers, the new direction of prison design, a "corporate identity" manual, and a weight of paper associated with the beginnings of a "Fresh Start". Externally there has been an increasing interest in the Prison Service, probably as the result of the major industrial dispute of April and May 1986. Inevitably, in trying to come to terms with the complex and often confusing problems facing the service, there has been a simplistic grasping of straws; privatize prisons, and bring back hanging.

This plethora of words has largely been concentrated on how we run the

Prison Service—its tasks and functions—which are in turn described in purely practical and managerial terms. Perhaps this is inevitable given the problems of management and manning being faced daily by prison staff. But by concentrating on *how*, we have tended to forget *why* we run prisons, and as a consequence the prisoner and the regime that we offer him has largely been ignored, although Ian Dunbar's "A Sense of Direction"¹ has offered so much needed balance. It would be more than simply unfortunate if we forget why we run prisons. After all, the shift systems of prison officers, the design of prison buildings and the effective management of the prison estate are of primary importance to those who are presently incarcerated in a system which is still overcrowded, and where people are continually forced to sleep three to a cell without the benefit of integral sanitation.

Prisoners, and the fact of their incarceration, are the very reasons that we exist. Yet the too often, if at least honest, complaints by those who work in the Service about shortages of staff and resources are conveniently allowed to mask our responsibility to

offer a regime as dynamic and challenging to the inmate as possible. However, a prison regime has to be based on more than the simple process of locking and unlocking prisoners, and the provision of basic care and containment, or the goals which we set ourselves will inevitably become less and less humane. Our concern will no longer be for the individual but for the general: how many does my prison hold, rather than what am I doing with those who are here? The Prison Service may indeed be going through a process of quite dramatic change, but it is imperative that we also look at the regimes we want to offer and develop. Otherwise those changes might not, after all, be the solution to many of our problems.

The New Framework

What sort of regime are we presently required to offer? Circular Instruction 55/1984² offers some basic guidelines for the Service as a whole, and a variety of circulars describe the basis of a regime for young people, the remand prisoner and the "Category A". Circular Instruction 55/1984 can be seen as the beginnings of an

attempt to establish a framework of management accountability, within which individual institutions will be guided by two general statements of functions. These functions are described as "management tools" [p.2], and a key element of these is the regime which any institution should be attempting to offer. The regime should provide accommodation (although there is no guideline on numbers to cells, etc.), meals, facilities for personal hygiene, clothing, opportunities for exercise, and the access to privileges. Beyond that bare minimum the prison regime has also to offer help with personal problems, assist in maintaining community links and preparing inmates for their eventual release. The overriding aim of such a regime is to "occupy prisoners as fully as possible throughout the whole week" [Annex B, p.2], with a balanced and integrated regime of work, education, physical education, and access to libraries and leisure activities.

A regime run on these lines is described as "practical" rather than "aspirational". Gone is the language of treatment, training, and rehabilitation (the moral fibre which sustained many of us during the sixties and seventies) and words and phrases with a Treasury ring to them, such as "resources", "value for money", and "fiscal and management responsibility" have taken their place. Indeed wasn't all this inevitable? Hadn't we too often, as a Service, failed to deliver what we had promised we would? Crime escalated, so the newspapers told us, and one prisoner after another recounted their stories of continuing recidivism despite the good intentions of prison staff. The sixties also saw the growth of "social science", and we were soon faced with another set of largely critical words describing the "contamination" of prison, and the inadequacy of attempting rehabilitation inside, divorced as it was from contact with the "real world". Accordingly, we trimmed our cloth to suit our supposed philosophical means.

Aspirations

This was not a universally depressing picture. Historically, and despite opposition at the time, the Borstal system developed what seems to me to have been a good, practical regime aimed at tackling the problems faced by young people in trouble. It may be unfashionable to make any great claims for Borstals, but the legacy of

the good work which was done by them is surely reflected in the "aspirational" as well as the "practical" goals of the present youth custody system, and it is worthwhile to contrast the aims of a Youth Custody regime with those stated for the Prison Service as a whole. A Youth Custody Centre has to provide a regime, according to Circular Instruction 40/1983³, which is a "distinctive training regime [and] is different to imprisonment and so organised as to meet the needs of the under 21 age group." [p.6]. Indeed it has to set "standards of behaviour towards others and encourage self-discipline and a sense of responsibility, so that the offender will be able to make a constructive contribution to the life of the establishment and ultimately the community". [p.4]. The role of staff has, consequently, to be equally as challenging. The officer who works in a Youth Custody Centre has to encourage self-discipline in the trainee by "staff and trainees [getting] together on an individual basis to look at the trainee's lifestyle before sentence". [p.17]. The officer has to give a lead by "example and encouragement", and actively to participate in a "personal officer scheme". Setting these "aspirational" as well as "practical" goals for the system as a whole has led to dynamic, yet achievable developments within several individual institutions' training regimes. By setting our sights as high, yet as realistically as possible, we have allowed staff, and others, the scope and freedom to contribute in ways far beyond the simple necessities of care and control.

Jerry Petherick and David Saunders-Wilson⁴ have already written about structured evening association at Huntercombe and there is therefore no need to go into any great detail here. It is an imaginative, yet common-sense idea and depends on the delegation of more responsibility to wing managers to develop ideas about how to tackle the problem faced by the young offender. In terms of regime development it is worth emphasising that this innovation was achieved by thorough consultation with all grades of staff, but without the need for extra resources and has been largely successful in meeting the needs of the under-21 age group. Trainees with drug or alcohol problems are given individual and group counselling; those without jobs meet representatives from London-based community programmes; and those with social

skills deficiencies are given help and advice. I doubt if a similar initiative, involving outside agencies and basic grade officers conducting hour-long group sessions as part of their normal duties, could have been conceived in much of the adult system. There, the emphasis on practical goals would have rendered such a scheme as bizarre folly. Look, for example, at our attitude towards the therapeutic regimes of Grendon, Barlinnie's Special Unit, and the Hospital Annexe at Wormwood Scrubs, which are seen almost as aberrations from the work of the mainstream.

Achievement

Let me, again, make a trite comment: prisons are about people. People in the broadest sense—staff and inmates alike. Any regime which is to be developed has to begin with that basic fact. Consultation and communication are essential in promoting any initiative which goes beyond the regular daily routine of custody. Indeed good communication is the key to all that we do in prisons whatever the regime. More importantly, as I have argued, we must provide a framework within which people believe that there is more at stake than the locking and unlocking of inmates in a secure environment. If that's all that we want, that's all that we'll get! That "practical" philosophy may indeed have the advantage of allowing us to know where we are going, as well as helping us to justify ourselves to our lords and masters. But if that's all there is would we actually want to get to the end of the journey? Regime development isn't, nor should it be about, woolly or ill-conceived ideas. Rather it should be something basic to the fact of the imprisonment of offenders, and the working environment of prison staff. It offers hope and challenge on the one hand, and a purpose on the other. Ignore it, and we'll be at the mercy of Securicor. ■

Footnote:

1. Dunbar, I. (1986) "A Sense of Direction" London, Home Office Prison Department.
2. CI55/1984 is published as an appendix to the Annual Report of the Prison Department 1984-5, London HMSO.
3. CI 40/83 remains unpublished.
4. Petherick, J K, and Saunders-Wilson, O. (1986), *Taking Youth Custody Forward*, Prison Service Journal, 64, 5-7.

MANAGEMENT, PERFORMANCE AND INFORMATION

Rick Evans

Rick Evans is a Principal Psychologist and works in Midland Regional Office, Birmingham. He has been closely involved in work on regimes and management structures over the last six years. In this article, he attempts to put some recent management developments into context.

Every textbook about organisations tells you that their aims must be stated clearly and translated into specific objectives. The more complex the organisation, the more explicitly stated should be its aims. Without such clarity, how can individuals and sections properly contribute to the enterprise? How can managers direct, plan, and reach sensible decisions? How can success be pursued or assessed at any level?

Recently, the textbooks have started to present the words of successful practitioners alongside those of academics [1]. The argument for concise aims and objectives, clear accountability and a systematic model of management is hard to dismiss.

Aims of the Prison Service

The Director General's statement of the Prison Service's task [2] has set out working definitions in areas which could be called the remand function, security, humane containment, and preparation for release. This is central to Circular Instruction 55/84 (issued to the Service in December 1984) which began to plot formal accountabilities for achieving the task. The significance of this statement to an evolving model of management is conveyed in articles by the Director General and others [3].

The statement of the task of the

Prison Service and the functions of its establishments is set out in Circular Instruction 55/84 in practical terms. Nowhere is there explicit reference to retribution, deterrence, recidivism, or treatment. Staff working in the Service and observers outside it have remarked on the omissions, not least the area of rehabilitation. It is unashamedly a pragmatic solution to the endless debate about the competing purposes of imprisonment and reflects our current understanding about the effectiveness of treatment and training and the place of the Prison Service in a wider societal context.

If we are to organise around a stated aim, then it had better be practical rather than aspirational. Faith, after all, comes in a touching variety of packages but it is not necessarily evidenced in the quality or quantity of an individual's contributions.

This matters when it comes to finding criteria and methods for establishing the success of the organisation. Whatever the aspirational content of rehabilitation, there is certainly nothing inspirational about reconviction rates. Assessing the performance of prisons with reference to reconviction figures suggests that establishments are processing plants with inmates as input and "treated product" as output. To be an index of their performance,

reconviction rates must assume a rehabilitative or deterrent aim is feasible, must be measurable across the spectrum of human individuality, and must directly relate to factors which are in the Prison Service's sphere of control. Although few people would claim all of this, reconviction figures are listed in official publications and have been used as indications of success or failure.

Official statistics also relay the number of escapes, absconds, incidents, physical restraints, adjudications and punishments occurring in establishments. These could be used to furnish indications of success in maintaining secure custody (keeping inmates in) and "good order and discipline" (keeping them quiet). This would be fair, particularly as the statement of the Service's task refers to these areas. But measuring the organisation's performance in these ways pays insufficient regard to other facets of institutional life.

It also begs questions about acceptable levels of performance. In practice, what number of adjudications would show that things are not as they should be in an establishment? Given that total control is not possible, how many breaches in security would be acceptable? And acceptable to whom?

Many people take the view that the Department's aims and its assessment of performance would be radically advanced by the establishment of standard minimum rules [4]. Despite pressure for them (including, recently, the Boards of Visitors), it is unlikely that "minimum standards" will be realised in the foreseeable future.

There is no other short cut to assessing performance. In the absence of minimum standards, we are thrown back on the setting of clear aims and defined objectives whose achievement will be detected by new or revamped assessment techniques.

Management Model

This is the language of the current management model. Its components are clearly set aims, establishments' objectives, personal targets for the year, and yardsticks of performance. The whole is underpinned by activity costing, delegated financial and personnel accountability, and computerised information systems. It is a model which accommodates most of the tools that we have said we want. We may have decried the Service for not being part of the 20th Century, for the remoteness of its personnel handling and its decision making, for being unclear in its basic purposes, for not providing technological support. Now we must learn to become comfortable with the tools that are being provided.

The confrontation with new ideas and our movement in relation to them (what has been called a "sea change in attitudes") has been reflected to a certain extent in this journal [5]. Part of the ambivalence is undoubtedly caused by the distinctness of the political drive which lies behind the management model. Whatever one's political views, the real practical benefit of using some management tools has to be distilled from the general movements of governments which come and go.

Organisational change, however, cannot be divorced from its context. When did a public service organisation (particularly a centralised one) embark on changes that did not fit a governmental climate?

In this case, the government's "Financial Management Initiative", launched in May 1982, signalled the move towards improved accountability, the introduction of commercial disciplines, and the continued reduction of public spending (or at least

the claiming of savings). The initiative entails clearer aims and objectives and increased knowledge of costings, of what resources achieve and of how these fulfil the organisation's objectives. All of this demands information systems and clearer responsibilities. The Financial Management Initiative (FMI) therefore provides a managerial as well as a financial framework for managers to plan, control inputs, allocate resources, and check effectiveness.

Nor is the FMI the only context for change in the Prison Service. The May Inquiry also referred to organisational difficulties including uncertainty about aims and philosophy. Its recommendations included improvement in management performance and efficiency in the use of resources.

One of the Department's responses was the "Accountable Regimes" initiative [6]. Systematic management principles were explored in projects at Featherstone, Shepton Mallet and Leicester prisons. Many of the lessons of these projects found expression in the management model advanced in Circular Instruction 55/84 [7].

More recently, Ian Dunbar's "A Sense of Direction" [8]—which was distributed to governors during 1986—championed concise but attainable objectives, to be translated into a clear set of tasks. These would be supported by relevant and selective management information, useful at all levels and close to the point of management action.

Functions Documents

One obvious manifestation of the Department's management model, following publication of Circular Instruction 55/84, has been the evolution of the "functions document". This is the result of each establishment defining its functions in the terms of the Instruction. In management terms, a contract is being drawn up between each governor and his Regional Director.

As well as the development of the functions document itself, there have been token advances in setting priorities and examining the relationship between functions and resources. A summary of budgetary and staffing information and a list of the governor's objectives (or targets) for the year have been appended to the functions document. A checklist of managerial practices has also been appended to underline that certain organisational features (management structure, staff

training, communications, staff appraisal procedures) are expected to increase efficiency.

A more substantial step, in fact, was the attempt to define the services and activities by which agreed functions are to be delivered in terms of "baselines". These are expressed as planned levels of the operating hours and the number of inmates involved in regime activities such as education, industries, other work parties, and physical education. It is against these planned levels that the actual delivery of functions can be compared. Baselines will enable performance to be assessed.

We return, then, to that part of the management model concerned with performance and its measurement. Monitoring and audit were recognised as an essential dimension of Circular Instruction 55/84. In fact, the dimension of assessment has always been (and will continue to be) present in the work of the Board of Visitors, Her Majesty's Chief Inspector of Prisons, and the Governors' annual reports on their establishments. The traditional means of management still hold—the governor's rounds, meetings, investigations, applications, petitions and complaints—though these have been supplemented by visits from higher management, Regional and local "operational assessments" [9], the costing information system, financial audits, manpower returns, and other specialist systems.

Circular Instruction 55/84 has prompted an additional, general means of assessing operational performance by use of agreed baselines. It is aimed at the governor of the establishment since his is an obviously crucial role in any management model. Once the functions documents incorporate agreed baselines, routine monitoring can provide the "missing link", enabling the comparison of actual and contractual levels of performance.

The Missing Link

A working party set up in the South West and the Midland Regions in May 1986 has now recommended a practical form of monitoring. Information will be provided routinely to governors which indicates whether and to what extent the establishment's functions are being delivered. Minimal but regular information about planned activities will assist management control by indicating the performance of key components of the regime and prompting informed ques-

tions of those responsible for the delivery of these activities, services and routines. The monitoring is designed in this way to serve local managerial action and to foster accountabilities at all levels of the establishment.

In this monitoring, different operations require different types of performance measurement. Inmate occupations must be broken down into numbers and hours. Staff who are accountable for the services and activities will already have agreed appropriate or possible levels of provision. These are reflected in the baselines of the functions document which is agreed by the governor and the Regional Director. Agreed routines such as bathing, kit change, and exercise are also to be recorded (not necessarily in quantified terms) to show completion as scheduled or inability to meet agreed levels. Other selected processes are also recorded to assist the assessment of the establishment's operation—prisoners' visits, sick reporting, petitions, etc. The monitoring cannot supply detailed information about all activities nor a comprehensive view of inmates' daily occupation, so a separate indication of time spent out of cell is added.

The recommended monitoring represents the key areas of the establishment's operations in a weekly summary which provides the governor with an immediate indication of performance, highlighting departures from planned levels. The governor's weekly monitoring represents the standardised minimum information to which the governor can add if he wishes to scrutinise separate groups or locations in the establishment or to monitor critical processes and developments.

It relies on information which is or should be already available within the establishment and directs it to local management where accountability for delivering the functions rests. It is designed to be brief, simple and reliable and thereby avoid the dangers illustrated by Ian Dunbar [8] of overloading managers with information and of collecting statistics for their own sake.

It is hoped that the governor's weekly monitoring will be adopted nationally as a standard management system, supported appropriately by new technology in due course. The power of the system lies in providing local management with key information and enabling the governor to give an account of his establishment's

performance. Computers will help information to be calculated accurately and stored locally. They will eventually allow access to key information for the Regional and Headquarters tiers of the organisation. In these ways, the governor's weekly monitoring strengthens appropriate management action and cements the conceptual approach taken in Circular Instruction 55/84.

Theory of Performance Measurement

While it is clear how the governor's weekly monitoring fits into the general management model, it cannot be denied that there is little in the way of theory to underpin the development and application of performance measurement itself. While the textbooks proclaim the value of precise aims and objectives as a prerequisite to assessing success, the technical literature is less helpful in providing theory about the measurement of performance. A theoretical base is required to enable us to extend particular techniques beyond specific and possibly unique situations [10].

It is obvious that the outputs of public sector organisations tend to be varied and rarely defined in physical quantities. This is why the buzz-phrase in the Civil Service has been "performance indicators". An indicator is a proxy used in the assessment of performance. It is the next best thing when exact and direct measurement of results is not possible.

The official documents of the FMI include confident discussion of at least three measures of performance in the public sector: effectiveness, efficiency and economy. There is a persisting problem over terminology but let us define EFFECTIVENESS as the extent to which an output or result matches the objectives for that activity. Are the objectives fulfilled? Since effectiveness might be improved by putting in more resources, cost-effectiveness becomes crucial—more effectiveness at a fixed cost or fixed effectiveness for the least cost.

This leads to consideration of EFFICIENCY—output in relation to inputs or costs. Most productivity measures are indices of efficiency. Prison Department budgets (which are being devolved to those holding accountability for cash-related decisions) aim to increase cost-consciousness and the consideration of efficiency. ECONOMY (or input effectiveness) is the ratio of actual costs against

those estimated or planned. Decisions made between options which produce the same outcome at differing cost may be made on economic or "value for money" grounds.

Effectiveness, efficiency and economy are the "3 Es" of performance assessment. In theory, all functions, services and activities can be viewed in terms of the 3 Es. Whether valid and reliable measures of the inputs and outcomes are available in practice, or can be invented, is another matter. Even in the demand-led, staff-intensive work of the Prison Service, managers cannot deny the balance between performance and resources. Because of the FMI, however, most performance indicators are couched in financial terms. They stress only two of the 3 Es. The introduction of the costing system in the Prison Service underlines the emphasis.

The governor's weekly monitoring is focused initially on effectiveness. The "missing link" of implementing Circular Instruction 55/84 has been a systematic picture of whether (or to what level) functions are actually delivered in establishments.

Once performance is measured and available to scrutiny in this way, it is undeniable that the conversation will move to matters of efficiency and economy. This is unavoidable, whether or not local monitoring is introduced. I would prefer all levels of management, including the governor, to be armed with relevant information about general effectiveness of performance when they enter any debate about functions and resources.

Beyond Quantified Monitoring

This leaves the observation by some staff that performance indicators couched in quantified terms miss the point about the quality of the functions being delivered and that the approach is too narrowly conceived.

The point is also made by Christopher Pollitt who, in a recent article [11], draws attention to the whole approach of performance measurement for the public sector.

We have already noted that the current wave of appraisal and measurement techniques and the whole management model which has developed during the 1980s is based on the premise that performance information will improve management and efficiency. There are understandable attractions for those observers who believe the public sector can learn from commercial practices, that management

can regain its control over the lower levels of the hierarchy, and that savings can be made through eradicating inefficiency.

The very term "performance" smacks of dynamic action and its assessment is made to seem a technical and non-political procedure. The 3 Es, in particular, have these characteristics, yet they cannot be divorced from political action and the real consequences of decisions based on their indications. The drive is towards efficiency and economy but not always towards the promotion of effectiveness.

There appears to be what Pollitt calls a "sadly lop-sided picture". It echoes concerns about the quality of services that we provide and suggests other aspects of performance: ". . . . the alphabet of performance does not begin and end with the 'three Es' ". What about users' awareness of a service, their satisfaction with it, its fairness in operation? Can we envisage a "respect for people" indicator?

This raises the question of what the audience is for performance measures. Clearly, the primary impetus for their development has been internal, within the organisation: for higher management, the Prison Department, the Home Office, our political masters. Is there also an audience for performance information amongst the general public, their elected representatives in local and central government, our clients, prisoners' representatives, and other groups such as professional bodies?

There is no reason why all these should not be legitimate audiences. The use and publication of performance indicators must begin to involve groups outside the Prison Service and—who knows?—inmates too. I would rather we share performance information that goes beyond the limited worth of reconviction figures and the official publication of numbers of escapes, absconds, adjudications and so on.

The Department has made much progress in developing a management model for the Prison Service. Although some of its performance techniques are too narrowly defined, the practical benefits of monitoring effectiveness and of relating functions and resources are starting to emerge. As with most organisational developments, it is the insightful and open application of managerial techniques that will count. If this is generally recognised, we will not lose the value of introducing per-

formance measurement in an arid and short-term pursuit of efficiency. The goal should remain a better service, assessed in the wider terms of performance.

FOOTNOTES

[1] In America, Thomas Peters & Robert Waterman's *In Search of Excellence* (Harper & Row 1982). In Britain, Walter Goldsmith & David Clutterbuck's *The Winning Streak* (Weidenfeld & Nicolson, 1984). See also "Slop Out" in *Prison Service Journal* number 59 (July 1985).

[2] There is potential for confusion over terminology in the literature about organisations and in the Prison Service. Purists are invited to list and examine the overlap between terms such as purpose, aim, goal, objective, target, achievement, performance, task, function, activity, responsibility, accountability. Conscientious objectors are, nevertheless, invited to read on.

[3] C J Train "Management Accountability in the Prison Service", *Prison Service Journal* number 63 (July 1986). See also *Prisons and Accountability* (Tavistock Publications, 1985) from which that article was reprinted.

[4] A detailed case for standards is made by Larry Gostin & Marie Staunton and their practicality explored by Silvia Casale in *Prisons and accountability* (see above). Hershell Goldman also discussed "Prisons and Performance Measurement" in the Home Office Research & Planning Unit's *Research Bulletin* number 18, pages 36-38 (November 1984). The complex detail and the residual problem of judgement in assessing performance against legal baselines is illustrated by Herbert's *Auditing the Performance of Management* (Lifetime Learning Publications/Wadsworth, 1979).

[5] See, for example, Ron Curtis on "Local Financial Budgets" in *Prison Service Journal* number 65, pages 23-24 (January 1987); Peter Edwards on "Value for Money in a Service Under Pressure" in *Prison Service Journal* number 63, pages 10-12 (July 1986); and Fred Crowe's "Regime Development in the Prison Service" in this edition.

[6] See Brian Chaplin's "Accountable Regimes: What next?" in *Prison Service Journal* number 48, pages 3-5 (October 1982). Other articles of relevance are by Roger Dauncey in the same edition; and by Dennis Marsden & Rick Evans "Accountable Regimes

at Featherstone Prison 1981-1984" and John Fisher "All Change at Leicester" in *Prison Service Journal* number 58, pages 4-6 and 7-9 (April 1985).

[7] Brian Chaplin "Whatever Happened to Accountable Regimes?" *Prison Service Journal* number 64, pages 8-10 (October 1986).

[8] Ian Dunbar's "A Sense of Direction" (October 1985), issued to the field July-November 1986.

[9] See Hugh Marriage & Mike Selby's "Operational Assessment in the South East Region: a fresh approach to the management of institutions" *Prison Service Journal* number 52, pages 11-13 (October 1983).

[10] F Landy, S Zedeck & J Cleveland in *Performance Measurement and Theory* (Lawrence Erlbaum Associates, 1983). J Campbell in *New Perspectives on Organizational Effectiveness* (PS Goodman et al; Jossey-Bass, 1977).

[11] Christopher Pollitt "Beyond the Managerial Model: The Case for Broadening Performance Assessment in Government and the Public Services" *Financial Accountability & Management* volume 2, number 3, pages 155-170 (Autumn 1986).



any

COMMENTS?
ARTICLES?
THOUGHTS?

Please send them to
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Ted Bloor,
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Lifers, Tariff and Dangerousness

Mike Maguire

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The first "Perrie Lectures" were given at Long Lartin in November 1986. Ian Dunbar spoke on "Regimes for Long Termers" and the PSJ plans to re-print his paper shortly. Mike Maguire gave the following paper and in it draws upon earlier research described in the *British Journal of Criminology* (see bibliography).

Recent Trends

In his important inaugural lecture at Sheffield in 1977, Professor Tony Bottoms identified what he called a 'bifurcation' in penal policy: a gradual trend towards longer sentences for very serious crime, offset at the other end of the scale by a shortening of sentences for more minor offences. The gap thus created was further widened, he pointed out, by the fact that serious offenders are less likely than minor offenders to be granted parole. This general trend does not appear to have reversed in recent years, and has indeed received support from the Lord Chief Justice in several pronouncements in the Court of Appeal and also from the Home Secretary in the controversial policy, announced in 1983, of denying parole to offenders serving sentences of over five years for drug trafficking or violent offences, while at the same time reducing the parole threshold from 12 months to 6 months.

A similar trend may be identified in the length of time served by life sentence prisoners. Over the last 15-20 years, the average time served before release has crept up from eight or nine years in the early 70s to ten and a half years now, and is likely to increase still more. This is partly a consequence of the abolition of capital punishment: those categories of murderer most likely under previous practice to have been hanged tend to spend consider-

ably longer periods in prison than those who would have been reprieved. However, this is not the whole story. The increasing lengths are also associated with an increase in concern about 'dangerousness' and, especially over the last few years, a renewed emphasis upon deterrence and retribution at the expense of rehabilitation or 'progress' in prison. Thus while it remains possible for lifers without a prior history of violence and whose offences were committed under mitigating circumstances to be released within quite a short period, others can expect lengthy terms before their case even comes before the parole board. This applies most dramatically to the four specific groups (terrorists, armed robbers, killers of police or prison officers, and sexual or sadistic murderers of children) singled out in 1983 by the Home Secretary as ineligible for release, in normal circumstances, before serving at least 20 years.

These developments are undoubtedly in part a response to general concern about rising crime rates, coupled with bursts of publicity about a small number of terrible cases involving clearly dangerous people. ('The dangerousness debate' was given much of its initial impetus by the Graham Young case in 1972, and more recently the Sutcliffe and Nilsen cases dominated headlines for weeks.) But longer terms for the few have also been seen, more cynically, as part of the 'politics' of

attempts to deal with the pressing problem of prison overcrowding. Judges and politicians feel that the public will be prepared to accept leniency for minor offenders if they believe that the really serious offenders and the 'dangerous' are being 'put away for a long time'. Bottoms explained this at a more philosophical level, pointing out that in tune with what he called the 'Fabian type of social thought' prevalent in the post-war period, we have become prepared to accept 'situational' explanations (unemployment, poor housing, bad environment etc.) and hence less punitive sentences for many offences, but that this type of explanation is not so easily applied to crimes—especially when serious—committed by (a) mentally disturbed offenders, and (b) rational, calculating, professional criminals. Thus, he says, "The bifurcation tendency seems increasingly to be isolating selected groups of the 'mad' and the 'bad' as those against whom we really wish to take serious action."

Partly because they are staying in prison longer, and partly because of a gradual growth in the numbers receiving life sentences (for other offences as well as homicide), the population of lifers has increased very significantly over recent years. At the time of the 1957 Homicide Act there were only 140 lifers in prison. By 1975 there were 1,200, and by 1985 the total had passed 2,000. They now represent

six per cent of the prison population, and 30 per cent of the long-term prisoners (i.e. those serving over four years). In January 1985, 135 lifers had been in prison for 15 or more years, and 35 for 20 or more years. These are figures which on the one hand present enormous challenges to prison managers and staff, and on the other raise important issues about release decisions, and indeed about the use of the life sentence itself.

The Lifer Population

Before discussing these more fully, let us look briefly at the structure of the lifer population, which is now characterised by a considerable degree of diversity. Three main groups can be distinguished:

1. Mandatory Life Sentences

About 75 per cent of lifers were found guilty of murder and the judge had no choice except to pass the mandatory life sentence. These include a wide range of cases, including a few (e.g. 'mercy killers') whom nobody really wanted to see given a life sentence and who, if there had been some way of applying s.2 of the 1957 Act to allow them to be found guilty of manslaughter by reason of diminished responsibility, might well have received a very short determinate sentence or even a non-custodial sentence. Broadly speaking, however, lifers serving sentences for murder tend to be perceived by those considering their release prospects as falling into one of four sub-groups:

- a) Straightforward 'tariff' cases with little or no risk to the public.
- b) Otherwise clear-cut cases which have an element of risk or dangerousness about them.
- c) Cases in which dangerousness is clearly the dominating concern throughout.
- d) Cases in which the heinousness or the notoriety of the offence makes punishment a key element and early release difficult to contemplate; and most of this last group also include a strong 'dangerousness' concern as well.

I'll explain in a moment what I mean by 'tariff cases', but in short, in cases falling into certain common categories in which the offence is an isolated tragic incident and very unlikely to be repeated, the offender—if he makes normal progress in prison—can expect to be released after, as the Americans say, doing 'the time for the crime'—a fairly predictable

number of years to those who know the system.

2. Dangerous Non-Homicide cases

The second major group of lifers, making up about 15 per cent of the population, have been sentenced to life for offences other than homicide: mainly rape and arson, but also robbery, sexual offences with children and other serious violence.

This group has increased substantially over the past 25 years—of those sentenced to life, six per cent were sentenced for non-homicide in the early sixties, and 18 per cent in 1983.

The main feature of these non-homicide offences is that their central rationale is the **protection of the public**. These are people considered to present a real risk of committing further very serious offences. Many of them are stated in court to have some form of mental disorder, but have not been eligible for a hospital order either because their mental state does not fit into the strict criteria of the Mental Health Act, or because, disturbingly, no hospital is prepared to take them.

There has been a great deal of debate about the justifiability of using the fearsome weapon of the life sentence in this kind of case, especially where the current offence is not a grave one. The increases came about largely through a change in judicial practice dating from the late sixties, when judges began to pass life sentences for some quite minor offences in which the offender was considered dangerous, and some of these were upheld by the Court of Appeal. One well-known example was for a robbery with an air-gun, and another for setting fire to some curtains in a mental hospital.

Several of these non-homicide life sentences seemed to violate the principles laid down in the Hodgson case (1967) that life is acceptable only:

- (a) when the offence is grievous enough to require a 'very long' sentence;
- (b) when it appears from the nature of the offence or from the defendant's character that he is a person of 'unstable character' likely to commit such offences in the future; and
- (c) when, if such offences are committed, the consequences to others may be specially injurious, as in the case of sexual offences or violence.

However, more recently the Court of Appeal has acted to tighten the rather loose interpretations of these criteria. For instance, in Gray (1983)

it was suggested that the offence should warrant a determinate sentence of at least seven years before a life sentence should be contemplated, and in Bryant and Mead (1983) life sentences were quashed because it was stated that there should be evidence of severe mental instability or psychiatric illness requiring continued supervision and assessments of fitness for release. These are welcome moves to the many critics who argue that the non-homicide life sentence has been used too readily and should be passed—if ever—only in the most exceptional circumstances.

3. Manslaughter

The last group of lifers tends to have above-average worries about risk attached to release deliberations, although not in every case. Most of these cases have come under section 2 of the 1957 Homicide Act, where the reduced charge was accepted on the grounds of diminished responsibility. Only a small minority of people convicted of manslaughter receive life sentences—in 1983, for example, only 6 out of 80 found guilty of section 2 manslaughter received life, another 35 receiving hospital orders or restriction orders, and 28 determinate prison sentences. Even so, in the same year almost ten per cent of the lifer population had been convicted of manslaughter.

So, we have a very mixed set of 2,000 people in prison, having received life for different reasons, and with different 'main purposes' in view. In a few cases the overriding element is the exceptional horror or notoriety of the offence; in others it is straightforward deterrence and punishment; in others it is danger to the public if the person is released; in others, indeed, there is sympathy for the offender for being caught up in a mandatory sentence when it is not felt appropriate. This mix is reflected not only in the variety of security conditions under which they are held, but in the different kinds of questions that have to be considered before release is contemplated, and the input of different specialist groups and individuals into the decision-making. Let us look now at these release procedures, and in particular at what I consider to be misguided changes introduced by the Home Secretary in 1983. In outlining the previous system I shall draw upon the findings of a research project carried out in the late seventies by my ex-colleagues Frances Pinter and Catherine Collis of the Oxford University Centre for

Criminological Research.

Research on the Pre-1983 System

The central Home Office division in the process was C5 (which has now become P2). C5 collected copious material on every lifer throughout his sentence, including his previous history and regular reports from prison staff. At about the three-year point, they summarised all the available material for consideration by the (now defunct) 'Joint Committee'. The latter, which contained judicial, psychiatric, prison department and lay representation, had the task of recommending a future date for the first formal review—normally a date by which they thought the prisoner would have at least an outside chance of a recommendation for release. Alternatively, they postponed the decision for a number of years, eventually reconsidering the case with the latest set of reports.

As the time set for parole review approached, C5 consulted other bodies such as P3 (the division responsible for planning lifers' careers through the prison system) and the Directorate of the Prison Medical Services, the latter being asked to comment upon the question of danger to the public if the man were to be released. Such consultations were quite lengthy, and opinions were sometimes modified in the light of others' comments—which might explain the remarkable coincidence of views which emerged in the final written reports.

Eventually C5 produced their 'top memorandum', a summary for the Parole Board which often contained their 'suggestion', for or against release. If C5 thought release a real possibility, they also officially consulted the Home Secretary, the trial judge and the Lord Chief Justice in time for the hearing, appending their views to the other documents. (No lifer can be released without consultation with the Lord Chief Justice, and it is the Home Secretary, of course, who makes the final decision in every case).

The researchers examined the cases of 217 male lifers coming before the Parole Board in 1977-8. Altogether, 81 of the 217 passed right through the hurdles that year and were granted a release date. The main findings regarding the decision-making process which led to this result were as follows:

a) If the prisoner had the backing of C5, he was almost certain to be released. C5 suggested the release of

71 men, 70 of whom then received positive recommendations from the Parole Board.

b) The Parole Board showed some independence by recommending another 16 releases where there was no positive suggestion from C5—although the Home Secretary did not agree the release of five of these.

c) Generally speaking, there was a very high degree of consensus among all the bodies concerned—e.g. C5 followed P3 advice in 71 of 83 cases, and DPMS advice in 69 of 74 cases, and the Parole Board turned down only a handful of cases recommended by the other bodies.

d) A further party to the consensus—and clearly one of the most influential—was the Lord Chief Justice. He commented upon 78 cases prior to the Parole Board hearing. In 54 of these cases he agreed that sufficient time had elapsed to mark the gravity of the offence (or would have done by the time normal release arrangements were made). In the rest, he suggested that a further 1-3 years were necessary. Interestingly, C5 did not feel entirely bound by all his recommendations—they still supported release in 12 cases in which he preferred another one year to pass. The Parole Board was slightly more 'rebellious', if that's the right word, recommending release earlier than he advised in 18 cases (two of which were later 'vetoed' by the Home Secretary). Even so, it was striking that nearly three-quarters of releases monitored took place after precisely the number of years suggested by the Lord Chief Justice as the appropriate 'tariff'.

One interpretation of these findings, it seemed to the researchers, was that the Lord Chief Justice—whose main interest, clearly, is in whether or not the interests of justice (primarily retribution and deterrence) have been met—was the architect of a *de facto* determinate sentencing system within the life sentence, followed quite closely by Home Office officials and the Parole Board. Furthermore, it looked as though C5 had become so familiar with this 'tariff system' and so good at second-guessing what the Lord Chief Justice would say that they only sent him cases in which they knew he was likely to agree that the tariff had been served—and they were almost always right.

The Tariff for 'Life'

Indeed, when the researchers

looked at the Lord Chief Justice's recommendations, it did appear that they contained the framework of a fairly consistent 'tariff system'. The great majority of 'minimum recommendations' fell within the range 7-12 years. At the top of this range were murders committed in the course of theft; in the middle, people who killed strangers in alcohol-related incidents (e.g. at pubs and discos). Other categories had a wider range—e.g. for men who had murdered their wives the recommendations ranged from 7 years (heat of the argument) to 14 years (premeditated for gain). And there were some longer-still recommendations for particularly brutal killings, or killings with a sexual motive. I stress that this was not at all a cut-and-dried system, but seemed fairly logically coherent, with mitigating and aggravating factors operating within a range for each type of offence.

Was the length of time each lifer served, then, primarily decided by the Lord Chief Justice on 'tariff' grounds? The answer seems to be yes, but with some very important qualifications. First of all, as I shall discuss later, any hint of 'dangerousness' complicated matters, usually adding time to the basic tariff. Second, it is important to remember that before commenting he read post-sentence reports on the man concerned, including C5's 'top memorandum'. It is likely that, while C5 officials were 'second-guessing' his decision, they were also influencing it, by commenting on, for instance, feelings of remorse, psychiatric state, progress in prison etc, and that he took such factors into consideration as well as simply the nature of the offence. Thus it seems fair to conclude that, although the process could not be properly understood without the notion of the 'tariff', that was by no means the whole story. Not only did C5 and (more so) the Parole Board recommend release in a few cases earlier than the Lord Chief Justice thought appropriate (and the Home Secretary supported their decision), but the judge himself might be influenced by prison reports. In other words, even where what I earlier called 'relatively straightforward tariff-cases' were concerned, the system was not a totally mechanistic, automatic one. It allowed many different people to have at least a small influence on the decision and where appropriate, account to be taken of post-sentence developments and responses to imprisonment.

The System Since 1983

As I said, this system was changed in 1983. The Joint Committee was abolished. Decisions about the first parole review are now taken by the Secretary of State after early consultation with the judiciary—this decision being taken explicitly according to the requirements of retribution and deterrence; the review process will normally commence three years before expiry of this minimum 'tariff' period.

While, from some prisoners' point of view, there is an improvement in that they are told this date early on, one must enter serious reservations against the new system. First, lifers will have almost no chance of 'earning' release ahead of the 'tariff' (remember that C5 and the Parole Board suggested release in several cases, one year earlier than the Lord Chief Justice's recommendation). While this may not affect a large proportion of prisoners, it has implications for the principle of independent assessment of lifer cases. The influence of the Local Review Committees and the Parole Board is likely to be significantly reduced. In future they will almost always be considering cases at a point when the Lord Chief Justice and the Home Secretary have already satisfied themselves that sufficient time has been served to meet the requirements of deterrence and retribution. The Board in practice very rarely decided that the L.C.J.'s recommendations were too lenient and did not stand in the way of release for non-dangerous men who had served the judicial interpretation of 'time for the crime'; its independence was expressed mainly in recommendations for release before the tariff point had been reached. Without this opportunity, it is likely that the Board's role in non-dangerous cases will be reduced to little more than that of a rubber-stamp. It is true that it will still have some scope for independent decision-making in cases where dangerousness does remain an issue. Yet here, the Board was found (not surprisingly) to be very reluctant to act against the recommendations of the DPMS, who provide authoritative medical assessments of risk. Overall, the scope for presenting an alternative 'outsider's viewpoint' will almost certainly be reduced.

The new system may also reduce the influence of the largest group of people involved in the assessment of lifers, the staff in the holding prisons. While in the past a great deal of interest was taken in the 'progress' of lifers,

for example in their relationships with staff, their involvement in prison activities and their response to stress, it is likely that with a more obviously tariff-oriented system such matters will come to be seen as of far less import in the determination of date of release. It may be that performance in prison in reality made relatively little difference to the release of many prisoners. On the other hand, the fact that progress in prison could make some difference was a positive element, both for lifers, in that it gave them some hope of earning earlier release through their own efforts, and for prison staff, who could feel that their work with lifers and their report-writing might have a real influence in the ultimate decision. No doubt, too, it played a part in easing control problems.

The Greater Role of the Judiciary

This brings us to the crux of the matter. The main results of the new policy will be to alter the balance of influence among the parties consulted about the release of lifers, and simultaneously to alter the balance of principles and assumptions which underpinned the old decision-making process. The judiciary will therefore assume a much more central role in determining the minimum lengths of sentence which lifers will serve. The stated emphasis upon 'the requirements of retribution and deterrence' makes it clear that the tariff will be regarded as the primary determinant of release date. There are, of course, strong arguments for allowing judges the major voice. Life sentences remain the only prison sentences for which sentencers do not, in effect, determine the minimum and maximum term, and there seems to be no logical reason why this anomaly should not be removed. However, it seems much more satisfactory to remove it by allowing judges to pass determinate sentences for murder in open court, rather than by confidential recommendations sent to the Home Secretary. The crucial difference is that an offender given a long determinate sentence for rape, robbery, or other major crimes has a right to appeal. A lifer who receives a parole review date set at, say, 15 years has no appeal.

Moreover, the policy of setting a minimum term of 20 years for what the Home Secretary regards as the most abhorrent kinds of murder introduces a different kind of tariff, which is not judicial in origin. In these cases, the Secretary of State could be said,

in effect, to be usurping the role of the Lord Chief Justice as stipulator of the minimum period necessary to serve the interests of justice. While it is certainly the Home Secretary's right to deny a lifer a release date on any grounds he chooses, it has always been implicitly assumed that he will in a sense dilute his own power by consulting other parties with particular expertise and by taking note of their opinions. It is not inconceivable that the L.C.J. would in fact recommend a minimum period of considerably less than 20 years for some of these crimes, based upon commensurability with his tariff scale for other types of murder. If so, would such recommendations be consistently ignored?

Dangerousness and Protection

Up to this point, I have been talking mainly in terms of the 'Tariff'—that is the period of incarceration considered appropriate to mark the gravity of the offence. However, as you know, another major aim behind life sentences is the protection of the public, an aim achieved in theory not by a standard period in prison, but by a policy of not releasing offenders until they are no longer considered dangerous. I want to make a few observations about this aspect, as well as its relation to the 'tariff'.

First of all, it is worth considering how successful those making the release decisions have been in avoiding the repetition of serious violence. The conclusion must be that it has 'worked' as well as anyone running a parole system for such serious offenders could possibly expect. Unless we are prepared to lock up all murderers until they die, it has to be accepted that a small number of those released will eventually commit another serious crime, including (very rarely) another homicide.

Let us look at the worst side of the situation. In the 11 years 1974-84 inclusive it is known that of people released from a life sentence in England and Wales for murder, at least six committed a second homicide 'out in the community'. (Five murderers also committed second homicides in prison.) It is not known what is the population of previously convicted murderers currently living outside institutions, although a fair guess might be something in the region of 800.

In addition, there is a 'free' population of people previously convicted of manslaughter in England and Wales, who number something in the region

of 4000-5000 (most of whom, of course, did not receive life sentences, but went to prison for ordinary determinate sentences, or to mental hospital, or were even given a non-custodial penalty). 18 such people are known to have committed another homicide in the community over the 11 year period.

Finally, it is not known precisely how many lifers have committed homicide after being released, but of a sample of 239 followed up for periods between 5 and 19 years by Coker and Martin (1985), two were found to have killed somebody (one of these incidents occurring in a mental hospital). (This rate of under one per cent is similar to that of Broadmoor patients: over 2,000 were released from Broadmoor between 1960 and 1978, and 20 of these are known to have committed a homicide.)

Where serious violent offending is concerned, lifers as a group are less likely than other violent offenders to be re-convicted—about six per cent in Coker and Martin's study committed a serious violent offence in their long follow-up periods. As Coker and Martin point out, there is little one can do in terms of selection for release to reduce these figures any more (although more could possibly be done, they suggest, in terms of supervision in the community—an important subject which I've no time to go into here). There is an inherent risk one takes in releasing anybody who has committed a serious violent crime in the past, and the cautious approach taken has to be considered successful in terms of results despite the small number of releases which have ended—often several years later—in tragedy. The alternative is the totally inhumane approach of locking up thousands of people for virtually the whole of their lives, the great majority of whom would never have committed another serious offence.

How Can Dangerousness be Controlled?

This, of course, brings up the whole issue of possible legislation to control 'dangerousness' and the possibilities of predicting future violence, which received a great deal of official and academic attention during the late 1970s. As I'm sure many of you know, a series of proposals was put forward in this country for new powers to deal with offenders considered 'dangerous' at the sentencing stage. For example:

a) The Butler Committee (1975), suggested a 'reviewable sentence' for those not eligible for a life sentence or a hospital order, but who were mentally disordered and had a 'propensity to cause serious physical injury or lasting psychological harm'.

b) The Advisory Council on the Penal System (1978), in its **Review of Maximum Penalties**—echoed to some extent in the Floud Report—suggested a determinate 'exceptional sentence' (with no maximum length defined) for offenders likely to cause 'serious harm'—defined in a vague way and including such features as 'damage to the general fabric of society'.

All such proposals were strongly criticised for their vagueness, the danger of their abuse and their taken-for-granted assumptions about what kind of people and actions presented the greatest social danger. Indeed, there were already strong powers to deal with apparently dangerous offenders and there was no need, as Radzinowicz and Hood (1981), put it, 'to tread the thorny road of a statutory formulation of a social danger'. But in addition, the idea that one could easily identify dangerous offenders was seriously questioned, it being shown in numerous studies that future violence was almost always over-predicted, and that 'false positives' (i.e. people predicted to commit a future violent offence, but who did not) always outnumbered 'true positives' (those who were predicted to and did) by at least 2:1, and often by many more times than that. For example, after successful court actions in the Baxstrom and Dixon cases in the United States, large numbers of apparently highly dangerous patients in high-security hospitals had to be released: 20 per cent and 14 per cent respectively reoffended violently within four years—and many of these cases of violence were relatively minor anyway. Do such figures justify us in locking up, for well beyond their 'time for the crime', 100 people, 86 of whom will not reoffend?

Of course, these are moral decisions—some would argue that you should never detain anyone for what he might do in the future, others that it is acceptable when the chances are, say, better than 2:1 that a person will reoffend.

Risk and Release

A major practical problem in release decisions concerning lifers who might be dangerous is that the decision

makers (say the Parole Board) rarely have any idea what this risk figure is likely to be. Unlike property offenders serving determinate sentences, where one has some idea of the base reconviction rate from thousands of previous cases, with most lifers there is little previous experience to go on. There have been no Baxstrom or Dixon mass-release cases in England, so almost all apparently dangerous lifers are locked up until decision-makers agree that they are no longer dangerous. In other words, all we see are the 'false negatives'—the few tragic cases where this 'safety' prediction proves wrong. We simply don't know what would happen if our decision-makers were less cautious than they have been in the past: we don't see the 'false positives' who are out of view inside prison, though we know of the five murders in custody.

This, together with a natural tendency, when a person is under close scrutiny, to interpret every negative piece of behaviour as evidence of dangerousness, helps to explain why release decisions for lifers have always erred considerably on the side of caution. The research project described earlier found that once a hint of dangerousness appears in any report on a lifer, this tends to be taken up in each subsequent report and the man acquires a 'label' that is difficult to lose. Those in the study with any indication of dangerousness on their record had served significantly longer than the 'tariff' periods served by other lifers, and parole boards were very unlikely to recommend release until given a positive recommendation from DPMS (although there is actually no evidence that these medical predictions are any better than those based on common sense—prediction is inherently very difficult after ten years in the unnatural world of prison). Moreover, the research, like some other studies, suggests that opinions about dangerousness may be subconsciously affected in many cases by 'tariff' considerations. In other words, once a lifer has served sufficient time to have atoned for his offence, he is more likely to be 'given the benefit of the doubt' as regards the risk of releasing him. This has been put in rather extreme form by Keith Hawkins (1983), who wrote:

"Suggestions of pathology in psychiatric and psychological evaluations seem remarkably dependent upon the passage of time. The condition of the prisoner seems to

improve once he has made amends according to the time-norms prevailing in any jurisdiction. Once the 'moral threshold' has been crossed a new identity can be constructed."

However much truth there may be in the above, it can be argued that if a person has committed murder, there is at least some justification on retributive grounds for taking no chances and keeping him in longer—the offence is anyway serious enough to merit a lengthy period of incarceration. But if we are talking about people who have been given a life sentence for, say, arson—and not an especially serious case of arson at that—are we justified in keeping such a person in prison for a period well beyond that which he would have had to serve if he had been punished for it with even the stiffest of determinate sentences? There are certainly many 'false positives' locked up under life sentences in English prisons well beyond their 'time for the crime', in the belief that they constitute a risk, but with no idea of the extent of that risk. There is, then, quite a strong case on civil liberty grounds for very strictly limiting—or even abolishing—life sentences for non-homicide so that people not defined as mentally ill cannot be kept for indefinite periods on unsubstantiated concerns about their dangerousness. Alternatively, it could be argued that there should be instituted a different sort of release procedure in such cases, with an overt judicial element, perhaps similar to that used by Mental Health Review Tribunals, i.e. where the person can put his or her own case or be represented by a lawyer, where firm criteria are laid down as to the conditions that must be satisfied if the person is to be detained longer, and so on.

Restriction Orders Compared

It is instructive in this context to compare figures on the release of lifers convicted of s. 2 manslaughter with the release of people convicted of the same offence who received restriction orders and were kept in high-security mental hospitals. Suzanne Dell (1984), produced a very important study doing just this. She found that what were ostensibly very similar groups of offenders spent very different periods of time in institutions, some of them purely because of the fluke that a special hospital bed was found at the last moment when they were on the verge of getting a life sentence. Of those

on restriction orders (who, like lifers, note, could not in those days be released without the Home Secretary's consent) a few were released in the very first year, and nearly 20% were released within 3 years. At this point, none of the lifers had been released. At the 8-year point, half of the restriction order patients but only 12% of the lifers had been released. It was only after the 10-year point that the remaining lifers 'caught up'—several being released, in common with other lifers, around the common range of 9-10 years.

It seems, then, that the fact that a person is in prison on a life sentence causes parole boards to put the 'time for the crime' firmly first, even where dealing with mentally disordered people, which many s. 2 cases are. Dell quotes a case where a judge clearly intended a s. 2 life sentence to be served purely on the basis of 'dangerousness, stating that "Life does not necessarily mean imprisonment for very many years. As soon as the doctors are satisfied that it is safe to release you to go back to your family you will go back". Yet the case was not reviewed at all until the 6-year point—the 'tariff' time for the type of homicide in question (one with considerable mitigation). By contrast, the doctors in special hospitals keep cases under constant review and can recommend discharge at any time. (They have to notify the hospital management every two years whether the continued detention is necessary for the patient's health or the protection of others, and since the Mental Health Act 1983, patients' legal rights to and at hearings have been enhanced further.)

A major problem with the life sentence, then, is this constant confusion of "tariff" and "danger", which seems quite inappropriate in many cases of life for non-homicide (where the sentence is passed fundamentally on 'dangerousness' grounds). These problems also apply in a few cases where the mandatory life penalty has to be used because the offence is technically murder, although much closer in 'spirit' to manslaughter.

There is, in fact, quite a large body of opinion which would like to see "life" used less often, and replaced by determinate sentences. One suggestion made by the Parliamentary All Party Penal Affairs Group, among others, is to allow judges to use any penalty for murder, in the same way that they can for manslaughter, reser-

ving life for the most serious cases. Another, as I have said, is to restrict or abolish life imprisonment for non-homicide. These suggestions would help remove some of the anomalies 'at the other end'—the release decision—which is in effect a sentencing decision in itself. While it is right that some flexibility in release times is valuable in these very difficult cases—the releasing bodies having the benefit of much more information than the judge at the time of the original sentence—it is important to remember that at this latter end, at present, everything is done behind closed doors and the prisoner has virtually no input into the system and no way of knowing on what grounds the decision is being taken. Indeed, without such sentencing reforms, the case for more 'natural justice' in release decisions—personal hearings, representation, giving of reasons for decisions etc.—becomes extremely strong.

In the light of the generally negative findings about experts' ability to predict dangerousness, the longer a man is held beyond the time that judges consider sufficient to punish him, the more important it is to justify further containment in a rigorous way. At a time when, as I said at the beginning, life sentences appear to be getting longer and longer, it is important to have a check upon the power of the executive. Those deemed the 'mad' and the 'bad' may be among the most unpopular people in the country, but they are human beings and deserve some protection from unnecessary and unfair detention.

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The Bedford Jail that John Howard knew

Eric Stockdale

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The Howard League for Penal Reform.



The 'Chequers' corner at the beginning of this century

(County Record Office)

On 8 February 1773 John Howard became Sheriff of Bedfordshire. The story of how he was appalled by the conditions in Bedford gaol, and how he set off to see how other gaols were kept, first in England and Wales and later abroad, is well known and will not be repeated here. The purpose of the present article is to describe, more fully than Howard himself did, the gaol which triggered off his interest two hundred years ago.

In the first edition of *The State of Prisons in England and Wales*, 1777, Howard described the gaol as follows:

'In this prison there is a day room for debtors which is used as a chapel, and three or four lodging rooms: for felons two day rooms, one for men, the other for women, without

fireplaces: two dungeons, down eleven steps, and often very damp. The straw, for which the county allows the gaoler £5 a year, is not on the floors, but on frames or bedsteads. On application, the justices allow in winter coals both to felons and debtors.'

He went on to mention the sail ventilator which had been put up after an outbreak of gaol fever some twenty years earlier.

In 1791 Howard reported: 'No alteration in this prison. The men and women felons associate together: their night rooms are two dungeons.'

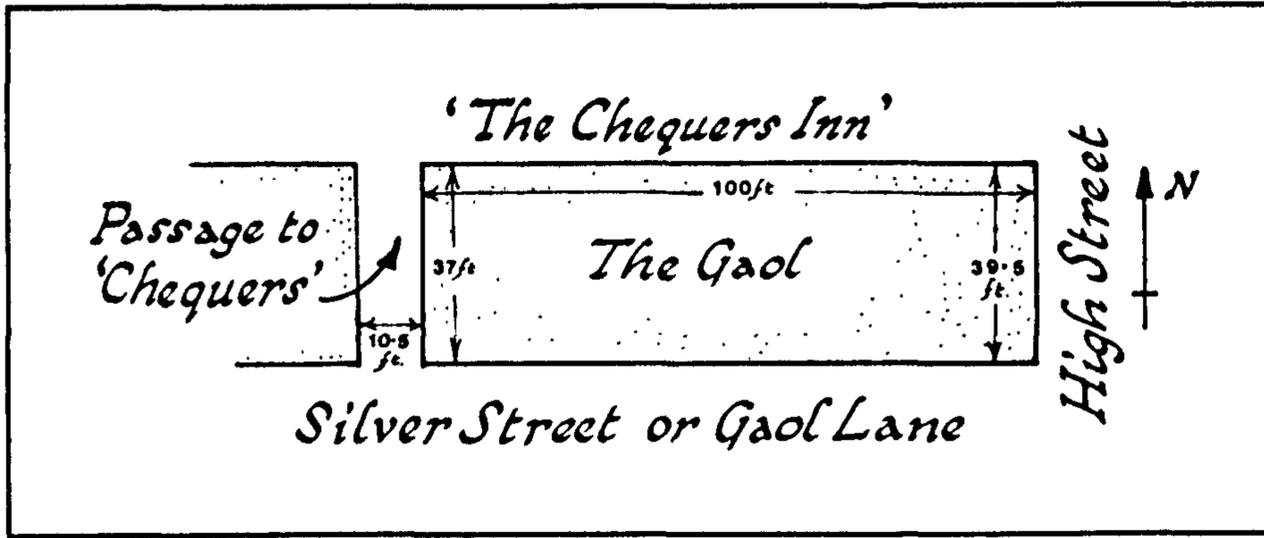
Unfortunately, although John Bunyan was known to have spent some twelve years in the gaol, no painting, sketch or plan of it is known

to exist, even though plans were prepared from time to time when repairs or improvements were undertaken. By piecing together various pieces of information one can, despite the lack of visual evidence, build up quite a good picture of the gaol Howard saw. We know the shape and size of the plot of land on which the gaol and its yard stood. These facts are available from a sketch in a conveyance dated 20 April 1802 by virtue of which Samuel Whitbread, MP, Howard's kinsman, neighbour and ally in the struggle for penal reform, bought the old gaol after the present one had been opened. (Incredible though it may seem, the present Bedford prison in daily use is the one which was opened in 1801 - albeit much enlarged in 1848).

The gaol building presumably covered most of the site and the yard was probably at the western end. It seems highly likely that the gaol building, like its neighbour, the *Chequers* inn, had a frontage on the High Street and that it went back along Gaol Lane (or Silver Street as it was known earlier and again later) for the better part of the 100-ft length of the site.

The first floor probably had only one large room until divided in the middle of the century, for in October 1751 the justices ordered that 'Mr Thomas Moore do build five cells in the county gaol according to the plan and estimate delivered by him, into this court and marked with the letter "B", and that he be allowed the sum of £95.'

A carpenter's bill at the time included a sum for 'boarding of par-



The site of Bunyan's Gaol.

tition in debtor's room' - as well as a charge for 'six foot plank to the bogghouse' (of which more later). The five cells referred to in the justices' order are presumably the day room together with the 'three or four' lodging rooms referred to by Howard, for he subsequently counted more carefully and referred to four lodging rooms. The reference to the day room being used as a chapel reminds us once again that the gaol's most famous prisoner, John Bunyan, had doubtless prayed and preached in that room just over a century before Howard first set foot in it.

We come now to the ground floor. Howard tells us of the two day rooms for felons: one for men and the other for women. In 1777 he did not mention the two condemned cells which were on this floor, but he mentioned them later and they appear in earlier bills, so they clearly existed on the occasion of Howard's first visit in 1773. He pointed out that there was no apartment for the gaoler. This was correct in that the gaoler did not live on the premises, but there must have been a turnkey's room on the ground floor even though Howard did not mention it. Back in 1725 a workmen's bill had included a charge for 'cutting windows through two doors in the turnkey's room and one through a passage'. (The door from the gaol kept in the entrance to the Bunyan Meeting in Bedford has certainly had its window cut into it after its original manufacture.) That work seems to have been executed at the request of a very security-conscious new gaoler, Nathaniel Bardolph, whose bill for July 1725 had included the cost of fifteen assorted new locks.

The ground floor windows seem to have given trouble at some time. In 1743 the grand jury, pursuant to powers given by an Act of Parliament of 1698, presented 'that the windows belonging to the gaol for the said county facing the streets are very

unsafe and no ways convenient, it being a place where persons can convey anything to the prisoners in order for their breaking and escaping there-out'. Not long before, Mary Harrison had been committed for trial 'upon suspicion that she brought things to the prisoners at the gaol'; this may have been through a window. William Stewardson, who was keeper of the bridewell in Cauldwell Street from 1744 to 1770, executed a large number of repairs both there and at the gaol. One of his bills at about the time of the grand jury presentment refers to an estimate for 'turning the windows' - as well as to two plans of the gaol, neither of which can be found. No doubt the ground floor windows were made secure soon afterwards.

Howard tells us later: 'The men and women felons associate together: their night rooms are two dungeons'. As a result of one particular association in 1678 a child was conceived in the gaol, and the parents were married at Ridgmont church in the fullness of time. It was only some time after this affair that there was a bill mentioning 'a new door between the two wards.' (*Bedfordshire magazine*, Vol 12, page 345).

The dungeons, down eleven steps, must have been terrible. Howard later added that one was dark, whilst the other had a window measuring 18in by 12in. Whether it was the men or the women who had the luxury of a window and air we do not know: perhaps the men, since their numbers were always much larger (as they are to this day in prisons generally). That tiny, solitary window had been inserted in 1731: the carpenter's charge of 3s for that item appears in his bill. Doubtless the window faced out onto the yard at ground level. It would seem reasonable to suppose that only the felons were placed in the dungeons at night, and that the debtors were left upstairs. However, Thomas Howard, the gaoler, in 1781 petitioned the

justices for the reimbursement of costs incurred as a result of the escape of two debtors owing 'to the weakness of the gaol'. A workman's bill at this time included,

'Myself three days to the *dungeon* when the men made a breach 6.0.' It is therefore possible that for security reasons the civil prisoners were also confined in the dungeons at night. Anyone wanting to get an impression of what conditions must have been like for the poor wretches need only visit the dungeon used in Warwick until Howard made representations about it.

So much for the interior of the building. The sail ventilator mentioned had been installed in 1754 after the gaol had 'been several times infected with a malignant fever'. The then Sheriff, David James, had told the justices 'that a ventilator would be extremely beneficial to the said gaol by extracting thereout the foul and infectious air'.

The small yard clearly contained 'the bogghouse', sometimes described as 'the necessary house', as well as the source of the prisoners' drinking water. There is no specific reference anywhere to a well, but several bills refer to pump repairs. Three troughs made by a carpenter in 1735 were doubtless for washing at the pump. The wall around the yard was quite substantial: 11,000 bricks for it were delivered in 1751, the year of the first floor partitioning. A passage at the side of the yard led to the back of the *Chequers* inn, which belonged to the interesting Richardson-Howard family which provided at least six gaolers.

Whitbread having bought the old gaol duly presented the site 'as a free and perpetual donation to the town of Bedford'. When the gaol was demolished the dungeons were probably filled in with the rubble of the building and the site was then levelled and paved. As far as one can tell, the only excavations ever carried out on the gaol site were those needed later for the building of an underground public convenience, appropriately enough just where 'the bogghouse' must have been. One day a careful excavation of the whole site will reveal more details of the layout of the gaol, which may have stood on that spot from the year 1165. It may even uncover one of Bunyan's pens.

The limited scope of the present inquiry was made plain at the outset. However, the bicentenary of Howard's momentous appointment and first visit to the gaol cannot be allowed to

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CARLYLE'S MODEL PRISONS

J. Uzzell

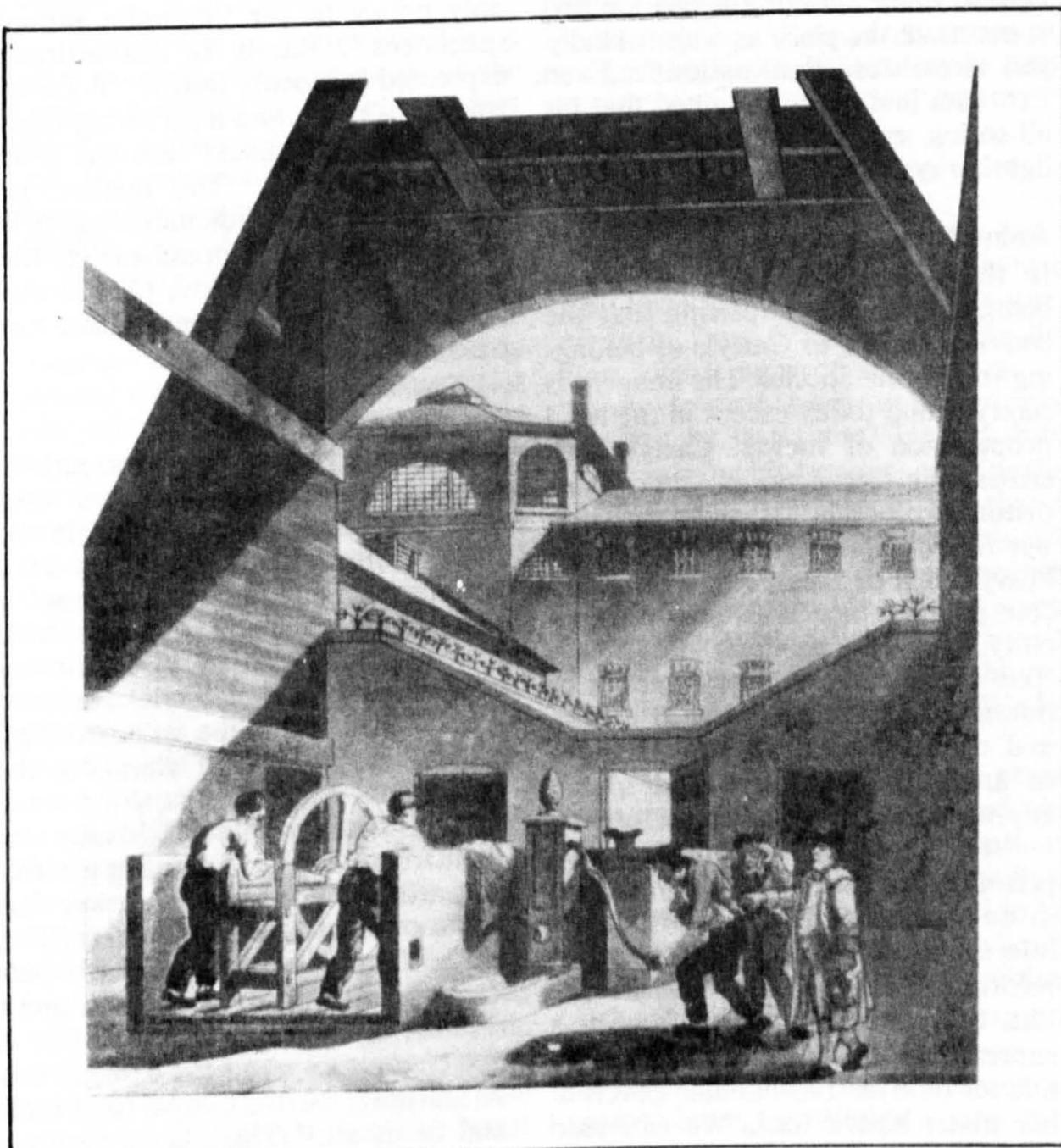
Governor of Bedford Prison

Carlyle's comments on prisons represent a turning point. Published in 1850⁽¹⁾ they had immediate relevance to two movements: the defeat of Chartism and the consolidation of prison reform. Carlyle's interest in the campaign for a social reformation is well-known. What is less generally appreciated about this upholder of "Liberty" is his views about the building of the penitentiary prisons.

The idea of a reforming prison or Reformatory, had been voiced in the 1770s but the first fully-fledged 'model' prison was not opened until 1842. The enthusiasm which greeted Pentonville can be gauged from the fact that in the next 6 years another 54 'pens' were built in Britain. It is a phenomenon which still casts its spell. The ideological basis for such an event must have been remarkable.

Both Chartism and Pentonville can be seen as symbols for the change in what was considered socially acceptable behaviour. By the time Carlyle issued his pamphlet on model prisons there was no doubt which way England was headed.

Was Carlyle in favour of the new model prisons or was he a traditionalist? Certainly not the former and hardly the latter. He took a peculiar view which made both policies seem grotesque. Actually, it is Carlyle's opinions which are grotesque. They reject all traditional wisdom as well as the new experiment. Carlyle was creating a new position which would have its heirs. A prelude to this maverick



approach had been his rant, published December 1849, in defence of the governor who stood convicted of cruelty to black slaves. This admiration for a brutal authority—indeed for Carlyle, brutality is the attraction of

authority—found new expression in his view of how governors should treat convicts.

He describes the conditions in these new prisons as enviable even for the supreme nobility. It is a familiar

grumble but Carlyle takes it to extremes. The food? "Of excellence superlative". If this is to be taken seriously it reflects appallingly on the ability of Mrs Carlyle as a cook. Usually, the comparison is made between the conditions enjoyed in prisons with the honest misery of the deserving poor who do not break the law. Of course Carlyle is a showman and deliberately creates startling effects. He contrasts the types of humanity found in prisons: the governor and his subjects—for Carlyle most definitely believes they are subjects to be governed in the colonial sense. If slaves, who have committed no offence, should be treated with the utmost brutality then what regime should be used to govern convicts? For Carlyle, the governor epitomises all that is adorable in authority. Again the description is breath-taking in its improbability. After hymning the superb qualities of the governor Carlyle imbues him with divine powers: "the light of those mild bright eyes seemed to permeate the place as with...kindly yet victorious illumination". Even Bentham had never imagined that his all-seeing eye could provide a free lighting system.

Animals

In the presence of such an angelic being it is hardly surprising that the convicts appear to Carlyle as belonging to another species. His imagery is rarely found today except in the lurid propaganda of racists. Carlyle describes the convicts as "miserable distorted block-heads, the generality; ape-faces, imp-faces, angry dog-faces, heavy sullen ox-faces; degraded under-foot perverse creatures, sons of indocility, greedy mutinous darkness". This view of convicts as a species of humanity which has not shed its animal characteristics was transferrable to any group which was despised: any immigrants or the lower orders.

Having drawn the outline of what prison has to deal with, Carlyle closes in on the use of prison. He plunges into the heart of the argument about reforming prisons. For Carlyle the idea of reforming prisons is such a supreme idiocy that there must be an ulterior motive. The humane governor has given him a hint. We can read between the lines. The "excellent Captain" who was too experienced "to complain of anything" was also experienced enough to find a way of making his views plain to Carlyle who he correctly gauged would be sympa-

thetic, unlike the visiting do-gooders. This man who commanded love and respect "gently regretted rather than complained" that the do-gooders made his job impossible by taking away his stock methods of punishment: the treadmill and starvation. How could a governor "drill" convicts without such aids to discipline? The reformers offered "the method of love". Carlyle goes further than the good governor in his scorn for "the method of love". It is as though there is something about the word love which makes Carlyle blow his gasket. "Pity, yes; - but pity for the scoundrel species?" It is a fury which has become only too familiar in recent times. However, I suggest it begins here, with Carlyle. It was not the traditional attitude to convicts.

Just how far Carlyle differs from the old view of punishment can be seen from his determination to paint everything in the worst colours and then to gloat over the result. Brutality is the only policy fit for "diabolic animal specimens". Rarely is this attitude expressed so openly today. "A collar round the neck, and a cart whip flourished over the back" are the only proper methods. "The method of love" is not only ridiculous but it is based on two false premises: (1) the method is inappropriate; (2) the aim is unrealisable since convicts are not redeemable.

Irredeemable

The second point is home ground for Carlyle. He reverses Calvinism: convicts can never be saved to join the elect. This destroys the basis of a reformatory prison. It substitutes for the earthly prison a higher, divine prison of pre-destination. In another of the pamphlets, Carlyle was even more insistent on the impossibility, and undesirability, of changing the status quo. "My friends, I grieve to remind you, but it is eternally the fact: whom Heaven has made a slave, no parliament of men nor power that exists on Earth can render free. No, he is chained by fetters which parliaments with their millions cannot reach....to proclaim this man free is not God's Gospel to other men; it is an alarming Devil's Gospel to himself and to us all." There is an obvious danger in this argument. If a criminal commits a crime as a result of pre-destination is he responsible for his actions? Can he not claim to be fulfilling God's will? Carlyle avoids this trap. A reason criminals cannot join

the elect is because they already belong to an elect, the elect of Hell. By committing a crime they became elected.

The elect of Hell are rewarded by their Master, the Devil. He engineers things so that his followers are imprisoned in the best conditions!

Carlyle's heavy irony reveals his real target, the philosophy which has produced the idea of a model prison. He is hinting that behind this philosophy is a supreme idea which is demonic. Before dealing with this argument it is worth noting Carlyle's methods. He is both devious and brutal - and unfair. He is treating his opponents as nastily as he recommends society should treat its opponents. People who oppose you should be shown no mercy. He savages them and denies them any respect. Indeed, it is precisely this wild, unbridled quality which is the essence of Carlyle's arguments and of his style. Both reject logic. This unrestrained, free, energetic approach is rare and deceptively exhilarating. That is why it is dangerous. In the last analysis, Carlyle is thrashing around for the sake of it. He is taking a sort of delight in irrationality. Carlyle's great hate was Reason but that does not inevitably require the elevation of madness. Reason as the basis of the Enlightenment has been attacked by all the Romantics through to Blake who had blamed it on Newton. Mechanical Philosophy was seen as the rationale for all the evils of the revolutions in industry and agriculture. Reason had changed the face of England and not necessarily for the better. If Reason was allowed to continue unchecked what was safe? Burke had warned that "they have talked so much about the Rights of man that they have forgot his nature." However Carlyle takes a very different angle. He worships unreason. This is a universe away from the strict, impersonal administration of pain by the technicians of punishment. Carlyle delights in pain. It is not hard to see his less ideological counterpart in those persons who regularly offer their services, free, to beat criminals.

So there are traces of the old and the new in Carlyle. The old way did not flinch from inflicting pain or from noting its effects. Carlyle however revels in the idea of pain to a degree which would have disgusted those who went to the orgies at Tyburn. The new way considered it was executing a divine act by punishing scientifically. Carlyle however clearly wanted the emotional satisfaction retained, so

destroying the basis of reform penology. Carlyle is thus the odd man out. He subscribes to neither system but takes the worst of both. In practice this was nearly how prisons were run by the late 1840s, so Carlyle could be regarded as the voice of reality! The moral apparatus of the reformers, when stripped of its ideological trappings, could be used to inflict extra tortures. Though the treadmill was devised to preach a moral message it could also be used to inflict physical agony. Carlyle's governor regretted that the do-gooders' had taken away his prison's treadmill. This is ironic since it was the Reformers who had introduced the treadmill as a means of moral instruction. Realising it could sometimes be misused they withdrew it. Carlyle's governor is therefore a perfect example of that abuse. His concern was deterrence not reform. He wanted practical ways of terrorising convicts to control them not to improve them and convert them. His attitude found its philosophical justification in Carlyle.

"Dustbins"

Carlyle's recipe for how to deal with convicts is swift and simple. As usual such swift, simple solutions have an appeal. (A doctor could claim that by killing a patient he prevents that patient getting any illness). Carlyle would make "brief work" of the Devil's agents. He would "sweep them with some rapidity into the dustbin." The idea of prison as society's dustbin is a desirable ambition not a sign of failure!

Then Carlyle indulges in a remarkable outburst, addressed directly to those diabolists. The "leather on the backs of you, collars round the necks of you" is the least of his threats. Carlyle's ultimate dustbin is not the prisons of Britain, nor even the convict continent of Australia, but the penal colony's last resort, Norfolk Island. It should be realised that Carlyle is here involved in another hot issue of the time. Not only was there a strong campaign, especially by Australians, to stop transportation, but the conditions on Norfolk Island were so appalling there were public enquiries. Yet again, we find Carlyle defending a notorious brutality!

Indeed Carlyle flinches at nothing. This hell has another level. There is a dustbin which is not of this earth. Carlyle allows an even more monstrous possibility to peep out. He would sweep convicts "into the cesspool, tumbling over London Bridge, in a

very brief manner, if needful!" Though there is a modern tendency to link people one disapproves of to a discreditable system, usually Nazism, nevertheless Carlyle does foreshadow some of the stock attitudes which found expression in Hitler's death camps. The suggestion that convicts be put into cesspools is frightening enough as a rhetorical device but it happened in reality. From some accounts it seems there were cases of similar degradation in Carlyle's day. As for the other part of Carlyle's figurative despatch of convicts; it translates as death. Whether death should be accidental (natural) or deliberate and systematic is the only dividing line. By 1848, (before Carlyle's essay), the results of the penitentiary system were documented and causing concern. Penitentiaries produced madness and suicide at a rate about ten times that of the previous regime. Carlyle's second clause is more than rhetoric. He knew.

Carlyle has no doubts about what inspires crime. It is the work of the Devil. Therefore he has no scruples about crushing convicts, it is God's will. He reserves his greatest scorn for those who impede or question this mission. Are the benevolent merely stupid or are they evil too?

What excuse can there be for benevolence to the wicked? Is the law unjust? Certainly, but so what? Not everyone breaks the law. Carlyle has turned democracy on its head: everyone has freedom to choose good or evil. Those who choose evil and commit crimes are, by definition, exceptions. They are the "select few", or Satan's elect. "A superior proclivity to Chaos is declared in these, by the very fact of their being here!" (i.e. in prison). It is another argument which has become hackneyed but is still trotted out: only the guilty are condemned. This adds spurious weight to the argument that convicts are predestined for prison. The sum of all this is directed not at the convicts — what difference could it make? Carlyle's target is always the idea that reformation is believed possible. He even sneaks in a mischievous allusion to the nonconformist passion for moral accountancy: "if you want the worst investment for your Benevolence, here you accurately have it." He is reaping a harvest he sowed in his 'Condition of England' where he shewed up the rationalists for making "cash payment....the universal sole nexus of man to man." Having again proved

to his satisfaction that the do-gooders are morally dishonest, Carlyle sentences them, for they too should be punished. "You may go down!" The terrible words that take people to prison - how Carlyle loves to use them. No appeals.

In all this sound and fury Carlyle never dealt with the claims of the Reformers and, because his case was so clearly biased, they were able to ignore him. Carlyle may have voiced the views of some prison staff such as the governor who so impressed him, but neither the old nor the new ways had a fair hearing. The Reformers were confirmed in their opinion of themselves as progressive, caring humanitarians and of their opponents as sadists, racists, fascists or whatever label justifies not listening. This is Carlyle's legacy. ■

⁽¹⁾ *The first library edition of Carlyle's collected works was published in 30 volumes in London by Chapman and Hall in 1870-1871. Selected Writings by Thomas Carlyle were reprinted by Penguin Books in 1971.*

THE BEDFORD GAOL THAT
JOHN HOWARD KNEW
continued from page 20

pass without the comments of two men who knew him. Both comments were made in June 1789. On 1 June the Hon John Byng wrote in his diary:

'Mr Howard is now at home: why won't he stay there? He has done enough for his honour, and for the advantage of mankind: but that a man should like to pass all his life in prisons and pesthouses becomes a stark-staring madness, and unless some benefit had not arisen from it, would be universally thought so.'

On 20 June 1789 John Wesley wrote in a letter:

'Mr Howard is really an extraordinary man, God has raised him up to be a blessing to many nations. I do not doubt but there has been something more than natural in his preservation hitherto, and should not wonder if the providence of God should hereafter be still more conspicuous in his favour.'

John Howard died exactly seven months later, but Wesley's prediction was not inaccurate if one looks at it with the knowledge of what Howard achieved after his death. ■

Reprinted from the *Bedfordshire Magazine*, Summer issue 1973, for The Howard League for Penal Reform.

READERS Write

THE EDITOR

Prison Service Journal

Dear Sir,

It is always interesting to learn of different systems and conditions that operate in other countries.

Kate Mitchell's brief account of her visit to Tokoly Juvenile Prison, Hungary, however, needs qualification re some of her observations, or rather, what her group has been told, probably through an interpreter.

- (1) Whilst Hungary has always had some problems with the gypsy population due to their nomadic and basically dishonest lifestyle, I seriously question that 90% of inmates are gypsies in Tokoly Prison. Gypsies are generally disliked by Hungarians but, to my knowledge, never to the extent of having such concentrated effort to keep such numbers in one institution. A large proportion of them have successfully settled and integrated into local communities, particularly in rural areas, since World War II.
- (2) It was worth highlighting the use of adult "voluntary educational officers" in Tokoly because in everyday life—in factories, collective farms, etc the system heavily relies on the idea of "supervising each other" for more efficiency. Of course, it does not necessarily follow that this "vigilance" is more efficient or more productive in economic or social terms, but this is how their present society operates.
- (3) The Eastern Block, in general terms, is very education and welfare conscious and this seems to apply to prison regimes too. I am not surprised that the presence of doctors, teachers, trade instructors, and psychologists is so prominent in the system. There is hardly any disciplinary problem in institutions due, partly, to the strict regimes they operate in and outside prison.
- (4) There are no probation or welfare officers within the judiciary

or "Law and Order" framework, but officials, eg "magistrates", police, etc do provide the necessary information to assess the accused before sentence is passed.

- (5) Officially there is no unemployment in Hungary and everyone has to be registered employed somewhere, otherwise the source of their income is questioned, sometimes in custody. It is, therefore, not surprising that people leaving prisons do remain in the same job for at least 6 months following release. Similarly, condition of residence following release is easy to enforce because everyone needs permission to change "location", using their compulsory ID card. Released prisoners are strictly monitored in this respect.
- (6) The prison population is unusually large, swelled disproportionately by political prisoners. Prison conditions are generally moderate/poor.

M. Koltai.

(Editor's Note)

Martin Koltai is a Probation Officer presently seconded to Durham Prison. He was born in Hungary and came to the United Kingdom in 1956. For the past 3 years he has been International Correspondent for the Durham County Probation Service. His work recently took him on a study tour of Holland.

THE EDITOR

Prison Service Journal

Dear Sir,

As I am about to retire after forty years' service I would like to say that in my view one of the main reasons for over-crowding is that too many privileges are granted to offenders. From the time of committal either on remand or to await trial inmates are given every facility at public expense to effect their release by way of legal aid, letters, visits, inter-prison visits and pocket money (they are not paid

for working but for electing to work). Daily visitors can bring in almost unlimited food to supplement the prison diet and those inmates with cash can spend with few restrictions in the prison canteen. The demand for privileges increases year by year. All of the time spent enjoying these privileges counts towards sentence and, having been sentenced, they can then appeal against conviction and/or sentence which, again, gives them privileges by way of appeal visits and letters, and even if the appeal is unsuccessful there is no penalty—no time is lost. When eventually they are sentenced the parole system functions to ensure their early release if at all possible. Indeed, the latest innovation provides for their release on parole unless we can find reasons for not releasing them. Prison holds no fears for the criminal fraternity and given that all time in custody counts towards sentence it should be no surprise to the Parliamentary All-Party Penal Affairs Group that the majority plead not guilty and elect to go for trial. It is also a fact that the chances of being found not guilty by a jury are improving.

Forty years ago time only counted from date of sentence, an unsuccessful appellant stood to lose 42 days or more if the Court of Criminal Appeal so determined, legal aid was not available but those who had sufficient money employed a "dock brief" to say a few words of mitigation. Privileges within the prisons were few, offenders within the system were punished with punishment diets. The Judiciary were as fair then as they are now and the prisons were not full of innocent prisoners.

Which was the most successful? The population in 1986 was 48,000 in more than 120 establishments, whereas then it was less than 20,000 in 46 establishments.

I rest my case.

P STEVENS,
*Administration Officer,
HM Prison,
Canterbury, Kent.*

(continued opposite)

cynics' corner

Our political masters are frequently pressed to follow the example of the United States and privatise some of our prisons. "Government to sell off Gaols" ("Gals" as the 'Grauniad' might have it) is the type of headline that raises my anxiety and resentment.

The resentment arises first because no-one has invited me on one of those 'fact-finding' jaunts to the US despite my obvious qualifications for the job, namely a well-developed ability to gain full hedonistic pleasure from expenses-paid trips. Second, I resent yet more American imports after the example of the devastating plague of Burger Bars on our High Streets.

And we are unprepared for privatisation—hence my anxiety. We need time to consider and plan our advertising and marketing strategy if private prisons are to attract the right kind of clientele. I am sure that PSJ readers—being the more perceptive members of the service—have similar anxieties and have merely been waiting for a stimulus to prompt them into active consideration of this vital subject. Having spent 2 years of my youth as a merchandiser, combining marketing and muscle development in the creation of artistic displays of baked bean cans in supermarkets, I am well qualified to pontificate on the subject and will proceed to do so.

The first problem which must be tackled is the question of titles. Would you volunteer to stay in a place called "Wormwood Scrubs"? Really, the prison builders of the nineteenth century have a lot to answer for. Worms hardly create the sort of image we would wish to portray and Scrubs does not do justice to the mechanised cleaning practices we would no doubt employ in our privatised prisons. "Strange-ways" presents equally difficult though rather different problems; would our Northern Judges, Magistrates and Police choose to send men there? "Deerbolt" would preclude the Ani-

mal Rights activists but who might Bullwood attract?

The picture, however, is not all bleak. Several of our establishments already have names reminiscent of the days of the landed gentry and they would stand comparison with any of the better health farms; Buckley Hall, Campsfield House, East Sutton Park and many others conjure up images of the days of noblesse oblige and privilege. Others have a novelty value which should not be ignored: many a judge would find a degree of whimsy in sending someone to Send and it would be hard to resist sentencing any "hood" to Nottingham.

I am a little disappointed, however, by the titles of some of our newer establishments. Whilst Thorn Cross may attract the religious zealots and Garth portrays a macho image which would draw the body-building set, Mount is equivocal—is it for the horse-riding or rock-climbing fraternity? Milton Keynes is likely to attract only concrete cows and Littlehey sounds as if the rations may be meagre. But, take heart, training is at New Bold Revel.

Titles, however, are only part of the problem; a good name still needs good publicity. We should learn from those creative artists who produce travel brochures and, of course, from those masters of the art, estate agents. A few samples may stimulate your own suggestions:-

'You will forget those lonely days/
nights' - treble cells

'You will enjoy the opportunity of
forming close relationships' - double cells

'A chance to develop your skills at
crosswords and solitaire' - single cells

'All rooms have facilities'
- jug, bowl and pot provided

'Regular entertainment is arranged
for our guests'

TV on Saturday afternoons

'Facilities to develop practical
skills' - Soft toy class

'Work opportunity programmes'
- mailbag shop

'You will find everything you expect
of this class of prison'

- Nothing

I am sure you will have got this picture by now; I know that the skills required are abundant in the Prison Service, so go to it and let us be properly prepared. ■

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THE EDITOR

Prison Service Journal

Dear Sir,

How refreshing and encouraging to read Anna Stiling's short piece on the role of the Education Officer (P.S.J. No 64).

I endorse so much of what she says, particularly her awareness of the institutional dimension to education in prison and the recognition of special needs.

It is a welcome antidote to the "tool for a job, aid to living" approach to education, regrettably included in the foreword to the Handbook for Teachers. I have photocopied Anna Stiling's article and inserted it in the front of my own copy of the Teacher's Handbook. I would encourage other colleagues to do the same as the article deserves wider recognition beyond the readers of the P.S.J.

Yours sincerely,
J H M ANDERSON,
Governor,
HMYCC, Hindley,
Wigan, Lancs.

Letters to the Editor are always welcome.

CISPOTEL LIFEBOAT FUND HELPS TO SAVE LIVES

The Civil Service, Post Office and British Telecom Lifeboat Fund—CISPOTEL for short—started life in the 1860s as a means of enabling civil servants to contribute to the upkeep of the Royal National Lifeboat Institution which is financed entirely from non-public sources. It was originally called simply The Civil Service Lifeboat Fund, and acquired its present rather cumbersome title with first the hiving off of the Post Office and subsequently the privatisation of British Telecommunications.

In the 120 or so years of its existence the Fund has provided no fewer than forty lifeboats to the RNLI. The latest of these, the fourth of the new TYNE class of boats designed to be launched fast from a slipway, went into service at Holyhead towards the end of 1985 and was formally commissioned and named "St Cybi II" by the wife of Sir Robert Armstrong, Head of the Civil Service, on 26 April, last year. The Fund's next target has not yet been finally settled; however it will probably be one of yet another new class of boats designed to be launched fast from a carriage of which the prototype is now undergoing trials and which is expected to go into full production in about two years time.

The Fund is the largest single contributor to the RNLI, raising about £100,000 a year by regular subscription. As boats like the "St Cybi II" cost anything up to £450,000 each, they take four years or more to pay for from annual subscriptions alone. However, since 1984 the Fund has added an annual sponsored Half-Marathon to its money-raising activity; the races held in Windsor Park in 1984 and 1986 and at Aldershot in 1985 produced a total of about £90,000 and have brought significantly closer the date on which the Fund hopes to pay for its next boat.

Another Half-Marathon is planned for 1987. It will be held on Saturday, 3 October in Windsor Great Park and any civil servants, employees of the Post Office or British Telecom or their relatives, who are interested in helping the RNLI and at the same time giving themselves and their families an enjoyable day out in the attractive surroundings of the Royal Park are cordially invited to enter the race. Entry forms can be obtained from:

W G Heels, 16 Larchwood Gardens, Brentwood, Essex CM15 9NE (or telephone 0277 72649).

UNIVERSITY OF CAMBRIDGE INSTITUTE OF CRIMINOLOGY

CROPWOOD SHORT-TERM FELLOWSHIP AWARDS 1988

The Institute of Criminology is offering Cropwood Short-Term Fellowship awards 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: 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 the 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. Prospective candidates should submit a well-conceived and detailed proposal as evidence of their capacity to take advantage of the Fellowship, and they should also enclose a curriculum vitae. Further details are available on request and applications should be sent to Bill McWilliams, Director of Studies, Cropwood Programme, at the Institute of Criminology, 7 West Road, Cambridge CB3 9DT, to arrive not later than 31 October, 1987.

PSYCHODRAMA

A Job for an Officer?

M. Gillan

Prison Officer, HMYCC Huntercombe.

In 1982/83, the Prison Department sponsored my attendance of a counselling course, in Oxford, lasting a full academic year. During that course I was introduced to psychodrama. One of my course tutors used it professionally, in a clinical setting, and introduced a few of the basic techniques to the course.

For about two years I pursued my interest, through the Oxford Psychodrama Group, run by two trained psychodramatists. The department supported me throughout this time.

Some seventeen months ago, a group of us who had been together for some time, began discussing ways of moving forward, broadening our experience. We formed a group, still under guidance, agreeing to meet weekly for twelve months, to explore theory, improve technique, and to gain the confidence and ability to go beyond helping each other and ourselves, taking our skills to the workplace. The department would not continue sponsorship so I went ahead by myself.

What is psychodrama?

The development of psychodrama is universally linked to one man. Dr. Jacob Levy Moreno, born in Budapest in 1892. He studied philosophy at the University of Vienna, and gained his medical degree there in 1917. During this time he was involved in the setting up of small, self-help groups among the city's prostitutes, the embryo of group psychotherapy, and an early example of community psychiatry. After graduating, Moreno worked with refugees in Mittendorf and between 1921/23 was involved with "The Theatre of Spontaneity", using dramatic improvisation to deal with issues arising from current events. He later applied this setting to the treatment of small groups and individuals. Throughout all this the seeds of psychodrama were sown and flowered.

In 1925, Moreno moved to New York City, applying his method to emotionally disturbed children in hospitals, in residential treatment centres for adolescents, and interestingly, prisons.

In 1936, the Moreno sanatorium opened in Beacon, New York. A school, a hospital and the first real theatre for psychodrama.

During World War Two, the military came to Dr. Moreno for advice in the application of role-playing within personnel selection and management. Today, role-play and reversal are important parts of the psychodrama method. Moreno has much responsibility for the growth of group psychotherapy as a treatment in American military hospitals. It could be argued that he has had an influence on many of the major developments in psychiatry over the last fifty-years and more. He died in 1974.

Psychodrama did not suddenly appear as a single idea. It is interwoven with Moreno's work in philosophy, sociology and social psychiatry, with personality theory and group psychotherapy. It has a long and powerful pedigree. If I have laboured a little here it is because it is important that this method be seen not as some fly-by-night cult, but as a solidly-based discipline.

What it means for me.

It is a form of group psychotherapy which, over a period, has allowed me to use a safe structure to examine what is happening in my life. It has been effective for me as a means of personal growth, allowing me to change my attitudes and to confront my prejudices. It is not for me to claim that psychodrama is more effective than other forms of therapy of which I know nothing. Those more informed than I will see areas where other disciplines overlap. Fine. I speak only of what I know.

A typical session will involve a group of people, and will begin, under the guidance of a trained director, with a series of warm-ups. These are exercises, designed to relax the group and to allow issues affecting individuals, or the whole, to be recognised. Now the person who wants to work, the protagonist, is selected. There are various ways of doing this, but it would normally be the person most obviously in need.

The director will now move into the psychodrama method. There is no need for great detail here; let me just say that the method, used with skill and sensitivity, can allow the protagonists to examine the important issues in their lives, related to work, relationships, self-understanding, anything and everything. It is often said that psychodrama allows you to practice living without being punished for making mistakes. In a session you will go beyond talking, into enactment, using the group to represent the parts, or the people in your life, using your, and their, creativity and spontaneity, enabling you to go back into your past, to try to discover where your now comes from. In the examination it is often possible to repeat experiences, but to end them differently. Often, unhappiness in the present, is linked to feelings from the past, perhaps unrecognised. Psychodrama allows you to look at those times, to say things now you could not say then, to take care of unfinished business. The method can allow you, for a little while, to experience a different mother, brother, father, lover, self. You can confront the uncomfortable parts of yourself, give those guilt feelings to whom they belong. To look at the possibilities and alternatives in your own life. Do I need to change? Can I change?

The session will always end with the group coming together again and sharing with each other the feelings

continued inside back cover

BOOK REVIEWS

Books for review to be sent to:

The Reviews Editor, Prison Service Journal,
Jonathan Uzzell, HM Prison, St. Loyes Street,
Bedford.
MK40 1HG.

"Bricks of Shame—Britain's Prisons."

VIVIEN STERN (Director of NACRO)
United Kingdom price £3.95.
*Penguin Special Publication—
Sociology and Anthropology.*

A compilation of statistics that, although put forward in an apparently straightforward manner, shows such a strong bias towards the cause that Vivien Stern supports and represents that much of its balance and value is lost.

The book appears to have been written at great speed and in haste and one can only wonder about the politics of getting onto a forum that is receiving maximum publicity from all sides at this time.

Much use is made of extracts from various speeches and reports that are taken from material that goes as far back as 1779, however, such is the selection of these points that a very one sided picture emerges.

There is, of course, a great deal of truth in the presentation of old buildings, shortages of staff, of the lack of integral sanitation and the long periods that inmates spend in their cells. As a matter of urgency, these things do require attention, and indeed, much is being done already, within the bounds of budgetary controls, to make the passing of time within these establishments as tolerable as possible.

The picture that is painted is grim, not only of structures and deprivations but the image of the staff themselves.

It should be emphasized that it is the prison officer, from the governor down to the newest recruit, that is in the most direct contact with the inmates and the staff at the sharpest end are the basic grade officers who spend 95% of their time in the close company of the inmates.

I have been a serving officer for almost 22 years and in that time have seen tremendous advances in the relationship between staff and inmates.

In days gone by, the line was drawn and neither party ventured near it but now, unchanged the line is still there, it has become a perforated one. Staff and inmates now mix on a much more informal and relaxed basis with a real feeling of detente. The "quasimilitary" tradition of the service has in fact diminished rapidly over the years and, apart from the necessity of being a disciplined service, has all but disappeared. Without any doubt the barriers between "us and them" are coming down.

To intimate that, as a class, prison officers are disgruntled, poorly educated, self-centred individuals who live in closed communities as life's misfits because they couldn't survive elsewhere, is unfair and unjust.

Just as not all staff are the same, neither are the inmates. There will always be the exceptions, the difficult inmate who, in his constant

war with authority, wants only to reduce the already limited quality of life for everyone about him. Some inmates are ill and shouldn't be in prison, this is not to be laid at the door of the prison service, rather the health services! It should, however, be noted that, to the credit of the service, a number of these people are contained, treated and looked after when all other doors have been closed to them.

A proposition put forward in the book is that the NHS should be the medical service of choice for the prison service. The representation is made of a completely divorced system which is vaguely substandard, to the detriment of the inmate. Again, this gives a false picture. All inmates have the full resources of the NHS available at the medical officer's behest and these are used frequently and freely.

It is well worth recognising that many doctors in general practice work also within the prison medical service framework, either as part-time medical officers in charge of an establishment or as supplementary to full-time prison doctors.

Many of the alternatives that are proposed to prison systems in this country have of course been tried abroad. Few are novel ideas and in fact the proposal of small local community prisons takes us back to pre 1877 when local prisons were transferred to the control of central government.

All in all, Vivien Stern's book provides a useful potted history of the ills of the prison service without any of the gains. It is particularly sad that she chooses to denigrate the staff so scathingly, from government down to the landing officer without offering any really viable alternatives. The few that are mooted might benefit a small minority but only at a disproportionate cost.

It is patently obvious that she has received most of her information secondhand from people that, naturally, have the same viewpoint as she. To get a true picture, she would have to spend a considerable time "on the landings" and not as an authoress gathering material but as a worker, involved.

I am sure that Bricks of Shame was written with the best intention possible and I feel that her supporters, and indeed, other pressure groups, will read it with satisfaction but for the serious student of penology, or the idly curious, no balanced image of any value will emerge.

P R BERRYMAN,
*Hospital Officer,
H.M.P. Bedford.*

AIDS: The Story of a Disease.

GREEN, J. & MILLER, D.
Grafton Books, 1986.

This book is written by two psychologists who were involved in the treatment and management of AIDS patients at St. Mary's Hospital, Paddington. They were instrumental in setting up the National AIDS Training Unit which provides a comprehensive workshop covering most of the disease.

Green and Miller are two of the editors of the book *The Management of AIDS Patients* which was reviewed in the October, 1986, edition of the Prison Service Journal.

Described—probably accurately—on the cover as the two most experienced AIDS counselors in Britain, the authors have seen over a hundred people with AIDS since 1983 as well as many hundreds of people who do not have AIDS but who have been infected by the HIV virus. (Until 1986, this virus was known as HTLV III in the English-speaking world and as LAV in France and other parts of the Continent. Now the internationally accepted term for the virus which causes AIDS is known as HIV—Human Immuno-deficiency Virus).

In *AIDS: the story of a disease*, Green & Miller provide an account of the current understanding of the problem in language which is easily accessible by non-specialists. They outline how the disease was first noted in the United States, give a clear description of how the immune system operates and how the actions of HIV virus on this system can lead to the development of AIDS.

The consideration of the possible origins of the disease and its spread is well supported by evidence of the epidemic in Africa. The discussion on a search for a cure and the problems in trying to create a vaccine is particularly good, as is the outline of changes in behaviour and lifestyle required to contain the epidemic until a medical solution can be achieved.

The style is cool, clear but compassionate throughout. Each area covered is considered carefully in the light of all available evidence and the result is remarkable: the authors have achieved an account of AIDS that is both comprehensive and understandable to the lay reader and at the same time absorbing.

The book is therefore of value not only to psychologists and other health professionals involved in work with AIDS but to all those who are interested in the disease. Within the prison service there is widespread concern about AIDS. This book is an ideal vehicle for educating the layman about this enormous health problem as well as a useful resource text.

LEN CURRAN,

*Principal Psychologist,
Long Lartin Prison.*

Prison Officers' Promotion Examination

"A General Guide For Candidates"

D STEWARD, 1984.

As a newly appointed Training Officer I found this booklet an essential contribution to my task as there seems to be a large vacuum between the expectations of staff as to what is required to pass the "exam" and the anonymous personnel at the City and Guilds of London Institute who set and mark the exam. This booklet fills that gap admirably.

I have attempted to review this document through the eyes of three different people; firstly the candidate taking the exam, secondly a senior officer who, having passed his exam, did not at the time have the advantage of this booklet, and lastly the training officer, taking into consideration his role in the preparation of staff to sit the exam.

Taking all three points of view I feel it is written in such a way as to be much more than just an 'aid' to candidates as the writer suggests, but rather a fully structured and comprehensive plan to instil confidence into all candidates considering taking the promotion exam.

The relaxed and understanding nature of the writer made it easy to read and as I read through each page, I only wish I too had had the benefit of this document when I struggled many years ago to study for the exam.

From the candidate's point of view I feel the booklet will be useful in setting out the format of the examination with which he will be confronted. It will enable him to devise a "plan"

of how to approach his studying and preparation so that when the time comes for the "big day" he will be relaxed and confident enough to do his best.

The model answers given in the booklet give a good insight into the standards expected by the examiners. It will also answer many of the questions that a candidate will be mentally asking himself regarding the extent of the technical knowledge expected. Giving the calendar of events leading up to the examination enables the candidate to feel more knowledgeable and involved in the process rather than just being an individual who turns up on the day. Knowing who is going to mark the papers helps, as many staff feel that some faceless "civvy" will mark the prison paper and will only be marking the English content rather than the factual account. Having seen that selected Governors are the marking panel for Part One of this test, this will, I am sure, instil more confidence into the candidates.

The writer has given much space in the booklet to the preparation and examination techniques required to pass the exam. I totally agree with his comments and the emphasis on these two headings are perhaps the most important aspects that should be taken into consideration to ensure the candidate arrives at the exam well prepared to do his best.

The incident and other type questions that are included in Part One of the exam, are covered comprehensively in the booklet by examples which attempt not to give perfect answers but merely as a guide and a framework in which candidates can practice this type of question. However I feel some emphasis should have been

included in the booklet on the fact that actual writing for long periods of time is a test in itself and the strain on the candidates can be as demanding as the questions themselves. Few of our staff are required to write for long periods of time and I feel that some practice in writing for long periods is important advice to candidates and would have enhanced the booklet.

In my experience staff have most anxieties regarding Part Two of the examination, the essay writing, than any other aspect. One cause of their concern is the anticipated attitude and outlook of the marker; they feel that if their views do not match the marker's then their marks will be lower. However, the booklet attempts to dispel this notion and gives a full explanation on the object of essay writing and the role played by the marker. The general hints on essay writing are lucid, comprehensive and readily understood.

The sample papers from past exams give an idea of the general nature of questions asked and their inclusion in the booklet will assist candidates to broaden their minds on the type of issues they may well be asked to comment on.

In conclusion I found this booklet something that has been sorely needed for a long time. I am positive that Training Officers will find it just as useful in their preparation of candidates as will the examinees.

B R WHITTINGTON,

*Training Principal Officer,
HM Prison, Bedford.*

PSYCHODRAMA

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and memories which have been engendered by the work. Each person will have the opportunity to show the protagonist that he or she is not alone in their experiences, while perhaps dealing a little with ghosts of their own. A very important time.

Psychodrama in prison?

I see endless possibilities and challenges we could identify and meet by the use of psychodrama within the prison system. Its delight is in its flexibility, the chance to tackle any issue, anywhere. The system already uses it. I have spoken with Jinnie Jeffries, whose work with prisoners in H.M.P. Grendon has been the subject of a Radio 4 broadcast, and been seen on television. I understand there are special units in some of the larger prisons, which tackle issues for which I believe psychodrama is ideal.

Derri Lewis was a prison officer for seven years. He now heads the Affan Alternative project in South Wales. Courts in his area refer some young offenders to him as a positive alternative to custodial sentences. A visit to his place, or one of his team's demonstrations, will show that he does not get the best of the bunch either. Some of these youngsters are responsible for appalling violence, and serious crime. Derri and his team use psychodrama uniquely linked to the disciplines of the martial arts, and to see

these people confronting themselves and their crimes is quite something. Derri could show you some significant statistics to support his work.

All my experiences, and my discussions with others, have convinced me that there is a role for the prison officer beyond that of turnkey, should he wish it. Sir James Hennessy recently wrote of the need to prepare prisoners for release. In the "Fresh Start" video and booklet, the department tell us that they want to enhance the role of the prison officer. Here at Huntercombe I am involved with the pre-release scheme and we have a structured evening association set-up, written of in a previous issue. I want a chance to build upon what we already have here, to create a working atmosphere where psychodrama can become a definite therapeutic asset to us. I have made approaches locally for permission to begin a group, within our structured evening association programme. My request for funding for further training has been refused. I wonder if, despite all the words, they only really want turnkeys after all. But I know that this is a first and emotional response. I do, however, feel the department is in error, and my task now is to somehow convince them of this. It may prove difficult but that is no reason for not trying, is it? ■

"Serving the Second Sentence"

DAVE J HARDWICK

Pepar Publications

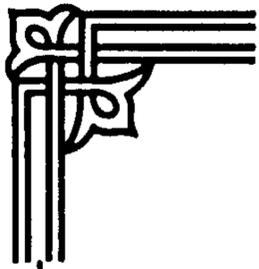
"Serving the Second Sentence" is described by its author as a survival guide for the wives and families of prisoners. It is based on the premise that many of the problems and anxieties experienced by prisoners' families stem either from a simple lack of knowledge or from a lack of understanding of how to deal with the circumstances in which they find themselves and not knowing who they can turn to for help and advice.

It is written by a prisoner with first-hand knowledge of the problems which incarceration presents. In a straightforward, easy-to-read style it deals with financial matters, housing, prison routines, home leave, and a variety of other matters, including sources of support such as the probation service, voluntary organisations and visit centres. The book includes a directory of penal establishments, together with a list of other useful addresses and telephone numbers and a small but adequate index. The needs of prisoners' families have long been ignored, in spite of the fact that wives and children sometimes suffer more from the effects of the sentence than does the imprisoned man—or even the original victim of his crime. The book is addressed directly to the families—it seeks to help but is mindful of the organisations and individuals that have contact with those directly affected. It is, therefore, of potential use to all those in the prison, probation, social services and voluntary bodies who have responsibilities for prisoners and their families. It is doubtful if even those who have regular contact with the problems presented by imprisonment do not find something useful in this book which can help them in their work.

"Serving the Second Sentence" is published within a series of small books on practical social care and education and is available direct from the publishers, Pepar Publications, 50, Knightlow Rd., Birmingham, B17 8QB. Price £4.50, including postage and packing.

R G SHAW,

Probation Inspectorate



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