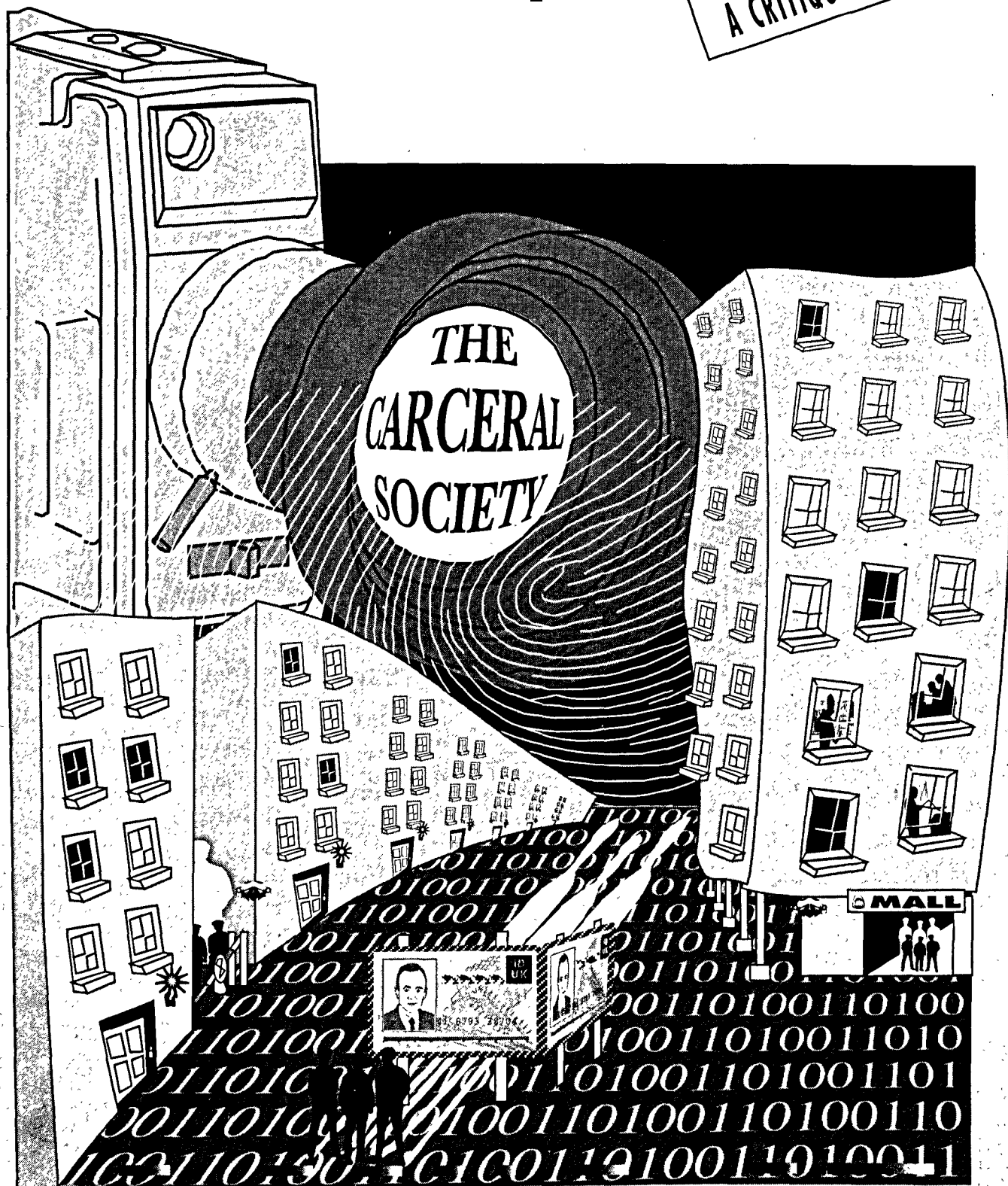


J PRISON SERVICE JOURNAL

NOVEMBER 1995 NO. 102

ALSO
INSIDE: **WOODOCK AND AFTER**
A CRITIQUE BY ROY KING



THE PERRIE LECTURES THE PERRIE LECTURES THE PERRIE LECTURES

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The editorial board wishes to
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Printed at
HMP Leyhill on
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Comment

CHECK OUR FACTS AND NOT MAKE THE SAME MISTAKE TWICE

The press are reporting the Government as being interested in the idea of what is termed, "a super-maximum security" prison and references are made to Alcatraz as a model. That Alcatraz was closed many years ago does not seem to diminish its notoriety. Alcatraz was replaced by the United States Penitentiary Marion which in turn is being phased out in favour of a new US Penitentiary at Florence, Colorado neither of which has captured the popular imagination. The January 1995 edition of the Journal, No 97, discussed the ideas around the question of dispersal or concentration. In the United States that is a false dichotomy. In fact the Federal System uses Florence to concentrate in a highly controlled regime some prisoners who have killed or organised killings in prison and other prisoners who would fit our highest security category are dispersed among a number of secure institutions so their system combines dispersal and concentration. That was not understood at the time the Service was considering what to do after the Mountbatten Report in the late sixties. In considering what regime was appropriate for long term prisoners in maximum security the Radzinowicz Committee visited the United States but made the false assumption that the closure of Alcatraz had occurred with no problems for the rest of the system and that dispersal was the right course for this country, too. The dispersal system, here, has achieved much and was a distinct improvement on what went before in terms of public safety and conditions for staff and prisoners but a closer study of the United States system would have challenged the assumption made by Radzinowicz upon which dispersal was based and may have anticipated some of the subsequent problems.

It is inherently difficult for an organisation to challenge its own assumptions and to do so needs the help of external

agencies including management consultancies, academic research and historical enquiry. Sean McConville in his readable, lucid and stimulating account of English local prisons from 1860-1900¹ offers insight into several of our current concerns. A visitor in 1863 criticising indiscriminate privileges for prisoners, noted of a prisoner, "When I find him comfortably wrapped up in his warm cell, with an extra waistcoat, with his feet on a footstool, when I find him enjoying the luxury ... and compare his condition with that of the poor, but honest labourer ... most unsatisfactory ..." Is that not similar to topical references to our prisons being like hotels? The following quotation might have been written at the time of the Woodcock Report. "Warders will not press such ruffians too hardly, not interest of warders to provoke them ... good conduct only means not giving trouble."

Even then an earned privileges and incentives scheme was in place, "The object of the Progressive Stage System is to encourage industry in prison and so to prepare the prisoner, on release, to earn an honest living."

And ideas about the Probation Service taking on ex-policemen had a fore runner in 1885 when the Discharged Prisoners' Aid Societies commended such a policy not always to good effect. One Society in Nottingham found, "... great difficulty with the police on account of a large number of our detectives making friends with ex-prisoners, and with ex-convicts especially. They will give them money and help them in almost every way and be exceedingly kind to them in order that these men may assist them as spies ..."

The role of what were then called Visiting Committees now our Board of Visitors was a source of tension as the centre wrested control from local committees and governors

¹ *English Local Prisons 1860-1900: Next Only To Death* 836pp Routledge £150.

and tried to apply uniformity to the system. The Permanent Under Secretary of State commented in frustration, "This is only one more instance of the hopeless condition of Strangeways, so long as the present governor is there to play into the hands of the Visiting Committee both being disloyal to the Prison Commissioners and Secretary of State and bent on making mischief."

The book plots the change from a locally run system which was varied but often lax to nationalisation and the consequent centrally controlled rigid and inflexible system. The significance of this book is not that any of these developments have been tried and found wanting but that in his commentary McConville describes and analyses the issues in a way which allows us to assess the gains and losses and to appreciate the effect of change as it ripples through the system. Despite the price a reading would profit all policy makers and entertain, too. Work such as that of McConville requires information to be available and to be conserved. The work of the Prison Service Museum is an important way in which the Service contributes and the Journal is pleased to begin in this Issue a series of brief items from the curator illustrating the extent of the museum.

The historic study is one form of research and one that is not sponsored by the Service and has, therefore, a special value. In a recent conference commendably organised by the Service researchers, practitioners and policy makers were brought together to identify areas of research which would fit into the Service's current objectives. It was not difficult to find areas in which research could offer relevant information. We need to know more about our staff culture in the way the police have researched theirs so that we better understand how the changes wanted by the Service can be effected and not inhibited. For similar reasons it would be valuable to have a better appreciation of the dynamics of institutions. So,

too, we need to have more knowledge of demographic trends to assess the needs of the prison population of the future and the implications for staffing and other resources.

Some might argue that one piece of research simply leads to the plea for further work in that area. There is truth in that but the alternative is to be swept along on the wave of whatever current call is made for change usually arising out of an incident which may be wholly unrepresentative and atypical and draws a disproportionate response. Professor King's article in this Issue on the Woodcock Report makes just that point.

What came from the Conference was the need to create an ethos in the Service which is favourable to research. Researchers need to be involved early in projects helping to frame the questions which need asking and given access and a time-scale to complete their work which is realistic: just as the research was under-way on the effectiveness of detention centres the decision was made to extend without waiting for the outcome. There needs to be better communication on what research is taking place and the outcomes disseminated widely. The new Prison Research and Development Bulletin will help. Research must be a collaborative enterprise with a concern for outcomes which offer information relevant to current objectives but does not exclude enquiry whose purpose is simply to understand better and increase our knowledge.

A lesson from science is that simple curiosity not specially commissioned research can lead to the most dramatic discoveries and be of immense value ■

Taking Hostages – the practice of Remand in Custody

A campaign has been launched called LIMIT. Its purpose is to raise awareness and to have the law changed for remand prisoners. Why?

At present 26 per cent of the prison population is on remand. In 1976 the proportion was 12 per cent. In the last ten years the length of time a person can expect to spend on remand has doubled, the situation is not static; it is becoming more acute.

The Criminal Justice Legislation has a fatal flaw concerning remand prisoners. The law states that a person should come to trial or be granted bail within a certain time, (70 days from Magistrates, and 112 days from Crown Courts). However there is a clause in the legislation which makes a mockery of these limits. It states that if the proceedings have not begun, the defendant should be granted bail unless 'limit extended or further extended'.

This clause virtually legalises the taking of hostages within our legal system. If that is too emotive a term, consider the facts. A hostage is someone held captive in an unfettered system. They don't know when they will be dealt with, but are considered innocent. Sometimes they are told to get ready, only to be put back in their cell, it is unjust. This is the experience of remand today. For remand prisoners the time limits have little meaning; they often don't know their court date, but can be put on and taken off a 'list' with less than 24 hours notice. To the innocent it is a nightmare, waiting to clear their name. And, more worrying, the guilty become victims.

There may be little sympathy for those who are guilty. Why consider them when they have themselves created victims by their own offending behaviour? We must, if we want them to change. Consider the effects of protracted remand in custody. The inmate begins to feel like a victim of the system. There is a lack of adequate safeguards to ensure that they will get to trial in a reasonable time. So they are a victim. They feel wronged, and it's human nature not to worry about the victim of their crimes if they are being wronged too. To change, a person must first take responsibility for

what they have done. Ironically the law in its present form tends to mitigate against people reflecting on their behaviour, because it allows them to believe that they also are victims.

Over 50 per cent of remand prisoners do not receive a custodial sentence at court. Many of them have already served their sentence on remand. Before trial the psychological process is different. They don't know, for sure, what sentence they will receive. They might be facing a sentence of 18 months or seven years, for this reason they can't settle. Once sentenced the prisoner has a release date to aim at. It may not be the date they wanted, but at least they and their family can make plans. And they are facing the riposte to their crime, their deserts. When a person is released at court from remand, they never know if they have 'got off', or if they have served too long, either way they avoid facing up to their crime. Like other hostages they find it hard to see any reason for their captivity. If at the outset there were strict limits on the time before they came to court, the focus could remain on the crime, on their victims, rather than shifting to themselves.

Three men come to mind. The first was on a serious drugs charge. He was pleading guilty but did not come to court for 20 months. The second man was in prison for nine months, and was listed for court 11 times, only to be withdrawn from the list each time, often with very short notice. The third man spent 12 months on remand. Throughout he strenuously denied the major accusation against him.

For each man, their experience of remand was like a roller-coaster. Up and down went their hopes and fears, their expectations and doubts. The extent of their mood swings made them wonder sometimes about their mental stability, and yet it was understandable. They'd become victims. One of the men made a very serious attempt to take his life. He needed hospital treatment, there was a lot of blood, and it could have gone either way. When he arrived at court the serious charges were dropped by the police, and he walked from court having already served

*The Reverend
David Casswell
has as his parish the Wolds
Prison at Everthorpe,
Brough, North Humberside.
The prison is run by
Group 4.*

more than sufficient for the lesser charge.

These things are exacerbated by current remand legislation. It needn't be this way. In Scottish law the time a person can remain on remand is strictly limited. The most one can be held, and this for Solemn offences only, is 110 days. If the person does not come to trial in this time they are released with no case to answer. Even today occasionally, a solicitor will arrive at a prison in the early hours, and the person is released from custody.

The effect of this legislation is that it focuses the mind of the police, the prosecution and the defence. An objection from this side of the border is that the murderer will walk free. This cry is not heard from those involved in the system, indeed, those I have spoken to are appalled to hear of our lack of adequate safeguard, and believe it is a grave injustice.

The calls for a change in the law are not new. King Solomon wrote: 'When the sentence for a crime is not quickly carried out, the hearts of the people are filled with schemes to do wrong.' (Ecclesiastes Ch. 8:11). Shakespeare echoes the theme as Hamlet laments, 'the law's delay' Act 3:72). More recently a paper has been written by the Prison Reform Trust (March 1984) in which they argue for the Scottish model to be introduced, saying, 'In England and Wales there is no incentive for the prosecution to ensure a speedy trial, nor any penalty if a case does not come to trial for many months.' They quote a House of Commons Home Affairs Committee 1981, '... we feel that on balance an extension of the 110 day rule to England and Wales would be advantageous, and we recommend that the necessary legislation should be introduced'.

Judge Stephen Tumim, in his Report, '93/'94 states 'Consideration overall is needed as to whether prisoners could not be brought more speedily to trial. I frequently meet remand prisoners who have been held for over a year.'

The financial implications of this are not the most important to my mind but are significant. The price of keeping a person remanded in prison is staggering. Accommodation alone costs the taxpayer £300 - £400 per week. One man was remanded in custody for seven weeks on a charge concerning non-payment of a bill for under £100 - ironically a hotel bill. Eventually sentenced to a Probation Order, the state faced a 'hotel' bill amounting to 20 times the offence!

Added to this are the court costs of numerous fruitless appearances in court, (including transport to and fro) and Legal Aid bills. One cynic commenting on the campaign said that the law would not change because there were too many lawyers on the front benches. In reality solicitors do not generally relish long delays. They are

pressurised by their clients to speed things up - even blamed for the delay sometimes - and have to cope with the churning emotions of the prisoner. They also find that the story changes over the months, and it is difficult to know which instructions to follow. There is further related expenditure such as housing benefit for flats left empty, assistance for visits and the like. It all adds up alarmingly, and perhaps in these budget conscious times these arguments will eventually prevail to produce creative solutions where the moral reasoning cuts little ice. Far better the politicians acknowledge 'justice delayed is justice denied' and act on this motivation. An honourable focus which would be assisted by the prospect of financial benefits.

The question arises as to how to clear the backlog of cases pending, and change the prevailing acceptance that long delays will occur. One senior lawyer said that the Rosemary West case is remarkable. The date for trial from committal is eight months. He says it must be the notoriety of the case. The normal delay for a murder charge (despite the 'limits') is 12 months from committal.

There are financial implications. The same lawyer said there would be a requirement for more judges and more courts a cheaper alternative to building more prisons. Even if there seems little alternative to increasing the number of judges and court staff there maybe ways to avoid excessive capital expenditure. The court buildings are used sparingly at present. Because of jury fatigue cases rarely occupy a full working day. What if two cases were listed each day, sitting for a longer session morning and afternoon? In the USA courts also sit in the evenings in some States.

Another suggestion to reduce court costs and time would be to arrange TV links with remand prisons, so the defendant need not appear in person for each 'mention'. This might have detrimental implications concerning contact time with solicitors and lawyers, but would be a possible option to reduce delay.

Delay is the reality facing the defendant today. Ironically those who plead Not Guilty face the longest delays whether the charge is serious or not. One man was held for eight months on remand awaiting trial for the theft of £2. His counsel begged him to plead guilty so that he would be released having clearly served more than any time due to him - he refused - he wanted to clear his name. Another man was held 15 months on a murder charge. He was subsequently bailed for three months before the case came to court where he was acquitted. These things make a mockery of the law and should be stopped.

No one benefits from excessive unfettered delay. Some prisoners play the system if they are

reasonably certain that they will receive a custodial sentence for their offence. However even though these people manage to enjoy the extra privileges of remand status (such as entitlement to more visits) few come to terms with the uncertainty.

Victims of crime are not best served by delays. They too are anxious about the result. Some may have to give evidence, they are kept in limbo waiting for court. Some are intimidated, and it is not rare for witnesses to fail to attend a hearing. Quicker justice is needed for this group, so that they can begin to piece their lives together. In the case of children who have been abused, there is a dilemma with their receiving counselling. The defence may claim that the evidence has been 'groomed' by Psychologists or Social Workers. Delays in treatment and help for children reap lasting damage.

Victims naturally enough want to see justice done, but society needs quicker justice too. The delays dilute the deterrent component inherent in public justice. Deterrent Criminological Theory generally agrees that two main factors prevent crime. Firstly, the likelihood of being caught, and secondly the speed with which justice is carried out. For this reason alone remand time, both in custody and on bail needs addressing.

LIMIT has a specific aim: to see the law changed in line with the Scottish model. It would not solve all the ills of the criminal justice system, but would end an anomaly which is working against justice and the common good. The lack of safeguards is unjust. But more alarming is the irony of a system that creates victims of people who should be encouraged to be facing the consequences of their actions ■



Displayed in the Prison Service Museum at Newbold Revel is an embroidered cloth, or sampler. At first glance it looks fairly ordinary, with words worked in a pale brown stitch. Yet if you look closely you begin to realise how special this sampler really is.

The sampler has very fine detailed stitchwork, much more precise than ordinary thread would allow. That's because it isn't really thread at all. Instead it's human hair, pulled out just to make this beautiful item.

Annie Parker died at the age of thirty-five. By that time she had been in prison on over 300

Annie Parker's Sampler

occasions, usually for offences of drunkenness or prostitution. Apparently, while she was inside she was a model prisoner, but she took to the bottle badly on being released. Her time was spent mainly at Newgate or Clerkenwell prisons in London.

Annie was obviously skilled with needle and thread, and proud of her talent. Perhaps, though, she wasn't allowed thread or couldn't afford it. Anyway, we know that she was described as having a luxuriant head of hair (at least when she entered prison!), and she used this resource to produce three embroidered items. One she gave to the Governor, one to the Chaplain, and one to the Surgeon.

Of the three articles made by Annie the Prison Service museum possesses the sampler, and a smaller pincushion is held by the Black Museum at New Scotland Yard. Unfortunately, the whereabouts of the third item is unknown.

I am very fond of Annie Parker's work because it shows that even in the most difficult circumstances she managed to overcome her problems to produce a beautiful work of art. It gives me great pleasure to be able to display this object so others can also marvel at her skill ■

Curator's Corner:

An occasional series of articles about curiosities, curios, and conundrums from prison history by the Curator of the Prison Service Museum.

Dr P J Davies

Curator H M Prison Service Museum

Prisoners Advice Service

'It is the perception of injustice that leads many prisoners to be difficult or disruptive and to identify prison staff as the perpetrators of that injustice.'

Vicky King &
Simon Creighton
run this Service from 57
Charlton Street, London
NW1 1HU

The Prisoners' Advice Service was launched in May 1991 to advise prisoners of their rights within the prison system and to liaise with the Prison Service on their behalf. A solicitor was appointed in June 1993, and since that time litigation has been taken on a wide range of issues. In addition, the Prisoners' Advice Service runs the Prisoners' Legal Rights Group, a forum for members of the legal profession and voluntary sector groups involved in prisoners' rights work to evaluate case law and changes in prison policy, and to decide upon strategies for further enhancing prisoners' rights.

To date the Prisoners' Advice Service has dealt with approximately 7000 enquiries from prisoners, many of which have been taken up as cases. In 1993-4 the main sources of enquiry were parole, transfers and allocation, home leaves, adjudications, segregation and lifer issues. A common theme which has run through these cases is the failure of Prison Service staff to give reasons for decisions which have been taken about prisoners. It is this failure to give proper reasons which creates the greatest sense of injustice amongst prisoners and increases the perception that they are vulnerable to arbitrary decisions with no form of recourse.

In recent years there has been a shift towards open reporting within the prison system, and prison staff are often required to give reasons for decisions that they make. However, in practice the reasons given are often so general in their content that they are meaningless. For example, one prisoner was transferred under IG 28/93 on the basis that

'you are a disruptive prisoner who is doing your best to destabilise the wing.'

The prison did not give any details at all of how the prisoner was disruptive, or in what ways it was considered that he was destabilising the running of the wing. The prisoner was then transferred to two more prisons before being

reallocated to another dispersal. In each prison he was segregated on the basis of the original decision to transfer him. In view of this he sought judicial review of the Governor's decision to transfer him in the first instance, and the Divisional Court ordered the Governor to provide his further reasons for the decision for the first transfer (**R v Governor of Long Lartin ex parte Ross** 27.5.94). The Court of Appeal then found that the Governor's decision had been lawful, on the basis of the further reasons that had been provided. Had the Governor been prepared to submit detailed reasons to the prisoner at the time of his transfer, or to his solicitor when requested, the prisoner would have been able to evaluate the decision and make an informed decision as to whether the segregation and transfer instructions had been fair. He would also have had the opportunity to assess his own behaviour to see how such situations could be avoided in the future. The judicial review proceedings were necessitated solely by the failure to provide proper reasons in the first instance.

Similar litigation is currently in progress, a lifer has been transferred out of a category C prison and then reallocated to category B by the Lifer Management Unit. Neither the prison nor the LMU have been willing to provide detailed reasons for the original decision to transfer, nor the decision for the regressive move. In view of the absence of such reasons, the lifer is in a position whereby he is completely unable to make representations against a decision which may well cause him to spend a further two years in prison. His only remedy is to apply for judicial review of the failure to provide the reasons in order that he may then seek to challenge them.

In such circumstances, it is not surprising that prisoners often feel that they have been treated unfairly and that decisions have been made on the basis of allegations without substance. Their reasoning is that if there was a valid reason for a decision, they would be told what it is and be able to discuss that with prison staff. If reasons are withheld, then it is often assumed that the allegation cannot be substantiated by prison staff.

Whilst this is clearly not always the case, there would appear to be no basis for failure to disclose reasons which may have a far reaching effect upon prisoners and their families in terms of subsequent allocation, and parole and home leave prospects.

The House of Lords looked at this issue as a whole in the case of **R v Secretary of State for the Home Department ex parte Doody** (1993) 3 WLR 154. The case established the right of mandatory life sentence prisoners to know of the level at which their tariffs had been set by the Secretary of State. This class of prisoners had always had the right to make representations to the Home Secretary concerning their tariff but did not officially know how long it was or the reasons why it had been set at a particular length of time. Lord Mustill set his judgment in the context of good administrative practice and put forward the proposition that the right to make representations in respect of decisions is meaningless without first knowing of the reasons for that decision.

Lord Mustill expounded six principles for openness in the decision making process. His conclusions have wide reaching implications for the administration of the prison system and are worth quoting in full:

'Fairness will very often require that a person who may be adversely affected by the decision will have the opportunity to make representations on his own behalf either before the decision is taken with a view to procuring a favourable result; or after it is taken with a view to procuring its modification; or both. Since the person affected usually cannot make representations without knowing what factors may weigh against his interests, fairness will very often dictate that he is informed of the case that he has to answer.'

This judgment has opened the way for the Divisional Court to take a more interventionist role in cases brought by prisoners. Following on from the case of **Doody**, an application concerning category A prisoners was heard by the court. In **R v Secretary of State for the Home Department ex parte Duggan** (1993) (The Times, 17 December). It was held that category A prisoners have the right to be informed of the gist of the reasons why they have been classified as category A, the right to make representations and the right to be informed of the gist of reasons made by the Category A Committee.

A number of cases brought in the past year have highlighted this trend. In the case of **R v Secretary of State for the Home Department and the Parole Board ex parte Evans** (2.11.94), Lord Justice Simon Brown criticised the

Board for failing to give adequate reasons for a decision not to authorise the release of a prisoner. He stated that:

'it is, I would suggest, a great pity that the Secretary of State did not in fact invite the Parole Board to expand upon their reasons. Had that early opportunity been taken to repair the damage brought about by the Board's initial deficient statement of reasons, one may once again suppose that this challenge might have been averted.'

It is clear that simply by providing reasons, legal challenges will not in themselves be averted, indeed, the adequacy of reasons given pursuant to the **Doody** judgement have already been the subject of further litigation. However, the provision of proper reasons for decisions will serve a two fold process. Firstly, the courts have made it very plain that they will no longer tolerate a failure to provide reasons when a decision has an adverse effect on a prisoner, either in terms of location or release prospects. It is far less time consuming for Prison Service staff to deal with these matters properly at the time rather than to have deal with correspondence from solicitors and ultimately to provide evidence for court hearings.

Secondly, the practical effects of providing reasons can only have a beneficial effect on the smooth running of prisons themselves. It is the perception of injustice that leads many prisoners to be difficult or disruptive and to identify prison staff as the perpetrators of that injustice. It is difficult to persuade prisoners to use the legitimate grievance procedures when it is felt that these are ineffective and unlikely to produce any proper explanation for events. However, if prisoners are kept informed, allowed to seek advice and afforded the opportunity to address allegations made against them, they are less likely to become frustrated and to seek to resolve their problems in other ways ■

ENGLAND/USA EXCHANGE TRIP

Roger Brandon

Governor

H.M.P. Channings Wood

When I came to Channings Wood in November 1992 I found that I had inherited two exchange trips with the USA. These had been arranged by John May during his Harkness Fellowship trip, and the first was due to start with a 12 month exchange between our Senior Officer Tom Taylor and Unit Case Manager Jack Currie of the Nebraska State Corrections dept.

The primary beneficiaries of the scheme were to be the two staff themselves; bringing ideas from different cultures and penal systems founded on differing philosophies. Each one would bring different, and perhaps strange, values with them. We also expected the visit to facilitate our staff in thinking about their own jobs. I was aware that once staff had got over the 'hey, they have million volt fences' stage they would be talking to me about changing things at Channings Wood to the simpler/better/cheaper ways of the correctional system. I would have to kill the more extravagant ideas without killing the enthusiasm. More importantly could I deliver change on the good ideas?

The same was going to be the case with the returning British officer. Would he come full of ideas and expectations that I could not meet. My hope was that the exchange was not going to be all about 'best practice' but about staff growing from other experiences. I was especially keen that we all learnt from what I understood was the much greater accountability of correctional staff.

I was excited at the prospects, albeit with some concerns over how Jack would cope with Tom's wing. Tom was a craggy Scot with a management style that was highly effective but had yet to reach the management manuals. He worked in close collaboration with his opposite number ('Knuckles') and the pair seemed to operate on the basis of keeping everyone either in stitches, or guessing what they might do next. It was all very endearing, but how was a Senior Correctional Officer going to slot in? Although we were a low security prison the inmates had been getting progressively more difficult and demanding. We

had had one or two nasty moments, and had an eye on the major disturbances in prisons with similar regimes.

Jack could not have wished for a better wing staff, but we were suffering severe shortages and the group required real management ability, let alone a good understanding of the shift systems. Was it going to work?

Tom and Jack made all the preparations themselves and my involvement was limited to discussions on whether Jack should wear English uniform (yes), and whether we could persuade him that a 'Y' reg Nissan was as much a status symbol as the Jeep he was handing over to Tom (no). With both the exchanges there were immense difficulties over visas and we had to call on the support of some of John May's contacts in America. Tom ended up enlisting the help of the state Governor before everything was sorted. In England we had very few difficulties. Then suddenly everything seemed to happen at once and an American Senior Officer, resplendent in new uniform and honorary POA diary, walked in and took up post.

Jack was the all-smiling, hail fellow, American. Nothing put him out, and everyone was his friend. He slotted into Tom's place without a qualm and became instant bosom pals with 'Knuckles'. The staff taught him the rudiments of 'Fresh Start' detailing or did it for him. Jack was undoubtedly helped by being as off-beat as Tom. We know that prisons run on humour, and this appears to be the case in America as well. Jack told us that correctional staff did not have the level of dialogue with prisoners that we do, but it was not apparent in the way he operated.

Incredibly the prisoners said very little. Conditions in Nebraskan institutions were clearly quite different, and we were all enthralled at Jack's anecdotes on how they did things 'back home', but it was apparent that the skills he used to handle inmates were the same both sides of the Atlantic. Most situations were met with his music-hall humour, but he could sense when another approach was required. Somehow I had expected

the American culture (of which I know nothing) to result in a different set of attitudes.

I certainly found the American relaxed attitude to authority refreshing. Jack found out early on that by telling me to 'have a nice day' every time he saw me, I would curse him, and found this hugely amusing. The formalities of 'going to see the Governor' consisted of poking his head round the door and saying; 'I know you're busier than a one legged man at an arse kicking party, but...'

I think all at Channings Wood would see Jack's visit in terms of positives for us, not simply giving him experience in return for Tom's experiences in Nebraska. At a simple level we have, of course, learnt a great deal about American culture and their Correctional systems. I had found surprisingly few preconceptions among staff, although there was an antipathy towards the perceived notion (peddled by some) that the Correctional system is inherently superior to the British and that all the learning is one way. This was clearly wide of the mark. Both systems have very common mission statements, with protection of the public first followed (slightly to our surprise) by opportunities for prisoners to change. Each clearly has strengths and weaknesses for the other to learn from. Jack was particularly impressed with our food for prisoners and facilities for staff; not areas that I would have held up as especially shining examples. As noted above, he was also impressed by the relationships between staff and inmates, which I suspect is the major lesson that he will take back. We were given dire warnings of what awaited us if we let our increasingly legalist prisoners proliferate, and I found his stories of endless legal actions against correctional staff far more frightening than those of violence and death.

We have learnt a lot of lessons about these exchanges, not least that we are keen to continue with more. Tom Taylor has had a wonderful time in Nebraska, but the Correctional authorities are clearly concerned about British officers and legal action. The legal position for our staff in America seems very grey. There are immense difficulties caused by the use of 'deadly force' and the way in which only specified staff carry out certain tasks (eg; restraint). The impetus started by John May seems to have run out, and we will be looking to forge direct links between Nebraska and Devon with Jack and Tom as ambassadors, but the probability is that our staff in America will have to have observer status, which means the loss of a correctional officer to the institution.

There is an increasing number of senior managers in the Prison Service making trips to foreign services (including myself). Whilst the personal learning and widening of vision alone make these trips worthwhile, the ability to translate ideas from abroad into practice is hampered by a lack of understanding by staff, and the resistance to the notion that there are sufficient similarities between prison systems to make comparison valid. The trips by senior managers should be underpinned by exchanges of officers. Jack did more to sell the notion that we can all learn and grow from each other than any number of Briefings or videos.

Our main regret is that we did not have the capacity to give Jack more time to look at the Prison System as a whole, and it seems that our American counterparts can beat us on that score. Nonetheless I know that the experience has been of great benefit to both sides and although the organising will be difficult it is a very worthwhile experience ■

Verbals

OVERCROWDING

"It is difficult to envisage how overcrowded local prisons already occupying tight urban sites can hope to provide a full range of activities in line with Prison Service policy. The danger lies in the creation of a two tier Prison Service with those staff working in overcrowded local prisons unable to reach the aspirations imposed upon them. We do not doubt the value of these aspirations but question whether, without a fundamental change in policy, for example the placing of a sensible ceiling on the number of prisoners held in each local prison, such targets will ever be achievable."

Report of Her Majesty's Chief Inspector of Prisons, April 1993-March 1994

The Criminology of the Irish

'Oh Mary this London's a wonderful sight where the people are working by day and not by night. They don't sow potatoes nor barley nor wheat but their out there digging for gold in the street'.

Percy French

Mick Kelly
is a probation officer with the
Inner London Service and
currently seconded to HMP
Holloway.

A constant feature of the complex and chequered relationship between Britain and Ireland has been Irish immigration. This has been facilitated by the short distance between the two islands, and the colonial connection. Even with the change of political status in 1921 emigration from Ireland has continued, because there was and still is, no legal impediment to the free movement of people between the two islands.

In the fourteenth century Irish merchants had established themselves in major British ports and they were listed as Burgesses in places such as Bristol and Liverpool. Besides these merchants there were a number of labouring immigrants including vagrants and beggars. Evidence of this can be found in statutes enacted in 1413 and again in 1629 which were designed to send these immigrants home.¹

By the eighteenth century seasonal Irish harvesters were regularly visiting England for hay-making, and beet and potato harvesting. However this type of seasonal immigration began to dissipate with the onset of the industrial revolution which attracted a lot of the poorer seasonal workers into the developing industrial towns in order to settle. Consequently Irish families were increasingly found among the poor of most large cities especially London and cities bordering the Irish sea.²

The first national census of 1841 which recorded the birthplace of residents showed that over 400,000 people from Ireland were living in England. At this time in Ireland there were a series of small famines culminating in the great potato famine of 1847. Because of the massive immigration from Ireland as a result of this famine the numbers of Irish born residents doubled and by 1861 they formed three per cent of the total population of England and Wales and seven per cent of the population of Scotland. In cities such as Liverpool they were more concentrated and in 1861 for example a quarter of the population were

Irish. The attraction for these immigrants was expanding employment opportunities. London was the 'Mecca' where they were 'digging for gold in the streets' (*The Mountains of Mourne* – a song by Percy French). The symbolic gold in the streets was to a certain extent true because of the incessant demand for casual labour so that by 1861 only two counties in England – Norfolk and Suffolk – had drawn fewer than three in every thousand of their population from Ireland.

The areas where the immigrants settled closely correspond with those into which other immigrants to Britain have moved, eg, the Jews in the East End of London. Because of their poverty and lack of occupational skills and qualifications, the Irish tended to move into short term poor housing in very poor city neighbourhoods. In order to understand the consequence of immigration it is important to explain briefly the social structure which propelled would be emigrants. Prior to the Irish famine Ireland (almost uniquely in the western world) had a steadily declining population. Ireland was an agricultural society where inheritance of a farm was closely related to marriage opportunities. Because of the large fertility rate farms were subdivided, a system which had economic limitations. Marriage opportunities were not always available and censuses showed that there were more women to men. This meant that there were human surpluses which tended to emigrate for short or long term periods. There was no significant industrial base in Ireland in which to attract rural labour and there was little inclination in London to expand the industrial revolution to Ireland. Added to this was the catastrophic effects of the great famine of 1848. It is often said that the failure of the potato crop was the cause of the famine whereas the reality was the British policy of *laissez faire* was the main cause. The famine was not very far in the minds of those immigrants who suffered.

The assimilation of the Irish immigrants into

1. Ribon-Turner, C. J. (1887) *History of Vagrants and Vagrancy*. London. Chapman and Hall.
2. Jackson, J. A. (1963) *The Irish in Britain*. London. Routledge and Kegan Paul.

British society was spasmodic and uncoordinated. This presupposes that the host community would welcome them. Their adjustment to British society could be summarised as follows. Immigrants who tried to implant their Irish heritage, immigrants who created a hybrid culture, and those who did their best to forget. David Fitzpatrick³ discusses the experience of alienation of Irish immigrants. He described the delay in the creation of an immigrant community, and a culture that remained Ireland – a kind of grievance culture – as well as the Irish bringing a dependency culture. While I think all of this experience may be true, I feel that Fitzpatrick does tend to focus on the most deprived immigrants and the evidence seems to be gleaned from the Irish in Scotland. Proportionally there were far more Irish in England and Wales and a huge proportion were not accounted for in criminal or social statistics. The very idea of a dependency culture is in itself an excuse for discrimination by the host society on whom the Irish were dependent.

For the less successful Irish – the very poor – their experience was a depository of social problems, and no doubt these people will have formed a sub culture that fails to adapt adequately to the demands of the larger society. A combination of social and cultural anomie linked to poverty and overcrowding would have forced these Irish into cultural isolation where they lose their distinctive Irish character without becoming closely acculturated to the English way of life. They remind me of the present day tinkers or travelling people who have strong Irish connections but who do not identify with any Irish community and only get noticed when they settle in a local neighbourhood. These travellers are generally despised and criminalised by some local authorities, although some authorities take a much more enlightened view. Kerr⁴ for me summarises this cultural isolation as follows:

'At first it does not seem easy to see why this group should suffer from role deprivation. They are not actively deprived as in the case of people suffering from colour prejudice. It is a sort of self deprivation ... a desire for 'getting on' or struggling to higher status is practically non-existent'.

The Irish therefore found it difficult to adjust adequately which added weight to existing anti-Irish prejudice. There was of course the English Catholic Church which provided an overlay of well meaning ecumenicity albeit at arms length.

This kind of religious patronising merely exacerbated their discriminatory experience. Grimshaw⁵ described the consequences of immigrant poor appearing in England in the nineteenth century as the 'terrible racial invasion' of a people who some claimed would by their presence lower the whole standard of the British way of life. These overt racist sentiments were common in the nineteenth century but have developed in a much more subtle form for present day consumption (A more comprehensive discussion with illustrations can be found in *Nothing but the same old story* 1986).⁶

Inevitably, the reception of the Irish immigrants in Britain has reflected all of the latest suspicions and fears in which emotion has often superseded reason. The Celtic tradition represented a threat to the Anglo Saxon tradition. This is not to say that the Irish were immune from such hatred. There was and still is a deep sense of nationalism in Ireland and a strong hatred for the English who were perceived as unmitigating oppressors. This passion was in the psychological make up of these immigrants whose prejudice against the English was classless. In a sense it sort of mirrored the intolerance of the host community. The Irish also brought with them a tradition of loyalty – Protestant and Catholic – which was transferred to British cities such as Glasgow and Liverpool. The remnants of these loyalties can still be seen at the 'old firm' football matches in Glasgow.

The whole process of controlled or uncontrolled immigration and the drift of the Irish into squalid social and economic circumstances reinforced the belief that the Irish were innately criminal. This was supported by the media who gladly reported drunken violence and the fact that the Irish were appearing more frequently in courts as habitual criminals. The legacy of immigration meant that moving from one culture to an alien unwelcoming culture with few cognitive and physical coping skills would inevitably lead to depravation and crime among the Irish. My point here is that the process itself was problematic, irrespective of how they were perceived by the host community.

Various limited studies from Assizes and newspaper reports at the time showed that the Irish were greatly over represented in proportion to their numbers for their capacity to break the law (see appendix 1). The first most glaring impression is the high proportion of Irish born offenders who were arrested. Irish settlers were twice as likely to go to prison as the entire English

3. Swift, R. and Gilley, S. (1972) *The Irish in Britain*. London. Sidwick and Jackson; pp 10-19

4. Kerr, M. (1957) *The People of Ship Street*. London. Routledge and Kegan Paul, p 58.

5. Grimshaw, T. W. (1893) *Facts and Figures about Ireland*. Dublin and London. Hodges, Figgis.

6. Curtis, L. (1984) *Nothing But The Same Old Story*. The Roots of Anti-Irish Racism. Information on Ireland.

population and nearly ten times likely in the case of Scotland. An interesting parallel in today's terms would be the high proportion of black people in the criminal justice system.⁷ As in the case of the Irish the NACRO reports also refer to the persistent social alienation of black people. Fitzpatrick⁸ appears a little dismissive of the causal explanations for Irish criminality such as police brutality or social class. He believes that the crime figures are too consistent and uniform to be attributable to those causal explanations. I feel this point needs some more discussion as police brutality or anti-Irish prejudice and social class can remain consistent and uniform. Secondly, there are no statistics on anti-Irish prejudice or police brutality to develop a balanced picture. He also goes on to discuss how second generation Irish were perceived on a par with Irish born offenders and although this may have been an accurate perception at the time I do not wholly accept that second generation 'Irish' offenders are that distinctive from other 'English' offenders. However he does exonerate himself by saying:

'Neither aggregate statistics nor contemporary stereotypes enable us to unravel the interacting influences of nationality, religion, occupation or environment upon Irish criminality'.⁹

Swift¹⁰ also discussed the aspect of second generation crime and offered three reasons why the figures (see appendix 1) do not give a comprehensive picture of crime and the Irish. Firstly, he emphasises that the figures were gathered on the Irish born only. Secondly, the proportion of Irish working class in the towns surveyed were higher in proportion to the population as a whole. Thirdly, the second and third generation Irish who although categorised as English would in most cases be Catholic and if one examines the crime statistics at the time there was a significant proportion of Catholics by comparison to the Irish. It has to be noted that the period I am discussing here – the first half of the nineteenth century – was a time where various local police forces apart from the Metropolitan force were in a fledgling state. Law and order matters were normally dealt with by army contingents. Cohen¹¹ talks about the function of the new police forces moving from initially protecting the upper class and its industrial

infrastructure which was facing an ever increasing urban population to policing the use of social space used by the urban newcomers. These new law enforcers met a lot of resistance from working and poorer classes who saw them as attacking street and working cultures as well as enforcing central political authority. Henry Mayhew¹² noted that the costermonger (street trader) community was in the forefront of this resistance and it was considered by them as the ultimate expression of bravado to 'have a policeman'. This is a good example of the police struggling to establish themselves.

It was into this developing scenario that the large numbers of Irish immigrants came. There was a kind of inevitability that the Irish, easily identifiable by culture and accent would be vulnerable to these fledgling police forces. The types of offences in which the Irish found themselves prosecuted for were predominantly petty and included drunkenness, disorderly behaviour and assaults (including assaults on the police). A lot of the crime would be drink related which served to solidify the British perception that drink was synonymous with Irish. Various official statements and pronouncements would refer to the abuse of this destructive stimulus causing the most horrendous behaviour. What is less acknowledged is that drinking is not exclusive to the Irish and that the inveterate imbibers image is a non-Irish perception steeped in anti-Irish prejudice. The consumption of alcohol did serve a function and often relieved their drab existence. Communal drinking was an opportunity for gathering together to discuss the 'ould sod' and resolve some of the more difficult personal experiences of living in an unwelcome, alien culture. The Irish drinkers were loud and boisterous, whereas Englishmen tended to be more reserved. Another aspect of the drink equals Irish scenario and which further drew some of the Irish to police attention was the tradition of distilling illegal whiskey. A lot of this alcohol was clandestinely sold via hawkers or in Irish lodging houses. The traditions of brewing illegal whiskey (poteen) is still practiced in the western isles of Ireland today.

The noise from the lodging houses where illegal whiskey was being sold would attract police raids. These houses were regarded by the police as surgeries of crime and havens for those who had committed crime. The reality may have been quite different and people may have simply been having

7. National Association for the Care and Resettlement of Offenders (1988) *Black People in the Criminal Justice System*. London.
8. Fitzpatrick, D. (1972) in R. Swift and S. Gilley. op cit, pp 25-27.
9. Op. cit. pp 25-27.
10. Swift, R. and Gilley, S. (1972) op cit.
11. Cohen, P. (1979) *Policing the Working Class City*. B. Fine et al (eds), pp 120-36.
12. Mayhew, H. (1864) *London Labour and the London Poor*. London. Griffin Bohn.

a good time. Raids of this nature may have been an expression of police prejudice rather than the apprehension of criminals. It also may have been to do with surveillance and monitoring of known Irish streets as part of a broader policy of policing the working class. There were many examples of clashes between the police and the Irish community emanating from these raids. At times this led to a heavy police presence in communities where the Irish lived. An example of this is a quote from the Chief Constable of Wolverhampton in 1849.¹³ He was justifying the necessity for a large police presence in an Irish district and the need to take officers from other areas.

'... whenever a disturbance takes place, these overcrowded lodging houses pour forth their inmates in almost incredible numbers, attacking a single policeman or two with great ferocity and savageness, but being equally expert in beating a retreat when faced by a sufficient force to repel their lawless proceedings'.

This sounds very emotive language by today's standards but not dissimilar to the utterances of some Chief Constables to justify raids on black British neighbourhoods albeit in less strong language. In examining this quote one can get a feel of the anti-Irish prejudice that must have been abhorrent to the Irish and given them a sense of being under siege. The subtleties are there to criminalise the Irish. They attack in packs on defenceless state authority and are uncivilised in their 'ferocious and savage' expression but above all they are cunning. The parallels with today are still there in the subtle use of language. Small wonder as Swift¹⁴ described that:

'whole Irish communities often stood shoulder to shoulder in the face of what was popularly held to be police harassment, and the over representation of Irish people in the statistics pertaining to the assaults on the police'.

Of course anti-Irish prejudice had existed long before the post famine immigration. It was used successfully to justify the complete subjugation of Ireland by Oliver Cromwell. As Christopher Hill¹⁵ wrote:

'A great number of civilised Englishmen of the propertied class in the seventeenth century spoke of Irishmen in tones not far removed from those which Nazis used about Slavs, or white South Africans used about the original inhabitants of their country. In each case the contempt rationalised a desire to exploit'.

Swift¹⁶ goes on to rationalise this prejudice by acknowledging that anti-Irish prejudice did exist, but alongside it existed an English psyche that Irish peasant society was inherently brutal and this was a great weakness of the Irish character. These ingrained perceptions would no doubt have influenced the English perceptions of the criminality of the Irish as unruly behaviour would merely reinforce those beliefs. So in a sense Irish districts were expected to be centres of crime and irresponsibility. My only criticism of this is that it makes no allowance for individual cognitive processes and assumes everybody thought this way.

Anti-Irish prejudice also manifested itself in other ways and beyond the peasant ghetto areas. The proletarian Irish, ie, those who were not registered in workhouses or parish relief registers but who worked in a skilled or unskilled capacity were also the subject of prejudice. An example of this would have been the Stockport Riots of 1852.¹⁷ Although on the surface these riots were part of the overall anti-Catholic sentiment during the mid Victorian period, which followed the re-establishment of the Roman Catholic hierarchy. Millward¹⁸ goes beyond the anti-catholic explanation and suggests there were economic tensions between the English cotton mill workers and the influx of cheaper Irish labour. These underlying economic tensions were exploited by Tory politicians for the double benefits of expressing alarm at the re-establishment of the Catholic hierarchy and the exploitation of labour in the guise of anti-Irish hysteria. The riots became symbolic of the deeper tensions between the host community and the Irish.

The 'political' violence which emanated from these riots would have been different to the 'great ferocity and savagery' of the lodging house drinkers. Drunken behaviour could be interpreted as an expression of internal discord between members of the Irish community whereas political or religious violence would be a collective response

13. Swift, R. and Gilley, S. (1972) Report on the Sanitary Conditions of Wolverhampton (1849). op. cit, p 28

14. Swift, R. and Gilley, S. (1972) op. cit, p 28.

15. Hill, C. (1979) God's Englishman. Quoted in Nothing But The Same Old Story. Op. cit, p 24.

16. Swift, R. and Gilley, S. (1972) Op cit.

17. Millwood, P. (1985) *The Stockport Riots of 1852: A study of anti-Catholic and anti-Irish sentiment*. In Swift, R. and Gilley, S. (Eds) *The Irish in the Victorian City*. London. Croom and Helm, pp 207-24.

18. Millwood, P. Op cit.

to perceived oppression. The important point here is that the response from the host community would not differentiate between the two types of hostility and so it wasn't just the 'poor' Irish who were criminalised. When I mention political violence I was not referring to the struggle of the Feinan Brotherhood.¹⁹ Rioting per se is a response to perceived injustice but when it involves an ethnic minority it takes on a different meaning as in this case it reinforced the 'inate' lawlessness of the Irish whilst presenting the host community as relatively disciplined.

Less attention was paid by the police to inter-communal conflict between people from different parts of Ireland unless it spread into the wider community. Inter-communal conflict as described by Swift²⁰ seems to allude that it was a major component of the Irish experience. There is evidence of pitched battles between various Irish strands but there are too many assumptions about the nature of the conflict and whether these battles involved whole communities. I agree to a certain extent with Fitzpatrick²¹ when he challenges the whole concept of an Irish ghetto. Irish residential concentration was no doubt very high in certain parts of large English cities but the majority culture, ie, the English are somehow non-existent in Swifts analysis. Both the Irish and the English poor would have shared a great deal in common in their everyday life. They would have shared appalling housing and social stigmatisation and also shared a common language albeit with a slight lilt. Even today certain London neighbourhoods such as Camden Town or Kilburn have strong Irish links but it would be very difficult to extricate the Irish from every street or square as easily identifiable. A lack of cohesive identity was certainly a feature of the Irish 'communities'. The concept of 'community' is, I appreciate, a different argument but where Religious or Political cohesion were identified this is an aspect of the Irish community which could and on occasions, was exploited by the police and others. An example where identity was public would be religious festivals, political remembrances or activities such as St Patrick's day parades or Hoolies (traditional dance gatherings). All of these happenings would have been of interest to the host community and in some cases the local police.

The fact that the Irish should congregate together in some form of loose community has many obvious explanations. A natural internal preference is to be with one's own despite

appalling social conditions. A consequence of this is that external constraints by the host community in the sense of law enforcement, criminalisation and exploitation would encourage the Irish community to develop a form of internal solidarity. This internal solidarity is interpreted by the host community as the cause of crime since they are unwilling to submit to law enforcement. This in turn increases the hostility from the police which makes it more difficult for the Irish to integrate. If, where the Irish tended to live could be described as a community when it is possible that whole communities were criminalised.

The nature of offences for which the Irish were prosecuted also requires some examination. The example in Appendix 2 identifies four main categories. The sample was taken from the Barlinnie prison records which was an institution opened for medium term male offenders from all parts of Scotland. The figures show that just over one fifth of the prisoners were Irish born: of this, one quarter were protestants. It can be seen that religion influenced the occupation distribution of prisoners much more than birthplace and general labourers accounted for two thirds of the Catholics but only one fifth of the protestants. In relation to type of offence birthplace seems to determine the type of offence. The lowest category of worker, general labourer, were more likely to be charged with a breach of the peace, less likely to commit an assault and equally inclined to thieve. Irish born prisoners are however more frequent in offences of assault and breaches of the peace. The trend therefore from this survey shows that Irish immigrants were more likely to get involved in offences against the person and the peace rather than property. It is worth noting that the types of offence for which the Irish appear disproportionately, are offences which are easily defined, easily detectable and punishable, which does raise a question which I raised earlier in the context of the majority communities perception of the definition of crime. In other words the experience of the Irish immigrants perception of state oppression sits at the interface of the host communities definition of crime (I am being oppressed by you and you are defining my oppression by criminalising me). As the Irish became more proletarianised their crime patterns changed. The second generation Irish in particular who had assimilated into the British working class began to appear more in crimes of property.

There is evidence that a proportion of the

19. The Feinan Brotherhood was an Irish nationalist organisation concerned with wider political change in the status of Ireland through armed struggle. They were the forerunners of the Irish Republican Brotherhood (IRB) and later the Irish Republican Army (IRA).

20. Swift, R. and Gilley, S. (1972) Op cit.

21. Fitzpatrick, D. in Swift, R. and Gilley, S. (1972) Op cit.

seven per cent reported having observed a similar role in another country or state. Thus, the majority of them were experienced in the field of corrections and had been exposed to the formal and informal operations of the prison system.

Inmates' Knowledge About the Official Visitor Programme

All of the subjects considered that the inmates had heard of the Official Visitor Programme. However they indicated that the source of the inmates' awareness occurred in a variety of ways (refer to Table 1).

Table 1.
Staff perceptions of the inmate's source of information about the Official Visitors Programme.

Source of advice about the Official Visitor	Number of Responses (N = 63)	Percentage
Other Prisoners	7	11
Prison staff	21	33
An Induction Programme	27	43
Elsewhere	8	13

By far, the greatest perceived source of information (43 per cent) was considered to be the Induction Programme run to orientate inmates who are new to the institution(s). The second source involved prison staff themselves (33 per cent). These results suggest that the Induction Programme for inmates and the training of staff are successful in meeting, at least in part, the aims of the Kennedy (1988) recommendations for a more just system.

Additionally, 97 per cent of this sample considered that the inmates were aware of the Official Visitors' independence from the QCSC, suggesting that the respondents had noted the programme as an instrument of accountability.

Perceptions of the Functional Role of the Official Visitors

With regard to the specific functional role of the Official Visitors, the respondents reported that the primary duty of these officials was to listen to, and independently investigate, the problems raised by inmates and to take appropriate action (refer to Table 2)

As was the aim of the programme, the respondents considered that the function of these Officials was to make independent observations

Table 2.
Staff perceptions of function of Official Visitors in relation to inmates.

Staff perceptions of function of Official Visitors	Number of Responses (N = 59)	Percentage
Listen to inmates and take action	32	54
Same function as the staff	4	7
Make decisions and recommendations	8	14
Make independent observations	26	44
Investigate inmate issues brought to their attention	14	24

Note: Staff could choose to respond to more than one item.

about the operations of the system, listen and investigate inmate issues brought to their attention, and take action.

Additionally, as indicated in Table 3 the respondents considered that the function of the Official Visitor was to mediate with correctional staff, and educate and discuss policy matters with them. They also thought that it was the Official Visitors' role to report to the local management and Central Office staff and to provide reports and recommendations with regard to the resolution of grievances. A considerable number of respondents also considered that it was the Official Visitors' role to interact with the family of inmates and community agencies.

Thus, the function of the Official Visitors perceived by the respondents (as referred to in Tables 2 and 3), suggests that staff have a broad perspective of the Official Visitor role in relation to the different groups involved with the correctional system. This adds further weight to the suggestion that training, particularly with regard to the new policy of accountability and recognition of inmates rights, has been successful and accepted by the staff.

Nevertheless, 50 per cent of the respondents did not consider that Official Visitors operated similarly across the system. This is further supported by reports to staff from inmates indicating that they did not consider that these Officials operated in the same way across correctional centres. This reflects the independence of individual Official Visitors in addressing the specific needs of inmates in differently classified institutions. It also reflects the uniquely different environments of each prison.

Table 3.
Staff perceptions of other functions and responsibilities of the Official Visitor.

Staff perception of other functions of the Official Visitors	Number of Responses (N = 54)	Percentage
Mediate with staff	25	46
Educate staff/discuss	14	26
Advise Central Office of problems	28	52
Provide reports	24	44
Make recommendations about resolving grievance issues	12	22
Follow-up on issues	9	17
Receive complaints from families of inmates	11	20
Liaise with community agencies with respect to inmates	23	43

Note: Staff could choose to respond to more than one item.

Sources of Difficulty Experienced by Official Visitors

The respondents' perceptions of the sources of difficulties experienced by these Officials are detailed in Table 4. A considerable number (77 per cent) of the Official Visitors' difficulties reportedly derived from the nature of the problems presented to them by inmates. Most other difficulties emanated from poor communication with other groups within the system. 30 per cent of the respondents attributed the difficulties to Official Visitor/staff communication, while 20 per cent considered difficulties occurred as a consequence of inadequate communication between these Officials and Central Office.

Whilst the diversity and gravity of the problems presented to the Official Visitors by inmates is acknowledged by the respondents, there is some suggestion that the programme is not running as efficiently as possible. The responses indicate that communication between the various groups is lacking and the effect is to introduce ill feeling and suspicion from a new source.

Nevertheless, eight per cent of the respondents reported that the time allocation for the role of the Official Visitors was inadequate, while 77 per cent thought that there were too many requests to be dealt with by too few Official Visitors.

Table 4
Staff perceptions of the sources of difficulty experienced by Official Visitors in carrying out their role.

Sources of difficulty	Number of responses (N = 56)	Percentage
Nature of the problems presented to them	43	77
Inadequate communication between them and the staff	17	30
Inadequate communication between them and the inmates	7	13
Inadequate communication between them and the Central Office	11	20
Communications with the Community		
Corrections Boards	3	5
Security constraints	6	11
Other	3	5

Note: Staff could choose to respond to more than one item.

Most Important Issues Presented to Official Visitors

The respondents considered the most important issues presented to the Official Visitors by inmates involved legal issues, transfers to other correctional centres and interpersonal difficulties experienced with other inmates. Other issues were considered to impact less seriously on inmates (refer to Table 5). However, the low number of responses to the question may be attributed to the then current media attention on the sudden and 'hard nosed' procedures used to transfer large numbers of prisoners between centres throughout the state, which, reportedly, took into account neither the needs of the prisoners nor access for their visitors. A subsequent investigation into the situation attributed the problem to the staff and administrators of the centres involved. Hence, the respondents are most likely to have been highly defensive in relation to this question.

In the opinion of 25 per cent of the respondents, the majority of the outcomes of issues presented to these Officials by inmates were

Table 5.
Staff perceptions of the most important issues presented to Official Visitors by inmates.

Issues	Number of Responses (N = 22)	Percentage
Transfers	8	36
Lost property	4	18
Staff attitudes	4	18
Other inmates	8	36
Family issues	1	5
No 'outside' contact	5	23
Release date	1	5
Legal issues	10	45
Facilities	5	23

Note: Staff could choose to respond to more than one item.

satisfactory. However, the remainder felt that there was some sense of dissatisfaction with the resolution of the issues. This may be as a consequence of restrictive influences from within the prison environment preventing the appropriate action being taken, or it may be associated with the inmates' desired, but idealistic, expectations of the outcome of the problem.

With regard to the organisational support and acceptance afforded the Official Visitor Programme, all of the respondents considered that they in the correctional centres were highly cooperative and supportive.

Interestingly, in general, Centre Management was considered to be supportive of the Official Visitor concept (68 per cent). Once a solution to a problem had been reached, action, according to 51 per cent of the respondents, was generally timely. Nevertheless, 21 per cent thought that applying resolution was unpredictable, while two per cent thought that application of solution was non-existent.

Further, 28 per cent of the respondents thought that Central Office was supportive of the Programme, while five per cent thought that they fail to acknowledge the validity of the problems presented. Five per cent reportedly considered that Central Office was resistant to addressing the problems presented to them and/or that they communicated poorly with the Official Visitors.

Mixed perceptions were recorded with respect to the timeliness of applying resolutions to the problems of inmates. Whilst 14 per cent of the respondents thought the application of resolutions was unpredictable, 54 per cent said that they did not know how issues were followed up.

Whilst mixed perceptions are evident in the responses, the majority of subjects considered that issues raised by the Officials were addressed and resolutions effected expeditiously. Alternatively, some problems and difficulties were raised which may be accounted for in terms of different security classifications and, hence, different operational procedures across institutions. For example, the degree of restriction effected in high security institutions is quite different from that of medium and low security institutions. These variations affect the style of operation, both by the Official Visitors and the environment.

Perceived Strengths and Weaknesses of the Programme

In referring to the strengths and weaknesses of the Programme, while 83 per cent of the respondents considered that the Official Visitor Programme provided a system of accountability, only 32 per cent considered the Officials' ability to observe problems represented a strength of the Programme.

Further, 82 per cent of the respondents thought that the Official Visitors' independence from the QCSC represented a strength. Twenty one per cent thought that their free access to the Centre was a strength and 21 per cent considered that the Programme represented a 'safety valve' for inmates.

Irrespective of strengths, the respondents thought that not consulting with staff (23 per cent), too few Official Visitors (42 per cent), failure of the Official Visitors to follow up issues (32 per cent) and the Programme not being understood by staff themselves (29 per cent) were weaknesses of the Programme.

The stronger responses toward accountability and independence of the Officials suggest that, conceptually, the Programme reflects the aims and intentions of Kennedy's (1988) recommendations. It nevertheless appears to fall short in terms of the practical application in the field as evidenced by weaknesses expressed by the respondents.

The Programme represents significant gains in terms of addressing historical attitudes and behaviours which reflected the closed, introspective, authoritarian management styles of earlier years. However, by not implementing practical procedures to better facilitate the smooth and easy running of the Programme, the danger still exists that it will fall into disrepute and thus be abandoned. In the closed environment of the prison, frustration and disenchantment by staff and/or inmates is often infectious. It is well known that programmes which do not receive substantial support from the informal prison system have been sabotaged and had to be withdrawn for

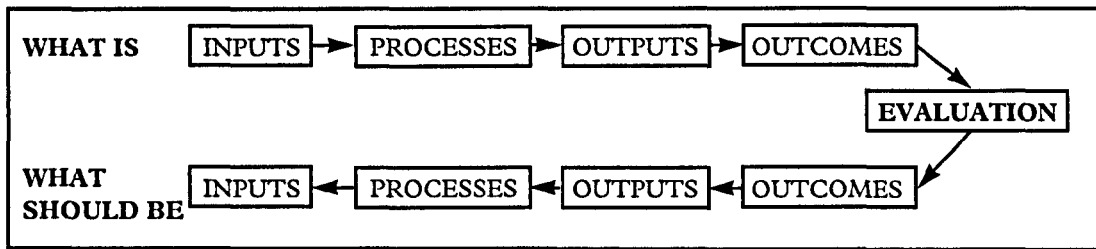


Figure 1 Evaluation involves a comparison of What is with What should be
(Program and strategic Review Branch Queensland Treasury, June 1990)

reasons of mistrust and doubt.

It is in the interest of the general public, who are stakeholders in the correctional system, as well as those living and working in the area, to review the implementation of the Programme so that, unlike previous attempts at grievance resolution, the Programme remains 'driven by' its strengths.

To assist the process of refining the Programme's application, research is needed to determine any differences in perceptions between the Official Visitors and other groups involved in the correctional system. For example, it is important to understand the perceptions of the Official Visitors as a group, and of the inmates to whom the Programme is directed.

Further, refining procedures may be implemented to systematically evaluate the Programme so that alterations in the roles, procedures and practises may be effected in response to changes in the correctional policy. This could include a series of indices such as proposed by the Queensland Government (Programme and Strategic Review Branch, Queensland Treasury, 1990) (as depicted in Figure 1) which would provide regular feedback to the policy makers, staff and administrators, Official Visitors, inmates and stakeholders.

To date the QCSC, through the Kennedy (1988) Review, is in sight of having successfully introduced grievance procedures into Queensland correctional institutions which serve to provide 'access to the law and justice for inmates' (p. xxii). In doing so, the QCSC has managed to overcome many of the disadvantages which have seen previous grievances programmes and procedures fail ■

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Managing change

– Group Work at HMP Coldingley

Tony King,
Prison Probation Officer,
HMP Coldingley

This article refers to work with two groups of prisoners who both needed help in effecting individual change in their lives. The first group was of long term prisoners who wanted a coping strategy for long term imprisonment. The second wanted a strategy to enable them to cope with nearing discharge and having a foot either side of the fence and beyond. What the paper shows is how the different needs can be addressed with the same methodology. As a former electrical draughtsman I can best describe the process in terms of resistors in series – that is, one after another – in an electrical circuit. Each resistor restricts the electrical supply but its influence goes further than that, affecting the performance of the circuit as a whole. Any attempt to improve the output of the whole by removing these resistors must take account of their role in the circuit. This must be dealt with, step by step, as each resistor is removed. The appraisal, action, monitoring and review is equally applicable to the removal of resistance to change in the human character. It can be seen in what follows by the initial resistance to join in the process, to 'Why can't we have more of this over a longer time' later on. If some aspect of our life changes, the rest must adapt to it. To ignore that fact is to undermine efforts aimed at reducing the risk of re-offending.

David Hedley, Governor 5, Head of Inmate Activities, HMP Coldingley

*'Individuals and institutions resist change actively, not just through inertia.'*¹

*'Change is always precious, comes slowly and has a high cost.'*²

As a medium secure prison we ran small groups, usually of six one-hour sessions in the evenings, which invited prisoners to discuss what was important to them. What seemed to be the most important when the groups were proposed was the experience of separation. Many other factors were to influence the discussions – the members themselves and relationships within the group, individual pre-occupations, events on the wings, the circumstances of loved ones – but a feature which had particular relevance for the future concerned the syndrome of change. We expect offenders to change and our groups suggested that many of those in prison wanted to do so. We examined what had gone wrong and how the mistakes of the past might be avoided in the future. But the ramifications of a change regarding offending resembled a labyrinth. A change in offending meant a change in a whole

way of life.

For our evening groups we usually brought in a co-worker from outside. Two of those, a Social Work student and a Voluntary Associate of the Probation Service, quite independently, drew our attention to the work of M. Scott Peck³. It was too much of a coincidence to be ignored. We discovered that the recommended reading was about change and growth and the power of community in enabling them. Our groups were part of a community, on the wing and in the prison as a whole.

By the time the prison had negotiated the transition from long term prisoners to those nearing release and Judge Tumim had suggested we should do group-work in the daytime rather than the evening, we were ready to look specifically at 'change'.

On average we could now expect prisoners to

1. Francis Dewar. *'Live For A Change'*. Derton, Longman & Todd. P.70.
2. Elizabeth O'Connor. *'Search For Silence'*. See *'Exploring The Road less Travelled'*. P.66.
3. M. Scott Peck. *'The Road less Travelled'*. *'The Different Drum'*. Arrow Books. Alice and Walden Howard. *'Exploring The Road Less Travelled'*, Arrow Books.

be closer to their date of release and home leaves would be more prominent in bridging the gap between the reality of life at home and the fantasy world created by the prolonged separation from it. This added poignancy to the programme we were offering. We targeted one wing with accommodation for 72 prisoners to enhance the influence of community in the change process. Workers for each group were to include a prison officer from the wing and again we brought in an outsider – this time during the trial stage, a probation officer from another wing or a student.

There were to be six sessions of two hours each, including a break of about 20 minutes. Each session had a topic to guide our thoughts: Problems of Life, Freedom, Understanding Ourselves, Understanding Others, Risk of Relationship and Change itself. Obviously the over-riding aim was for the assembled gathering to develop into a working group. Only then might we begin to truly listen to ourselves and others in order to discover why we did what we did and how change could come about.

To enhance the experience of listening to ourselves and others, we used a flipchart and felt pen to record the gist of what was said and had it typed up for distribution before the following meeting.

Any member is able to interfere with the process of group development. The small number who resisted becoming emotionally involved with the group were allowed to leave. Groups are not for everyone, all of the time. Within the staff group there was inevitably a temptation to educate, interrogate, preach or judge but these were not what the gathering was about. They hindered its development towards becoming a group. Six meetings were not a long time in which to negotiate the process but the background of community in which the group existed contributed significantly to its development.

There was a difference between behaviour which resisted the development of the group, or involvement in it, as a deliberate if unconscious ploy and behaviour which had a similar influence but which arose from some personal crisis or which reflected a pre-occupation with events or feelings on the wing. We came to set aside time at the beginning of each session in recognition of these latter intrusions. If we recognise the wing community as a facet of the group, so the group cannot avoid being influenced by the circumstances of the wing and prison communities.

As an aid to the group's development we discussed the process of it during the introduction

to the first meeting and displayed a poster depicting labels relating to the stages it goes through.⁴ Another poster reminded us of the intended subject matter for each session.

It had been our plan to give out at the end of each meeting a quotation or two relating to the topic we had been considering. We tried a couple of times and found that what had been intended as aids to reflection and discussion between meetings were a source of irritation until the group had reached a certain level of maturity. Commonsense might have suggested that an extremely angry young man who had referred to the pain of being brought up in several children's homes and umpteen hostels and had already walked out of three penal institutions to nothing, would hardly be in the mood to be inspired by a piece of paper which suggested: 'Your pain is the breaking of the shell that encloses your understanding'.⁵ Having learned that lesson, the quotations were given out as part of a pack at the end of the final session of each group.

Any evaluation of the work must first consider whether, as a way of reducing the risk of offending, promoting change is a fitting way to expend scarce resources. If it is, then the credentials of groups and communities as agents for change speak for themselves. It might even be claimed that there is nothing to touch them. Yet in spite of this we could not resist a temptation to see if they still worked, or at least, if they worked for us. So we asked some of those who attended the groups what they made of the experience. These are some of their comments;

From an officer.

At the start of the first session I was aware that it was not going to be anything like I had done before. By that I mean that each group I had run previously had been of an informative nature and not free flowing as this was. At the end of the sixth session, I thought how easily the sessions had gone, and how each member of the group had had his say without others taking it to heart so as to cause problems.

Half way through the group I felt a lot more of this kind of work should be done and that perhaps other inmates could start up a group of their own, enabling inmates to air their views without staff present. There are still those inmates who have problems which they would not or could not air in front of a uniform.

An idea which came from the group itself was to try to find some way to stop youngsters coming to prison in the future – especially those who would be following their father's footsteps. It seemed to be seen

4. Chapters 5 and 6 of 'The Different Drum' refer to group and community development.

5. Kahlil Gibran, 'The Prophet'. See 'Exploring The Road Less Travelled' P.104.

as a way of putting something back into society. The idea of a video aimed at school children is surely worth exploring.

It was nice to hear at the end of the sixth session that members all got something out of it one way or another. I must admit that I got quite a lot out of the sessions myself. The barrier has been broken, the barrier being my uniform.

I think it would be a good idea if in later groups officers who are not trained in PDPR work also take part. This would help to break down the barriers between those of us who are trained in it and those of us who are not. In the long run this would also improve the quality of the regime through the better understanding that would develop between inmates and officers. Other officers would then see that there is nothing out of the ordinary in doing inmate groups and it would help those of us who are trained to feel less alienated. We would do our job to a higher standard in those circumstances.

From Prisoners.

I said things in the group I wouldn't dare to say outside of it and changed my view of the officer. We show each other respect now. It helps us to do our job, the ultimate goal of which is no more offending. It also helps people to cope with their life. However it would take years to really test whether the groups are helpful in practice or not. The public is very angry with prisoners. Society has to make some changes too. Does this group help you survive inside as well as outside? I think so. I have let out feelings which I have been holding back.

What does change mean? Change can be for better or for worse. What is the point of change? I

never wanted to start in the first place – I've changed for the worst. How can we evaluate the group if we can't put things to the test. What chance have we got? What about circumstances, will they change? The group has helped people to think about their offending. I've never had a job in my life and I know this is something I've got to do for myself. But I did come back from home leave, that was for my children's sake. I'm learning to trust probation here and it might help me with my probation officer outside.

Everything I can do now I did for myself. I learned to write in prison. I've talked to my probation officer about the group and she wants to see my notes. Is what we say about change real or is it a front? How do you know if what we are saying is true? I say things to one person I wouldn't say to another. People start doing things when they are under threat but on the other hand there is no point in attending groups if they aren't worth something to you.

Couldn't the groups last longer? What about a follow up? We could invite people from outside, but maybe not. Don't under-estimate our own experience and our own capacity for change. There is nothing to encourage us to maintain our wish to change. I know I want to do something with my life now. Can you help me? I can't answer it myself. But I know these questions we ultimately have to answer ourselves.

A group which deals with change allows you to think about the changes you must make, but set against changes the system/society must make. We have to make the change but everything has to come together.

What problems has the group caused? It has caused pain.

Anyone who wants to evaluate a group has to come and meet it ■

Verbals

WOMEN OFFICERS

"Staff at Category C and open establishments were concerned at the high numbers of what they perceived as unsuitable prisoners being sent to them. They were also conscious that for many prisoners the greater personal autonomy of more open conditions did not compensate for the lack of facilities compared to those found in closed prisons. We found evidence that actual or anticipated changes in the role of an establishment had an adverse effect on the morale of staff, particularly where staff were not persuaded of the necessity for change. Finally we were struck by the frequency with which male members of staff in male establishments expressed the view that the introduction of women officers had been a success and that more female staff would be welcome."

Report of Her Majesty's Chief Inspector of Prisons, April 1993-March 1994

Letters

Dear Editor,

I am writing to congratulate you and the Editorial team of PSJ on the quality of your 100th edition. I was particularly pleased to read Derek Lewis's foreword, which I am sure will give some measure of protection the next time the Barbarians are at the gate.

The article that both impressed and saddened me was Alan Rayfield's "The Media and the Message". It is just as true today that the Prison Service is in a "no win" position. Perhaps we should be honest and stop trying to win and simply get on with doing our best to run secure and humane establishments. It is rather absurd that we now conduct our business in order to avoid hostile political and media attention, instead of in the pursuance of high ethical and professional standards.

The Prison Service belongs to the public, yet the public are largely ignorant of the complexity of our task. Many back benchers and most tabloid journalists also lack knowledge about balanced regimes, incentives and disincentives, and the difficulty of attaining good

behaviour from a group of people who are numerically greater and generally unhappy to be where they are. Governors and their staff have generally achieved these goals to good effect, yet this fact is ignored when a Government's majority is slim. Home Secretaries are not independent of their back bench colleagues or of constituency parties. They cannot decide policy if they lose power, just as the Opposition also has to support what appears to be popular in order to be elected.

The result of this set of circumstances is frightening. Politicians make little attempt to educate the public about what is effective and ineffective in terms of prison regimes. Senior management is prevented from doing so by the political climate. Trade Union efforts are stereotyped as self centred trouble making. Newspapers capitalise on general anti-government feeling with cynical outrage about football pitches and pitch and putt courses. This exploits a societal belief in severe punishment that has its roots in fear rather than in knowledge about crime, offenders, victims and our whole

criminal justice system. The result for us is that there is a direct link between new policy and the desire to sell newspapers or the need to protect majorities. There is little evidence nowadays that changes are planned with care. Almost all change is borne out of some crisis or other. Colleagues in Europe react with surprise at our response to admittedly serious escapes. We are throwing around millions of pounds that we do not have. Most countries do not have, of course, an elected politician as the effective head of their prisons, and can therefore operate with a less cluttered agenda.

The public in Britain will always call for measures that are harsh but often impossible to implement. Contributors to PSJ over the years have debated the issues from positions of experience and practicality. Long may you continue to provide this opportunity.

Yours sincerely,

David Roddan
General Secretary
Prison Governors Association.

Verbals

ASYLUM SEEKERS

"... asylum seekers remain in establishments staffed by the Prison Service ... should they be held with convicted or remand prisoners ...? Should not the criteria for holding them be made public, and the individual asylum seekers be given reasons for their imprisonment? Should there not be some sort of judicial appeal in regard to their imprisonment? Should imprisonment be limited in time unless extended by a Court? Should families be separated through this form of imprisonment?"

Report of Her Majesty's Chief Inspector of Prisons, April 1993-March 1994



This year's Perrie Lectures were held at PSC Newbold Revel on 31 March 1995. The theme of this year's lectures was 'The Carceral Society: Invasion or Protection?' The object of the lectures was to discuss the growth of such initiatives as C.C.T.V., I.D. Cards, Neighbourhood watches and other 'Defensible Areas' within our cities, and determine how necessary or intrusive these developments have become. The starting point for the lectures was Foucault's view that:

'We have seen that, in penal justice, the prison transformed the punitive procedure into a penitentiary technique; the carceral archipelago transported this technique from the penal institution to the entire social body'.

[M Foucault, *Discipline and Punish*, 1977]

For the first time, the Perrie Lectures were concluded by the presentation - by Bill Perrie himself - of The Perrie Award. The Perrie Award, in the gift of the Perrie Lectures Committee, is used to reward and recognise 'excellence in prison practice'. It is used to celebrate the distinct skills, and unique qualities that people most possess if they want to make a positive contribution and impact on penal practice. Open to all grades of prison staff, and to non-uniformed grades whose work is conducted within prisons, such as teachers and probation officers, the inaugural award was presented to His Honour Judge Stephen Tumim.

'What are we afraid of?: some current dilemmas of security'.

Professor Richard Sparks teaches criminology at Keele University. He writes widely on prisons and penal affairs and has a special interest in long-term prison regimes. He is the editor (with John Muncie) of *Imprisonment: European Perspectives* (Harvester Wheatsheaf, 1991) and has co-written (with Tony Bottoms and Will Hay) the forthcoming *Prisons and the Problem of Order* (Oxford University Press, 1996).

The notion of a 'carceral society' (the topic which I have been asked to address) comes to us from the work of Michel Foucault. In his great work *Discipline and Punish* (1979) Foucault uses this term to encapsulate the way in which, he proposes, certain techniques of institutional control seen first and in their purest form in prisons and other 'total' institutions came to be emulated in other spheres of life. Amongst the techniques that Foucault has in mind are the keeping of detailed written records on individuals; the management of institutions through the creation of rigorous timetables and schedules and intense attention to detail in matters of dress and deportment.

Amongst the most refined and ingenious of the institutional blueprints that emerged in the last couple of decades of the eighteenth century was Jeremy Bentham's design for a new prison, to be called the 'Panopticon'.

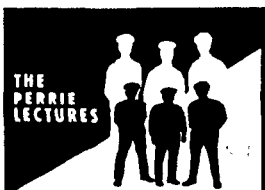
Foucault has made this formerly long-forgotten plan famous. What Bentham envisaged was a circular or octagonal building with a central observation tower and open cells ranged around the outer walls. Concealed within the tower, guards may (but need not) observe any prisoner at any time. Prisoners can be monitored constantly, therefore, for the correct performance of their designated tasks of work, prayer or whatever. Ideally, for Bentham, they do not interact with each other nor leave their cells.

Bentham was, by all accounts, inordinately fond of this scheme¹. He thought it an ideal 'machine for grinding rogues honest'. Foucault's interest in the panopticon lies less in its overt political importance at the time than in what it suggests about an emergent intellectual culture. It matters little to Foucault that few 'pure' Panopticons were built. For him it was 'an event in the history of the mind', it signified a moment at which an image of pure, efficient, sanitary

control became conceivable. The key features for Foucault are i) the unseen observer and ii) the consequent state of uncertainty in the person observed. It is as if one were being watched all the time even when one is not.

In Foucault's view this image encapsulates a period in history when the nature of social power changes rather abruptly. He diagnoses a shift from power as *sovereignty* (the King's authority to rule by command buttressed by occasional displays of force as in public executions) towards something much more distinctively modern, namely *disciplinary* power. In Foucault's version of the story disciplinary power is overtly much gentler and more benign than the sovereign's angry displays of retribution. But it is also much more pervasive. It seeks not just compliance but *performance* of tasks (in their proper order and at the correct time). And it concerns not just prisons but hospitals, factories, barracks, schools and so on.

Foucault is therefore not interested only (or even primarily) in prisons. Rather he is concerned to show that the invention of penitentiary imprisonment signifies a new disposition of power with much wider ramifications. Power becomes harder to locate. Because it is no longer equivalent to *force* neither is it identified entirely with individual power-holders. It becomes a property of systems. It is diffuse, centreless. It is like a 'network' it has 'a capillary form of existence'. It is a kind of power which, for Foucault, increasingly structures everyday life. By contrast, according to Foucault, *ancien régimes*, however brutal and arbitrary, were in a sense also less demanding of their subjects. They required simple obedience. They had no need for proper timekeeping, productivity, correct dress and deportment, and so on. He wants to show how the invention of certain *techniques* of monitoring or surveillance made possible the diffusion of disciplinary power 'throughout the social body'.



1. See Himmelfarb G., (1968) *Victorian Minds*, New York, Knopp; Lyon D. (1993) 'An electronic panopticon?', *Sociological Review* 41:653-78

Foucault's account of these matters has been both celebrated and widely criticised in ways that I cannot delve into here.² But let us take it as given that it captures at least something of interest and importance. Foucault is *not* saying 'society is a prison'. Rather he is pointing to the odd fact that around the end of the eighteenth century some people (Bentham obviously, Howard and the Quaker reformers in a different way³) began to see the prison as an *ideal image* of social organization, because it was so amenable to monitoring, planning and control.

But what issues does this raise for us now? Even if Foucault's notion of panopticism did apply to novel prisons 200 years ago what is its relevance to our current concerns? Are we living in a world that is more 'panoptic' than in the past? If so, what effects would this have? What is there – what aspects of freedom or autonomy, for instance – that are threatened by such tendencies. Can we say that contemporary developments in new surveillance technologies or computing represent qualitative increases in the intensity of social control? (And if so, By whom? Over whom? In whose interests? Or, in more Foucaultian language, according to what 'strategy'?).

Foucault points towards an interplay between power and technology or expertise. This is also a contemporary concern. What implications follow for the nature of social power today from the uses of new technological capacities, whether in the electronic storage and retrieval of information, or the use of video cameras for monitoring public places and buildings and so on? If we don't understand or control these technologies ourselves (we are just 'consumers' of them), how much 'trust' do we have to invest in those who do or (less personally), in the 'expert systems' themselves?⁴

It would be possible to go into these issues (if only one knew more about them) in a very general way. Do we embrace technology wholeheartedly because it is convenient and useful? Or do we also fear it? If we fear it, do we do so superstitiously

2. For useful accounts see, eg. Garland D. (1990) *Punishment and Modern Society*, Oxford University Press; Giddens A. (1987) *Time and social organization in Social Theory and Modern Sociology*, Polity Press.
3. See, for example, the Philadelphian notion cited by Sykes in *The Society of Captives* (Princeton, 1958) that the cell was 'the beautiful gate leading to a happy life and by a peaceful end, to Heavens, or the excitement later generated around the Elmira Reformatory (summarized in Radzinowicz L. and Wood R. (1986) *The Emergence of Penal Policy*, Oxford University Press).
4. See Foucault's essay 'On Governmentality' in *Ideology and Consciousness*, 6: 5-21 (1979). On 'trust' see Giddens A. (1990) *The Consequences of Modernity*, Polity Press.

Poll shows 75pc of people think vigilante action can be justified

Public loses confidence in rule of law

By Robert Shrimley and Neil Darbyshire

CONFIDENCE in the ability of the police, courts and Government to tackle rising crime has fallen so dramatically that the vast majority of the public now supports taking the law into its own hands, says a Gallup poll for *The Daily Telegraph*. Three-quarters of those questioned said that vigilante action could sometimes be justified and nearly half expressed little or no confidence in the police.

The survey on public attitudes to law and order will make depressing reading for the Tories, who intend to make crime their key issue in the next year.

It shows widespread dissatisfaction with the performance of almost every aspect in the police and criminal justice network, including the Government.

Tory hopes that they can turn the law and order issue into a major electoral advantage, as they have done in the past, may be misplaced.

The judicial system comes in for the heaviest criticism, with 86 per cent of those questioned believing that guilty men walk free from court; 45 per cent said they believed it happened a lot.

Only nine per cent said they saw justice being done in sentencing and 77 per cent thought sentences too light.

The poll was taken after several cases which have disturbed the public, including the acquittal of a man who admitted stabbing to death Mr Robert Osborne, a London music teacher who had challenged him about tyre-slashing, and the jailing for five years of two Norfolk vigilantes who abducted a teenager they suspected of theft.

Public anger was aroused again by the case of a jail escaper, James Rudman, who killed his wife and who, because of a legal loophole, would have had to be freed if he had remained on the run for one more hour. He was recaptured at the weekend.

At the Tory Party conference Mr Howard, Home Secretary, is due to unveil a new package of reforms aimed at confirming the Government's determination to crack down on crime and Mr

Telegraph GALLUP

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Major has placed law and order high on his domestic agenda for the coming year.

But only 15 per cent of those questioned believe the Tories' promise to get tough in the coming year will have any impact on crime, while 82 per cent said the new policies would not succeed in substantially reducing law-breaking.

Only 55 per cent admitted having confidence in the police. Nearly three-quarters thought that, if their home was burgled, the police were unlikely to catch the criminal. Sixty per cent did not expect muggers to be caught and only eight per cent would expect to see their stolen possessions again.

Mr Howard admitted that



the poll made grim reading. "I am not that surprised at the results," he said. "It confirms the depths of public concern over these issues, of which I am already well aware."

But he urged those tempted to join vigilante groups to channel their energy into working in partnership with the police, insisting that his new measures would help the fight against crime.

"I am determined that these measures will make a difference, but the public has a part to play. We cannot leave the fight against crime entirely to the police."

Mr Howard has already announced plans to bolster the number of special constables and to set up a new system of parish constables to liaise with police in villages and other rural communities.

"I hope that all those who answered your poll will play a part in making this partnership work," he said.

The case of the Norfolk vigilantes provoked strong reaction even after the two men had had their sentences reduced to six months. Fifty-nine per cent said they did not believe the two should have been jailed.

Mr Tony Blair, Shadow Home Secretary, said the figures confirmed Labour's view that the Government had failed comprehensively to get to grips with crime.

"I am not surprised that people feel despair at the ineffectiveness of system."

"The only way to wage an effective campaign against crime is by tackling both the problems in the criminal justice system and the underlying causes by recognising the links between crime and

Continued on P2

The Daily Telegraph Monday, August 30, 1993 © The Telegraph plc, London, 1993



THE INDEPENDENT

University
courses
Pages 13-21

No 2,142

TUESDAY 31 AUGUST 1993

Published in London 45p

Nationwide survey planned as public's faith in law plummets ■ Home Secretary looks at ways of protecting witnesses

Spread of vigilantes alarms police

THERRY KIRBY, COLIN BROWN
and ADAM SAGE

EVERY British police force is to be surveyed as part of a nationwide study of vigilantes, who are causing growing concern to senior police officers as well as politicians.

The survey will take place in the wake of a Gallup poll published yesterday showing the vast majority of the public supports taking drastic measures to tackle crime. Three-quarters of those questioned said vigilante action could sometimes be justified, nearly half expressed little or no confidence in the police.

Researchers want to assess whether widespread public dissatisfaction with the criminal justice system is responsible for recent incidents such as the attempts to kidnap a suspected local chief by two Norfolk men, later jailed for five years, or whether underlying social factors — such as the erosion of close communities in many parts of the country — are more important.

Dr Ian McKenna, of the Institute for Police and Criminological Studies at the University of Portsmouth, who is planning the research, said: "We really need to establish how big this problem is, whether it is something which occurs in both urban and rural areas or in certain police forces."

The research comes when not four vigilantes but many other types of "para-police" — such as private security guards and neighbourhood watch schemes — are a rapidly growing part of life in Britain.

It will be given added urgency by the poll in yesterday's *Daily Telegraph*, showing public confidence in the law is falling to its lowest level since 1979. Secretary-in-charge of those questioned thought people were sometimes justified in taking the law into their own hands, with only 38 per cent disagreeing.

A total of 46 per cent said they had "a great deal of confidence" in the police, a "little or no confidence" in the police was held by 54 per cent. It was very unlikely that a murder would be committed, a figure that rose to 26 per cent for muggers and 22 per cent for burglars.

Dr McKenna, a former Metropolitan Police superintendent, said: "It is very easy to say that the growth of vigilantes is due to public dissatisfaction with the criminal justice system, but issues like the homogeneity of culture



Sign of the times: Bob Tocher and Andrew Burke, of SAS Security, a private company, on patrol in Soho, Bristol

Suburb's SAS, page 4; photograph: Christopher Jones

and psychological factors could be equally important."

Yesterday's poll findings brought a swift response from Michael Howard, who has made public partnership with the police a key objective since moving to the Home Office last month. "We don't want vigilantes, but we do want vigilance. We want citizens who are prepared to take it on themselves to help the police... within the law," the Home Secretary said.

He will attempt to reassure Tory opinion about the government record on law and order at the party conference in Blackpool in October, where a large number of resolutions underpin confidence in the police. He is expected to outline new measures to tackle crime in the next Queen's Speech, with plans to safeguard people who inform the police about criminals in their communities.

Mr Howard is also reviewing the law

of self-defence after a public outcry over the shooting of a man for the knife killing in south London of Robert O'Brien, a music teacher who had challenged his attacker over tyre-shattering. Ministers believe it may be dangerous to tamper with the law allowing self-defence, but Mr Howard believes the case — in which a jury witness did not appear — underlined the importance of bringing in measures to protect witnesses and informants.

Home Office proposals also include making it a criminal offence to attempt to discover the identity and whereabouts of a protected witness, and more protection for informants prepared to be witnesses in court.

The presence of the police on vigil-

anteism is not a new phenomenon. Northern Ireland and the Association of Chief Police Officers' spokesman on crime prevention. Only the police were accountable and trained to deal with law enforcement, he said.

Those stopped in "well-wired" areas "looked twice every time they were fully accountable for their actions and of the 'potentially disruptive' effect on these communities."

Private guardians, page 4
Leading article, page 25

INSIDE



One-woman show

The story of Prunella Scales, an actress, in six scenes
Page 13



Battling the big C

Mary Taylor's son Greg came through his latest cancer operation, then stopped breathing
Page 22



Beautiful shadows

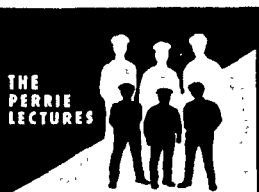
Andrew Graham-Dixon finds ghostly outlines and S: Bruno (above) at the Waking Dream, an exhibition in Edinburgh of the

because we don't understand it (like fearing that photography steals one's soul) or with some grounds because we sense a loss of control? Important as these questions are I want to stay closer to the points of connection between new surveillance technologies and other such contemporary developments and criminal justice (and public order!) issues proper. In so doing I want primarily to raise questions and propose examples that we all might want to think further about.

When we confront new social developments about which we are uncertain how should we organize our thinking about them? In this case I think it is important to distinguish between 'order' and 'control'. Recall for a moment those images from Foucault of Bentham's idealized prison. What any prison governor or officer or prisoner could have told Bentham (or any of his

contemporary 'descendants') is that this image is a fantasy. It is a fantasy of omnipotent control. It rests on a conflation of control with order — assuming that if only one has the right techniques or technologies of control, order will follow. The history of prisons, of course, suggests no such thing. Like unsinkable ocean liners, 'escape-proof' or 'riot-proof' prisons have been escaped from and rioted in with some frequency down the years⁵. If anything the main lesson of prisons for social theory is the *reverse* of what has often been assumed, namely that unless the *social* preconditions for 'order' exist no amount of coercive or technological 'control' can guarantee it absolutely or indefinitely⁶.

To simplify some difficult things considerably, it is clear that contemporary societies generate many means towards and technologies of control. Prisons are among the more evident,



5. See Ignatieff M. (1998) *A Just Measure of Pain*, Penguin; Adams R. (1992) *Prison Riots in Britain and the USA*, Macmillan.
6. This is a point explored in much greater detail in a forthcoming book, Sparks J. R., Hay W. T. and Bottoms A. E., *Prisons and the Problem of Order*, Oxford University Press. See also the outstanding recent book by Dennis Wrong (1994) *The Problem of Order*, New York: The Free Press.

familiar and traditional of these. Newer forms include closed circuit television cameras, 'smart' identity cards, genetic fingerprinting, instant drug screening, the international pooling of computer databases, the electronic monitoring of offenders' (or suspects', or parolees') movements, concierge systems/entryphones and computerised locking systems on flats and apartment buildings, car alarms, increasingly sophisticated burglar alarms, and so on. I do not want to 'lump' all these phenomena too hastily together – some of them may be genuinely alarming in their implications, some rather innocuous, others distinctly beneficial. We need to work towards making these distinctions.

However, it seems equally clear that contemporary societies encounter considerable difficulties in constituting *order* – for example in providing the means towards economic and political participation for considerable fractions of their populations, in socializing or integrating their male young and so on.

What then needs to be stated clearly is that the means of control in themselves are not the guarantors of an orderly or peaceful life. What are the likely results of present conditions in which our means of control are rather sophisticated but our ways of thinking about order rather undeveloped? A society in that condition is likely to be marked by high levels of anxiety – more especially among those with something to protect. And those anxieties may focus most intensely on certain categories of person and on certain dangerous places. What may result is an intensification of demands for control, and the generation of new practices, new institutions and new industries on the basis of those demands. We express our demand for *order* by consuming *control* – the means to keep dangerous others 'out' and ourselves safely 'in'. (It will be at this point, I think, that the question of the new surveillance and control technology rejoins the issue of penal policy as such, in the form of what we might call the new politics of containment.)

What is properly at stake here is not so much the intrinsic properties of any particular new technique or technology as the intersection between these, the existing control systems into which they fit (and which they in turn alter) and surrounding political and cultural environments. I would like very briefly to raise four rather contemporary issues amongst many that merit our consideration. These are i) the centralization, and indeed internationalization, of certain specialist policing functions; ii) the growth of the private

security industries; iii) changes in the nature of the urban landscape and the control of the built environment and iv) by way of conclusion, some possible outcomes for the nature of punishment.

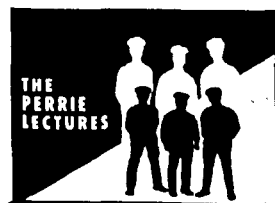
'High' policing.

It is well known that after a long history in which certain principles such as the autonomy of particular constabularies (and especially of their Chief officers) and the constabulary independence of individual police officers have been jealously guarded nostrums of British policing, certain important policing activities have lately taken on a more nationally coordinated and systematic character. These have principally to do with informational and intelligence-gathering activities (I have here in mind the Police National Computer, the National Criminal Intelligence Service and the National Football Intelligence Unit). It is generally argued (rather persuasively) that these developments are necessary to track the increasingly mobile and sophisticated nature of certain serious crime activities themselves.

What is less often discussed – at least in a publicly accessible way – is the connection between these centralizing moves and developments at the European level. Indeed Sir Paul Condon has said that the development of a national police service will be made inevitable *because* of 'external' pressures. Following Maastricht the EU has envisioned a 'third pillar' in its political structure: economics defence and now justice. The leading player in the international policing 'policy space' is likely to be EUROPOL, a fully European structure of information and intelligence exchange.

All of this may indeed be a necessary consequence of European integration, occasioned by the internationalization of serious crime, the ending of internal border controls, terrorisms and so on. But it is a classic instance of what Giddens would call a 'disembedding' tendency of modernity: what happens locally originates quite elsewhere. And it raises novel questions: what is the unit of accountability of a trans-national system? Moreover, such systems are driven by networking between elite police personnel – they have little public visibility. In a certain sense the public don't figure much: there will be no clear nexus between local accountability, consent and effectiveness of the kind traditionally claimed to exist in the British context.⁷ At least some 'expert systems' may depend much less on their public legitimacy than earlier institutions have done, and

7. See McLaughlin E. (1992) 'The democratic deficits', European Union and the Accountability of the British police, *British Journal of Criminology*, 32,4: 473-88.
The terms 'high' and 'low' policing were coined by the Canadian sociologist Jean-Paul Brodeur.



hence tend to escape political oversight or democratic deliberation.

'Low policing'.

Meanwhile, back on the mean streets where the demand for order is felt and experienced many new developments arise. It is now widely taken as incontrovertible that – in the face of the increase in recorded crime since 1945 and of the levels of public concern that exist – the demand for order is in principle inexhaustible.⁸ Like illness, crime (and low-level public order problems) has come to be seen as an infinite supply – and like health-care crime control is an indefinitely expanding market. This engenders much concern over the nature of policing and limitations on police expenditure. It becomes a matter of acute importance to identify the 'core' and 'ancillary' functions of policing – notions abound about devolving traditional policing activities onto either accredited citizen groups (foot patrol) or commercial bodies (stewarding football grounds, guarding public buildings and so on). In any event, as Les Johnston has judiciously shown the relations between differing 'sectors' of policing/surveillance activity become enormously more complex (ranging from outright private provision, through various forms of delegation to 'classic vigilantism').⁹

At the same time the public's consumption of security services and hardware (both in commercial property and private homes and vehicles) has expanded enormously in recent years. It is generally acknowledged that many more people are employed in and much more money spent on privately provided security of various sorts than on public policing.

We will consider in a moment what some of the consequences of this may be for the lived texture of everyday life in our towns and cities. But it is already clear that the privatization of social control has had some unfamiliar and as yet unassimilated consequences. Foremost amongst these is perhaps the advent of what Clifford Shearing and Philip Stenning¹⁰ have termed 'mass private property'. By this they mean that some important 'places of public resort' (quintessentially shopping malls, but even some town centres themselves) are not in fact 'public' at all, but privately owned and privately policed. There is no small scope for confusion here about both the

rights of the public police to enter such premises and the public's less than automatic right of access to them (and many such places are closed in the evening, possibly contributing to the evacuation of town centres – a phenomenon regarded by some commentators as in itself criminogenic.¹¹ Shearing and Stenning ominously term such developments a 'new feudalism', with property developers in the role of the new baronial landlords. Be this as it may, it is fairly clear that the interest of the private oversight of such temples of consumption can depart from those of public policing. For example, the policing of commercial property has as its priority not 'crime control' as such so much as 'loss reduction', a notion that can be extended to include the peremptory removal of 'undesirables' who might disturb bona fide shoppers, without the necessary concomitant any crime having been committed.

Urban landscapes.

Where do such developments lead? What are their likely consequences for the texture of everyday life? Let us at this point take a brief trip to Los Angeles, with the Californian urban theorist Mike Davis as our tour guide.¹² In Davis's view in that city we meet 'the bad edge of postmodernity'. The way Los Angelinos live now is in 'fortress cities brutally divided between fortified cells of affluent society and places of terror where the police battle the criminalized poor' and where 'the market provision of security generates its own paranoid demand' (p224). In Davis's view LA is a city in which every effort has been made to segment the lives of rich and poor, where 'bump-proof benches' and outdoor sprinkler systems keep vagrants 'always fugitive and in motion'. What results is what Davis calls 'urban enclavization' whose most clear expression is 'the frenetic efforts of Los Angeles's affluent neighbourhoods to insulate home values and lifestyles' in 'gated communities' with 'armed response' patrols.

In such wealthy enclaves the cameras point out towards the suspect world. In poor areas they (and the helicopter patrols overhead) point inwards at the inhabitants. At the time of writing there were six prisons (with 25,000 prisoners) within three miles of LA City Hall.

Nowhere in Europe has the privatization of public space or the 'enclavization' of

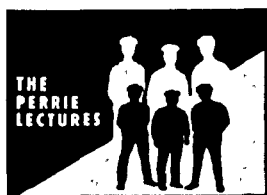
8. See, for example the Police Foundation/Policy Studies Institute (1994) *Independent Committee of Enquiry into the Role and Responsibilities of the Police*.

9. Johnston L. (1992) *The Rebirth of Private Policing*, Routledge.

10. Shearing C. and Stenning P. (1983) 'Private Security – implications for social controls, *Social Problems* 30(5): 493-506.

11. Felson M. (1994) *Crime and Everyday Life*, Pine Forge Press.

12. Davis M. (1990) *City of Quartz: Excavating the Future in Los Angeles*, Vintage Books.



neighbourhoods reached this point, but there are straws in the wind. Not long ago I was trying to find a friend's home in a leafy part of South West London. I attempted to follow my 'A to Z' on a short-cut, only to find a number of roads blocked off by barriers manned by polite but firm ex-servicemen. Recently I viewed a promotional video for a new sheltered-housing development for the elderly near Stoke-on Trent. The building had a central observational point with clear sight-lines down three galleried wings. What kind of building was this? And what is being traded here? What exchange of autonomy for security; of citizenship for protection?

Davis's book brilliantly exemplifies the non-correspondence between order and control, indeed the stimulus to control that *disorder* provides through fear of the disenfranchised 'other', the urban 'underclass'. Solutions based on the putative solidarity of citizenship, like inclusionary welfare measures, have become obsolete in 'post-liberal' L.A. What priority is the avoidance of risk – and risk-avoidance is a 'positional good'. It can be bought.

For some social commentators this looks like a terminal failure of politics. For Zygmunt Bauman¹³, for example, the comfortable majority are not pushed or compelled into conformity (it is not a matter of 'obligation'). Rather they are *seduced* by the sheer pleasures of consumer society. For those excluded from the feast there is little sense of obligation either. Contemporary society neither has (nor feels much need of) resources of legitimate authority. It has two 'faces' – seduction and control.

Punishment and insecurity.

Let us in conclusion return to the United States, and face directly the question of incarceration. In the USA the numbers of persons confined in federal and state prisons has increased at an unprecedented rate since 1980 (from around 330,000 in 1980 to 950,000 in 1993). When one includes the additional 450,000 persons held in local jails (usually for less than one year) the total number incarcerated in the USA stood poised to exceed 1.5 million in 1994: a number greater than 500 per 100,000 inhabitants.

As Zimring and Hawkins¹⁴ report for California (a state whose incarcerated population tripled during the 1980s) notwithstanding the fact that

'most crime levels in 1990 were close to their 1980 rates. And the kinds of crime associated with the largest share in California's prison expansion – drug offences, housebreaking and theft – are precisely the offences that flood the criminal justice systems of every major Western democracy. We think that the sorts of policy shifts observed in California could double the prison population of any country in Western Europe experiencing no change in the volume or character of crime.'

(Zimring and Hawkins, 1994, p. 92)

Zimring and Hawkins observe that it would appear that given sufficiently great changes in the 'penal climate' or political culture of a society its prison population may have an 'open ended capacity for change'. This is especially so when one possible function of imprisonment for crime control is touted with special vigour. In the United States that function has been incapacitation¹⁵. It is a function especially suited to provide the motor of penal growth since

'As long as levels of crime are high enough to generate substantial anxiety, those who view increased imprisonment as a solution will continue to demand more prisons and will do so in terms that do not change markedly at any level of incarceration. Indeed the more attenuated the relationship between the malady and the proposed remedy, the more insatiable will be the demand for more of the remedial measure.'

Zimring and Hawkins, 1991: 104

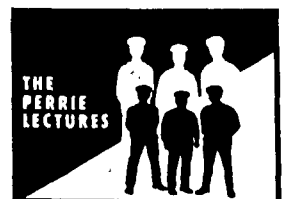
Here, maybe, is some sort of warning against an over-confident assumption that 'Prison Works', especially when that view addresses itself politically to an entrenched, worried, unhappy demand for order in civil society. Incapacitative imprisonment on a systemic scale in the face of fear of incipient disorder is a counsel of despair. It says that, for 'the underclass', nothing works except containment. It has no necessary stopping-off place except perhaps 'three strikes...'. Malcolm Feeley and Jonathon Simon¹⁶ see in this incapacitative obsession and its associated language of prediction, risk-management and so on the outlines of a 'new penology' that has little to do with old moral questions about just punishment

13. Bauman Z. (1991) *Modernity and Ambivalence*, Polity Press.

14. Zimring, F. and Hawkins, G. (1994) 'The growth of imprisonment in California', *British Journal of Criminology*, 34, 1: 83-95

15. Zimring, F. and Hawkins, G. (1991) *The Scale of Imprisonment*, University of Chicago Press

16. Feeley, S. and Simon, J. (1992) 'The new penology: notes on the emerging strategy of corrections and its implications', *Criminology*, 30, 4: 449-74



'In contrast the new penology is markedly less concerned with responsibility, fault, moral sensibility, diagnosis, or intervention and treatment of the individual offender. Rather it is concerned with techniques to identify, classify and manage groupings sorted by dangerousness. The task

is managerial, not transformative.'

(Feeley and Simon, 1992, p.452)

Perhaps we are in the presence here of a new fantasy of control as dubious in its assumptions yet as historically significant as Bentham's panoptic vision ■

The carceral society: invasion or protection?

Michael O'Brien is the Labour MP for North Warwickshire. A lawyer by training, he was until recently a Member of the Labour Party's Shadow Home Affairs team. He is the parliamentary advisor to the Police Federation.

I drove to the lecture today. On the way I could have passed by police video cameras that would have recorded my car and license plate if I broke the speed limit. If I had stopped in a residential area on the way, my presence may have been noted by a local Neighbourhood Watch or even a Street Watch patrol and, if they felt I was acting suspiciously, they could have called the police. Of course, I had my driving licence with me which, from 1 July 1996, must have on it my photograph as well as my name, address and date of birth.

Perhaps you came by train. Video surveillance could have recorded you arriving on the station platform. If you have a season ticket then you will also have a railcard with your name as well as your photograph on it. Some might say the only thing George Orwell got wrong was the date.

We are witness to a number of schemes and measures that are increasing the state's ability to monitor, document and identify our citizens and which, taken together, threaten the incremental erosion of the individual's right to privacy. More importantly, we are witness to the acceptance by the citizen of the state's right to do this.

How did we arrive at this situation? Why has there been an extension of techniques previously

only accepted in prisons beyond the perimeter fences and into society at large? Foucault called this 'The Carceral Society'.

Scared People

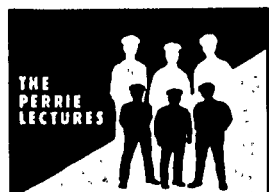
Last year, over 5.3 million crimes were recorded in England and Wales, a 112 per cent increase nationally, since 1979 and a rise of 39 per cent since 1989. In my constituency, crime has trebled since 1979 and in the cases of burglaries and car crimes it has quadrupled.

Nationally, one home in 11 has now been a victim of burglary, one in 64 people a victim of violent crime and one in three a victim of car crime, according to figures from the House of Commons library.

People are also counting the cost of crime; in 1993, £3.5 million worth of property was stolen and between 1988 and 1992 the cost of household contents and motor insurance increased by 20 per cent in real terms.

I could go on ...

At the same time Police resources are being increasingly overstretched. Nationally, based on the police service's own estimates, we are set to lose 700 to 1000 police officers. Many Forces are in serious financial difficulty and we are seeing the prospect of a cut in police numbers of 50 officers



or more over the next year. Sixteen per cent of community beats may be left without cover by the end of the financial year. This is at a time when most of my constituents are demanding more police officers on the beat.

What all this leads to is the Fear of Crime. The public are faced by crime rates that are much too high and a fall in confidence in the criminal justice system and the Government to effectively deal with this, and they are scared. In a recent survey, 51 per cent of women said they do not use public transport after dark, and 41 per cent will not go out at all after dark.

This fear of crime is the main reason why the public is increasingly prepared to accept an erosion of their right to privacy. They believe that it will help protect them from the criminals.

The Cost of Fear:

The Conservative Government, and in particular, the current Home Secretary have another reason for proposing these new measures. Rising crime is expensive for Governments. According to the Prison Service's own estimate, the average cost of keeping an offender in prison is £21,587 per year, and the number of prisoners is increasing. The costs of policing and running the court system are enormous for a Government seeking to reduce the public sector deficit.

Faced with rising crime the Government came up with a series of proposals; restructuring the police service (the infamous Sheehy report, the Police and Magistrates Courts Act and the Review of Core Functions); privatizing prisons and prisoner escort services; hiring out police officers to those that can afford to pay. All of these have done nothing to tackle the real problem of crime and arguably were always aimed more at cutting costs than cutting crime. In the process they have undermined morale in the police and prison service and have probably eroded public confidence in the criminal justice system.

The result is that a beleaguered Home Secretary, desperately trying to hold on to his job, is falling over himself in his haste to prove to the police, the public and the right wing in his own party that, despite cost cutting, he is still tough on crime and that Labour is not the real party of law and order. He has brought forward a series of measures, some serious, some purely cosmetic to salvage his own reputation and that of his party as 'tough on crime'.

My fear is that, in his scramble to regain lost political ground and salvage both his reputation and that of his party, he may sanction a series of measures whose effectiveness is uncertain and which may lead to resources being diverted from more effective crime reduction policies. In the

process, the cumulative effect of some of these measures risks creating a Big Brother society where the state is free to interfere in the lawful activities of the individual, without the compensatory enhancement of freeing the citizen from the fear of crime.

The test should be whether any policy is effective at increasing individual freedom, a freedom which is threatened by both the activities of criminals and the unnecessary intrusion of state supervision.

I should now like to look in more detail at some of the specific measures that have been proposed.

Closed Circuit Television Cameras:

The 32 cameras installed in Glasgow's city centre last year are able to detect eye colour from 400 yards. There is no doubt that this infringes people's right to go about their daily, lawful business free from surveillance. But in a recent survey, 95 per cent of Glaswegians were in favour of the scheme and only two per cent were against. The reason is that they believe it will make their streets safer, and the evidence is that it does.

Police in Airdrie claim that since a CCTV system was introduced there, crime has plummeted by 74 per cent and the detection rate has almost trebled.

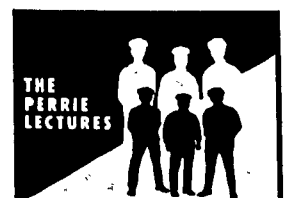
Bournemouth Council estimates that the cost of vandalism fell from £220,000 to £36,000 in the 12 months after cameras were installed along the beach front in 1988. People are able to return to their beaches or their city centres with less fear for their safety.

In fact, CCTVs rather than limiting peoples liberty have enhanced their ability to enjoy public areas, they are more free to go where they want, when they want, to do what they want without fear of crime and vandalism.

Until recently, owners of shops, restaurants and cafes in some areas saw their right to earn a living threatened as their customers were driven away by crime and vandalism. For them, too, CCTVs have, in practice, enhanced their overall liberty, both personal and economic.

Despite this, there must be a balance. CCTVs are a success in town centres and other high crime areas, but this does not mean that they should necessarily ever be extended to all our suburbs and villages. We must always remember that they are an unpleasant necessity, only permitted where it can be proven that there is a desire for them and that they will make a material improvement to the quality of life of the population which outweighs the intrusion into their privacy.

Already over 300 councils, including my own



in North Warwickshire and Bedworth, are considering installing security cameras. In Nottingham the City Council is even installing tiny pencil cameras in the front door of certain homes following a spate of attacks by young criminals. CCTVs are now to be found in shopping precincts, housing estates, industrial estates, football grounds, railway and bus stations, car parks, subways and parks and recreation grounds. Some councils have even made them a condition of club and disco licences.

A good thing must not be carried too far. In all these situations, surveillance cameras must be individually proven to be necessary and desirable and I would approach with caution allowing cameras beyond high crime areas and city centres. The cost of them is high and must be weighed against other options.

Where CCTV is used, even within high crime areas, a number of measures must be taken to ensure that the best possible protection is given to people's right to privacy.

A major concern is the lack of regulation in the use of CCTV cameras. At the moment, depending on the area, the screens could be viewed by police (or more usually by civilian police employees), council workers or private security firms. There is no limit to how long the tapes can be held for and no statutory restrictions on who is allowed to view them. In theory, jealous spouses checking up on their errant partners' lunch appointments may well be legal! The Government urgently needs to look closely at legislating in this area to restrict who can operate cameras and who has access to the tapes.

There is also a real fear that the Data Protection Act 1984 does not apply to video film. In this day, when films can be digitized and compared electronically with a database of stored images, it is essential that the safeguards of this Act are extended to video recordings.

By taking sensible measures, some of the genuine fears of erosion of privacy can be reduced, without endangering the real protection that CCTVs provide in the fight against crime.

Identity Cards

Here, I would take the same practical approach. I have the honour to advise the Police Federation of England and Wales in Parliament. They have long been convinced of the argument for Identity Cards. I welcome the debate on the issue, but I remain to be convinced that the introduction of compulsory identity cards is necessary or effective in cutting crime.

There are two reasons for this: firstly, with the possible exception of cheque fraud or 'kiting', there are few types of crime which could be

prevented or solved merely by being able to prove someone's identity (and kiting can be dealt with by photographs on chequecards); secondly, in practice, most people carry around a lot of identification already – credit cards, driving licences (both soon to have photos), membership cards, social security cards, public transport photo cards and so on. You have only to look in your wallets and handbags to realise how many times over you can already prove your identity.

The people who already carry such identification probably do not need to carry any more and those who do not presently carry proof of identity and have criminal intent are, arguably, going to have a false ID card, or make the excuse that they have left it at home. Unless there is a penalty for leaving it at home, criminals will say they have done that. If there is a penalty, it might impact upon the good citizen, who really did leave it in his other jacket.

It is often argued that one area of crime that ID cards could make an impact on is social security fraud. However, the Department of Social Security has revealed that only a small fraction of false claims are based upon fraudulent identity. By far the majority of fraud is caused by a false description of the claimants' circumstances – something no ID card could hope to prevent.

In principle I do not object to photographs on DSS cards. After all, claimants already have a card with their number on it but I am just not convinced that in practice the cost of introducing new plastic cards with a photo on is going to save the DSS very much money.

On the introduction of a compulsory national scheme, the question has also to be asked whether the benefits to be gained are justified by the enormous cost. Any supposed benefits would have to be set against the Home Office's estimate of £475 million to set up a National Identity Card scheme and the annual cost of running it of up to £100m a year.

The question has to be asked whether this sort of money could be spent more effectively on other crime prevention methods and if it might lead to the further squeezing of Home Office budgets and, maybe, cuts in police budgets to pay for it.

If the benefits are minor, then the arguments against are considerable. If the police had the power to demand the production of the card at any time, fears have been raised that it could damage the relationship the police are trying to build up, not only with minority groups and youths, but with all citizens.

In this respect it is interesting to note Lord Goddard's remarks in *Wilcock v. Muckle*, 1952, which were instrumental in convincing the Conservative Government to bring about the end



of the National Registration Scheme established at the outset of the Second World War. Lord Goddard, never a liberal, expressed concern about the police right to demand the production of the national ID card, saying 'such action tends to make people resentful of the acts of the police and inclines them to obstruct the police instead of assisting them'. It was the objections of the middle class, law abiding citizens which prompted the Conservatives to abolish the scheme.

There is no reason to suppose that today's citizens would respond any differently, no matter what opinion polls suggest before the event. The introduction of an identity card might well make police relations with the public worse. If the police don't have the power to demand production of the card, then what is the point of it as a crime prevention measure?

Some officers say they get frustrated when they cannot establish the identity of an offender at night in a police station. They may want to bail him and cannot until identity is proven. I question whether an identity card would enable this to be done because there would often be doubts about the authenticity of the card.

Another argument used in favour of ID cards is that people could be assigned a unique personal identification number which could be quoted in all their transactions with the State (health, social security, housing, police, council tax, income tax, passport control, etc), as well as in private transactions with employers, banks, clubs and societies. This, it is argued, would make life so much more simple and convenient for the individual. It would save them having to remember or carry round a number of different numbers and reduce administrative costs.

This all may be true, but it will also allow state, and possibly even private agencies, to cross-reference information about an individual, to build up data profiles and to use these to make decisions about that individual without their consent and possibly based on outdated or incorrect information.

Add to this problems of forgery and vigilante groups demanding ID cards, then the arguments for spending the millions of pounds of Home Office resources will have to be put very persuasively, especially if the money could be much more wisely spent on, say, crime prevention measures.

The objections I make to Identity Cards are not great philosophical objections to the principles, but practical concerns about their effectiveness.

Maybe a voluntary system paid for by participants would overcome my objections to the use of taxpayers money. I await with interest Michael Howard's proposals.

Neighbourhood Watch and Street Watch

Here too, the issues are practical ones. Neighbourhood Watch schemes have caused little loss of privacy and have more than made up for this in the contribution they have made to the fight against crime and, indeed, in strengthening community spirit and a sense of responsibility for one's neighbours.

I congratulate the Government on the initiative, although I am conscious that, once set up, there is a need to improve on-going relationships between police and the groups. Some schemes have collapsed because initial enthusiasm has not been maintained. Quite a lot of work, and resources of time and equipment, are needed to maintain an effective network of groups.

With Street Watch though, the Home Secretary, Michael Howard, has taken a good idea and pushed it too far. There is a world of difference between encouraging people to report any suspicious behaviour they see from the safety of their own home and encouraging them to start actively patrolling the streets looking for trouble.

Apart from the civil liberties aspect, it also raises practical difficulties with untrained citizens patrolling the streets who could find themselves in difficult and even dangerous situations which they are unable to cope with.

There is also no system of vetting these volunteers. There is nothing to stop people with convictions setting up their own patrols. In short, the Street Watch scheme causes far more problems than it solves.

A Sick Society?

These measures are not the only options open to society. To strike an analogy, if you went to the doctor with flu, he would normally do two things; prescribe something for the symptoms (to reduce the temperature, ease the headache and soothe the throat) and also prescribe an antibiotic to tackle the virus causing the illness.

CCTVs, ID cards, Neighbourhood Watch schemes, these are all prescriptions for tackling the symptoms, to lower the number of burglaries, rapes and violent assaults. Today we are looking at the side effect of these medicines – the erosion of the individual's right to privacy. I have argued that in some cases this is unavoidable and necessary if we are to rid ourselves of the disease of crime. Just because taking medicine may be unpleasant does not mean that you do not take it. I have also attempted to suggest some ways in which the side effect can be made more tolerable, by regulating the infringement of our privacy.

Other medicines for treating the symptoms



are also available, police initiatives such as Operation Bumblebee and, in Warwickshire, Operation Claw, have proved enormously successful in decreasing the number of burglaries.

There is also the possibility of opting for shock therapy with harsher penalties and longer sentences for criminals to impress on them the gravity of their offenses and reduce the likelihood of them re-offending.

Harsher Penalties

I have always regarded sentencing policy as a blunt instrument in reducing crime. The key issue must be what works in reducing offending, both initial offending and re-offending. One of the least oppressive penalties, a caution is arguably one of the most successful, with an 87 per cent success rate among juveniles over a two year period, but that decreases after the first caution.

I am wary of simply increasing the deterrent ration for the sake of it. Most criminals commit offenses in the belief that they will never be caught, therefore the size of the penalty alone does not generally reduce crime. What it may do is reduce convictions. We have seen in the USA recently cases where juries have refused to convict under 'three strikes and you're out' legislation, because they thought the penalty was too severe.

On the other hand, in cases where it is particularly difficult to catch offenders, using severe deterrent sentences may be justifiable as being the only policy option available to society.

The Virus

It is not enough to treat the symptoms. You also have to treat the virus, the underlying social and economic causes of crime.

We need to put people back to work, breaking the link between rising unemployment and rising crime, especially among young people. Better education will also give children a real start in life. Unemployed youngsters must be given a chance to get a real job. We must also invest in the provision of recreational facilities for young people. The old saying that the devil makes work for idle hands is an important one in dealing with juvenile crime.

The problem, though, goes even deeper than this, right to the heart of what we understand by our society today. This Conservative Government has presided over an unprecedented weakening of the collective values of our society; our communities, our neighbourhoods and, most importantly, our families. Yet these are the glue that binds society together. It is these groups and associations, which straddle the chasm between the state and the individual, which the Conservatives

in their ideological rush towards individualism have abandoned.

Paradoxically, by ignoring these group structures, the Conservatives have been forced to rely more and more on the state to tackle the problems which individuals cannot deal with. It is for this reason that we have the ironic situation of a right wing Home Secretary, representing an avowedly anti-statist party, advocating measures that give the state unprecedented power to interfere in the lives of citizens. In their polarization between the state and the individual we are in danger of losing many of the important community structures that lie between them.

What we need are policies that support civic society, that support the community and that support families of all kinds, because it is these institutions that reinforce our collective values and inspire a sense of duty and responsibility toward each other, especially in our children.

Only when we all begin talking again about 'we' and not 'I' will we really be able to reverse the soaring crime figures. It is the selfishness of the 'I', which recognizes no bonds of mutual support or responsibility, that undermines the fight against crime.

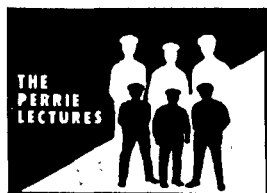
Prevention Instead of Cure?

To return to the medical analogy, doctors also advise us to take certain measures to guard our health and prevent illness. Crime prevention is an area the Government have neglected and which represents a golden opportunity to reduce crime without having to sacrifice cherished freedoms.

In Kirkholt council estate near Rochdale, a pilot project was introduced with police targeting houses at high risk of burglary and improving their security. The number of burglaries was reduced by 75 per cent over a full year. Despite the success of this project and similar ones in Milton Keynes, the Home Office has not extended the initiative nationwide. Indeed, when the original funding ran out, no new funds were made available.

This does not make economic sense. One burglary in Milton Keynes cost the Council £450 in repairs and the police £900 in manpower and resources, yet security measures costing just £250 could have prevented it. Chief Superintendent Caroline Nicholl of Milton Keynes Police estimates that a successful crime prevention programme could potentially cut crime by up to 50 per cent.

If the Government were to provide funding for proper crime prevention measures; locks and bolts on windows and doors, better street lighting and building crime prevention into the architecture of buildings and areas, then these things would not only save money but also reduce crime and avoid



other measures that invade people's privacy.

Conclusion:

Identity Cards, CCTVs, Street Watch – all these do pose a threat to our civil liberties but crime and the fear of crime pose a far greater threat. Crime keeps people prisoner in their own homes, afraid to go where they want. Sometimes it is necessary to curtail other freedoms if we are to free ourselves from the fear of crime, but these measures should be tolerated only inasmuch as they do free us from the fear of crime without imposing upon us an intolerable intrusion.

However, because these measures do limit our freedoms, we should only use them where their effectiveness is proven. Introducing them to score political points is always unacceptable.

Restricting liberties must be used only as a last resort. We must first of all look for measures that do not sacrifice our civil liberties. Crime

prevention schemes are the obvious example but there are others. In the same way, we need to tackle the social and economic causes that lie behind crime and the fear of crime.

More than this, though, we need to breathe life back into our communities and neighbourhoods, and revitalize families as institutions of social cohesion and moral responsibility. We may never rid our streets completely of crime but we can strengthen the collective values that inhibit the criminal. If we do this, then may be it will not be necessary to resort to dangerously Orwellian proposals.

Advocacy of simplistic solutions by Ministers using law and order rhetoric may only inflame the problems. The test for all of us in the 1990's is whether we can develop workable, practical alternatives to bring down the crime rate, whilst maintaining the liberties the British people have traditionally valued ■

The Carceral Society: invasion or protection?

The use of CCTV by local authorities

Carceral, according to the compact edition of the Oxford English Dictionary, is 'of or belonging to a prison', and we must determine whether or not the advance of CCTV technology is actually imprisoning us as we go about our lawful business or not. For members of the community, who are also Police Officers there is a dilemma with the advance, some would say the remorseless advance, and intrusion into our privacy that we see today with CCTV systems.

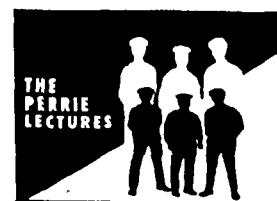
While the police in Newcastle upon Tyne would not claim to be the first to use CCTV as a means of reducing crime, we can claim to be the first to make CCTV an integral part of a policing philosophy and not a mere adjunct to it as a crime prevention tool. Rightly or wrongly we in Newcastle have been acclaimed to be world leaders in policing terms in respect of CCTV and we have been very happy to share our experience

with other Police forces, be they from the British mainland, either sides of the border in Ireland, Europe, Canada and the USA. Indeed, the armed forces and various government research institutions have carried out detailed analysis of how we use CCTV to reduce crime and overtly reduce the likelihood of terrorist attack, please note the word overt. During the presentation it is hoped to demonstrate with a historical background how this overt CCTV system was introduced into the heart of a vibrant city, with full public support.

Newcastle Upon Tyne is rightly regarded as the capital of the north east region of England, and the city centre is its heart.

A little over one mile square, the city centre consisted in 1991, when CCTV was embarked upon, of major retailers, regional and head offices of numerous businesses, St. James Park the home of Newcastle United Football Club, and no less than 147 premises with a full on licence (pubs),

Supt. Bob Pattison joined the Police Force in 1971. He spent 12 years in CID, and has also worked at the HQ of Northumbria Police. He is currently in charge of Newcastle North Area Command.



nine nightclubs, 116 licensed restaurants, all in all room in licensed premises for in excess of 78,000 people, and (due to boundary changes and an increase in licensed premises since then) that number is now swollen to in excess of 93000. Indeed, on a regular basis all those pubs, nightclubs, etc., seem to be full to overflowing, and those not from the north east who visit Newcastle, always seem surprised at the vibrant atmosphere through the day when Eldon Square and other shopping precincts are full, and in the evening, when the bars and nightclubs, theatres and cinemas, are all very busy.

In 1991, it was recognised that the topography of the city centre was such that a CCTV system could be more than a useful weapon in police attempts to reduce crime, which, at that time was showing a steady rise. Offences such as robberies, and theft of handbags, burglaries of business premises, thefts of and from cars, and our one major export at that time to the rest of the country, ram raiding, were all rife. Public disorder and violence following heavy drinking were also of major concern. Not only did we believe CCTV would assist in reducing this type of crime, but it would provide hard evidence to support prosecutions. It was believed CCTV would also assist in improving the image of the city, and indeed it has become a vital element used to encourage inward investment when development agencies advertise shops, offices and new leisure complexes for sale or lease.

Sixteen locations in all were identified as being essential to provide the minimum cover required if the aims of the initiative were to be achieved. The ball park cost was estimated to be in the region of £270,000.

An exciting partnership developed between the police service, city of Newcastle local authority, the Northumbria police authority, and more importantly the business and banking community within the city centre. Urban crime funding via the city authorities was agreed to a maximum of £135,000, or matching contributions pound for pound which ever was less.

Contributions from the private sector were solicited and donations of between a few hundred pounds to several thousand were received. In all, slightly in excess of the target of £135,000 was raised.

The police authority agreed to employ additional civilian assistants to help police colleagues monitor the system, thereby allowing us to maximise the number of officers available for pro-active patrolling and the Chief constable, John Stevens, gave an assurance that should the system prove successful, CCTV would not be used to reduce the staffing levels in the command, an assurance necessary of course before traders would

contribute.

In the latter part of 1992 the first four cameras became operational, the full system so by march 1993.

All the cameras are overt. Publicity was sought through the press and TV identifying the locations where the cameras are in an effort to reassure the public that CCTV was not an underhand means of gaining intelligence.

A video was produced in an effort to raise awareness, to raise further contributions, and used at various conferences to which invitations were extended following the launch of CCTV.

Cameras do not of course cover the whole of each police beat and this has made subsequent comparison analysis difficult. However, there is ample evidence available to measure the impact of the system, not only within the area of vision but beyond. Indeed, one of our major concerns about displacing crime to other parts of the command area or indeed the force, has not been realised. Crime has significantly fallen since 1991, and in the three years of 92, 3 and 4 there have been over 6,000 less victims than in 1991. The end of 1994 saw the following reductions in recorded crime when compared to 1991 figures.

Assaults – down 11 per cent

Theft from the person – down seven per cent

Burglary – down 49 per cent

Theft from motor vehicles – down 47 per cent

Theft of and unlawful taking of motor vehicles – down 53 per cent

Criminal damage – down 44 per cent

While the CCTV system alone is not responsible for this dramatic achievement, and it must be seen as only a part, albeit a major part of an overall pro-active policing strategy, however, it has proved a vital element in assisting to provide high visibility policing, and as the system is overt and it allows direct police, (the point *police* surveillance, is stressed), the opportunities to increase patrols in non CCTV areas are seized thereby maximising the use of limited resources to the full.

Public order has not only vastly improved but more importantly it is believed the public's acknowledgement and recognition of that improvement is very positive, and traders and licensees report 'The feel good factor' is much higher than pre CCTV indeed many attempts by



local, national and foreign television and radio crews to obtain dissenting voices have massively failed.

Insurance rates for companies within the CCTV zone have been reduced and developers are seeking to fund extensions to the 16 camera scheme.

CCTV operators have picked up numerous instances of violent disorder and other criminal acts prior to any call being received from the public, thus allowing immediate deployment of police resources. In instances where a call is received, the operators can immediately view the area allowing for better deployment. This has enabled officers to improve response times to emergency calls and prevent the escalation of disorder. Over 400 people have been arrested as a result of CCTV and with two exceptions, all have admitted their guilt on viewing the video footage, and the two exceptions were both found guilty by the juries at their subsequent trials.

The number of people electing trial either at magistrates or at crown court is reduced, thereby saving much police time in preparing full files of evidence and having to give evidence. The reduction on Crown Prosecution Service and court time has reduced the burden on the public purse tremendously. While it is impossible to assess the savings to the criminal justice system, the local branch office of the Crown Prosecution Service has stated it must be many thousands of pounds.

CCTV film allows a court to see the seriousness of some offences especially the level of violence used in assault cases.

One case involves an allegation of murder where a man crosses a road and is seen punching another man several times, he was probably dead before he hit the pavement. That incident caught on video, prior to any call coming in from the public, enabled the police to arrest the offender before he could leave the scene, identify a number of vital witnesses, and provides best evidence to a jury.

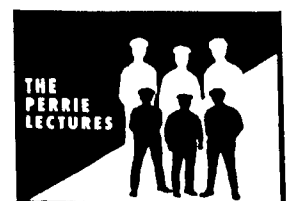
Of course CCTV can also help the innocent. But last year a woman reported having been raped in a shrubbery near to a bus station in Newcastle. She gave certain details of her alleged attacker, and a man in his early twenties was arrested some six hours after the report was made. The man, a student in Newcastle, stated he had met the alleged victim in a public house at about 10pm. They left the public house, returning after having consenting sexual intercourse, and then went their separate ways. By chance, he and several friends had seen her later in another part of Newcastle. About half an hour later, he and his friends split up and he returned home alone. Forensic obviously would have proved intercourse had

taken place, he had opportunity, bearing in mind he had left his friends and gone home by himself. However, an examination of CCTV for the area of the alleged rape showed the woman sitting on a wall by the shrubbery. She was by herself. A short while later she stood on the wall, went into the shrubbery and a number of people were seen walking past, after a few minutes the people passing began to look into the shrubbery and walk on, then a very short while later a member of the public stopped, looked into the shrubbery, talked to several of his friends, and went in and helped this woman out. This CCTV footage was totally at odds with the woman's story and when shown it, she admitted she had made up the allegation of rape. Having earlier had a row with her boyfriend, she had, as the man in custody stated, freely indulged in sexual intercourse with a complete stranger and to explain her dishevelled state had made an allegation of rape. Allegations of rape are very easy to make, if sex has taken place quite difficult to disprove, and this is just one example of a number where CCTV helped those who have come under suspicion of committing criminal acts, to prove their innocence.

Indeed the defence have on occasions given a notice of alibi – that alibi being the defendant was in Newcastle at the time of the offence, and they request an opportunity to view the relevant tapes to search for their client.

Northumbria Police have a number of CCTV systems and in each location reported crime and disorder have reduced. North Shields which a few years ago was famous for its Meadowell riots, installed CCTV after its town centre began to degenerate and traders were claiming bankruptcy due to the amount of burglaries and the cost of repair damage. Traders there, who also subscribe to maintaining the system, report crime has much reduced and insurance once again is not only affordable but available. Burglary of shops and offices have reduced by three quarters in the two years CCTV has been running, and crime is now less than half what it was before, and detection rates have risen from 47 per cent to 63 per cent.

Not only are these systems of a major benefit to the policing of inner city areas, Northumbria Police is also responsible for providing a service in rural Northumberland, the least populated county in England. There are, however, a number of market towns which because of their relative isolation from the Tyne and Wear conurbation, make mutual aid for the police difficult. Their naturally low staffing levels have always made Police Officers vulnerable to attack in these market towns, where particularly during summer months the population is swollen tremendously. CCTV systems as small as three or four cameras



strategically placed have proven vital – not only in reducing the amount of disorder and violence but also provide cast iron evidence against offenders.

When we set about installing the system in Newcastle we were at pains to ensure surveillance was acceptable to the public and the business sector. We gave a written undertaking in the form of codes of practice which were published and circulated, and also an undertaking that the system would only be monitored by employees of Northumbria Police with all the safeguards in respect of privacy and legitimate use that the various Police discipline regulations and employment contracts give, and that I believe was one of the most important areas that we had to address.

Northumbria Police of course have been very careful in where CCTV has been installed. I think the public as a whole have become used to CCTV operating in shopping malls, inside stores and in the grounds of public buildings. Indeed many bars and nightclubs throughout the UK already have their own CCTV systems monitoring queues outside premises. CCTV properly used, properly monitored, has much to say in its favour. The public constantly clamours for more Police Officers on the beat. Realistically this is a demand that can never be met.

A Police Officer standing on a street corner watching what is going on around him or her seems to be what the public want. One way, granted with some limitations, of meeting that demand is extending a Police Officers vision through CCTV cameras into the street, and really police monitored CCTV is only that – an extension of vision. Of course it has the added advantage of having a wonderfully retentive memory available for examination when facts are disputed, rarely takes sick leave and never takes annual leave.

As you can well imagine Newcastle City Centre has its fair share of demonstrations, some of which are political in nature. The integrity of the CCTV is such that special branch and other agencies have not asked to use CCTV or to view historical footage.

There is as earlier stated a dilemma for society with CCTV, and as a member of the community whose employment happens to be a police officer, this is fully understood. There are two points that should be made. The first is, CCTV is a wonderful system for reducing crime and securing convictions, but it must be used in the right environment. If outside a house there is a CCTV camera and when the occupants retire to bed and switch off the light, they know that the

opportunity for a burglar to break into the house, or for a thief to steal the car was much reduced, they will sleep all the more soundly. If, however, that same camera the following afternoon is watching the owners cut the lawn, or enjoying a drink in the garden with friends, then they would likely be very uncomfortable. That is one of the dilemmas for society.

The second, and something to which has been alluded to throughout is who watches the tape, and who uses CCTV. The police are governed by regulations and acts of parliament, and improper use could ultimately lead to dismissal. Society is however less secure when an unlicensed and unregulated security company monitors CCTV in public places. In private places it can be accepted to some extent, as people make a choice whether to enter them or not, but a system such as I have described in public areas should only be used where there is regulated control over the organisation, and a vetting process involved in the employment of staff. In fact the only organisation that exists that qualifies is the police. References were made earlier to the fact that we published codes of practice as a means of reassuring the public of our intentions. We copied these to the Home Office and while it was pleasing to see a government produced CCTV best guide book¹ last year it is disappointing to see that pressure to regulate the use of CCTV was diluted into what the government termed – ‘An Authoritative Guide’. Suggested regulation has been reduced to elements of good practice, which within this booklet doesn’t fill one side of this page, and which it states:

‘In order that CCTV systems are used efficiently, that public confidence is maintained, due attention is paid to issues of privacy and that integrity of systems is preserved, it is crucial that a code of practice is developed. You will need in part to tailor your code of practice to local conditions and to the sort of problems being addressed with the help of CCTV.’

Responsibility: a local officer should be assigned responsibility for the security at the CCTV and its operation.

Should one day an unregulated rogue element use a CCTV tape for a purpose other than it was designed, it will forever put in danger the public’s acceptance of a system that has many benefits to reduce crime, secure convictions, and improve the quality of life of the vast majority. We all must guard against that happening ■



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The management of change

I've come here to talk to you about management of change and, whenever I'm asked to talk about something like this, I am filled with some nervousness and humility, actually. I think to myself, why should I know any more about change than you do? After all, you are going through some significant change and I have watched the Prison Service go through very fundamental change for four years. But I guess my credentials are about the fact that I too have lived through change and what I can do is share with you some experiences and some learning.

I believe that I have been both a perpetrator of change and a victim of change and that gives me a sort of unique perspective. Because, as I have grown up in my organisation in the last 12 years or so, we have just changed in a manner so that, really, it's almost unrecognisable – and it continues. Much of the change is in response to external events, like yours, and much of the change is internally generated. So the quality of the events that I face are not dissimilar to the ones that you face.

So, for a long time, particularly as a perpetrator of change, I've had to think very hard about how to make it happen because, at the end of the day, it seems to me that, in our fast moving world, enabling and managing change is one of those very key management skills that you have to develop. It's a potent mixture of management skills. The way I approach it is that whenever I am about to make a change, or announce a change, or somebody's told me about a change, I believe that people will ask a number of questions. They ask 'Why?', they ask 'How will it affect me?', they ask 'How will it affect those that I care for?' and they also ask 'Will I cope?', 'Can I hack it?'. And to me these are absolutely fundamental. Whenever I talk about change I instantly think to myself, 'Can I answer these questions for myself?', 'Can I answer these questions if somebody asks me?', 'Do I have a reasonable explanation?', 'How do I generate the dialogue?'.

It's intensely personal, I believe, this change.

Because what we are talking about is something that affects us. If we are managers, we are about affecting other people's lives through something that we do. And the answer is not at all simple.

But I have to say it is kind of straightforward and it is, in my view, about *communication*. Now that's a terribly hackneyed word and I think it's awfully misused. I mean communication in the broadest sense. People have often said, and certainly books will tell me, that communication is about two things. It is about talking and it is about listening. To me, actually, it is about a lot more than that. Indeed, it is about talking and, very importantly, it is about listening. But it is about asking, it is about gossiping, it is about caring, it is about listening to the tone as opposed to the words, or tone as well as the words sometimes, it is about challenging, it's about persuading and, at the end of the day, it may well be about telling. I think we forget all the other bits that come with listening and talking.

I really believe that in developing our communications skills we don't need to look into organisations so much as we need to look at our ordinary everyday lives. How do we persuade our

I am a woman and I am allowed to have those soft skills. I feel sorry for my male colleagues because they are somehow not allowed to talk about these things ...

partners to do something that they don't want to do? How do we persuade our children and how often do we fail when we don't persuade them properly? How do we talk to our parents, to our colleagues outside work? It is, I believe, an intensely human affair, this communication business, and only if we can approach change from an intensely human perspective do we have the maximum chance of succeeding.

I have to tell you, ladies and gentlemen, that it is very easy for me to talk about care, worry, concern, training, asking, developing, because, after all, I am a woman and I am allowed to have

Millie Banerjee, I
Director of BT and non-executive member of the Prisons Board.

This is the text of a talk given to the Prison Service Quality Management Services Conference in January 1995.

those soft skills. I feel sorry for my male colleagues because they are somehow not allowed to talk about these things – they appear not to be allowed to feel worries, concerns and insecurities and I mean it really very seriously. I believe these are fundamental human traits and dealing with them

You know what line managers are. They wave their arms about and you're supposed to know. Haven't you met line managers like that?

are fundamental management skills. I really commend my male colleagues to consider this and I know that many, many people in the Prison Service do. That is what makes the Prison Service so different. We must consider people as individuals as we go through change, both from our own perspective and for those that work around us.

But what of you? I've been hearing about you. I've been hearing about Management Services. I hear about you at the Board, actually. You are often talked about, either because information has arrived, or not arrived, or we can't understand it or, good God, nobody else can understand it, or, how wonderful, this really does mean something and now we understand what is actually going on. All of these things happen – so you are actually pretty famous. And I think there is a piece around that, that we need to come back to.

It seems to me that two things are happening to you. The organisation around you is changing. The devolution of responsibilities and accountability to the Governor is making the prison a different place from what it was in particular aspects. But also within it your own jobs are changing, because your roles have now become very different in response to the change that is happening around you. So you have two what used to be called 'double whammies' here – you have two things to cope with. You have to understand and absorb the change around you and, equally, you yourself have to change, as you are pivotal in this new world.

I see your role as very much in what is generally described as the *support role*. It took me a very long time to come to terms with understanding the difference between operations management and support. I have to tell you I grew up as an operation manager and, in my view, operation management is all about instant gratification – it's like a video game. You know, you press your buttons and things happen. Now, even in a big organisation – sort of super tanker type organisation like yours is, and indeed like mine is – there is a long delay after you've pressed

the button and you can't predict exactly what is going to happen, so it's not quite like the video games we normally play. But, nevertheless, it is actually about this instant gratification if you are doing something, taking an action, seeing a reaction, taking an action, seeing a response.

Support roles are not like that – they are not like that at all. And, do you know, it occurred to me when I first got a support job, when I became a personnel director, that I had at last grown up, that the instant gratification time was over and this was very serious. People describe support roles using words, very common words you've probably used today, and the two commonest words are 'facilitate' and 'enable'. They sound so soft, don't they? When I first got a support job I said to my husband 'I want to do things! What happened to the doing words?'. He said 'No, no. What you are going to do is facilitate and enable'. I thought 'Crumbs, these are soft words!'.

I think it is worth thinking about what they mean. What do we mean by that? Let's take a concrete example – let's take recruitment. I know it well because I've done a job as a personnel director. When I was a line manager it was quite clear to me that, as a line manager, I made the decision, that the ultimate decision of recruiting somebody was mine. It was my responsibility, and I would be held accountable for it. When I moved into a personnel job I thought, well, so what am I doing? You know if the line manager is responsible, they are going to make the decision, so what am I here for? It took some time to understand the support and the enabling role and what it was about.

First of all, in that recruitment scenario I had to understand the job that I was recruiting for and really did have to understand the job. Worse still, I had to articulate the job – the line manager never did. He knew it in his head and didn't really articulate the job. You know what line managers are. They wave their arms about and you're supposed to know. Haven't you met line managers like that? I'm afraid that you have. As a support

There is a real skill about extracting information from people, about understanding what they are about.

manager you had to articulate this role, you had to actually find the right words, in the right sentences, with the right emphasis to make sure that you created a picture, a description on this role, and then you had to agree with the line manager. So here was a time when your understanding of the job and your articulation of it was severely tested by the line manager's understanding of the job and his articulation of it.

You then had to prepare the line manager (and yourself if you were participating in the interview) and they are not very simple, these interview situations, because, if you are interviewing somebody that you don't know, that you haven't met before, you have to be very, very clever and, dare I say, very manipulative about the way you frame and ask the question. There is a real skill about extracting information from people, about understanding what they are about. This whole area of preparing for an interview I found was very interesting because, actually, I found, shamefully, that when I was the line manager I used to close my in-tray and be in an interview situation with two minutes gap in between, during which time I had to rush to the loo because I hadn't time to go in the morning. It was like that in the line manager's life. Instant switch on; instant start.

What has the support manager done? The support manager has prepared the environment, has created exactly the right kind of balance of questions, the opportunity for dialogue and,

You have to be very curious as support manager because, whether you are doing financial support, management services or information or you are doing personnel, you are actually expected to have a much broader knowledge base than an operational manager.

indeed, the right kind of candidate. What happens after that? You've done the interview, you have to act as a sounding board for the line manager. This is very difficult. I find it very difficult because, remember, it is not your decision, it's got to be his decision. He's got to live with it, be comfortable. You have a view. You've put so much into it, you really worked hard on it, but you don't get to make the decisions. So what do you do?

You have to have this very significant skill about *persuasion*, debate, facts, analysis and do it the way that gets the best benefit for the line manager and for the company but, ultimately, you have to accept that it is his decision. That, to me, was recruitment. That was recruitment and it took me a long time to learn how to do it, and how to do it well and how to do it properly. I often wonder what were the skills, what are the skills that you need as a support manager. You do need these skills of explanation, persuasion, of understanding, of articulation.

But I think there is one other thing that you really, really need and that is *curiosity*. You have to be very curious as support manager because, whether you are doing financial support, management services or information or you are

doing personnel, you are actually expected to have a much broader knowledge base than an operational manager. It's not as deep as an operational manager but it's much, much broader and, if you are curious about what is going on, in your case what is going on in every aspect of the prison, then you begin to act like a sponge to get this knowledge base. The more you know, the better you perform because you can begin to learn and translate in your own head how one piece of action in the prison affects another piece of action in the prison. You become the repository of a degree of knowledge in the prison. At the end of the day, a support manager has arrived when the line managers come and ask you before they make a decision. That to me was my success. It wasn't about stopping them making decisions which I knew sometimes were wrong because I was an arrogant so-and-so. Where actually it was a success was when they always asked me before they made a decision. They didn't always agree but they felt, I suppose, that I had gathered enough information about the whole picture to add to their views. And that makes the support role very interesting.

But there are other aspects of the support role that are worth bearing in mind. If you are going to monitor and understand what's going on in the organisation, whether you are in a finance role or a management information or a personnel role, you do have to know what *information* is available and you do have to know how much you can rely on that information. Information gathering, processing and using is extremely boring – there is no other way of putting it. It is actually solidly boring but it is fundamental to our decision making, whatever organisation you are in. If we do not have a kind of rigour and discipline about gathering information and using it effectively, then we are running on a kite. We are intuitively managing what in your case is a very, very complex set of inter-related organisations and that, in a support role, is fundamental. What is very important for support managers, I believe, is to get the message to the people who gather information about why they are gathering it, get them to care about the information and to use it, but for yourselves to understand and come to terms with the importance of that, too.

I can't tell you exactly how I work in an information business and I can't tell you how fundamental we believe our information gathering sources are to the management of our business. That is the management of the support people. They have to be sure to create the environment where this is clearly understood and seen as one of the core values of the organisation.

In your support role, you will do a lot of *forecasting* and looking at the future. I found that

when I was a support manager that was one of the most exciting parts of the job. Because, what is forecasting about? It is actually in my mind helping to create the future. It sounds a bit fancy but, actually, I do personally believe that the future is ours to make and forecasting is a way of making that future. If you forecast, you do it on the understanding of the past, your understanding of what is happening in the present and what is likely to happen in the future. You pull that together in a concoction and say 'This is what the future looks like'. What happens then is that the organisation turns around and aims for that future or, if it is an unpleasant future, aims to avoid it. So I think a forecasting role, which is very fundamentally a support role, whether it is finance, whether it's forecasting about your people, skills you want, the numbers you want, how this organisation is going

Devolution is a very risky business because, when you start devolution, you start talking about 'What does it really mean? What are people actually accountable for? What exactly have we devolved?'

to look, is a fundamental part of your role as a support manager. I believe that is where you become really absolutely essential to the service. You become essential not only to the prison in which you work but, through a method of collective consciousness, you become essential to the Service as a whole.

I can't emphasise enough how important your role is going to be in this process of *devolution*. Devolution is a very risky business because, when you start devolution, you start talking about 'What does it really mean? What are people actually accountable for? What exactly have we devolved?'. These debates, I assure you, will go on and on and on. They are not easy to clarify and pin down at the beginning and, even if you think you've pinned them down, life will move on and you will continue to have that debate.

The reason for that debate is that the people who are letting go are wanting some assurance that you are there picking it up, and that's what the debate is about. So, to me, it's like being half way through a relay race. I talk about sporting analogies which are in the women's world. I don't know about football, you see, but I can tell you about relay races. What relay races are about is handing that baton over. There are no rules about handing the baton over if you run a relay race other than 'I hand over and you catch it'. That's what it is about. What does it, what makes it happen, is that you practice over and over and over again how to hand the baton over. So

devolution to me is partly about handing the baton over. Where responsibility has rested in Headquarters, the Headquarters people are handing the baton over to you. What they need to do is to feel not only that you have caught it, but that they somehow have their hands very lightly on the baton on the other side. That is not surprising because there are reasons of history why organisation as a whole will need to know how devolution is going, and how it works.

There are also very, very organisational reasons for Headquarters still wanting to know, and these are around being effective organisations. You are not independent prisons which don't relate to each other. You belong to a unitary nationwide organisation. Prisoners, which is what your business is about, move from prison to prison and that is the fundamental reason why there has got to be a kind of envelope within which you operate. The hardest is baton work after devolution. To me, if the baton is about information, what the person who has devolved wants to know is information. Having devolved accountability, decision making, responsibility, they want to know what actually has happened. Not in detail. (Some will want to know in detail and you will have to fight them off, inevitably). Not in detail, but in a way that is understandable when the information is received and in a way that is useful to the organisation.

That is where the risk lies. That's what the risk is about. If we devolved too much, are we out of control? If we pretend we are devolving to the people in prison and we do not meet their expectations, they get pretty fed up.

The answer really is around information service. It isn't about specific clarity of view because that is very difficult to achieve. It is information flow that supports successful devolution because the unitary organisation must understand and believe that they know what is going on in the organisation to which responsibility is devolved, that it is still largely in line with the parameters that the organisation has been set. You are going to be central to this, this baton passing event. You are going to be central because you are going to support the manager, the governor in this case, and his senior managers. It isn't just the governor. You are going to be central because you are going to be the conduit through which information will flow. The governors will, more and more, be looking to you to make that process painless and, indeed, completely transparent. I see the MS job becoming very much a mainstream job and I have to say, after four and a half years, 'About time, too'.

It's not a clerical job where you collect information. That is not what it is about. It is about supporting the governor. Now, it's no

I see the MS job becoming very much a mainstream job and I have to say, after four and a half years, 'About time, too'.

longer a soft and mushy word, 'support'. It's about facilitating the changes that the governor wants to make, supporting other managers, supporting the prison officers, understanding what is actually going on in the prison so that the broader aspects are recognised in individual decision making. You are going to be important and significant members of your team.

So, can you hack it? Well, my view of the Prison Service is that there is nothing that is impossible in this Service. I never cease to be absolutely amazed by the quality of the people and the complexity of the task that they are willing to take on. The inner strength, the kind of resource that individuals have is quite amazing. I have seen people time and time again just shift up a gear and move along. Oh, they complain about doing that but, of course, we are all human and complaining, by the way, is part of communicating, in my view. So is asking questions. Saying 'Hey, is this OK?', 'Are you sure you know what you are doing, guys?' are good questions. But I think that the most interesting thing about the Prison Service is a sort of inner resource. It probably comes, I guess, from doing a very difficult job because of the raw material, which is prisoners, is very difficult and you are constantly, as a group of people, challenged by an environment that people like me fortunately don't need to deal with. So I believe your inner resources are very much stronger than those of many other organisations that I have seen.

I think that you will need some *development*, probably. To me, development is not about training. It's sometimes about training but it is

about growing oneself, changing oneself, deciding how you are going to do the job, how you are going to control your life, and you will need that. You will need that because you are in a different environment and you would need that whatever change you made. You will need some support. I believe that you will need training in some cases, because some of the tasks are new and we all need training from time to time. I think that the Prison Service as a whole has an obligation to support you in managing that.

I feel that, all in all, this is absolutely the right way to go. I am indeed very pleased that there has been this opportunity for you to come together because one of the best things about managing change is to manage it collectively. You will get enormous support from each other in understanding how each other is coping and what is going on. The future for the Prison Service I think, in spite of all that's happened in the last six months, is very robust. The management is strong, the goals are absolutely exemplary and there is this very obvious balance between the commercial issues that are to do with value for money, are how we run the services, and the caring and the supportive environment in which we care for the prisoners.

I am very pleased that I am a member of the Prison Service and I am very grateful when I get opportunities to come and talk to you. To finish off then, I think you will enjoy it. It's going to be stretching but it's great, actually, to become central, particularly when you can change what is happening. You can indeed change the future. At the end it will be all about your personal strength and your ability and willingness to communicate what it is that you are doing. Remember, communicating is about telling, it's about listening and, most of all, it's about gossip ■

VERBALS

"... the increase in the number of hours prisoners are out of their cells has rarely been accompanied by a real improvement in meaningful occupation to fill those hours. Whilst we welcome the aim of unlocking prisoners for a minimum of 12 hours each day we have found that in the establishments which have reached or are reaching this target such success has been achieved at the cost of reducing people's confidence in their own safety."

(Report of Her Majesty's Chief Inspector of Prisons, April 1993-March 1994)

THE HOLLY WELSH INTERVIEW.

SIR TIMOTHY RAISON

Chairman of the independent committee on Local Monitoring of Prison Establishments, former Government Minister and Editor of 'New Society'.

HOLLY WELSH: Could you outline your background and interest in this area?

SIR TIMOTHY RAISON: *I suppose that I first became interested in penal policy generally when I started 'New Society' back in the 1960's over 30 years ago and that of course covered the whole range of social policy, but clearly home affairs that and crime is a part of that. That was really my first entry into the field and of course I am not a specialist, I am not a great expert on either crime or the penal system. I was later on the advisory committee on drug dependency. At the beginning of the 1970's I was a member of the advisory council on the Penal System which was then looking at young offenders particularly, I was on that for two or three years. In 1979 I became a Minister of State at the Home Office, my particular brief there was primarily to do with Race Relations, Immigration, the Nationality Act, so it was not a crime brief. On the other hand, on the Race Relations side there were relevant areas, I used to occasionally go and look at Borstals and take an interest in the handling of ethnic minorities within the prison system. There was also pretty active involvement in the whole business of the Brixton and other riots. So although I was never the Minister for Prisons or the Minister for Law and Order I had an awareness of what the Home Office was doing. I then went to overseas development which of course is rather different. The aid programme included policing and I remember I took the prison management as well, but again it was not a detailed interest.*

The invitation to be Chairman of this enquiry really came out of the blue, I thought that it would be a very interesting job to take on. I had stopped being a member of Parliament and I was Chairman of the Advertising Standards Authority but that was a part time activity. I am also Chairman of the Health Service Trust one of the NHS Trusts in Aylesbury, and I have maintained an interest in Social Policy in general, over time. I think I was probably asked to chair this as not being a committed party but as an outsider. The committee includes people with very specialist knowledge, people who actually work in the prison service and people who have studied the prison system pretty closely, so there is a good deal of expertise, but there is a lay element, I think I am one of the members of the lay element.

HW: Why, from your perspective, has this come about at this particular time?

STR: *The enquiry was set up by the Prison Reform Trust, in the sense that they created it and they are providing the funding for it, but it is quite clear that we are an independent enquiry, so we don't have to follow their policy. They have had a long interest in this particular question. There have been a great many reports, and I quite see that people in the Service and in particular, the Boards of Visitors, feel they have been crawled over quite a number of times over the course of the last 20 years or so, but there are changes in the system; there are new factors. We are enquiring into local monitoring of prisons*

and in addition to Boards of Visitors fulfilling what's really an historic function, as after all it goes back to the 19th Century, and there are a number of other factors.

One of the factors clearly is the emergence of a very up-front, very prominent Inspectorate, it's not a new function, nevertheless it has an impact now which it hasn't had in the past. We are not enquiring into them and nor are we enquiring into the Ombudsman but we are interested in what is the effect on the current system of local monitoring, that flows from these innovations.

I think there are one or two other factors which come into it. One which sort of rumbles on, is the consequences of giving up adjudications, I've met very few people who say bring back adjudications, but I've met quite a lot of people in Boards of Visitors who feel, they've lost something, they are not advocates for its return, but they feel that losing that in some way downgraded them, it made them feel less significant.

There are also other interesting developments. For example, the introduction of private prisons. I know that some people have an ideological attitude towards private prisons, other people think how can they possibly do the job when they have so many inexperienced Prison Officers, and yet I think it's a bit more complicated than that. One interesting point is the contract. Some would say, it's a rather American approach which is creeping into our system over here, but others would say that the contract and the enforcement of the contract can be a very interesting form of monitoring – a kind of rather tough way of making sure that standards are met, and as you know in the private prisons the contract enforcer is the controller who is a Home Office man and he sits there, I mean he's there in the prison in a day in day out and it's his job to see that the contract is observed. I think that's a new development which it's worth thinking about.

Another thing that's happening which I think is worth thinking about is the gradual appearance of so-called non-executive directors within the Prison Service. Now, what happens in the cases I know of is the governing Governors have their own budgets and they are able, if they wish, to say I am going to

spend £X on paying somebody to act as a non-executive Director. This is not primarily a monitoring role, but what a non-executive Director can do, is perhaps to provide financial and planning skills which are more and more required as a consequence from the budget-holder development. I know of one non-Executive Director who is a Doctor of Psychiatry, whose skill would be in that sort of field. They are not true monitors, because they are after all part of management. On the other hand, they do have some kind of input in terms of sort of looking to see what's going on, and perhaps they have a greater ability to input things into the management level than Boards of Visitors do. Whereas Boards of Visitors, you could argue, are primarily concerned with making sure that the everyday operations are being carried out legitimately.

I think if you look at the actual Prison Rule which defines the job of the Board of Visitors, that there are three elements in it. One is clearly to do with the premises, the plans, one element is to do with the welfare of prisoners, and the third element is to do with administration. I think the plant and the welfare functions are reasonably easily seen and defined. The administration one, to my mind, is perhaps a more slightly open question, what was actually meant by administration, looking into administration – administration is vague, it's a term which can embrace more, now, how this is worked out I think has been very much give and take in local practice and so on, and I think in some areas you will find that the Chairman of the Board of Visitors particularly is rarely seen, has a very close relationship with the Governor and he or she may be somebody that the Governor will use as a sounding board and somebody who is outside the system and they can have an informal discussion about things. Another development which I think it's worth just seeing whether it's got some kind of impact. I think another area which we are looking at is what people sometimes call informal monitoring, they mean Alcoholics Anonymous or the WRVS, or voluntary bodies of some kind coming into the prison, they are of course not there in order to find out what prison is doing a good job, they don't produce reports in a way the Board of Visitors

do, but they are part of a kind of contact with the outside world which I think inevitably means that people are talking about what's going on.

HW: Some of these people and the media now get a pretty good run of prisons, and we give access to all sorts of groups now, for example, for educational reasons or when recruiting. Does that not mean that Boards of Visitors may be superfluous?

STR: *Well, there is an argument, obviously, in this. But generally speaking, I have been struck that Boards of Visitors' work is very hard, and the Chairmen, in some cases, work absolutely amazingly hard and in the Prisons that I have been to, in nearly every case there has been a good relationship, certainly between the Governor and the Board of Visitors, I haven't run into friction. That is good. Of course, people can say they are all a bit too cosy, and a bit too close together, and the whole point of the Board of Visitors is that they should be independent.*

I know some people believe us to be out to knock Boards of Visitors and perhaps they think Prison Reform Trust is, on the whole, on the more radical side, as I say, we're not the Prison Reform Trust, we're grateful to them and they have been very helpful and they set it up, we hope we will really judge the situation in constructive terms and come up with something useful.

HW: Are there any radical ideas being thrown around?

STR: *I think the new area is the kind of thing I was talking about – the evolution of the contract, the possibility of a non-executive Director.*

HW: Have you done any overseas comparisons?

STR: *No, not really, we'll have a little bit on Australia, one of our members has just been to Australia and there's a bit of experience on the United States, and I think we may have a little bit of evidence, I think its in Denmark, or Holland, but we are limited by time and the fact that many people are very busy,*

and we aren't trying to be comprehensive, I think we are trying to be thoughtful, constructive.

HW: Is there anything that comes out that you as a group have thought, we really need another separate body to do that?

STR: *I think these questions about the non-executive role in prisons, perhaps need to be looked at separately, because as I have been saying they have a bearing on what we are doing, but they are not primarily designed as monitoring. I think underlying all this is a major question that is how open prisons should be, not in a sense of Open Prisons, but I mean should you think about the walls as being what it's all about, or should you think about – fundamental question isn't it – the balance between deterrence and punishment and improved performance so on. In the recent past the emphasis has been on prison as a tough place which will stop people being criminals. People in the Prison Service have to make it work and I think that prisons ought not be the places that encourage people to commit crime, and whilst security is obviously tremendously important, including public confidence, I think they make a mistake to think that they are the be all and end all and I think to try and drop any kind of constructive or improving or forming element in prison, is wrong and also makes it very hard to manage prisons.*

HW: Finally, what do you hope comes out of this report?

STR: *I hope we can make an intelligent and rather positive contribution to the debate ■*

Coxsackie Correctional Facility. New York State

The New York State Correction Service comprises 75 establishments holding over 65,000 prisoners. The largest of which is for just under 3,000.

Coxsackie currently has a population of 920, of which 33 per cent are under 21. Of the total populations some 275 are currently in lock down conditions though this is a reduction of 200 over the numbers of a couple of years ago.

They have a special housing unit for lock down or disciplinary segregation. Prisoners being removed from the general run of the establishment, are in their cells with most of their property impounded for 23 hours a day, and when ever leaving their cells are handcuffed, usually behind their backs. Thus the regime is extremely restricted.

It is an 'old' facility being opened in 1935 and then called the New York State Vocational Institution in Coxsackie. Then having the aim of rehabilitating young males through occupational training. The philosophy of rehabilitation through education continues though the establishment has significantly enlarged and most recently the security has been enhanced.

Health care services are provided in-house, by a part-time physician supported by a nurse administrator, eight registered nurses, rostered to provide 24-hour cover, a pharmacist, two dentists and clerical support. They also provide medical services for three adjacent facilities.

They provide outpatient and inpatient care with a 15-bed inpatient unit which includes rudimentary isolation facilities.

Specialist clinics are undertaken at local hospitals, one of whom also has a prison unit staffed by correction service personnel for prisoners needing long term inpatient hospital care.

Currently the main medical problems are with HIV, tuberculosis, hypertension and violence with prisoners cutting each other.

Health education is taking place with a particular focus on the prevention of communicable diseases and the dangers of drug and substance abuse.

The prison does have an 84 place residential alcohol and substance abuse treatment programme run by the psychology department, which is based on an educational and counselling model and is as proscribed by the State Department of Corrections, thus similar programmes are in place in their other facilities. The work is mostly group orientated around academic, vocational and preparation for release programmes.

The prison is akin to a British training prison with many workshops and vocational training

activities. However the accommodation was poor, tiny cells, many dirty and other accommodation was in claustrophobic dormitories. In comparison with other facilities the attitudes of the staff appeared different, with a much more stand offish and an apparently purely supervisory role.

Within the New York State system there are significant medical problems related to HIV/AIDS and tuberculosis such that there is to be a major investment in prison medical facilities over the next few years including a 50-bed inpatient facility at Coxsackie, work on which was due to start in a few weeks.

Federal Correctional Centre. Otisville

This facility is located 70 miles North West of New York City. It was originally designed as a training prison of medium security to house 500. However, in the late 1980s it changed role to a pre-trial establishment now holding over a 1000. It is of the new American design (similar to Woodhill), spread over a wide area, with a central administrative block and an "adjacent community" block which houses the kitchens, dining hall, education, workshops, library, and gym facilities; there are 12 housing units including a witness protection unit, a segregation unit and a hospital.

Prisoners are able to move unsupervised between different parts of the establishment at any time during the working day provided they have a pass, though at every hour on the hour there is free movement without passes.

The majority of accommodation is shared double cells though recently a workshop has been converted into a massive dormitory. There is an ongoing competition as to the state of cleanliness of the housing units, the winners each week are the ones able to go first in the queue to the dining hall. Throughout, the establishment was impressively clean and tidy.

The establishment has been a prize winner for the educational services it provides.

Health care is provided from the hospital which is attached to the main administration area. Although possessing inpatient facilities these are currently not being used, thus only an outpatient services is offered. Those requiring inpatient care either being transferred to another Federal Prison establishment or to the neighbourhood hospital with whom they have a contract.

They have recently started a specific contract with the hospital to provide haemodialysis. The establishment had agreed to take prisoners requiring dialysis from other establishments in the system. The prisoners arrived but unfortunately the additional funding that they had been promised to cater for this, particularly the escorts has not!

*Leavenworth Federal
Penitentiary*



24-hour medical cover is provided by 12 physician assistants on rota. There should have been two full-time physicians as well, however recruitment difficulties meant only one physician was in post. There were no nurses.

The psychology department undertakes mental health assessments and coordinates the alcohol and drug treatment programmes. This is a 40-hour educational programme, certain prisoners are required to undertake this by court order and others can volunteer. Random urine drug checking is in operation throughout the establishment. In the past they had a drug free unit though this is no longer operating.

As in other establishments over 75 per cent of the prisoners had some involvement with drugs and within the prison there were heavy sanctions for either the use of drugs or the refusal to give a urine test.

Of note were the high proportion of black and coloured prisoners, the seemingly free use of lock down (disciplinary seclusion) for the least misdemeanour. Prisoners are also held in lock down prior to adjudication. This was balanced by a relaxed atmosphere and positive interactions between staff and prisoners.

Federal Correctional Institution. McKean

McKean is in rural northwest Pennsylvania on the edge of the Allegheny National Forest. It is a new campus design establishment, opened in 1989 by the current warden, Dennis Luther, who is noted for his innovative and charismatic leadership style. This has been highlighted in a

number of articles by the management guru, Tom Peters, most recently in his book 'Liberation Management'.

The facility comprises three distinct areas. The campus designed closed prison surrounded by a double-wire mesh fence, holding 1100 prisoners; an adjacent 300 place open prison and nearby both these an impressive staff training and resource centre built by the prisoners and staff.

In the main prison there is a spacious reception area, then a short walk in the open up to the main administration buildings which is equally spacious. The separate prisoner accommodation units are sited on a slight hill looking back over the rest of the establishment. As at Otisville, in the middle of the establishment, is the community area comprising the kitchens and dining halls, education area, library, an enormous workshop/factory, gymnasium and indoor and outdoor sport area and the psychology department.

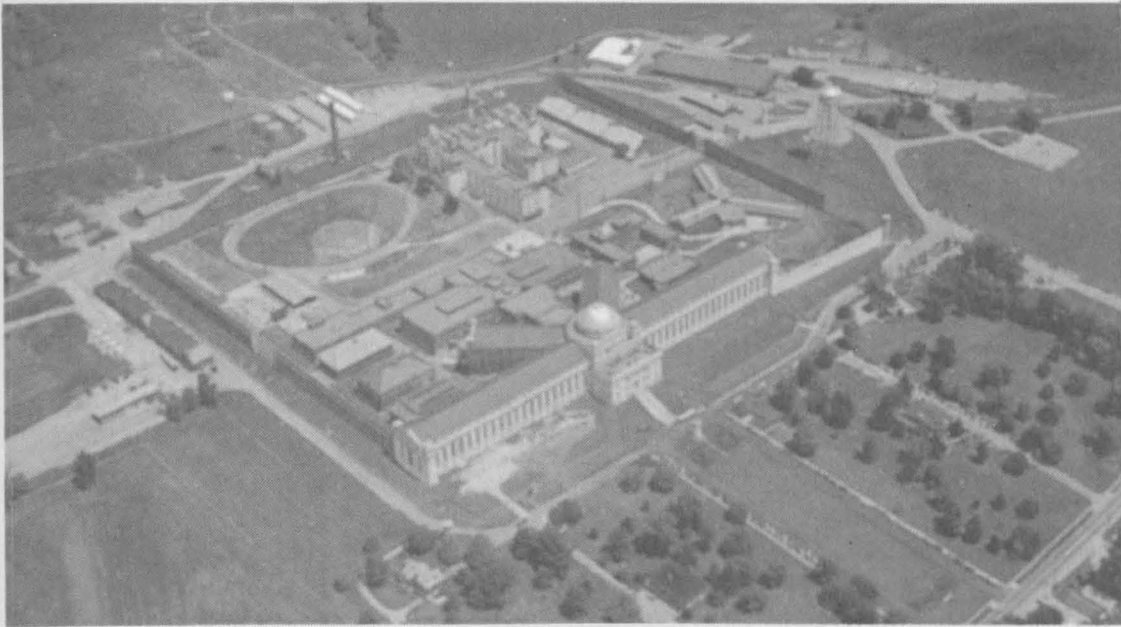
The hospital is adjacent to the reception block which is on the perimeter fence.

Physically and architecturally it is an impressive set of buildings, set virtually in the middle of nowhere, surrounded by forest.

McKean holds only sentenced prisoners, with an average sentence of over 12 years, over 60 per cent related to drugs and over 50 per cent having a history of violence.

There is a comprehensive educational programme and an impressive factory.

Health care is principally an outpatient service provided by a full-time doctor and supported by physician assistants on 24-hour roster.



Cossackie Correctional
Facility, New York State.

The psychology department provides three different drug treatment programmes. A comprehensive 500-hour residential programme that lasts for nine months and focuses on relapse prevention, cognitive behavioural treatment, criminal lifestyle and self esteem. There is also the 40-hour drug education programme and a series of non residential drug treatment programmes for individuals or groups. They have also introduced what they call an inmate mentoring programme in which older prisoners monitored by the psychology staff assist younger prisoners in adjusting to prison life.

The establishment has its own mission and vision statement. Dennis Luther has also set out his beliefs about the treatment of prisoners. These are encapsulated in 23 values to be upheld by those in the establishment. As part of this they have a motto:

'Setting the Standard for Sustained Superior Performance'.

To achieve this there are nine self-managed multidisciplinary work groups, now called SSP teams after their motto, previously known as quality management teams, these address the following key areas:

1. Financial and cost containment,
2. Human resource management development and recognition,
3. Community relations,
4. Inmate programmes,
5. Security/emergency preparedness and response,
6. Physical plant,
7. Inmate services,

8. Information systems review/key indicator strategic support systems
9. Communications.

There are incentive and star award schemes with financial rewards, staff member of the month awards with certain privileges and comprehensive training opportunities. This is supported by providing a great deal of information to all members of staff about the functioning and financial management of the establishment, details from the national prison social climate survey, a daily message from the warden both on a telephone line and on their internal television system, and rapid response to any staff suggestions, within 24-hour.

Similarly covering the prisoners there are structures that enable prisoners to develop their own ideas on improvements, and a good communication system between staff and prisoners. Overall leading to a relaxed and positive atmosphere.

Underpinning this is the clear philosophy that if prisoners are to be treated well those directly looking after the prisoners must be as well.

The finances of the establishment are interesting. For the financial year 1993 there was a total budget of \$18.8 million of which \$14.9 million was for staff salaries. There is an operational budget of \$3.9 million of which \$1.260 million went on food, \$341,700 on health services, \$878,300 on outside medical services and \$21,300 on drug surveillance.

McKean is certainly an impressive place, even more so as it has achieved the highest ever mark in the national accreditation process. However, that said, there is still a significant proportion of the population in locked down conditions.

Leavenworth Prisons

The town of Leavenworth is about 25 miles North West of Kansas City which itself is on the border between the States of Kansas and Missouri.

There are four prison establishments within a very short distance of each other, the Leavenworth Detention Centre run by CCA and the United States Federal Penitentiary, Leavenworth both of which I describe below.

There is also Leavenworth State Prison which unfortunately we were not able to visit and adjacent to the Federal Penitentiary is Leavenworth Military Reservation in the middle of which is the Leavenworth Military Prison, the main prison facility for the whole of the United States Armed Services. We were able to drive through the reservation, an original frontier military post, and saw the military prison from the outside, a very imposing building with extremely high walls and watch towers.

Leavenworth Detention Centre

The Leavenworth Detention Centre is a private facility run by Correction Corporation of America for the United States Marshall Service and one of 21 facilities run by this Organisation which includes one in England and one in Australia.

Leavenworth DC was designed, built and is operated by CCA. It has 256 places and holds federal prisoners awaiting trial though currently has 302 prisoners all sharing double cells. The whole of the facility is effectively under one roof with an external exercise yard.

It houses both men and women though they do not mix. Prisoners can be of any security classification though are unlikely to be held longer than 60 days here. All visiting is closed (no physical contact).

Health care is provided from a small unit in the centre of the establishment with male and female inpatient areas though these appear to be infrequently used as anyone requiring inpatient care is transferred out through a contract with the local hospital. A local doctor attends on a part-time basis and 24-hour cover is provided by a group of six nurses.

They place considerable emphasis on the relationship between prisoners and staff which indeed appeared very positive.

United States Penitentiary Leavenworth

This is a high security male establishment built by prisoners and opened in 1906. It is of a hub and spoke design with a very impressive front. It currently holds over 1500 prisoners with a part

closed for refurbishment.

A rolling refurbishment programme is in hand with a move from the traditional accommodation in the centre of the building to the newly refurbished areas which have cells with windows to the outside.

There was an old and traditional atmosphere which was reinforced by our visit to the oldest of the accommodation areas currently housing Cuban detainees where the noise, oppressive atmosphere and the internal fencing along with a prisoner being removed under restraint served to set the tone of the visit. In their four man control and restraint teams one man has a video camera to record the whole intervention. Tapes are reviewed daily by the warden.

It is a massive place much more akin to a traditional British prison. There was noticeably a different atmosphere here to that of the new generation of prisons with the guards seemingly fulfilling much more of the traditional guard role.

Health care is provided with a number of physicians and physician assistants on site, but no nurses. Unfortunately lack of time precluded a visit to the hospital area. There is in addition an intensive psychology programme related to substance misuse.

Overall from a visitor's point of view there was a slightly less welcoming atmosphere at this prison perhaps as it is a historic place within the service they get swamped with visitors.

US Medical Centre for Federal Prisoners Springfield

Springfield is situated 200 miles South of Kansas City. The facility is in the city suburbs. The whole institution is a Medical Centre which holds over 1100 prisoners, of whom 700 form the patient group and some 400 the work force. There are around 2,400 receptions a year. The staff of over 700 includes 125 nurses, 20 physicians, 15 psychologists and 96 support staff (Pharmacists, Laboratory technicians, Radiographers, Theatre staff etc.).

It is the most expensive of the Federal establishments with a budget of \$45.4 million for the year 1993 of which \$4.9 million went on outside medical care and \$1.2 million on medical consultants. Giving a daily cost per prisoner of \$112.

Springfield is one of six Medical Referral Centres within the Federal system but it is the only one capable of taking male offenders of all security level.

The facility, which was built in the 1930s, is like a District General Hospital. There are two divisions, medical services and mental health services. Within the medical service are the

internal medicine wards, caring for those with cardiac disease, hypertension, tuberculosis, diabetes and HIV. A specialist renal haemodialysis unit, currently enabling 15 patients to be dialysed simultaneously. This is due to be expanded to enable 50 to be dialysed at once. There are a number of cells set aside for respiratory isolation and there is an oncology unit which is physically separate from the other medical areas, overall a total of 300 medical beds.

They have a significant problem with hypertensive related renal failure especially in the black prisoners, in many instance this is precipitated by drug use. It is Federal Bureau policy that organ transplantation does not take place hence the need for extensive dialysis facilities.

The surgical unit of 140 beds and operating theatres enables a complete range of surgical procedures to be undertaken with the operating undertaken by full-time prison service surgeons, supplemented by visiting specialists from the local hospital.

They are supported by an in-house laboratory department which additionally undertakes lab work for 26 other facilities and has 15 staff providing a seven-day a week service. There is a comprehensive pharmacy department, a key part of its work is preparing the solutions to be used in the dialysis unit and there is a comprehensive radiology department including a whole body CT scanner, sophisticated x-ray equipment to enable invasive procedures and sophisticated ultrasonic equipment.

The staff physicians are supported by 40 visiting consultants.

The mental health unit is the only unit within the Federal Bureau that is able to manage the high security mentally ill. It is sub-divided into two sections – mental health evaluation which has 117 beds and undertakes forensic and diagnostic psychiatric evaluations and the mental health treatment unit of 177 beds which is for the intensive treatment of those with florid as well as chronic mental illness. Both are supplemented by a 12-room suite of anti-suicide/seclusion rooms which have camera observation.

A wide variety of therapies take place from individual to group to leisure time programming to pet therapies with animals being brought in from outside. However, the mental health units do give the impression of being very much a psychiatric prison.

HIV/AIDS is presenting a significant issue for all federal prisons. At any one time some 60 patients at Springfield are likely to be HIV positive and may be in any of the medical, surgical or psychiatric areas depending on their particular health problem.

As with all federal prisons there is a small

seclusion/lock down unit which at Springfield has attached to it a special unit caring for one prisoner alone who is allowed no physical contact with any member of staff at any time and has apparently been in such conditions for 11 years, never coming out and never receiving visitors.

For the most part prisoners arrive at Springfield by aeroplane, in financial year 1991 they spent over \$2.9 million on the medical transportation of prisoners.

Such is the nature of the cases looked after at this establishment that there is an average of over one death a week in the prison. In recent time almost half of these have been related to HIV/AIDS. However, it is interesting to note that the suicide rate amongst prisoners, over the last few years, has only been one per year.

There is a quality management team in place in the establishment with the aim of ensuring quality health care to the standard prevailing in health care facilities outside prisons.

This visit was a fascinating experience, the facilities and care appeared to be of a high order though particularly in the mental health side there was a high level of use of lock down and seclusion.

Meeting with the Regional Director

Prior to going into Springfield Medical Facility, we attended a 7.30 am meeting for all staff, that was hosted by the warden as part of correctional officers week, at which the Regional Director was giving awards and prizes to a large number of the staff for particular aspects of their work within the establishment.

The Regional Director announced a number of staff changes including the move of the warden who is to open a new medical centre in Texas. He gave a brief message from 'headquarters' about the current issues within the Bureau prisons the way the population is rapidly rising and the number of prisons that are going to be built or expanded to cope with this.

General Impressions

There are a number of particularly striking issues that I was made aware of during this series of visits.

Cleanliness

Virtually all the establishments we visited were immaculately clean and tidy. It was clear that there were many incentives used to ensure this happened including those having the cleanliness housing unit being first in the meal queue to the dining room; but there were also many involved within each of the establishments in keeping the grounds tidy.

The Regimes/Activities

In all establishments there was a considerable amount of work undertaken, the factories worked like a conventional factory, many having evening and indeed some night shifts. It should, however, be noted that all Government Departments are obliged to buy prison made furniture and other products.

An interesting combination is that of education and physical education in one department.

With regard to physical education we were told, at a number of our visits, that there were legislative moves under consideration for prisoners to be prevented from undertaking physical education in prisons because of the apparent concern that prisoners were getting too fit and strong whilst serving their sentences. The staff who told us of this move were appalled at the thought of having to look after prisoners without the recourse to them being able to undertake physical activity.

Meals

The meals that we sampled and we did in many of the establishments were of uniformly high quality and a couple remarkably good, many with 'healthy' options. The meals for the staff are exactly the same as the meals provided for the prisoners.

Accreditation

There is a system for accreditation not only of prisons but also of health care units. For the latter, accreditation is exactly the same as community hospital would need to obtain.

Freedom and Control

In the training prisons we visited there was a clear balance between areas of considerable freedom for prisoners balanced by areas of total control, those locked down. It appears that one is necessary to balance the other and one could not have the degree of freedom that some areas had without the threat of the lock down.

Security

In all the establishments, perimeter security is extremely strong with multiple barbed wire and alarmed fences, all had armed guards either in watch towers or in roving patrols driving around the perimeter. Whilst on our visit a prisoner was shot while trying to escape, though only wounded, in a prison near one of the ones we were visiting.

Death Penalty

None of the facilities we visited carried out the death sentence. The death penalty is not currently a Federal sentence though new

legislation is likely to introduce it for certain drug offenses. The new top security Federal prison in Colorado is being equipped to carry it out.

Drug Programmes

Throughout all the prisons services we visited there is a considerable emphasis on drug education programmes and within the federal system there is the 40-hour education programme and the 500-hour drug treatment programme. Clearly there must be some merit in having similar, if not exactly the same programmes running across their service.

Most facilities have drug screening for prisoners, testing suspects, those returning from leave and a random sample of the population. All also randomly test staff. Only in New York city was testing only of staff.

Staff

The staff in the establishments we visited fell into four discrete groups. Those providing the security, those undertaking programme work, counsellors etc and the managers/wardens, and the specialists doctors nurses etc.

Medical Problems

HIV/AIDS is a significant issue and presenting tremendous problems in all the establishments we visited. This is now exacerbated by the ever increasing number of cases of tuberculosis. Hypertension, diabetes and hypertension related renal failure are equally demanding considerable resources as demonstrated by the requirements for in-house dialysis. Mental health issues and deliberate self harm, also present significant problems.

It is interesting that virtually the whole of the management of mental health and drug issues are undertaken by clinical psychology staff rather than medical staff.

None of the places we visited were undertaking sex offender treatment work.

Staff Welfare

In the broadest sense each of the establishments concentrate many resources on their staff from fixed and audited mandatory numbers of training days per year to the correctional workers week which was the week we visited when there were a number of activities and functions specifically for the basic grade staff. There are many staff incentive programmes in operation, the most diverse at McKean.

Health Care

It is difficult to compare health care in the prisons we visited with that in England and Wales

because the magnitude of problems that the prisoners present are so different, at least as things stand at the present. Drugs and HIV/AIDS are very significant issues though it is of course interesting that drugs or illicit drugs appeared hardly to present a problem in US prisons as the perimeter security prevents them coming in and the sanctions for their use, if detected, are so harsh. This is, of course, backed up by random screening of prisoners and in many facilities, staff.

The Federal Bureau has set a number of objectives for the current year related to health care which are as follows:

- i. Implement an inmate health promotion and disease prevention programme to supplement health care services by encouraging inmate responsibility for personal health care.
- ii. Continue to improve the quality of health care through a continuous quality assessment and improvement process at all institutions.
- iii. Improve cost effectiveness of health care services through managed care initiative.
- iv. Continue development of quality drug treatment operations including the careful recruitment of qualified drug abuse treatment staff to ensure programme integrity. Conscientious recruitment of inmates in need of drug treatment that ensures full drug abuse programme participation.
- v. Continue to develop and implement plans to address the special programme needs of mentally ill and mentally retarded offenders.
- vi. Continue to develop and implement plans to address the special programme needs of physically disabled, chronically/terminally ill and geriatric offenders.

Health Screening

At each of the different types of establishment health screening takes place when prisoners are received. For the most part this is spread over a number of days with target times for particularly pieces of work to be undertaken. In the New York State Correctional System the following examinations take place:

Medical interview and examination with mental health appraisal if required	- on entry.
Blood pressure	- annually.
Physical examination	- every five years and annually from the age of 50.
Clinical breast examination for females	- every two years.
Dental evaluation and panoramic x-ray	- on entry.
Chest x-ray	- on entry.
ECG in 40 years or older	- on entry and every two years.
Cervical smear if 21 years or older	- on entry and annually.
Tuberculin skin testing	- on entry and annually.
Immunisations	- polio, measles, mumps, rubella as needed; diphtheria, tetanus every 10 years; and influenza annually from 65 years.
Complete blood count and differential	- on entry and every five years.
Clinical chemistry profile including liver protein profile	- on entry and every five years.
Urinalysis	- on entry and every five years.
Serology for syphilis	- on entry.
Hepatitis B surface antigens	- on entry.
Test for gonorrhea and chlamydia on cervical secretions (females)	- on entry.
Stool for occult blood	- annually after age 50.
Sigmoidoscopy	- every five years after age 50.
Mammography	- annually after age 50.

These extracts show that the management of the Bureau of prisons is clearly highly motivated to address health care issue. The enormous expense of providing health care within the prisons and more especially in buying it from outside must be one reason why this is such a priority for them.

However it was not clear to what extent all the above was done and indeed how it was monitored.

Health Promotion

Whilst there is a clear mandate from the Federal Bureau that health promotion should be taking place there was little evidence of it having got off the ground at the establishments with the exception of McKean though each of the Federal establishments we visited were aware of the aim to undertake this and were considering options.

Pharmacy Services

For the Federal Bureau prisons there is an in-house pharmacy service, a large branch of which we were able to visit at Springfield. This employs some 11 pharmacists full time. There is a national formulary which is regularly updated and there appeared to be specific contracts for the central purchasing of drugs.

Information Technology

Within the Federal Bureau establishments all prisoner information is held on a computer database though in establishments there were not obviously many terminals to gain access to this information.

They have a separate medical computer database also centrally run, but not an integrated clinical system.

HIV Testing

None of the services we visited had compulsory HIV testing, however prior to being released from a federal facility prisoners are randomly asked to undergo anonymous testing.

Tuberculosis Management

The New York State Department of Corrections had recently published a new policy and procedure protocol for the management of tuberculosis. In this they highlight that their system of control is fulfilled by four general tasks: prevention, detection, containment and treatment.

All those coming into custody are required to be screened by Mantoux skin testing and chest x-ray. Should any prisoner refuse to have a skin test they are held on what is called 'medical keep lock status'; under this they appear to remain in their cell all the time, (the cell very likely in the segregation area) with the exception of one shower

a week; they are only allow to have legal visits. This continues until skin testing takes place. In practice no one declines!

If tuberculosis is identified, patients are placed in respiratory isolation in rooms specifically designated for that purpose. Any person entering the room must wear an appropriate dust/mist respirator mask. Patients are only allow to come out of the respiratory isolation when they have met the following clinical parameters; smears are negative if they had been positive, they are clinically improving, they have completed two weeks of full drug therapy and three post treatment sputums are AFB negative. If they are suspected of having multi drug resistant TB they need to have completed at least two weeks of therapy with a minimum of two drugs to which the organism has been found to be sensitive.

There is a central infectious control team which assists facilities in the organisation and administration of infection control procedures following identification of a case and in the general education of prisoners and staff.

Details of the contact tracing procedures are carefully laid down as is the necessity for reporting cases to local, county and state Departments of Health.

All tuberculosis treatment is given as directly observed therapy and further in New York State there is a law that requires treatment for tuberculosis. Any prisoner refusing may be subjected to treatment under Court order.

There is a protocol for prophylactic isoniazid therapy including the management of those who are non compliant with that.

This is a very comprehensive protocol and standard but clearly of necessity resource intensive.

Conclusion

Overall this was a fascinating and extremely instructive experience. There are many aspects of the United States penal system that are similar to England and Wales but many that are radically different. Certainly the visit to McKean and Springfield were the most memorable ■

Scene

from here

Under this title the Journal invites someone who is not a member of the Service but who knows us well to contribute a reflection on some aspect of our work.

Professor Roy King is Director of the Centre for Criminal Justice Studies at University of Wales, Bangor, and the author (with Kathleen McDermott) of *The State of Our Prisons* published by Oxford University Press in July 1995.

Woodcock and After

In thirty years of observing and researching the prison system I cannot recall a report less deserving of serious attention but more dire in its largely unnecessary consequences than Sir John Woodcock's *The Escape from Whitemoor Prison* (Woodcock 1994). The tone is set by the opening sentence: 'It was 8.10p.m. on Friday, 9th September 1994, when the concentration of the prison officers in the Special Security Unit (SSU) at Whitemoor Prison was disrupted by a telephone call announcing that several of their charges were in the process of escaping over the prison wall ...'. One could be forgiven for thinking that this might have been written by Lynda La Plante, or even - perish the thought - a former Home Secretary, capitalising on inside information whilst indulging his thriller writing pastime. Certainly no civil service hand guided Sir John's pen and one can only wonder why he should have chosen to direct his remarks in such an obvious way to an audience of media hacks. It may well be that Philip Woodfield did more than just polish the draft of Mountbatten's *Report of the Inquiry into Prison Escapes and Security* in 1966 - the most obvious comparator to Woodcock - but it is not just the prose which invites comparison. Mountbatten shrewdly grasped the essentials of the problem and proposed not merely the most logical, but also the most parsimonious, solution. Regrettably, those proposals were not fully implemented. Had they been, there might have been no Whitemoor, let alone a Whitemoor SSU, from which to escape. Woodcock (knowingly) takes events out of context and then misconceives them to produce irrelevant conclusions at logical variance with his own analysis. It is no less regrettable that his recommendations are now being fully implemented - perhaps even more than he intended - at enormous cost. From the point of view of the future of the Prison Service the fall-out is immense: it is not just unwarrantably damaging careers, it is

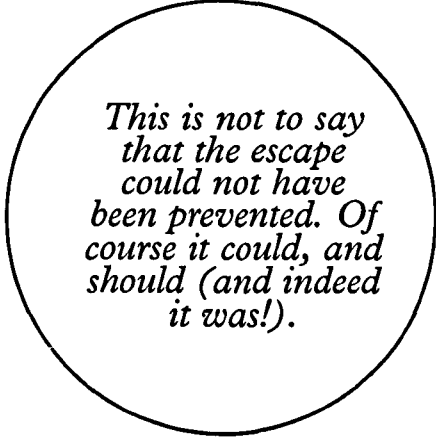
squandering resources, setting back overdue reforms, storing up control problems, and, no doubt, further dividing an already beleaguered Prisons Board.

Although Woodcock gives a cursory and selective historical overview of security policy by way of background 'for the benefit of the lay reader' (para 2.1) there is no internal evidence in the Report itself that he or his colleagues understood that background or appreciated its relevance to Whitemoor or the future of the Prison Service. 'Account was also taken' (para 1.19), or so it is said, of the Control Review Committee Report (Home Office 1984) but there is no evidence whatever of that, and it does not figure at all in the history provided. Similarly, the current political context of the Northern Ireland peace talks is mentioned, but only through reference to press allegations that there might have been a deliberate policy of 'appeasement' (para 1.14) - allegations which are not seriously explored, let alone resolved, although they enabled the Home Secretary to say that he had been exonerated. Likewise, the extraordinary organisational, managerial and procedural changes which the Service has undergone in recent years are referred to, but only obliquely, by recording the (entirely understandable) disappointment expressed by some of those in receipt of Salmon letters, that the Inquiry did not take those matters 'which, in their view, impacted upon events at Whitemoor' into account (para 1.32, emphasis added). This is 'balanced' by the ritual suggestion that others thought he had gone beyond his terms of reference (para 1.32). It is hard to see who could have taken such a view, although as I shall argue, Woodcock certainly went beyond what could be justified by his data and did so largely because he took matters so wretchedly out of context.

It quickly becomes clear, from the way the scrabble playing officers are exposed in the opening paragraph of Woodcock's Report, that this is going to be an inquisition in which any serious appreciation of the mundane dynamics of prison life and how they might realistically be

managed are going to be subordinated to the provision of glib judgements and superficial soundbites. He appears to have started from the proposition that some things, which no doubt would puzzle many outsiders and outrage others, were self-evidently wrong and would not be tolerated: net curtains at internal hobby room windows (paras 4.15 - 19); prison staff shopping for prisoners (paras 8.20 - 31), the number of personal possessions allowed (paras 5.23 - 31 and to which Woodcock preposterously adds 33 pages of appendices delineating the dispersal privileges list and every single item held by one prisoner); the often large-scale use of private cash (paras

prisoners involved, the known dates of transfers of prisoners to and from the unit, the log of visits and other available records, would it not have been reasonable to expect a much more precise delineation of the development of staff-prisoner relations, and a more detailed history of when and how the plot was hatched, the diversions created, and the various bits of the plan put into place? What we have instead is the suggestion that the Unit was just so sloppy that anyone could have got away at any time. Surely some of the most senior police officers in the land, with a team of 8 interviewers and 3 researchers, can do better than that?



*This is not to say
that the escape
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8.32 - 39); and long distance telephone calls at public expense (paras 8.40 47 - although this provided the only example where Woodcock sought to de-escalate the extent of the media hype); and so on. He then proceeds to represent these (along with other similar derelictions for which space here precludes further mention) as the kind of rotten core of the Prison Service in which 'a disaster (was) waiting to happen' (para 9.3).

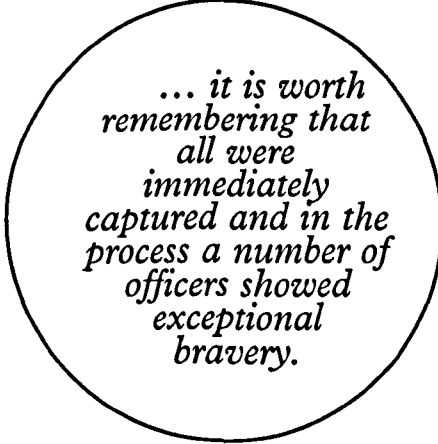
Such an analysis is frankly absurd. First, it should be patently obvious that this was not an escape waiting to happen, a matter of carelessness or inadvertence, of which prisoners opportunistically took advantage, but rather one which was carefully planned and meticulously carried out by a group of prisoners, united in a set of political beliefs, aware of the propaganda advantages and able to wield some credible muscle. Indeed, one of the most remarkable things about the Woodcock Report, in spite of its insistence on focusing on the escape and its total satisfaction that 'the truth has been established' (notwithstanding the non-cooperation of the six escapers) is that the first three questions the enquiry posed - how did they make the escape equipment undetected, how was the equipment stored and hidden, and how did they obtain the guns and explosives, are not actually answered at all, except in the most general, and wholly circumstantial, way. Given the size of the unit, the small numbers of staff and

Secondly, whether or not the examples listed above constitute good practice (and clearly they don't), a close reading of the Woodcock report shows that none is demonstrably linked in any way to the actual escape (except in terms of guilt by association). Thus, even net curtains over windows - which Woodcock describes as 'nothing short of scandalous' (para 4.28) - do not prevent prison officers from entering via the door and actually having a look around. Turning the Woodcockian arguments on their head, a chance entry into the hobbies room by a prison officer might have caught would be escapers, conditioned into thinking they were immune from supervision, redhandedly assembling their rope ladders.

This is not to say that the escape could not have been prevented. Of course it could, and should (and indeed it was!). Perversely, on at least three occasions in his report (paras 8.19, 9.4, 9.27), Woodcock comes perilously close to asserting that existing policies and procedures would be perfectly sufficient had they actually been observed and the same message is implied elsewhere. In fact, such an analysis falls somewhat short of the truth. Take searching. It is well known that the protocols governing cell searches in high security prisons could not be achieved by any reasonable level of staffing. The reported evidence (para 5.29) that officers logged searches which were carried out only cursorily or not at all will come as a surprise to no-one familiar with high security prisons in this country. The solution, however, is to *lower* the unrealistic levels of searches (often designed to cover a civil service back) rather than to increase levels of staff or to further impoverish the environment to simplify the task. Cell searching should be kept to a minimum. It is not especially productive because prisoners prefer to hide contraband *outside* their cells wherever possible 'why shit on your own doorstep', they say, 'if you don't have to?' Indeed it is often counterproductive because it is extremely hard (though not quite impossible) to conduct an efficient cell search in a civilised and sensitive manner. Specialised search teams from

outside the unit *may* deflect the immediate personal animosity directed to unit staff but will nevertheless increase the general level of hostility which those staff will have to absorb on behalf of the system (without them having had an influence on the outcome through their own demeanour). The comparatively rare successful cell searches are usually a product of targeting, and based on intelligence not routine.

Nevertheless, my main point here is that Woodcock evidently *believed* that existing protocols were, for the most part, adequate if only they were followed - otherwise he would not have said so. Given that he said so, it then is hard to follow the logical steps that led him to the elaborate and costly procedures which now apparently are being put in place. And especially hard to see why the single most important security precaution the strip searching of all prisoners at the most vulnerable points of the process, namely before and after visits - gets no mention as a recommendation even though the Report alleges that staff had 'forgotten the security origins of the procedure' (para 6.41). My advocacy of strip searching is not inconsistent with my downgrading of cell searches. Of course strip searches are not popular - but they are, or should be, a price high-risk prisoners will be prepared to pay for civilised visits (albeit in a sterile area and with separate



... it is worth remembering that all were immediately captured and in the process a number of officers showed exceptional bravery.

toilets) because they effectively do away with the need for the much more provocative searching of visitors. Only if a prisoner were found in possession of contraband items after a visit, would the visitor(s) concerned become the target of searches on future visits. But who, then, could say they were unjustified?

Some of the most important questions surrounding the Woodcock Report concern why such an Inquiry was thought necessary. Of course, the fact that five armed IRA prisoners effected a short-lived escape from the Special Security Unit of a dispersal prison, and shot a prison officer in the process was always going to be a matter for concern and potential political embarrassment.

Serious though such a matter was, however, it is worth remembering that all were immediately captured and in the process a number of officers showed exceptional bravery. This gets a mention in an introductory and a concluding paragraph (paras 1.6 and 9.3) but is otherwise ignored. No member of the public was hurt, or confronted. Woodcock puts this down to luck, rather than judgement, but, on his own evidence there had also been a lot of thought gone into security procedures such that, *had they been implemented*, there would not have been an escape. Remarkably, he scarcely acknowledges that the last of these *planned* procedures, including coordination with the police, actually worked - albeit outside the perimeter fence. But not only was there in the event no harm to the public, there was also nothing new in security terms to be learned from this escape. Suspected IRA prisoners had already escaped from Brixton after having smuggled in a gun. It was neither the first escape from an SSU/Special Wing nor from a dispersal prison. Nor was it even symptomatic of a wider malaise - prison escapes were declining not increasing.

Unlike the situation faced by Lord Mountbatten in 1966, when there was no secure prison in the country, no system of security categorisation, no sensible security policies and procedures but instead just a panic setting up of special wings, by 1994 the Prison Service had developed security systems upon security systems. Moreover, in the escapes to which Mountbatten responded not only did some of the prisoners serving the longest sentences then known get clean away, some of them were never recaptured. In short what was really required following Whitemoor was an internal inquiry to find out what had gone wrong within existing systems and to fine tune them: there was no serious case for a high profile public inquiry. Given the political dimension, the ideal solution might have been to hand the matter to the independent HM Chief Inspector of Prisons, for such matters fall four-square within his brief. It could have been argued, wrongly in my view, that he would have been compromised because he had so recently visited the prison on a routine inspection. But even if credence were given to that view, why not second an outsider to assist him - so that a Tumim/Lakes or a Tumim/Hadfield report could have built sensibly on the recent past? One thing is clear either an internal review or an Inspectorate review would have produced a better informed analysis and a better considered set of recommendations.

One is left with the inevitable conclusion that the public inquiry into Whitemoor and the choice of a policeman to head it owed more to political than operational needs. In such a scenario playing to the media gallery rather than to professional

opinion begins to make sense. As though in implicit recognition of the need to justify the Inquiry, Woodcock makes an extraordinary and misleading attempt to raise anxieties. He claims that there have been 36 incidents in which firearms - real or imitation - were used (para 8.99), and concludes that it 'needs little imagination to forecast that there will be many future attempts to get firearms into prisons' (para 8.103). It needs to be remembered, however, that in 12 of those incidents firearms were '*anticipated or threatened*' (emphasis added) rather than used and that few incidents resulted in external inquiries. This is not to dismiss the seriousness of such incidents but rather to attempt to get them into perspective. And the real perspective here is not that such incidents are likely to increase, however fertile the imagination, but rather that the peace process in Northern Ireland is likely soon to lead to the end of IRA prisoners and a fundamental undercutting of the need for Special Security Units which would have been abandoned in the 1970s had it not been for the incapacity of the dispersal system to cope with terrorist prisoners. There will certainly be future attempts to smuggle arms into prisons, but they are much more likely to be in furtherance of individual criminal escape attempts than a concerted terrorist breakout.

In the aftermath of Woodcock the Prison Service seems once again to be retreating into a fortress mentality - rather like a frail pensioner frightened of burglars - which is quite disproportionate to the risk. At Whitemoor itself, there are said to be alterations to the gate and other parts of the prison to facilitate searching and otherwise enhance security which are costing, apparently, about £5 millions. It is impossible for an outsider who has never visited the site to say whether such sums - presumably clawed out of the refurbishment programme - can be considered reasonable, although there is precious little *evidence* in the Woodcock Report that could be adduced to justify them. But such capital costs probably pale into insignificance alongside the ongoing revenue costs of increased staffing. It is reported that 50 additional staff have *already* been recruited to Whitemoor, over and above its substantial existing establishment, to provide for the routine searching of staff, specialist cell searching teams, and other security duties, and there is a bid in for many more. It seems likely that similar developments are taking place at other prisons with SSUs, if not at all dispersal prisons.

If these developments are typical they cannot all be laid, in fairness, at Woodcock's door. There have been reports that implementation has gone farther than he intended. But if that is so it will not be the first time that the Home Secretary of the

day and the Prison Service has over-reacted to an outside report on prison security. Indeed, although Woodcock complained that some of the Lakes/Hadfield recommendations had not been implemented, the more usual response of the Service has been to play safe rather than fast and loose as Woodcock managed to imply. Thus, the carefully graduated response to different levels of security risk recommended by Mountbatten was already being interpreted by the then Prison Department to require an increase in the 'coefficient of security' throughout the system, even before that phrase was co-opted by the Radzinowicz Report (1968). There has long been a general up-grading of security throughout the system to which my colleague, Kathy McDermott, and I drew attention some years ago (King and McDermott, 1989) and which reaches deep into category C prisons. The fencing off of living units and stricter security procedures has meant that prisons such as Highpoint, of all places, can be referred to as the latest 'category C dispersal prison'. If Mountbatten, who once declared there was no really secure prison in the system, were to return today he would be hard-pressed to find a genuinely low security establishment.

The implementation of the Woodcock recommendations, coming on top of Michael Howard's preference for austere regimes and the clampdown on home leave, must have been deeply disturbing for those members of the Prisons Board who remained committed to the Woolf agenda. To prison governors and staff, who had been struggling to come to terms with the complexities of sentence planning and prisoner compacts, and where the first tender shoots of programmes concerned with offending behaviour were just beginning to show through, fears will have been aroused that the new emphasis on security with its attendant changes in staff-prisoner relations, will simply store up control problems for the future. Certainly Lord Justice Woolf himself views what he has called 'knee-jerk' responses as undermining the delicate balance which he sought to promote between security, control and justice and he has publicly said so. Prison governors in future will obsessively but understandably watch their backs. A few days after the Whitemoor escape I was part of an international delegation advising the Romanian prison service on the reform of their system. The question uppermost in the minds of Romanian prison governors was what happens to prison staff in Britain if someone escapes from their custody? The treatment of those caught up in the hysteria engendered by the escapes from Whitemoor and Parkhurst, which Woodcock fed rather than damped down, may not approach what used to happen to their counterparts in Russia and Eastern Europe, but it does seem shabby.

All this locking of the stable doors after the horses have bolted is no substitute for a properly thought out policy in relation to high security custody. Mountbatten suggested one almost thirty years ago and, although his plans for the prison itself were seriously flawed, that policy was sound and a great deal more defensible than Radzinowicz's costly and illogical alternative. Above all it kept security in perspective and where it belonged, allowing the rest of the system the space to salvage a more constructive role. It is now more than a decade since the Control Review Committee ingeniously took the sting out of the concentration versus dispersal debate by its advocacy of the 'new generation' solution, recommending Oak Park Heights - the maximum security prison in Minnesota - as the model we should follow. At a meeting of prison governors in the wake of the Whitemoor escape, Philippa Drew raised that possibility once again; and in April Derek Lewis was reported to be making yet another visit to Minnesota so that his Minister could view the prison at first hand. Michael Howard appointed Sir John Learmont to review the longer term security issues arising out of Whitemoor, and so it is possible that, however belatedly, a sensible policy on maximum security custody organised around a prison designed and managed along the lines of Oak Park Heights could yet emerge. If it did, the present implementation of the Woodcock recommendations would seem even more irrelevant.

But there are other straws in the wind. The Learmont review has already become contaminated by an investigation of the escape from Parkhurst, to which Woodcock has been attached and, by all accounts, he has brought the same investigatory style to this as he did at Whitemoor. And the security review takes place against the background of Michael Howard's known preference for austere regimes. It is not inconceivable in such circumstances that Derek Lewis's attention is being directed away from Oak Park Heights which is by no means typical of what is on offer as a maximum security prison in the United States. Indeed it remains a kind of shining beacon of what is possible (see King 1991) in a situation where many states and increasingly the Federal Bureau of Prisons have abandoned any pretence of providing humane regimes in favour of 23 hour lockdown in barren, non-contact and no-programme facilities. These so-called 'super-max' units have been proliferating across the United States over the last few years. I recently reported on one - the death row unit at McAlester in Oklahoma for Amnesty International - on the basis of which Amnesty declared it to provide cruel, inhuman and degrading treatment (Amnesty International 1994). The US Court for the

Northern District of California (in *Madrid versus Gomez*, 1995) has found that the conditions in Pelican Bay 'may press the outer bounds of what most humans can psychologically tolerate' yet nevertheless declined to hold it in breach of the Eighth Amendment except in so far as it housed prisoners who were already, or at risk of becoming, mentally ill. The Prison Service has recruited Robert Christensen from the Federal Bureau of Prisons as an independent voice against which to test security procedures, but it has not been made clear whether, and to what extent, he may have a say in the Learmont review.

Given that the Federal Bureau has had an undistinguished record in its own penitentiary in Marion, and that far from distancing itself from the recent developments in 'super max' facilities has planned its own at Florence, Colorado, said to be modelled on Pelican Bay, it is far from clear that we now have any lessons to learn from Washington.

We can, of course, hope that more reasoned policies will prevail - as we did in 1966, 1968, 1974, 1976, 1979, and 1984. But in the present climate it is hard to be optimistic that we will get it right now ■

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VERBALS

"The initiative to allow sentenced prisoners to wear their-own clothing has continued and expanded. We welcome this move as it helps prisoners maintain their personal identity and self respect. We hope that encouragement will continue to be given to governors to allow prisoners, wherever practical, to wear their own clothing."

(Report of Her Majesty's Chief Inspector of Prisons, April 1993-March 1994)

"We believe the whole issue of realistic work and wages for prisoners is in urgent need of review. The importance of providing meaningful, reasonably paid employment is clear. Employment should act as a preparation for release. We would like to see the establishment or at least one properly funded industrial prison even if only as an experiment. Furthermore if industries aimed at paying prisoners decent wages are to be established in prisons along the lines of the cheese making plant at East Sutton Park, such industries need to be managed properly so as to take into account environmental and other factors."

(Report of Her Majesty's Chief Inspector of Prisons, April 1993-March 1994)

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