

# J PRISON SERVICE JOURNAL

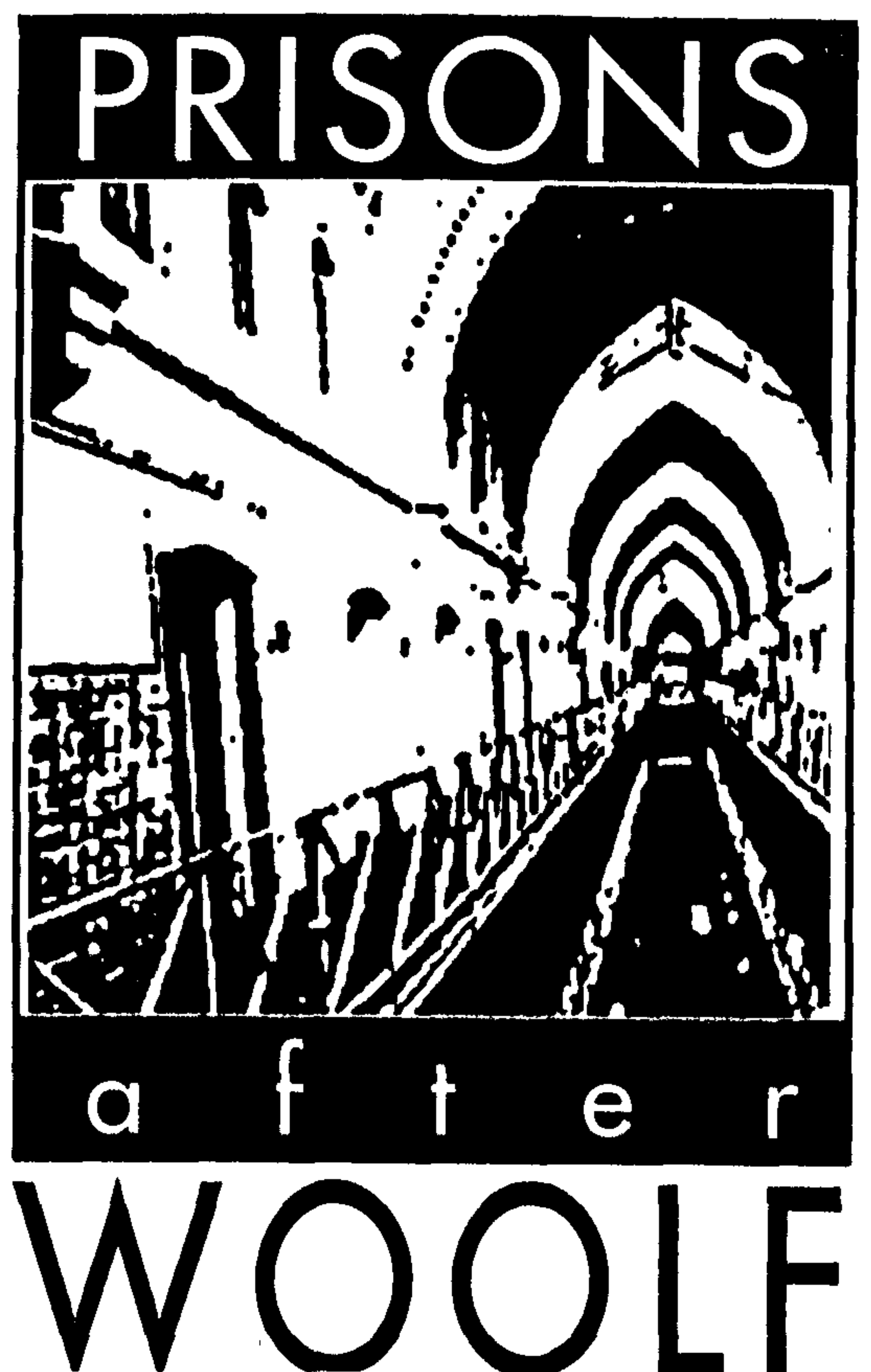
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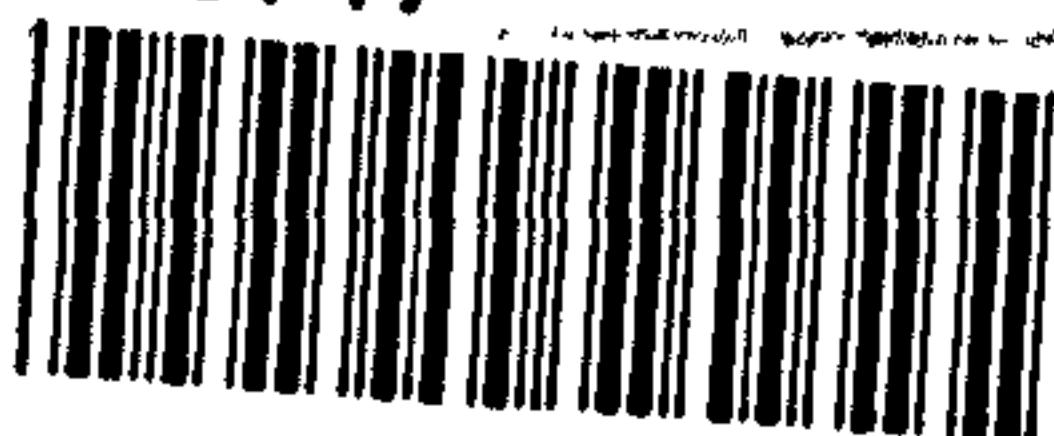
Lord Harris of Greenwich

Dr. Silvia Casale

Joe Pilling

Mary Tuck





# PRISON SERVICE JOURNAL

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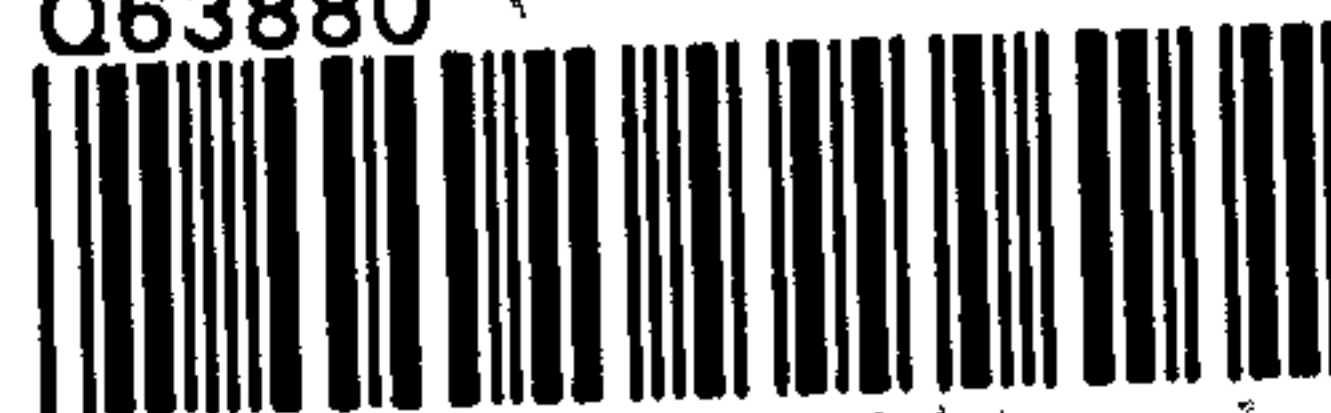
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## Comment

# Mum's the Word

**"I** don't take my work home", said my colleague proudly. "By the bye, saw you on the telly last night, governor", he continued. "Watching with my wife. She thought you were good. I said nowt."

Staff do talk about their work but only to colleagues and usually in a disparaging way blaming "management", "them", or "the cons" for what is seen as wrong with their place or work.

When at home prisons crop up by way of TV news or a programme like "Porridge", talk is wanted but inhibited because the news is bad or the programme is mocking.

The tragedy of this refusal or inability to be open about work is that it cuts off the people, partners and friends, who could do the most to support staff in what is such a challenging and difficult job. The tension of that silence is felt not just by staff but by the very people it is meant to protect. Partners and friends are left with their natural fears and stereotypes of the job unchecked and that can be worse than facing the reality.

What is equally true is that there are positive experiences which touch as deeply as the negative but neither is shared. We close off a part of us to those we love and wonder why the partnership breaks down.

It is not that partners don't want to know. When the College opened its doors to the families of newly joined officers the response was over-whelming. Our families

want to share but we hold out on them. Is ours an angry silence? Angry because we see our families as part of that public which leaves us in dangerous situations in run down institutions and seems neither to care nor to understand, preferring to carp and criticise.

It is in the Service's interests to break down this silence. If it can be done support would be provided far more cheaply and effectively than care teams. To make the breakthrough an agenda has to be set which initially is positive. The bad things will be avoided until we are confident we will be listened to in an understanding way so setting the agenda can't be left to the media. For the sake of the occasional expenditure a second class stamp for each member of staff could not the Prison Service News be sent to staff at home. So often copies are left languishing in the staff information room uncollected and maligned as it may be, the PSN is a source of positive information. If staff won't take it home let's send it. Intrusive? Yes but the work we do arouses such pain and feeling in us that the job itself cannot but intrude in our family lives so it is important that the Service accepts some responsibility for that and provides a stimulus for positive talk leading to understanding and support.



Scene

from here

# Treatment for Sex Offenders

## A Cautionary Note

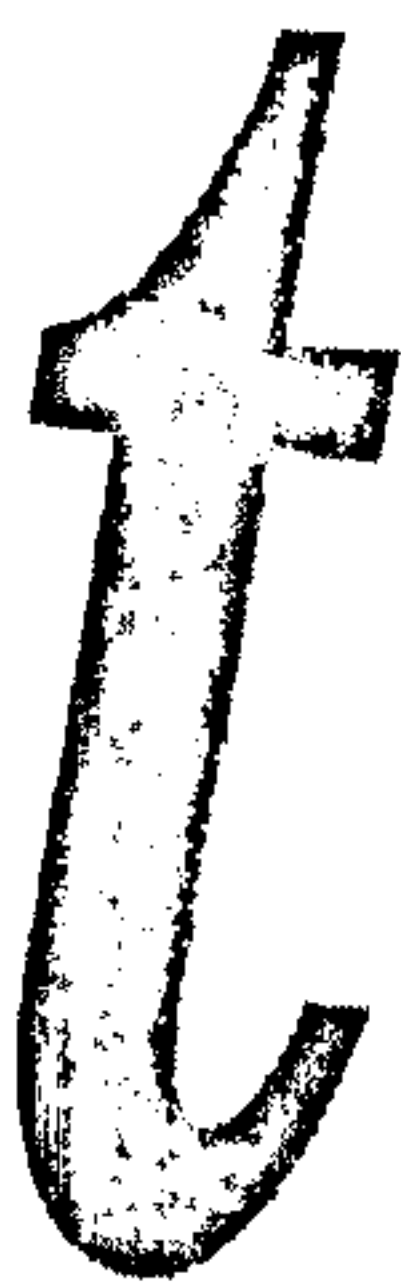
*"Treating sex offenders in prison has become a central element of penological fashion in the 1990's. Like being kind to animals and helping old ladies across the road, it is hard to say that it is not a 'good thing'. It is born out of a humanitarian concern to protect the public, rehabilitate the offender and to provide a constructive use of staff and inmate resources in prison. Yet history has demonstrated that the path of rehabilitation is not without hazards..."*

It has become an article of faith that sex offenders should be given treatment in prison. Heightened public awareness of sex crimes, particularly those involving children; a greater willingness on the part of women to report sexual attacks; and a growing concern for the interests of the victims of crime; have provided a context in which sex offenders are collectively defined as a major social problem about which 'something should be done'. Over the last two years attention has been drawn to the ways in which sex offenders are managed in prisons. The practice of warehousing these prisoners under Rule 43, thus ensuring that they while away their sentence in idleness and in the company of other sexually deviant men, has been condemned as a strategy destined to facilitate and confirm attitudes and behaviour which are perverse and dangerous. Instead, the prison service has been urged to 'work' with inmates in an effort to reduce the risks that such offenders pose to society upon their release.

Much of this pressure for change has emanated from within the Prison Service itself, primarily fuelled by local initiatives within individual establishments, rather than by official departmental policy. In an effort to catch up with such grass roots enterprise the Prison Service carried out a survey in 1989 which revealed that some form of work with sex offenders was being undertaken in 63 establishments. The ad hoc growth of these schemes, however, virtually guaranteed that the epistemology of the programmes, their working practices and the staff who ran them varied from one place to another. The following year, in 1990, a working group was established within the Directorate of Inmate Programmes to develop and co-ordinate arrangements for the treatment, care and custody of this group of offenders. In June this year the Home Secretary announced that two specific forms of treatment would be developed in a limited number of prisons across the country. The first would be a core programme, run as a modular course, which would be designed to tackle offenders' 'distorted' beliefs about inter-personal relationships and enhance their awareness of the effect of sexual offences upon the victims. The second would be an extended programme for those deemed to represent the 'greatest risk' and would address the problems of deviant arousal, communication skills and the management of stress and anger. Research would seek to evaluate the range and resource cost of various forms of treatments and to determine how it might be possible to assess inmates for specific forms of therapy.

*Elaine Player  
Senior lecturer  
at King's College,  
London.*





These efforts should be applauded for at least two reasons. First, there are compelling moral grounds to apportion resources to attend to the needs of Rule 43 prisoners, confined for their own protection in some of the most restrictive conditions the prison system has to offer. Secondly, there is a clear utilitarian justification to protect the public by attempting to reduce the risk of these men re-offending upon their release. But notwithstanding these obvious and commonsensical rationales, it should be recognized that embarking upon a path of rehabilitation can be hazardous, in that there may be certain consequences which result in the very opposite effects from those intended.

### ***Precautions***

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In order to safeguard as far as possible against the emergence of these difficulties certain precautions are necessary. In particular, what is called for is a frank disclosure and critical examination of the unspoken assumptions which are implicitly used to legitimise the current development of treatment programmes for sex offenders. In other words, an heretical questioning of the current orthodoxy.

The idea of rehabilitating prisoners is not new but has been with us since the earliest penitentiaries and reformatories and has survived in various incarnations, fashioned and promoted by the evolution of religion, medicine and social science. Our contemporary concept of rehabilitation is largely a twentieth century invention, marking a fundamental departure from previous models inspired by nineteenth century Christianity and philanthropic humanitarianism. Born out of the growth of positivism within the social sciences, modern rehabilitative methods shift away from the ubiquitous remedies of penance and moral reformation, and instead emphasise the heterogeneous and idiosyncratic nature of criminality and the consequent need for individualised assessment and treatment of offenders. The impact of this ideology arguably reached its peak in this country during the 1960's, since when it has suffered a serious decline. This has been due primarily to research evidence published in the 1970's which suggested that treatment programmes have typically failed to deliver the promised 'cure for crime'. Furthermore, it was argued that so-called rehabilitative sentences, far from serving the welfare interests of the offender, were, in practice, coercive control mechanisms which seriously undermined basic notions of justice. At the heart of the controversy was the questioned legitimacy of indeterminate sentences. These were criticised for imposing a level of punishment which did not necessarily bear any relation to the severity of the offence which had been committed but rested solely upon a prisoner's response to treatment. In consequence, it was possible for the length of sentences for similar offences to vary considerably. Decisions about how long a person spent in custody were not made by judges or magistrates in open court, subject to due process, but were made by prison staff in private case work meetings and subsequently by the local review committees and the Parole Board. Thus it was argued that the length of time offenders spent in custody was decided not on the evidence of what they had done but on an assessment of what kind of people they were.

The rise of the Justice Model during the 1970's was supported by both ends of the political spectrum. For the Right it represented an end to the wishy-washy do-gooding of the Sixties and an opportunity to 'get tough' with offenders. For the Left it stood for an end to the inequity of 'treatment' and the chance to establish non-discriminatory and open decision-making. The practical reforms which emerged were primarily



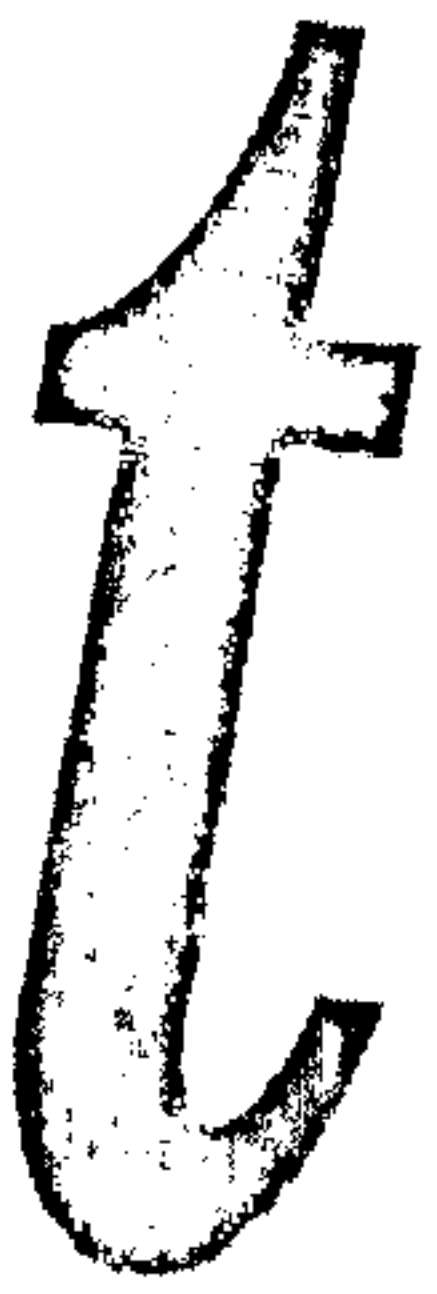
directed to legal and policy changes in sentencing. Retribution and deterrence were again back in fashion and, in consequence, the number of custodial sentences increased and began to get longer. However, the form which prison regimes should now take was left remarkably unclear. Although considerable academic attention had been directed to identifying the apparent failure of treatment programmes in prisons few of the critics went on to make constructive suggestions about the development of alternatives. The notion of 'positive custody' promoted in the May Report of 1979 provided some indication of the way forward, but its lack of specificity led to it being interpreted largely in terms of the physical conditions in which prisoners were held. Efforts toward reform thus focused upon the appalling disrepair of prison buildings, insanitary living conditions and the unprecedented levels of over crowding. Thus, although there was debate about the purposes of imprisonment, which now focused primarily upon ideas of retribution and incapacitation, discussion about the purpose of prison regimes virtually faded away.

### ***Disillusionment***

In many respects the late 1970's marked the beginning of what may be described as an age of disillusionment within the Prison Service. Confronted by an ever-increasing prison population, the impoverishing effects of under-investment and neglect, the empirical evidence that 'nothing works', and a lack of ideological direction, prison staff faced an uninviting and depressing working environment. The 1980's was a period of growing industrial unrest and strike action amongst Prison Officers. Civil servants within the Prison Service became absorbed by questions of management and, in the process, the old intractable questions about what to do with inmates and why, became transcended by questions about what to do with staff and why. The issues of the day thus came to be couched in terms of management efficiency and cost effectiveness, culminating in the debates about the privatisation of prison services.

The beginning of the 1990's has seen the new prison management infrastructure largely in place. The Conservative government has reinvested in the prison estate, embarking upon the largest prison building and refurbishment programme this century. It is now widely acknowledged that, in comparison to our European neighbours, too many people are being held in custody and that the crisis facing prisons in England and Wales cannot be tackled outside of reforms in sentencing policy. The 1991 Criminal Justice Act provides guidance to the courts about the principles which should govern sentencing. At the heart of the proposals is their intention to introduce an explicit policy of bifurcation, otherwise called the twin-track approach to the sentencing of so-called serious and non-serious offenders. The aim is to reduce the use of custody for offenders convicted of common property offences, such as theft, handling stolen goods and non-residential burglary, and to maintain or even increase the length of custody for those convicted of serious violence and sexual offences. It makes clear that the primary aim of sentencing should be proportionality between the crime and the punishment. In other words, convicted offenders should receive a just measure of retribution, their 'just deserts', based upon the seriousness of their offence. Judges may, however, depart from the 'just deserts' approach and impose disproportionately long sentences of imprisonment upon violent and sexual offenders, when it is considered necessary in order to protect the public. So it would seem that rehabilitative ideals are not to be abandoned altogether by the courts but are to be firmly relegated to a subordinate position, to be taken into account only after





the primary issues have been decided.

With regard to the Prison Service it is fair to say that rehabilitation never wholly disappeared from the agenda, but tended to fade into the middle distance during the 1970's and 1980's as other issues jostled for priority. However, it is interesting that its come-back appears to be most closely associated with prisoners who have committed sexual offences. Clearly part of the reason for this has to do with heightened public awareness, and even a moral panic, about the levels of sexual offending in society. Yet in overall terms the numbers of offenders found guilty of sexual offences in all courts in 1989 was virtually identical to the figure ten years earlier, and had, in fact, decreased during the early and mid 1980's. What has changed, however, is the proportion of these offenders who are given immediate custodial sentences. In 1979, 20 per cent of all sexual offenders were imprisoned or, if a young offender, received borstal training or a detention centre order; whereas by 1989 this proportion had increased to around 31 per cent. This meant that by the end of the Eighties there were about 900 more receptions of sex offenders each year into adult male prisons than there had been at the beginning of the decade. During this period, of course, the total prison population expanded dramatically, but, even within this overall growth, receptions of sex offenders increased in real terms. To some extent, this shift toward custodial sentences was due to changes in the types of offences for which offenders were being convicted. Most notably there were increases in those categories of offence which involved some degree of actual or threatened violence. The numbers of offenders found guilty or cautioned for rape went up by 56 per cent and by 19 per cent for indecent assault upon a female. It is perhaps not surprising therefore that a relatively high proportion of men received into prison for sexual offences have been serving long sentences. In 1989 more than a quarter (28%) of adult male sex offenders received into custody were serving sentences of more than four years, in comparison to 7 per cent of all receptions, and 11 per cent of those received for violent offences.

### ***Growth in numbers of sex offenders***

The greater use of imprisonment, combined with the increased length of sentences, has inevitably produced a substantial growth of sex offenders in the prison population. Between 1979 and 1989 the proportion of sex offenders grew from 6 per cent to 9 per cent of the total. This represented an increase of almost 1,300 prisoners, from 1,476 in 1979 to 2,752 in 1989, a rise of 86 per cent. The majority of this increase consisted of prisoners who had been convicted of rape: this category of offender has grown by 153 per cent during this period, in comparison to 55 per cent for other sexual offences. Hence, it is their growth, both in absolute numbers and as a proportion of the total prison population, coupled with their frequent need for protection in segregated accommodation, which has promoted the visibility of sex offenders in prison and has contributed to their status as targets for treatment.

But the increased presence of sex offenders in prison, and their high public profile orchestrated by the media, provides only a partial explanation for the resurgence of interest in rehabilitating them. One of the factors which helped to undermine the validity of earlier rehabilitative efforts in relation to other types of criminal behaviour, was the devaluation of positivistic theories of crime which depicted criminality as the result of individual rather than social pathology. However, the 'mad' rather than 'bad' label has never really abandoned sex offenders, irrespective of wide variations in the nature of their





offences. In large measure this is due to the fact that sexuality has been predominantly defined within a medical framework and discussed in biological and psychological terms which tend to expound an interpretation of health and normality independent of any specific social context. The recognition that sexual deviance is socially constructed and liable to vary over time and place is a relatively recent development and one which has been typically associated with attempts to destigmatize and normalise certain forms of behaviour, such as in campaigns to change the law and public attitudes in relation to prostitution and homosexuality. Activating such debates is to verge on the heretical. To perpetrate relativistic rather than absolutist interpretations of paedophilia, for example, is to risk being branded as an advocate of child molestation. Under such circumstances it is hardly surprising that a challenge to the hegemony of natural science has been so muted and half-hearted. To promote a sociological perspective on sexual offending, however, is not to legitimise or excuse certain forms of conduct but to raise important questions about what constitutes a sexual offence, how seriously it is regarded and to challenge some of the taken for granted assumptions which underpin so much of the debate about what should be done with and to sex offenders.

### ***Deviancy and the law***

Currently there are at least three ideas implicit in most such discussions which are ontologically highly problematic but which are typically presented as self-evident and non-controversial. The first is the presumption that the criminal law is an appropriate tool for regulating certain forms of sexual deviance. Second is the proposition that there is some affinity between sexual offences, and some similarity between sexual offenders, which promotes their unification within a single conceptual category and meaningfully differentiates them from other non-sexual offences and offenders. And finally, there is the premise that sexual offenders are suffering from a psychological pathology, which is causally related to their offending, and which, although variously induced, can potentially be modified, controlled or cured by a range of treatments.

The extent to which sexual deviance can and should be regulated by the criminal law has undergone periodic review, resulting in both statutory changes and revisions of the common law. Most recently the Criminal Law Revision Committee re-examined the definitions of certain sexual offences and their recommendations informed the provisions embodied in the Sexual Offences Act 1985. On October 23rd this year there was the landmark decision in the House of Lords which validated and broadened the concept of marital rape.<sup>1</sup> What is evident from such reviews, however, is that the underlying jurisprudential dilemmas, inherent in deciding the nature and scope of sexual crimes, are resolved in practice not by recourse to absolute standards or arguments, but by reference to a system of relative values weighed up in relation to pragmatic concerns and political imperatives. As a result, the extent and perspicacity of such debates has varied considerably according to the nature of the conduct under review.

The essence of a criminal offence is that the behaviour concerned is harmful to society as a whole, violating or undermining identifiable social interests, irrespective of whether or not there is an individual victim. Identifying the nature of the social harm emanating from sexual offending and specifying how such harm is caused, has been well developed in relation to certain types of offence, such as rape, but barely

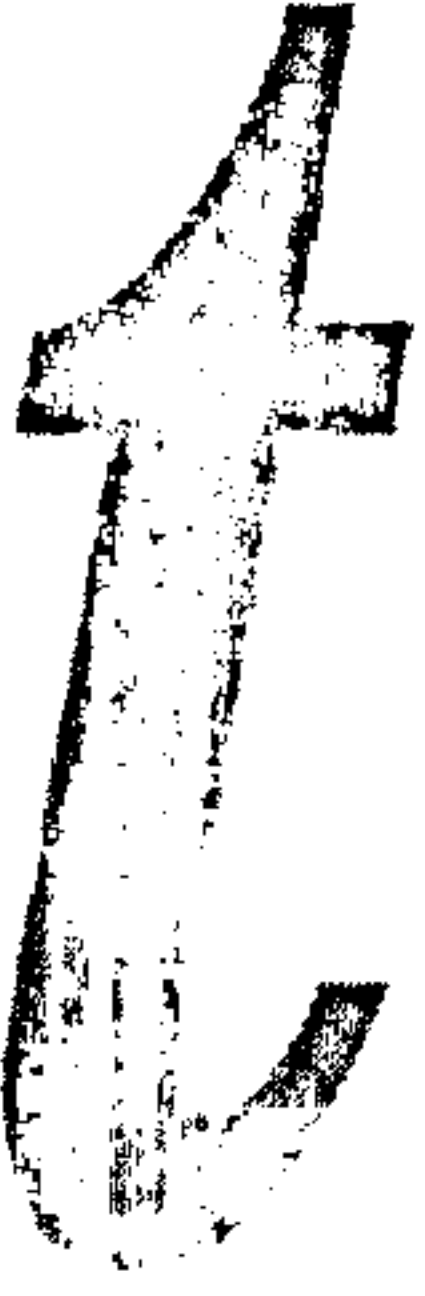


mentioned in relation to others, such as incest and acts of indecency with children. Occasionally, terms such as 'the corruption of youth' and 'the exploitation of vulnerability' are wheeled into the arena for public approval, but rarely is there any detailed examination of what is meant by such phrases or any critical review of the evidence to validate their existence. More typically, discussions about the harmfulness of these kinds of sex offences focus upon identifiable damage suffered by individual victims. There can be no doubt that the harm which is experienced by such individuals is real and, in many cases, substantial. What is considerably less clear, however, is what causes this harm. In cases involving the infliction of physical injury it is possible to establish a direct line of causation between the deviant act the the manifestation of harm. Causal attribution is considerably more problematic, however, where the detriment to the victim is to be measured by psychological rather than physical suffering. The perennial question which is raised is whether the harm experienced by the individual is due to the perpetration of the sexual act itself, or is caused by the censure which imbues society's response to such behaviour. It has to be admitted that the research fundings are ambiguous and inconclusive and it is difficult to see how empirical studies could ever provide indubitable evidence, supporting one position rather than the other, which would be valid in all cases. But aside from the feasibility of such a venture, engaging in this debate, in isolation from any attempt to define the social harm consequent upon the behaviour, is itself a hazardous and largely self-defeating exercise. Justifying the involvement of the criminal law by reference to the victim's suffering raises more problems than it solves, because it inevitably creates an invidious division between offences which result in physical injury and those which do not. This was a dilemma recognized by feminists in debates about the harmfulness of rape.<sup>2</sup> Their efforts to challenge the speciousness and sophistry of the underlying assumptions of this discourse has enabled a clear articulation of the social harm which rape causes. Thus, the criminalisation of rape fundamentally rests not upon the existence of damage and injury sustained by individual victims, but upon the violation of every woman's right to claim sovereignty and autonomy over her own body, and upon the duty of the state to protect and facilitate that claim.

### *Sexual offences against children*

Other sexual offences, particularly those involving children, have not been subjected to this rigorous jurisprudential analysis. Absent such reasoning it cannot necessarily be assumed that the criminal law is an appropriate mechanism for regulation – the opposite may in fact be the case. Denunciatory and retributivist aims, inherent in the punitive process of criminalisation, may run counter to the utilitarian goals of controlling certain forms of behaviour and protecting the public from further harm. Recently this conflict has been at the heart of the debate about what should be done in cases of child sexual abuse within the family. The dysfunctional by-products of criminal prosecution have led to arguments in favour of diverting some offenders from the criminal justice system into other systems of regulation which ensure that the interests of the victim, rather than those of the State, are granted paramount importance. Such debates point to the need to define quite precisely the nature of the harm which is to be regulated. In so doing it might be possible to evaluate less emotively the relative seriousness of offences and the dangers which various offenders represent. In addition, it may lead to greater inventiveness in designing effective measures, tailored for specific purposes of control, rather than relying upon the ubiquitous remedies of state punishment. However, without an





established rationale for the invocation of the criminal law, and clear guidelines about any diversion from prosecution, there is a real risk of inconsistent and discriminatory decision-making producing an idiosyncratic group of child sex offenders within the prison population. The implications of this for the development and evaluation of treatment programmes in prisons are obvious. Can treatment programmes developed for non-custodial populations be automatically transferred for use in prison? And can the same criteria and standards be used to evaluate their effectiveness, without knowing whether there are any differences between the client groups?

The unification of sexual offending within a single conceptual category conveniently separates such offending from other classes of crime. The thesis that sexual offences are born out of an individual's psychopathology helps to further differentiate these offenders as a special class of criminal, potentially well-suited for therapeutic intervention. Knowledge about the aetiology of offending is limited, but it is not at all clear whether current legal categories provide appropriate dividing lines for classifying treatment need or eligibility. No one has seriously suggested that all sex offenders, or even those convicted of a specific sexual offence, are universally suffering from a single pathological condition. Nor is it easy to diagnose even a range of pathologies which are assumed to affect sex offenders and to demonstrate that these are qualitatively or quantitatively different from those which affect other groups of offenders, or even those not convicted of an offence at all. This is not to argue that targeting scarce treatment facilities, or giving priority to certain categories of offender, is unwarranted. Rather, it is to suggest that such decision-making requires some justification or explanation.

### ***Raised expectations***

There is, however, a substantial practical problem which has to be faced when providing treatment opportunities for offenders, particularly for those in custody. It has to be recognized that the setting up of therapeutic programmes in prisons inevitably raises expectations which cannot necessarily be fulfilled. A recent review of forty two empirical studies into sex offender recidivism, amongst both treated and non-treated populations in North America and Europe, has identified the paucity of current knowledge in this area and concluded that there is 'as yet no evidence that clinical treatment reduces rates of sex re-offences in general and no appropriate data for assessing whether it may be differentially effective for different types of offenders' (p.27)<sup>3</sup>. The authors do not then abandon the task as a hopeless cause but emphasise the considerable methodological problems in evaluating treatment effectiveness and in comparing results from different studies. They emphasise the need to invest financial resources and patience in research which allows for a long follow-up period, since they show that estimates of sex-offender recidivism based on follow-up periods of only two or three years tend to be very misleading, given the extremely low rate of reporting for most of these crimes.

The prognosis for current treatment programmes in prisons is therefore an open question, but at best it is going to be a lengthy process of discovery which will require carefully planned evaluation and, almost certainly, major reviews of treatment designs and techniques. There is the obvious risk that this laborious process is, from the outset, deemed unnecessary, or circumvented over time, in an expedient search for the 'quick fix'. It is not difficult to imagine that faced with rising numbers of





sex offenders in the prison population, or a renewed moral panic about levels of sexual offending in the community, patience could run short, and that, in the absence of immediate evidence of success, a shift toward more Draconian methods of control could be seen as the only route to an 'effective solution'. This is not an apocalyptic prophecy but a note of caution. It behoves us to remember that Section 2(2)(b) of the 1991 Criminal Justice Act already enables long incapacitative sentences, disproportionate to the severity of the crime, to be imposed upon certain sex offenders, if it is deemed necessary in order to protect the public. And Section 44 permits longer periods of supervision for sex offenders released on parole.

Treating sex offenders in prison has become a central element of penological fashion in the 1990's. Like being kind to animals and helping old ladies across the road, it is hard to say that it is not a 'good thing'. It is born out of a humanitarian concern to protect the public, rehabilitate the offender and to provide a constructive use of staff and inmate resources in prison. Yet history has demonstrated that the path of rehabilitation is not without hazards. One of the most important lessons to be learned from past experience in this area is that what appears to be self-evidently 'good' should never be taken at face value but routinely and repeatedly subjected to critical examination. The assumptions which underpin the development of treatment programmes in prison have to be made explicit, re-evaluated and revised in the light of changing social conditions and research evidence. In modern British society there is a plurality of views about what constitutes sexually deviant conduct, and this places a responsibility on those who wish to criminalise certain forms of sexual behaviour, to make explicit the nature of the social harm they wish to regulate. This implies a further duty to establish, or at least to keep under review, the suitability of criminal sanctions to regulate this kind of harm. Evaluating the effectiveness of treatment resources in prison is of central importance in fulfilling this requirement. The task of assessing 'what works' in reducing recidivism and in discerning who is most likely to benefit from what kind of intervention, has to be conceived as a longitudinal research problem. Any attempt to short-circuit the social processes involved has to be reviled as dangerous and self-defeating, however benevolent, well-intentioned or cost-effective such activities may appear.

#### Footnotes:

1 *New Law Journal Law Reports. New Law Journal Nov 1 1991 pp. 1489-1490*

2 *Smart C (1989) Feminism & The Power of Law Routledge, London*  
*Temkin J (1987) Rape & The Legal Process Sweet & Maxwell, London*

3 *Furby L, Weinrott M. & Blackshaw L. (1989)*  
*'Sex offender Recidivism: A Review' Psychological Bulletin Vol 105 No. 1 pp. 3-30*

# *Suicides in Prison* **YOUNG OFFENDERS**

A group of young prisoners who show a marked vulnerability to suicide can be differentiated from the general young prisoner population by the extent of the background deprivation they report, and by their inability to cope with or make any constructive use of their sentence. It is shown that the most vulnerable inmates can often be found in the worst situations, many having no job or activity in prison, and receiving very little contact from their families. They make few friends, experience more difficulties with other inmates, and describe the prison experience as particularly distressing. It is the combined effects of hopelessness, their histories, their current situation, and the fact that they cannot generate any solution to their problems that propel the young prisoner towards suicide. Situational triggers may be decisive in a suicide attempt at different thresholds, depending on the inmate's vulnerability and the level of stress he or she experiences. Young prisoner suicide is much less of a psychiatric problem than it is often supposed: it is also a problem of coping.

*The author, Alison Liebling, spent 3 years studying groups of suicidal young offenders in prison. This article, based on the results of her study, is from a paper delivered to the conference on criminology at York in August 1991.*

## *Prejudice Reporting*

Despite the growing media and professional interest with suicides in prison, little research has been carried out in this field. What little research exists is based on recorded information alone – prison records and documents from coroners' inquests providing the major source of data. This information is seriously flawed. Prison files may be incomplete, contradictory or unavailable; coroners' inquest proceedings seriously bias the type of information recorded. Few prisoners' lives fulfil the neatness of categorisation, a fact belied by the hard data found in their files. Few suicides escape the imposition of a reconstructed history consciously or unconsciously intended to make them 'look like' a suicide, with all the expected background characteristics of previous psychiatric history, depression, increasing isolation and suicidal intent. The inquest procedure itself repairs the disorganised fabric of everyday life, as we 'dig' for suicidal problems and produce the sort of information researchers then use to confirm their theories of suicide. In prison, as outside, suicides which receive suicide verdicts are only a proportion of the total number of self-inflicted deaths which occur. Dooley showed how significant differences could be found between prison deaths receiving suicide verdicts and those receiving other verdicts such as 'open', 'accidental' and 'misadventure' (Dooley, 1990b).

## *Suicide Profiles*

Research based on recorded information alone has taught us little about the nature and causes of suicides in prison. Previous research has been aimed at the identification of a 'suicide profile', showing which characteristics are associated with prison suicides, so that we might be able to predict which particular groups of prisoners may be most likely to go on to make a suicide attempt during custody. This approach is limited because the information used is flawed and selective. There are other reasons why this profile approach is limited. First, it still only identifies a small proportion of those inmates who do actually become suicidal during a sentence, whilst also identifying large numbers of 'false positives' – inmates who do not actually



show any indication of suicidal impulses. The proportion of prisoners sharing those characteristics found to be associated with suicide (either in or out of the community) is high. Most prisoners are single, isolated, unemployed or marginally employed, with drug or alcohol abuse, offending behaviour and family breakdown in their histories. Most prison suicide studies do not include control data from the general population or from the prison population from which suicides and suicide attempters are drawn. Thus, it is impossible to know whether characteristics found to be associated with prison suicides and suicide attempters are simply reflections of the characteristics of the general prison population. This profile approach has not succeeded in developing our understanding of the causes of suicide in prison, nor the vulnerability of particular prisoners to suicidal feelings in custody.

This paper will draw on selected results from a recent study of suicide and self-injury amongst young prisoners, showing how the 'onset of a suicidal crisis' can be understood. The project was carried out in young offender institutions in England and Wales, and involved spending considerable amounts of time talking and listening systematically to inmates and staff about incidents of suicide, suicide attempts and self-injury in which they were involved, or about which they had comments to make. The information collected included 180 tape-recorded interviews, which were transcribed, coded and analysed; the collection of information already available in records and reports; lengthy informal discussions with inmates and staff, and participation in all aspects of prison life.

**The aim of the research was twofold:**

- (i) To explore the nature and incidence of suicide, suicide attempts and self-injury amongst young offenders in custody, and to seek an interpretative understanding of them.

## *Subjects*

In order to do this, I spoke to inmates making suicide attempts or injuring themselves, and other inmates – those who experienced the same environment; those who, whilst not injuring themselves during the custodial sentence, were closest to the culture and context in which others did. How far did there exist an institutional or cultural 'explanation' for self-injury, suicide attempts or suicide in custody. Did other inmates contemplate these acts themselves – had they ever come close? What stopped them? Why did they think other inmates did these things? Were there systematic differences between the subject group and other inmates, not just in terms of personal or background characteristics, but in terms of how they perceived the prison experience?

## *Staff*

Prison Officers – those in daily contact with inmates – face the task of identifying potentially suicidal inmates throughout the sentence; officers deal with the aftermath of a death, they respond to suicide attempts of all degrees and varieties, at any time of the day or night. On the coal-face, as it were, they are expected to act with skill and confidence in an arena where they are seen, and see themselves, as unskilled and untrained. The doctor decides whether the inmate is at risk of a (further) suicide attempt or not, but perhaps the prison staff could have a more valuable role to play in the detection and prevention of suicides in custody than the selection of candidates for psychiatric assessment. At the very least, perhaps there were



other (better) questions they could ask than 'are you feeling suicidal?' – the question inmates are currently asked on reception into prison. Prison staff were the other neglected group in the arena of prison suicide research. Despite the obvious wealth of experience and reflection available, their views had never been sought in any systematic way. So a second aim of the research was:

- (ii) To understand the problems faced by staff in the management and prevention of suicides in custody.

The fieldwork was carried out between July 1988 and October 1989. It comprised four periods of five to six weeks each in two male and two female centres. The four establishments were selected by the Prison Department.

Considerable time and resources were spent with each institution, making contact, facilitating access, preparing for the fieldwork attachment and familiarising myself with its organisation. Regular informal visits were made to others in order to check any peculiarities against experiences elsewhere. It was decided to carry out the research in closed establishments because inmates are usually transferred out of open institutions if they are thought to be at risk or if they make a suicide attempt (for security reasons, and because closed establishments have full-time medical cover). At no point was there any reluctance from any quarter within any of the four establishments to co-operate with the project. Contrary to expectations staff and inmates welcomed the opportunity to talk to 'someone who wanted to listen.'

## *Good Cases*

The fieldwork involved a combination of methods, including semi-structured interviews with inmates who injured themselves or attempted suicide during a custodial sentence; interviews with a comparison sample of the inmate population; and semi-structured interviews with samples of all grades and types of staff – particularly those responsible for the identification and care of inmates at risk of suicide. In addition, descriptive material about each institution was collected, including its history in incidents. This material was informed by observations of procedures, group discussions and various informal involvements in institutional life. Prison suicide inquests were attended on an 'ad hoc' basis, as a supplement to the main fieldwork.

At each establishment, the subject group consisted of

- (i) all inmates who were referred to the prison hospital during the time of the fieldwork (or in the preceding month) for treatment for self-inflicted injury.
- (ii) any others to whom my attention was drawn by word of mouth, where staff (or inmates) thought that a particular inmate was a 'good case', usually because of recent self-injury, or occasionally, suicide threats.

The comparison group consisted of a randomly selected group of inmates from the general population within each of the establishments studied.

The interview comprised several sections: criminal justice history; personal and family background; the current sentence, and details of contacts with outside; details of any suicide attempt or self-injury, if any; and reflections on the prison experience. The length of the interviews ranged from half an hour to two hours. The 'non-response' rate was nil: no inmates refused to participate in the research. Many commented that they were glad to, expressing some satisfaction in being presented with an opportunity to talk openly about themselves.

## *Data Analysis*

At the end of the fieldwork phase, which lasted 15 months in all, final transcripts were completed, a coding schedule was devised, based on the range of answers given, and as much of the data as possible was coded and analysed using SPSSX. Qualitative material was retained in detailed case histories, note-books, and in quotation booklets, and guided the data-handling and analysis throughout. The four quotations booklets eventually filled during the transcribing process contained examples of illustrations of the range and type of answers given to each question, and provided an essential guide to the writing-up process.

The remainder of this paper will look first at similarities between the subject and comparison groups, and then the significant differences to emerge between them. These results will then be presented in the form of a theoretical model of suicide amongst young prisoners, with individual vulnerability, prison pressures and situational triggers each playing a part in the development of suicidal feelings. The results of interviews carried out with the prison staff will not be discussed here. Selected tables illustrating the results summarised here will be included in the discussion (and can be found in Liebling, 1991 and forthcoming).

## *The Groups*

Most of the inmates came from unstable or violent backgrounds, and were not involved in any permanent family life situation of their own. Their own relationships were impermanent or uncertain, and their experience of family life was rarely happy. Many of the inmates had spent time in local authority care. Their living arrangements were impermanent, showing a pattern of frequent changes and stop-gaps once out of the parental home, within one area of the country. Despite this, a quarter of the inmates had a child or children. Their educational histories were poor, with no qualifications from school and a great deal of truancy being the norm. This result was borne out by the number of inmates who had difficulty in reading and writing during the interview, and who preferred to have the (very basic) self-completion section of the questionnaires read out to them. This fact has serious implications for both letter writing and the range of opportunities available for occupying themselves whilst locked in their cells. The worst of all of these problems were found amongst the suicidal.

Suicide attempts were not uncommon in the families of the inmates, and their own histories were chequered with behaviour problems, violence – both towards and from others – self-injury, suicide attempts, and alcohol and drug problems. Sexual abuse was not uncommon, almost invariably by a family member – although one inmate had been sexually abused by “the only adult he had ever got close to” – his social worker. Comparisons with the general population on these variables or with other sections of the prison population were impossible to draw, due to the lack of any available data, but it is clear that taken by themselves, these young offenders have suffered multiple and extended deprivations, quickly translated into or exacerbated by behaviour problems. They have serious and identifiable unmet needs.

## *Isolation*

For all inmates, missing people or waiting for and receiving visits could be traumatic experiences, particularly where visits were late, unreliable or unhappy. It was clear that having nothing to do made these experiences



harder to deal with. Contrary to the assumption that sentenced young prisoners experience active and purposeful regimes by comparison with remand prisoners, young sentenced inmates may spend entire sentences in idleness in their cells, dwelling on their own isolation and misery. Even where regimes are active, inmates may lack the personal resources required to take advantage of what is offered. Staff do not have the time or, in many cases, sufficient training to encourage prisoners to find constructive ways of occupying their time. Visits were sometimes painful and worrying for all inmates – so much that some inmates preferred to forget the outside world and just ‘get their heads down’. Lack of contact with the family was significantly greater problem amongst the subject group (see below): those with the least resources, pondered on the least amount of family support.

One of the major features of the young offender population, and the subject group to only a slightly greater extent, was that their release plans were vague, often unrealistic, and more often, demoralising. Inmates did not keep in touch with the outside, finding it difficult and upsetting to do so. Few read the papers or watched the news – so that the sentence became a hiatus between bouts of unplanned life in the community.

## *Comparisons*

Few differences between the two groups of inmates emerged in relation to criminal justice variables. The subject group did have slightly (but not significantly) more previous convictions, had spent less time at liberty between sentences and had slightly poorer prospects, if their Social Enquiry Reports reflected such a state. Family backgrounds were unstable for both groups, but a higher level of family violence (particularly witnessed) and (psychiatric) pathology was reported by the subject group.

The subject group had fewer qualifications from school than the comparison group. This was particularly significant as few were able to read and write without difficulty. They were frequent truants (although only marginally more than the comparison group) and they were significantly more likely to have been involved in violence in the school, including having been the victims of bullying. They were more likely to have been in local authority care, and this was slightly more likely to have been for family or behavioural problems than for offending behaviour alone. They were more likely to have received psychiatric treatment, both in and out of hospital, and they were more likely to report major alcohol and drug problems. More of the subject group had injured themselves before coming into custody: only a quarter had not injured themselves in any way before their sentence. On a range of background characteristics, the subject group could be differentiated from the comparison group. A dimensional approach to problem characteristics may be a more useful way of comparing groups within the prison population rather than looking for either the presence or absence of a range of events and attributes. The extent of background deprivation (such as repeated family breakdown, having multiple failed foster placements or repeated violence at home) may be of more importance than either the presence or absence of such deprivation.

The subject group were more likely than the comparison group to have spent time on remand, and to be at the present establishment as the result of a transfer. They were more likely to prefer to share a cell rather than live in a single cell. A large group were averse to PE, which was rare amongst the comparison group. The subject group were slightly less likely to describe any of their fellow inmates as friends, and those they did, they were more likely to have met in prison than outside, unlike their contemporaries, who were



almost as likely to know people from outside. The subject group described themselves as more isolated or alone in the prison, and were far more likely to report difficulties with other inmates. They had more complaints about the disciplinary system, feeling it to be less fair, and – perhaps related to this – they were far more likely to have spent time in isolation, for a variety of reasons, punishment included, but suicide risk could also lead to placement in isolation in stripped conditions or in protective cells. The lack of any alternative – such as access to an observation ward in the hospital – made this outcome more frequent than policy intentions indicate.

## *Lack of Resources*

A view of inmates as being either internal or external expressors of disturbance was not confirmed, as more of the subject group were also a 'disciplinary problem' within the institution. More of the subject group had been referred to the doctor since coming in on reception, and more had been referred to, or were currently seeing, the visiting psychiatrist. Far more of the subject group reported current problems, and these were more likely to be prison problems or a combination of inside and outside problems. The subject group received fewer visits, wrote fewer letters and missed specific people (family members, or mates) more. They had slightly less contact from the probation service, fewer finding their contacts useful. They kept in touch with the outside slightly less (not quite statistically significant), and found it marginally harder to keep in touch with the world outside, preferring to forget it, even if in the end, they could not.

The subject group were more likely to spend the time in their cells doing nothing; fewer would (could) read or write, or do anything else (draw, make matchstick models, etc). On the constructed variable, 'ACTIVE' (that is, could the inmates actively or constructively occupy themselves whilst locked in their cells?) significantly fewer of the sample group could do so. This particular group of responses relating to how time is spent in cells has important implications for suicide prevention procedures.

The subject group spent significantly more time in their cells, and were far more likely to feel bored. They got more bored as the sentence went on, could think of fewer ways of relieving this, and were actually more likely to do something negative or destructive as a result. More of the subject group wanted to change something (personal) about themselves; they were more likely to day-dream, were less hopeful about their release, had far more problems sleeping at night and predictably, were more likely to have had more serious thoughts of suicide during the sentence, or to describe themselves as having attempted suicide. They were more likely to perceive others' attempts as serious. They reported having found the prison experience more difficult, were more likely to have found being banged up the main problem of imprisonment, and finally, they scored higher on the Hopelessness Scale.

## *Raw Deal*

The most significant point to emerge from the responses to questions about the experience of imprisonment was the consistency with which the subject group were (and felt) worse off than their fellow inmates in terms of the availability and desirability of work, education, PE and other methods of occupation. They did not see as many opportunities for themselves in prison, nor did they seem able to make constructive use of their time. The combination of practical constraints and their own lethargy left them helpless and resourceless in the face of hours of unfilled time. Inmates in the subject

group appeared to be less able to occupy themselves constructively when locked in their cells. They felt more bored, did less, got more bored as the sentence went on, and yet spent more time there. If there is a 'vulnerability factor' not yet explored in prison suicide research, this must be one of the most significant. If these inmates cannot read or write, and so spend so much time staring at four walls, the inability to relieve this prison pressure could contribute directly to the crossing of a threshold that otherwise may never have been reached. It was their inability to occupy themselves constructively, combined with 'enforced idleness' that increased their vulnerability to both impulsive acts of self-harm and suicidal thoughts. Still, it should be remembered that the actual numbers showing positive indications of these adverse variables – even amongst the subject group – are small, often less than half of the group (= 25 inmates). The 'profile' towards which this paper is working provides an understanding of vulnerability. It does not claim to predict it.

## *Socialisation*

An exploration of the prison experience offers a variety of significant questions for both suicide prevention policy and for future research. These are exactly the sort of questions that Personal Officers (or other Prison Officers) could pursue, without having to concern themselves exclusively with the question of suicide. ('So, what do you do with yourself when you're banged up in your cell?'). The proportion of the subject group who disliked PE, for example, may have been expressing difficulties with other inmates, or an inability to achieve the level of activity expected of other inmates. It is interesting to note how an attitude towards an everyday (sic) prison feature may indicate other important feelings. Prison Officers could be encouraged to make these sorts of enquiries as part of their general 'welfare' role, taking an interest in all inmates without 'homing in' on the suicidal. As part of a series of related questions, officers could look for signs and symptoms at least, of stress, or an inability to cope. Lack of contacts with outside, or lack of interest in the outside world, are already well-established indicators of risk. Visits and contacts are evidently an important area for inmates, whether they are receiving them or not. Lack of socialisation within the prison may be another indicator of risk, particularly if the inmate has few friends inside, spends a lot of time on his own, has difficulties with other inmates or knows few other inmates from his own area. Importantly, inmates who present disciplinary problems to the staff cannot be assumed to be (just) manipulative, or obvious trouble-makers (cp. Toch et al, 1989). Their disciplinary problems may be another feature of the difficulties they are experiencing in coping with prison.

Clearly, frequent or current referrals to the doctor or psychiatrist indicate possible problems, but far more significant is the finding that, when asked, inmates in the sample group report far more problems than their contemporaries, often relating to the prison situation, or a combination of inside and outside problems. This suggests that, given a willing ear, inmates will indicate their own vulnerability. The only other requirement is that the listening ear recognises and acknowledges these signs as signs of risk – or valid cries for help.

Having serious problems sleeping at night, daydreaming, signs of hopelessness and viewing others' self-injury as serious and genuine, could all be indicators of the risk of 'the onset of a suicidal crisis', particularly if these immediate responses have a context of poor release plans (and hopes), few outside contacts and disappointments in relationships.



## *Inmate's Perspectives*

All inmates were asked if they had ever had serious thoughts of suicide during the sentence. 86% of the subject group and 14% of the comparison group said they had. Over two thirds of both groups of inmates knew other inmates who had either attempted or committed suicide in prison. This was high: two thirds of both groups. Even if the actual events are infrequent, the attempts and suicides were known about and discussed: the problem has a high profile within prison life. Almost half of the subject group thought that the reason why inmates attempted or committed suicide during a sentence was because they couldn't handle their sentence. This vague and largely unhelpful statement was used frequently by both inmates and staff to explain suicide and self-injury in prison, without further elaboration. A small number of the subject group said it was because these inmates were depressed, others said it was because of particular problems they were experiencing. A small number in each group thought it was for attention.

This question proved to be particularly instructive in the case of those inmates who had felt suicidal themselves. They often found it easier to find reasons why other inmates might have felt that way, when they had been unable to articulate their own reasons a few moments earlier. Their explanations of others' attempts illustrated a plausible explanation of their own:

*Being banged up, and cut off in the dead of night.. its more than just being banged up... you lose your head. (SG)*

*They do it because it's too much pressures on them, it gets to them and that, and they're sick of being locked up, and they're sick of taking orders, and they're sick of no-one caring. (SG)*

Not being able to cope was the most frequent explanation for suicide attempts: they were 'inadequate', 'weak', resourceless. Other inmates' attitudes were divided into sympathy for the 'genuine' and disdain for the 'attention-seeking'. Surviving prison without self-inflicted scars was mentioned as a sign of being able to do your time:

*I've got no slash marks on my arm.. (CG)*

The subject group tended to be more 'understanding' of the problem – and were more likely to relate suicide attempts to the sentence than the comparison group. More of the subject group saw others' injuries as 'serious'.

The topics of suicide and suicide attempts were not unusual subjects for discussion amongst young prisoners. There existed a series of explanations for and opinions about these activities, which all inmates shared. A language (argot) was perceptible: 'he's slashed up', she's 'cut up' again, he's got 'tram-lines', they 'topped themselves'. There is a sub-culture of self-injury in young offender institutions: it is the culture of the weak.

When asked about specific triggers or events which might have provoked their attempts or injuries, almost a third of the subject group inmates (30%) said there had been some problem with other inmates before the incident: either threats, bullying, teasing or arguments. Prison pressures were most often chosen from a list of alternative problems that might have precipitated the suicide attempt. 22% said they had recently received a long or unexpected sentence, 24% had recently been punished or segregated; 12%

had received (or were expecting) a 'Dear John' letter, 4% had received a parole refusal, and 8% had either been transferred or moved from one location in the prison to another.

10% of the subject group said that the major motivation was an outside problem, usually to do with family or girl/boyfriend. Almost a third said it was a prison problem:

*I just had to get out of my cell.*

*Being padded up on my own, it was a bit hard, I felt depressed and all that, there was no-one there to talk to, and I was scared, I just didn't want to be on my own.*

Over half mentioned motivations that were a combination of inside and outside problems:

*I just couldn't do any more time in prison, and I didn't know if my girlfriend would visit on Saturday, and...you know, I'd just had it.*

Many of their own explanations for the injury differed from those found in their records. It was not unusual for inmates to express feelings during the interview of having been under pressure to 'tell the doctor what he wanted to know':

*I had to say that, you know? It's what they want you to say...*

*I couldn't answer their questions...I didn't know what to say.*

Six of the inmates left a note, indicating their intention, and usually referring to the main reasons for the attempt. These notes were usually expressing anger and resignation, and were concerned with lack of contact and concern from both outside and inside. 'I've had enough', was the most frequent sentiment indicated.

Towards the end of the interview, all inmates were asked: "Would you say, then, that you had ever had serious thoughts of suicide on this sentence?" At the end of a long and sometimes difficult interview, responses were much more fluent and forthcoming:

*It was everything – my brother's death, the sentence, my family, worrying if everything was going to be alright, prison – it was everything – even being in prison.*

*Loneliness...it's a very lonely place.*

*You just feel that there's no hope, when you're banged up just looking at four walls.*

*Everything just built up, and I didn't see any future, even when I got out.*

Many mentioned not being able to turn to anyone, or not feeling like anyone cared:

*People just haven't got time for me.*

As indicated above, on several occasions the reason given during the interview was different from that recorded in the file, or it became different as the whole picture was painted:

*It's so hard to talk about 'the real problem' in case you end up being locked up even more. No-one will talk to you, it's mad, it was doing my head in. No-one asked me about it – they did ask me why I'd done it, I didn't want to say 'owt because, you know, I didn't want to tell them the reasons because I knew they'd*



*just shove me back in the strip cells, like.*

Most of the inmates gave several reasons – a build up, followed by a closed door:

*I was up on the three's on the top landing, and in your cell you have these razor blades...I was just thinking all about what I had left and things like that, thinking about my girlfriend and daughter, and I don't know...and that's what I done (shows several severe cuts and scars)..that was about 8.30pm.*

– Did you ring your cell bell?

*I didn't ring my cell bell until 11.30pm – I thought I'd be dead by then. I was cold, shivering. I didn't know it'd be so hard to die.*

The feelings expressed were common:

*I just felt so helpless.*

*I just felt that there was nothing..*

*There was no-one to talk to.*

*All sorts...missing my girlfriend...I just don't like it here.*

## Conclusions

The young suicide attempter is 'a lonely child without friends and without firm ties with his parents' (Rood de Boer, 1978). He or she does not feel safe or loved (Bowlby, 1965; Diekstra, 1987). Difficulties in communication and isolation expose their resourcelessness. In prison, this vulnerability is crucial. The trigger for a suicide attempt might consist of something apparently 'trivial': a threat by other inmates, a bad letter, a visit which does not materialise, too much time alone, a sleepless night – but the context for this precipitant is an emotional state of despair. The threshold at which prison-induced distress becomes unbearable varies, and as we have seen, the level of pain experienced during the sentence may vary according to the inmate's situation as well as his or her resources (see Liebling, 1991 and forthcoming).

Young prisoner suicide is not an exclusively psychiatric problem: it is also a problem of coping. The experience of prison is not uniform: inmates' own resources and opportunities vary. A lack of the necessary skills with which to endure a sentence of imprisonment may fall within the boundaries of 'normal mental health'. Asking how inmates spend their time in their cells, how they get along with other inmates, what sort of plans they have for their release and how much contact they have with their families outside, may be much better questions to ask than 'are you feeling suicidal?' Those people in the best position to ask these sort of questions regularly are the prison staff.

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# Lookout

**Below in no particular order, are some of my favourite – and *real* – answers given by candidates to questions posed on promotion boards. For obvious reasons I won't mention the boards, but suffice to say they have taken place for both specialists and non specialists over the past two years.**

**Q. Who is the Chief Inspector of Prisons?**

**A. Judge Mike Tyson**

**Response:** No that's the Heavy-weight boxing champion of the world.

**A. Well who is it?**

**Response:** Judge Stephen Tumim.

**A. Well they both begin with 'T'.**

**Q. Have you had a good journey down to Cleland House this morning?**

**A. Before (suck, suck) I answer that (suck, suck) question, I'll finish my mint.**

**Q. Do racist jokes have any place in today's prison service?**

**A. Oh yes! And here's my favourite (candidate proceeded to tell a racist joke).**

**Q. What paper management systems are you aware of that would allow you to manage more effectively in the next grade?**

**A. Ehrrm (pause) The Prison Service News.**

**Q. What is the Terrence Higgins Trust?**

**A. He's the Chief Inspector of Prisons.**

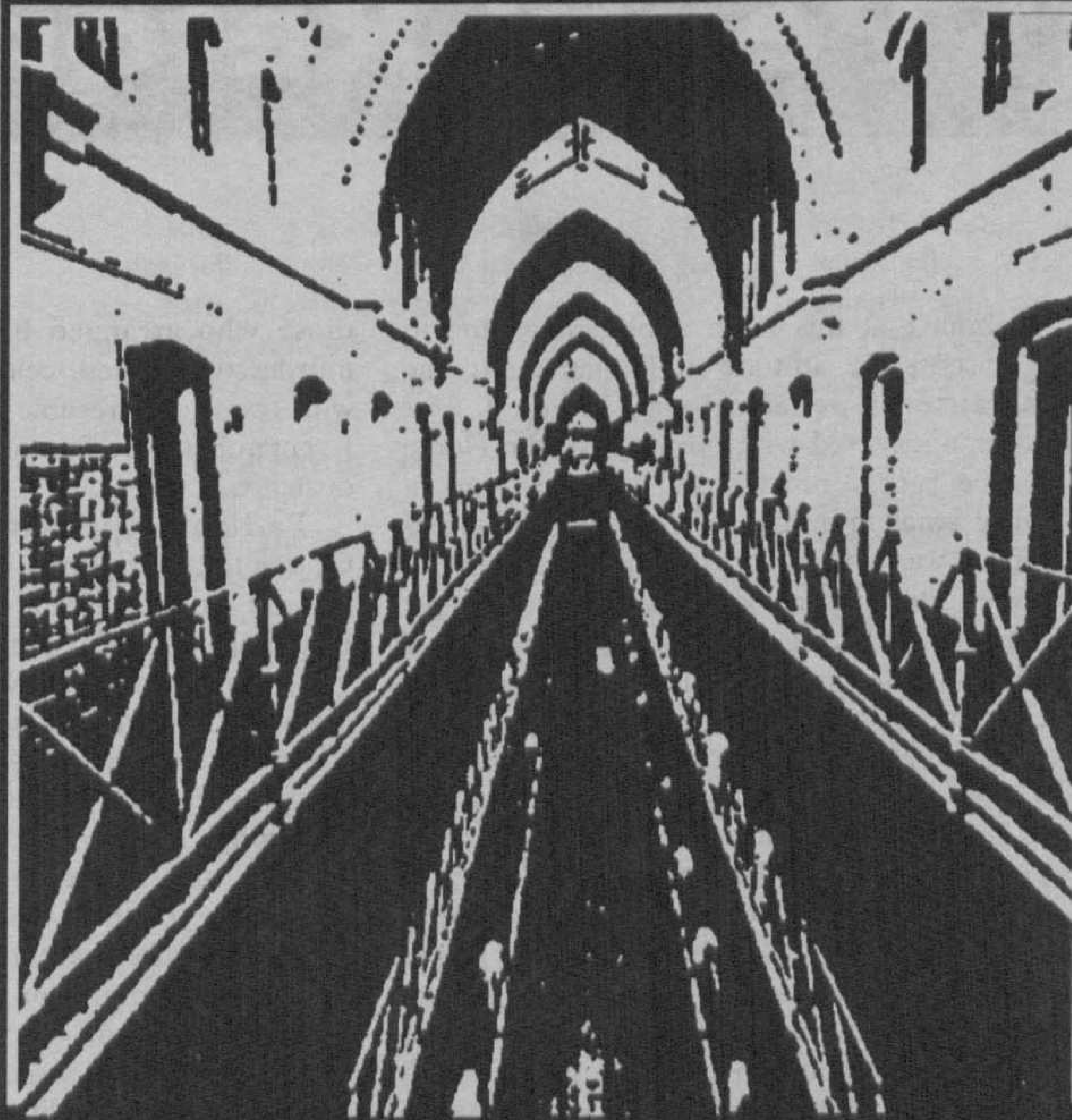
**Q. Since re-organisation we no longer have regions. What Area is your prison in?**

**A. South West Region.**

**I'm not sure what all these answers tell us, but perhaps I might suggest they imply badly prepared candidates, ignorance of change, lack of communication, and above all gross over-marking by reporting officers in ASRS.**



# PRISONS



a f t e r

# WOOLF

PERRIE LECTURE 1991





# Parliament and

# Penal Reform

*Lord Harris of Greenwich was Minister of State, Home Office, from 1974-1979 and Chair of the Parole Board from 1979 to 1982. He has been spokesperson on home affairs for the Liberal Democrats in the House of Lords since 1988.*

I think that this is an appropriate time to discuss the attitude of Parliament to the cause of penal reform. When I first became involved with the work of the Home Office rather more than 25 years ago, a fairly small minority of members of either House was interested in the issue; it remains a minority concern, but that minority is now a great deal better organised, and I think rather more influential. (Home Affairs Committee PAPPAG).

I will attempt to avoid going for too long a stroll down memory lane, but I think that it is useful to look at the position of the Home Office in January, 1966 when I arrived there as special assistant to the new Home Secretary, Roy Jenkins. Then it was seen as an appallingly accident prone department; it has not, I think that we would all agree, wholly lost that reputation. A number of the reforms that were pushed through in the 22 months that I was there affected the prison service; the abolition of corporal punishment in the penal system was one of the more obvious. But the agenda was crowded with other issues involving the department; abortion and homosexual law reform, the abolition of censorship in the theatre, a major reorganisation of the police service and an important Criminal Justice Act. But the most significant issue which affected the Prison Service arose not as a result of any conscious decision by ministers, but as a response to an acute short-term crisis. That was the escape of George Blake from Wormwood Scrubs. And we were confronted not just with the escape of Mr Blake, but that of many other prisoners who, in the storm of publicity that followed his flight, decided to leave prison. They did not seem to find it at all difficult. Frank Mitchell departed from Dartmoor, and although

those who arranged his escape eventually murdered him, less celebrated prisoners left with fewer disagreeable consequences; some, I remember, left Pentonville in a municipal dustcart.

Parliament was in uproar. And the Opposition put down a personal censure motion on the Home Secretary. (Result: Debating victory). Our morale, I must tell you, was not high. Worse, there was a distinct feeling that we were passive spectators to what was happening; that no one was capable of getting a grip on the situation.

One of the major concerns amongst ministers at that time was that in the immediate aftermath of the dissolution of the Prison Commission, we were confronted with a situation in which the Prison Department did not have an adequate number of high quality officials. I think that it is important to remember this at the present time when we hear siren voices advocating the creation of something sounding suspiciously similar to the old Prison Commission. If Prison Department headquarters is insulated from the rest of Whitehall, if bright people want to work there, the consequences for the service can be damaging.

As you will recall, the most important consequence of Blake's escape was the appointment of the Mountbatten Inquiry. It was, a few years later, rather fashionable to decry its recommendations; to suggest that his emphasis on security had resulted in damaging consequences for regimes. I do not accept that view. First of all, the public has now – and had then – a right to expect that dangerous men, sentenced to long periods of imprisonment by the courts should be kept securely in custody. That was true of George Blake. It was equally





true of the two men who escaped from Brixton who were allegedly involved in I.R.A. offences. Secondly, it demonstrated the futility of pretending that the Service can be wholly insulated from pressure whether by Ministers or Members of Parliament. Ministers will be directly accountable to Parliament on such day-to-day matters whatever form of re-organisation is imposed on the Service.

*So much for some of our concerns a quarter of a century ago.*

I turn now to the period in which I had office following the 1974 election, my term as Chairman of the Parole Board from 1979 until 1982, and events since then.

First, I must admit some concern about the sheer number of Inquiries which have been appointed to examine the state of the Service. I cannot be self-righteous. I was involved in the setting up both of Mountbatten and the Inquiry of Mr Justice May, as he then was, to examine an industrial relations dispute. This year alone we have had two – the report of Lord Justice Woolf and the Lygo inquiry. In our House, which tends to devote more time to the discussion of penal affairs than does the Commons, we have yet to debate Woolf, and some of his recommendations are likely to be overtaken by Lygo.

Some of the Inquiries have certainly had most valuable results. May, for instance, led to the establishment of the independent Prisons Inspectorate, first headed by Bill Pearce, a man of the highest ability, and now of course by Judge Tumim, who has done a quite outstanding job.

I do not propose to discuss in detail the recommendations of these Inquiries. Instead I intend to refer to two of the most important issues that were in reality common to several; the state of industrial relations in the Prison Service and the problem of mentally ill offenders and the effect that these problems have on many people in Parliament who are concerned to improve conditions in the prisons. I must make it clear that today I speak for myself; some of my colleagues would embrace my views, others no doubt would not.

I will deal first with the industrial relations record of the Service. They have been bad for at least 14 years; and today they are worse than ever.

Twelve years ago Sir John May said in his report which was published just after the

election of the present Government: "In the last few years" – He was referring to the period of office of the previous Labour Government – "industrial action has occurred of a type, and on a scale, never previously witnessed".

Sir John May outlined the reasons. In particular he drew attention to the decision of the national executive committee of the Prison Officers' Association that "forms of action to be pursued on local issues (including sympathetic action) are matters within the discretion of the local branches concerned." Armed with this new power some branches of the POA, but by no means all, began to engage in forms of industrial action not previously experienced. Since the publication of the May Report the situation has become even more difficult.

This is what Lord Justice Woolf said about this – "Unhappily the May Committee's exhortations and recommendations did not result in any long-term improvement in industrial relations. Indeed", he said, "they had become worse".

We have now reached a situation in which industrial relations in our prisons are worse than those in any other part of the public or the private sector. We have a situation where some – I repeat, some – Prison Officers regularly turn away police vans bringing in inmates. Last year 43 Prison Service establishments from Aylesbury and Bedford to Wormwood Scrubs and Wymott either threatened to refuse or refused to admit prisoners.

Since the publication of the May Report we have seen the establishment of an alternative prison system run by the police in which remand prisoners, who by definition have not been convicted of any criminal offence, are kept for weeks on end in tiny cramped cells designed to keep a prisoner for a few hours before an appearance in court. On 30th October last year 1,060 prisoners were being kept in such conditions by 24 separate police forces in England and Wales. In recent months there have been over 1,800 prisoners kept in these conditions by all 43 police forces. The result has been shameful conditions experienced by many of these prisoners, including some of the mentally ill, with hundreds of police officers taken off the streets to act as gaolers.

The cost of this exercise is quite extraordinary. The cost of keeping one remand prisoner in a cell in the Metropolitan Police district has been £305 a night; that is, precisely 50 per cent more





than a double room at the Ritz Hotel.

And yet, before 1980 Home Office remand prisoners, as I shall call them, had never been held in police custody. Indeed it is by no means certain that the police had any lawful right to hold such prisoners.

That situation changed in October 1980 when the present Government were confronted with widespread industrial action in the prisons. In large numbers of prisons, Prison Officers refused to receive prisoners remanded or sentenced by the courts.

As a result of that dispute in October 1980 it will be remembered, the military were called in to establish a number of camps in which prisoners were held under the direction of Governors and Assistant Governors.

In his Statement of 27th October 1980, Lord Whitelaw announced that he proposed to introduce an Imprisonment (Temporary Provisions) Bill to deal with an emergency situation. It was truly an emergency situation, as recognised by the Opposition in both Houses, who gave the Bill facilities. It was on the statute book within 48 hours.

Many of these powers lapsed after the end of the dispute, but *one* important provision of the Bill did *not* lapse. That was a declaratory provision making it clear that the police had the power to hold sentenced and unsentenced prisoners.

Most of us would agree that it was an emergency in October 1980 and in that situation it was right for the police to hold prisoners for a strictly limited time. However, unhappily, the emergency appears to have gone on for more than 11 years and it shows not the slightest indication of coming to an end. And the cost, as I've already indicated, is extraordinary.

According to paragraph 11.154 of the report of Lord Justice Woolf, in the first six months of the last financial year the Home Office had to pay police authorities over £25 million. That was the cost of holding their prisoners in police cells. Given the large number of prisoners who were held in police custody for the rest of the last financial year, it seems obvious that over £50 million will have to be paid to police authorities for carrying out this responsibility on the part of the Home Office. And in view of the number still held in police custody, it is likely that the bill for this year will be still more.

So much for the cost. Lord Justice Woolf referred to the conditions in which some were kept. This is what he said at paragraph

11.152 of his report about conditions in the central police detention centre in Manchester:

*"While Police Officers appeared to be doing their best to make the prisoners' conditions tolerable, the conditions were in fact wholly unacceptable. The night before the Inquiry's visit, 101 prisoners had been held in 73 police cells. The cells had no natural light, they were small, they had an objectionable smell, they were over-heated and without sanitation. The amount of exercise which the prisoners could have each day was limited to 20 minutes. The exercise area was a cage of modest size on a flat roof patrolled from above by a dog handler. The prisoners spent the major part of the day locked in their cells. They were not allowed radios".*

It is a scandal that we are prepared to tolerate conditions of this sort. However grave an offence a prisoner may have committed, we have a duty to hold him in civilised conditions.

As I've already indicated, Lord Justice Woolf, in his report, accepted that since the publication of the May Report, the industrial relations situation had become still worse. Given this finding, and what has happened subsequently, I do find the silence of the penal reform organisations rather striking. They have simply criticised the Home Office for allowing this situation to arise, while saying hardly a word about the industrial relations crisis in the prisons. And it is, as they know perfectly well, this situation – not merely overcrowding in the system – which is causing this unacceptable problem to arise. They are, I fear, demonstrating that they consider that discretion is the better part of valour.

I do not propose to spend time today attempting to apportion blame for the escalation of the number of industrial disputes, except to say that I believe that it is absolute nonsense to suggest that management is almost exclusively to blame. I am well aware that many members of the Service, both in the P.O.A and outside it, are as unhappy as I am about what is going on in a number of our prisons. But I must make this clear. What has been going on represents a clear challenge to the authority of managers within the Service. It also represents a challenge to the Home Secretary in whichever government he or



(perhaps in the future) she may serve.

I have no desire to urge a policy of calculated confrontation with the Prison Officers Association, but I believe that this situation cannot be allowed to continue. I am firmly opposed to those who have argued for a virtual de-unionisation of the Service; the GCHQ policy applied to the prisons. But everyone in the Service should realise before it is too late that the patience of many in Parliament is now running out. And if such conduct continues, government will have to take decisive action to deal with it.

I turn finally to the situation of the mentally ill in prison, to which considerable attention has been drawn since Judge Tumim's reports on suicides of those in custody, and on Brixton prison. Their problem, again, has continued for years, with pathetically little being done to deal with it.

I can still recall the meeting Merlyn Rees and I had with D.H.S.S. ministers to discuss why the money voted by Parliament to establish regional secure units in mental

hospitals had been diverted to be spent for entirely different purposes. Since then the situation has not been improved in any way.

The problem is straightforward. The administrators of the National Health Service simply do not want to take many of these mentally sick prisoners into their mental hospitals. I saw exactly the same attitude in the State of New York when the Governor of New York eventually had to appoint an arbitrator to determine how to solve the dispute between the state department of correction and the state public health department.

The Home Office has a real dilemma. It will, I am sure, continue the discussions it is having with the Department of Health on this issue, but I am more than a little sceptical whether there will be any significant progress. If on the other hand, it decides to improve markedly the mental health provisions in its prisons, there is a real likelihood that they will never succeed in passing on this responsibility to where it properly lies – the Department of Health.





# Conditions, Woolf

## and the White Paper

### Introduction

This paper discusses prison conditions after Woolf in terms of the changes which have been proposed in the Report of the Woolf Inquiry, the responses in the White Paper "Custody, Care and Justice" to the Woolf proposals and the changes which are actually under way.

Prison conditions provide a series of practical examples of Woolf ideas in action, Woolf ideas not working, and Woolf ideas in the pipeline.

The examples of slopping out, overcrowding and standards illustrate these different effects in the aftermath of Woolf.

First of all, let me put this discussion in context.

The Report of the Woolf Inquiry is the most important document concerning prisons to be written this century. The Inquiry was a stimulating process in itself, charting new territory in its openness and breadth of consultation. We have learnt a great deal from being part of that process.

I shall refer to Woolf in shorthand form, meaning the Inquiry and its Report, a process leading to the White Paper and the work in which we here now have other parts to play.

After Woolf prisons will be different. There has not been time yet for practical change to take hold systematically but I believe that it will and for the following reason. A change in attitudes is clear after Woolf. The Inquiry and its Report may not be the sole causes of change, but they have allowed us to recognise that change is with us.

Before Woolf many of us believed that the prison system desperately needed to change, but we seemed to have widely differing ideas about what the changes should be. The Woolf

process has taught us that there is a common basis of shared values about what our prisons should become. The debate has been moved on, and by a large step forward.

I do not of course mean that we all think alike. It would not be a healthy sign if we did. But the values of justice, humanity, respect, decency, dignity and responsibility have been established as values to be balanced with security and control. Those who do not share those values do not belong in the Prison Service.

Today I would like to look at some specific areas in which the direction post-Woolf is clear.

The Woolf Report presents a broad vision of what prisons ought to be like for those who live and work in them. The approach rests on twelve central recommendations (Woolf Report, 1.167) encompassing a number of interrelated issues which define the quality of life in prisons. I have decided to concentrate on prison conditions, so that I can give some practical examples of the changes under-way.

In this discussion of prison conditions the term is taken to mean more than the physical environment of prison establishments. Prison conditions consist not merely of the bricks and mortar of prison buildings. They are the product of the physical environment of a prison and the ways in which that environment is used.

A cell thirteen feet long by seven feet wide by thirteen feet high with no running water and small high barred windows is a poor physical environment for living. If prisoners have to share that environment "locked up for excessive periods of time" without access to integral sanitation, then, as the Woolf Report said of Strangeways, the conditions are "of a wholly unacceptable standard." (Woolf Report, 3.55)



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The Woolf Report recognised that poor prison conditions degrade both prisoners and staff. Although poor conditions are not the sole explanation of unrest, when conditions and regimes both deteriorate, relations within prisons break down. Riots are a symptom of that breakdown.

Over the years two things have come to represent more than anything else the squalor in many of our prisons – slopping out and overcrowding.

### Slopping out

The Woolf Report represents the culmination of the struggle to end slopping out. It is a struggle in which the Chief Inspector of Prisons (H.M. Chief Inspector of Prisons, February 1989) has played a major role by focusing public attention on this most conspicuous "symptom of an archaic prison system" (Woolf Report, 1.192).

Even before the White Paper was published, the Government had undertaken to provide access to sanitation for all prisoners at all times by 1994 (Home Secretary's announcement of February 1991). The fact that this should have happened years ago does not mean that it is not still a major achievement. It marks a great step forward in eliminating the squalor of prison life for Prisoners and Prison Officers. The Woolf Report looked ahead to this change as "the clearest signal possible that the Prison Service is to be committed to bringing the prison system up to acceptable and just standards." (Woolf Report, 1.193)

I want to make it clear that I think the refurbishment programme represents significant progress, because I also have some critical things to say about it.

The programme to provide access to sanitation does not pretend to create ideal living conditions. The favoured model for refurbishment eliminates slopping out by providing a lavatory and sink in the existing prison cell. Even when there is a screen of sorts, the prison cell becomes in effect a toilet.

Before the choice of models was taken, I made no secret of my view that the in-cell model compares unfavourably with the Stafford model, where the middle cell of three cells is converted into two en suite rooms with toilets for the remaining two living cells (Casale &

Plotnikoff, 1989). The in-cell model has low cost to recommend it. Apart from this obvious advantage, there are obvious problems of hygiene and odour. Living in a toilet is not an ideal environment for one prisoner, let alone when prisoners share the cell.

In the short term the refurbishment programme is increasing cell sharing, as accommodation is temporarily removed from use. When the work is accomplished the living area of the cell is diminished by the space taken out for the toilet area. Many of the cells were below the space standard recommended (Home Office, 1985) for double cells in new prison buildings even before the refurbishment work. In my view the assumption of cell sharing after refurbishment on this model is not acceptable.

Continued reliance on cell sharing as the norm is not peculiar to the in-cell sanitation model. In the Stafford model conversion of three cells into two with integral sanitation reduces the total cell accommodation by one third (Casale and Plotnikoff, 1989).

There is further danger in the assumption that once the physical amenities are provided, prisoners will automatically have a better quality of life. If prisoners lose even the minimal activity and contact with other people necessitated by slopping out, life in prison may become more sterile, in more senses than one.

As more new prison buildings and refurbished estate come into use we would do well to remember that improving the physical environment does not guarantee decent conditions, it is only a necessary first step.

Let us leave loos for a moment and take an example from another area. I recently visited a new prison in the course of a feasibility study on improving arrangements and facilities for prisoners' domestic visits. There the physical plant designated for use on visits is spacious and well designed. The visitor enters a big waiting room with large glass windows, potted plants and modern seating rather like a green Macdonalds. There is ample provision of lockers and toilets for men and women. (Unfortunately there was no loo paper in the ladies).

The visitor passes through an elegant electronic screening device and onwards to the Visits area, with its splendid atrium, all plate glass and open space. Here the visitor







finds a large waiting area with a public phone, more toilets, a refreshment counter and even exotic fish swimming in a huge tank.

Finally the visitor arrives at the visits room: large, light, with one wall of windows looking to an outside area landscaped in stones and shrubs. In that spacious room, the tables are arranged much as they are at Brixton, in cramped and serried ranks end to end, with a large area of floor standing entirely empty, while prisoners and their visitors sit alongside other visitors and prisoners using a fraction of the visits area.

Even in the best of buildings you can rob people of privacy and reduce the quality of life.

### Overcrowding

I chose overcrowding as one focus of this discussion because it illustrates an area where Woolf has not been put into action.

The recommendations of the Woolf Report belong together as part of an overall vision of change in the prison system. The recommendation for provision of access to sanitation must be taken in conjunction with the proposal for a new Prison Rule to limit overcrowding. The idea behind these two recommendations is the creation of a decent environment to be used by a reasonable number of people. That is the foundation of decent prison conditions.

The new Prison Rule proposed by Woolf to limit use of prison accommodation seems at first glance a radical innovation. Today the new terminology of normal occupancy has supplanted CNA as a working guide to levels of accommodation. This is not because the accommodation has changed. Over time the many ancient parts of the prison system have deteriorated and previous programmes of refurbishment have not kept pace with that decline. The Prison Service has lived so long with overcrowding that CNA has become somewhat irrelevant to day to day operations. Expectations have shifted to normal occupancy. It is a euphemism for a prison establishment's customary level of overcrowding.

The Woolf recommendation marks a return to the concept of CNA. In effect it restates the principle that a prison should normally be occupied below its CNA. To ensure that the principle is applied, Woolf proposed that a

new Prison Rule would come into force by the end of 1992 requiring every establishment to keep within its CNA, with minor exceptions and temporary fluctuation (Woolf Report, 1.190). Parliament would have to be apprised of any departure from this rule.

As a mechanism to address the perennial problem of overcrowding this proposal fails because it ignores the importance of sentencing practice in determining the size of the prison population. The Woolf Report does discuss the need to "reduce the prison population to an unavoidable minimum" (Woolf Report, 10.70) and specifies groups of people who might be diverted from custody, including remand prisoners, fine defaulters and mentally disordered offenders.

But it does not answer the question: what happens if the courts consistently commit more people to prison than the total of CNA of all prison establishments combined? Are the extra prisoners to be held in police or court cells? On 31 March 1991 such facilities held 767 prisoners (NACRO Briefing, 1991) in accommodation designed for short term stay and offering wholly inadequate conditions.

The White Paper reflects some aspects of the Woolf approach. It refers to the Government's continued support for community penalties and bail services. But it does not accept the proposal for the new Prison Rule on CNA. The White Paper, like Woolf, avoids a direct discussion of the sentencing problem. The White Paper is able to reject the Woolf solution because that solution is only partially workable: it places a limit on the intake of prisoners at individual establishments but it does not deal with how to limit the number of people given custodial sentences nor what happens to the excess population.

As the Woolf Report implies in its discussion of reducing the prison population, there are already more people in prison than belong there. It has been argued many times that the prison system cannot improve if it continues to be used without restraint as a dumping ground for the social, health and criminal justice systems. The fact that this area is not part of the Woolf brief is a serious limitation. That in turn has created a serious omission in the White Paper. It is time that the connection between sentencing and overcrowding was confronted squarely. They are two faces of the same problem.



## Standards

At the start of this talk I spoke of the way in which the Woolf process has taken us forward. The standards area is an interesting example of Woolf in the pipeline.

Before Woolf we were locked in an impasse over standards. Many people working inside and outside the prison system were in favour of standards, but the Government and consequently the official Prison Service position was not in favour. The Woolf process changed that.

The Woolf Report stated that *"in order to achieve justice within prisons there must be required standards of conditions and regimes within prisons"* (Woolf Report, 1.186).

This suggests a fundamental reason for having standards. However, it is not particularly clear what "justice" means in this context, unless one has read the Woolf Report in its entirety.

The White Paper accepts the needs for standards. It is quite clear in recognising the Prison Service's obligation in this respect. And the Prison Service has responded to the challenge by setting up a Steering Group on Standards which is discussing and consulting widely about the proposed code of standards.

The views expressed here are mine and not that of the Steering Group. I would like to describe some of the work going on, to illustrate how Woolf ideas are being translated into action.

The White Paper stated:  
*"Prison establishments should offer living conditions which recognise the Prison Service's responsibility for the prisoner's environment for 24 hours a day. Questions of luxury or comfort are not the point at issue. Conditions should be set at the level which meets the Prison Service's obligations."* (1.29)

*"Prisons should aim to provide decent but not lavish conditions. Conditions should be of a standard which fulfils the Prison Service's duty to provide humanely for prisoners and to preserve human dignity."* (6.1)

These statements help to provide the ground rules for standards and establish the principle that the criteria for setting standards do not necessarily reflect the present state of provision across the prison system.

From this starting point the Steering Group on Standards has discussed what constitutes a decent level of provision. This question does not have to be decided in a vacuum. There are many sources of analogous standards already in existence which go to this question. For example, many of the elements that make up prison conditions are not exclusive to prisons. Many technical standards for physical aspects of the human environment (e.g. heating, lighting, ventilation etc.) are universally agreed (i.e. accepted by professional and public bodies in this country and across the world).

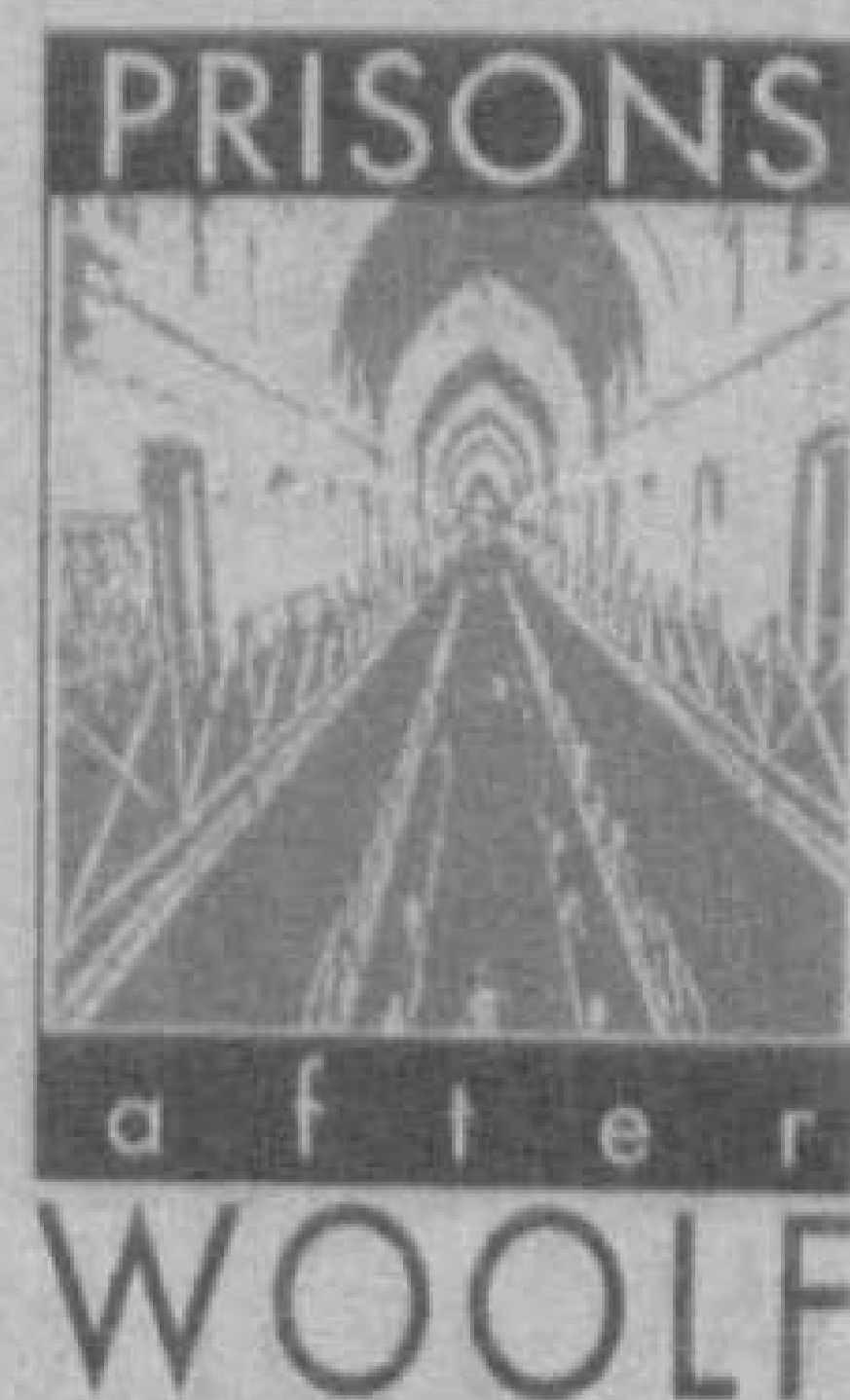
It is important that agreement on what is decent should be arrived at by consultation and by reference to relevant instruments and standards already in existence in other contexts. These processes confer legitimacy on the decisions as to level of standards and increase prospects for implementation.

The levels at which standards are set may change with time. What constitutes a decent level in 1991 may not be adequate in 2001. Specific provision for change need not be built into a code of standards, but the principle of change over time should be acknowledged. The Woolf Report suggests a review from time to time (12.106).

The White Paper establishes the principle of universality, that is it makes clear that standards should apply across the prison system, setting *"clear targets which all establishments would in time be expected to meet and against which the provisions in any particular establishment could be judged."* (6.17)

If the code of standards is to apply to all establishments, what will it be like? Woolf Report referred (12.115) to the model used by the Commission on Accreditation for Corrections in the US. This model involves a three tier system of mandatory, essential and important standards, with the obligation to comply varying according to the type of standard involved. I have always had problems with this framework. It seems to me that a mandatory standard must be essential and an essential standard ought to be mandatory. However, the idea of a tiered system of standards is interesting.

In the U.S. systems this is the result of a pragmatic approach to a basic dilemma associated with standards: the conflict





between the need to apply standards across the system and the practical reality of differences across establishments. This facet of the U.S. models is important for the English system, where there is considerable variation among individual establishments. The value of a tiered system lies in its adaptability for establishments whose starting points on the road to standards are very different. The enormous variation in prison conditions and regimes across our prison system means that a single tier of standards is either pitched so low for some of the more advanced establishments as to be virtually irrelevant or so high for others as to seem unattainable in the foreseeable future.

The U.S. accreditation model operates against that background of legally enforceable minimum standards and sanctions for non-compliance. In the English context accreditation would have to rely on professional pride or embarrassment as incentives for improvement.

One problem associated with a voluntary accreditation process is that it overlooks the limitations of individual establishments' control over their own performance. There is a tendency to blame failures in performance on lack of resources. That is an over-simplification which serves in some cases to mask poor management or poor staff attitudes. However, there are times when with the best will in the world it is impossible to achieve targets because of budgetary and other considerations beyond the governor's control.

For example, a prison establishment may receive a draft of extra prisoners because of occurrences in the system at large. There is unlikely to be a concomitant adjustment of resources. The resulting adverse effect on conditions might mean that an establishment failed to achieve accreditation or failed to try for accreditation. The process of accreditation under such circumstances would be conspicuously flawed, like a relay race in which some teams had no baton.

Before closing I would like to indicate how a code might work at the ground level. A national code of standards should define levels of conditions and regime to be achieved over time across the prison system. For each aspect of prison life covered by the code of standards there should be a corresponding longer term and short term plan for how each establishment fits into the overall strategy to bring all establishments up to standard.

The new PES financial planning process could be the mechanism for ensuring that implementation does not founder for lack of resources. Establishments would bid for the resources needed to enable them to bring their provision up to standard not only in the next financial year but in subsequent years.

The annual contract between the Governor and the Area Manager would serve as a vehicle for developing the incremental timetable with respect to the individual establishment. The Woolf Report suggests a timetable for achievement for each establishment with targets incorporated in the annual contract. Different sections of the annual contract for the establishment corresponding to different elements of standards would incorporate interim levels agreed as the objectives to be achieved by the deadline of the end of the contract year.

A prisoner's compact would set out the particular conditions and regime elements a prisoner may expect at a particular establishment in the light of the annual contract. An individual prisoner plan might provide a further level of detail as to what the individual prisoner might expect during a specific time period spent at the establishment.

This framework sounds mechanistic and it is. The financial planning framework is an important part of moving forward towards standards which do not remain on paper but are translated in practice. The process is underway. A promising sign is the degree of openness and consultation involved in that process, a tribute to the Woolf approach as well as to the Woolf principles.

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# The Director General and Penal Reform

*Joe Pilling joined the Civil Service in 1966 and has held a variety of posts in the Home Office and other Ministries. He was Director of Personnel and Finance for the Prison Service from 1987 to 1990. He became the Director General in August 1991.*

Let me start with a reference to Bill Perrie. Although he retired in 1979, a few months before I came to work in the Prison Service for the first time, his reputation as is shown by the naming of these lectures, was very strong. The fact that these lectures have been named after him is a celebration of governing prisoners and the challenge that that represents. It is particularly significant that the lectures are not named after one of those very distinguished members of the Service who as it were left prisons behind at rather an early age and did not spend too much of their career in the business of governing establishments. It is also a celebration of innovation because Bill Perrie certainly was responsible for both inspiring others to innovation and innovating a great deal himself in establishments. Finally it is a celebration of the humane and caring approach that he brought to the task of governing prisons. In the way these lectures have been set up and described in the programme and in the way they have gone on from year to year, they are a celebration of something that this talk will also pick up and that is the need for a closer dialogue between different parts of the Criminal Justice System so the Perrie lectures couldn't be a better forum from my point of view for what I want to say this morning.

The Woolf Report, the Government's White Paper and the Criminal Justice Act 1991 suggest that quite a lot is going to happen in the Prison Service in the years ahead. Before I turn to the future I would like to ask the question "is it a case of something's going on at last in prisons". It will not surprise you perhaps if I say "no" in answer to that question. There has been a great deal of change in the recent past in the Prison Service and I want to establish that clearly for two reasons:-

First of all, the Prison Service has not had a tremendously kind or generous Press

in the last year or two and in fairness to the Service I would like to establish for this audience that a good deal of positive change has been happening.

Secondly, because of the importance of momentum. We all know that getting something moving from a standing start is not actually terribly easy. Directing the path of something that is already on the move is much easier. Happily the task facing me as Director General is not to get a great mass on the move from no movement at all, from stagnation, but simply to help in directing a Service that is already on the move in ever more positive ways. So very quickly, let me review some of the changes that have been made in the last few years in the Service under four headings:-

## Management

Our management structures since 1987 give an opportunity for governors to get the best out of their staff. They allow proper delegation, clear and accountable posts for senior and middle managers in establishments. We have introduced in the last 14 months Area Managers, and I believe we are gradually seeing the benefit from that. I have been in a lot of prisons since August and what I found universally is that for the first time we have a structure which has allowed a responsible manager to whom the Governor is accountable to get to know prisons personally, to be responsible for everything that is going on in them, to be in there enough to know the senior management team, to get to know and to get to be known by Prison Officers. We also have the scope for a much more flexible deployment of staff.

When I arrived in 1987 as the Director of Personnel I suppose if I heard the words "old Spanish customs" once I must have heard them a thousand times. I began to





think that in Madrid they talked about old Prison Service customs. I have had a lot of interviews since I came to this post in August, and interestingly nobody says "aren't you ashamed of your old Spanish customs?" It has fallen out of use. That is something of an achievement when you think how long images and myths can linger in the public mind and in the mind of journalists.

We have also ended overtime. Overtime dogged this Service for years. In 1987 Prison Officers were working an average of 56 hours a week. Next April they will be working an average of 39 hours a week. That is some achievement. I can remember expert academics in management saying to me on the Oxford to London train four years ago that we would lose, that there were no precedents for doing what we were trying to do. We have not lost. We have the support of the great majority of staff at all levels for the end of overtime and it is an achievement for this Service to be proud of.

### Personnel

We now have opportunities without any barrier for able Prison Officers to move right through from the basic grade to the top jobs in the Service. We have introduced in the last year or so, an initiative that we call "Better Jobs". It is trying to address what frankly has not been one of our best areas of performance and that is the way we care for and develop individual members of staff. We have been trying to do that for staff at all levels and in all occupation groups in the Service through Better Jobs. It sounds like a slogan, it is to some extent a slogan, but it is a genuine umbrella initiative that is trying to capture the enthusiasm of people in the Service, for improving the way we develop and make the best use of the talent we have got.

### Buildings

On the building front, we have now established a massive refurbishment programme. I must say that almost every prison I go into is like walking into a building site. It creates huge problems for staff there and of course it creates significant escape opportunities for prisoners. There are all sorts of difficulties about it. But my goodness wasn't it needed? You cannot go on using ancient accommodation year after year without any investment, and we now

have a major programme of investment going on in our existing estate. Part of that, of course, is going to lead to an end to slopping out by the end of 1994: a tremendously welcome development to everybody working in the Service as well as to inmates. I can remember in 1979/80 when I began to visit prisons on an extensive scale for the first time, the problems of bath houses and organising the use of them, the difficulty of giving every prisoner one bath a week. That was not always brought off. The problem remains in some prisons today but in far, far fewer than then. Showers have become a much more common feature of life all over the place, tucked into corners here and there. That is a great practical change for the better.

### Prisoners

For prisoners themselves we have just seen an astronomic rise in the availability of card telephones in prisons of various security categories in the last few years, a huge reduction in censorship in just the last year or so. Prisoners are doing a great deal of work in the community for people with disabilities. Ten years ago, nothing on that scale was happening and of course we hope that brings help to the people in the community who suffer from those disabilities but we know also what it is doing for us as a Service, staff and prisoners working together to help other people. Race relations is an area of real distinction in the Prison Service. Of course we have very serious problems to tackle. We have a disproportionately high number of prisoners from ethnic minorities inside establishments, and a disproportionately small number of people from ethnic minorities on our staff. But with an interlocking series of different initiatives we have addressed attitudinal problems in a way that has actually set an example to a lot of other organisations. In that area we have got some credit for what we have done. We have successfully managed to communicate to journalists that we have been in the forefront of addressing problems of attitudes between different ethnic groups. I do not register these achievements because they are anything very much to do with me. They came about during Chris Train's time as Director General. The White Paper itself which represents the Government's response to the Woolf Report, is nothing to do with me; it was based on advice provided by the Prison Service in Chris's time, before his



retirement in August. I am deeply grateful to have the momentum established by that programme of change which I have summarised briefly. I am very happy also to have in front of the Service as a major challenge for the next few years the agenda of change set out in the White Paper.

### Looking to the Future

Let me now look to the future and again I must be selective. I would like to group what I have to say around a few adjectives that I used when I spoke to the senior managers of the Service in Bournemouth at our annual conference. It will give you I think some idea of the spin I will personally be looking to put on the White Paper ball. I am not going to go through the White Paper in any systematic way. I shall give you the credit of having looked at least at White Paper summaries.

### United

First of all I am very keen for the Prison Service to become a visibly more united Service than it has been in the past. To achieve that it needs to have a stronger and a clearer identity. The Headquarters of the Service, which is perhaps where the chief mischief has lain over the years, needs to have a sense of itself as being the Headquarters of an operational Service and not merely the Prison Department of the Home Office sitting alongside the Broadcasting Department, the Immigration and Nationality Department, the Police Department and so on. That has been a problem of perception not only for people in the Service looking to Headquarters but also for people in Headquarters. Do they look sideways across the Home Office, do they look upwards to Ministers, do they look out to the Prison Service in the field, to people in establishments? I am in no doubt about where the primary focus should be for people in Headquarters. This of course leads on to the whole question of agency status for the Prison Service, an issue over which the White Paper places a very firm question mark. Addressing that issue will be one of the tasks for the next year or two. It may indeed be addressed quite quickly by Sir Raymond Lygo who is going to produce a report on the management of the Prison Service in the next month. It is perhaps an issue that not everybody here will immedi-

ately warm to, but it is one of great significance and potentially one of great benefit in strengthening the identity of the Prison Service and binding us together as one.

Also linked to that issue is the question of where Headquarters should be. We have got firm plans announced to relocate our Headquarters to Derby, in the middle of the country, that will reinforce the perception in Prison Service Headquarters of being first and foremost at the centre of an operational Service and will help people to understand that they are not merely on a sort of Home Office roundabout. Of course we ought to continue and will continue to have people moving in and out of Headquarters, not only I hope from the rest of the Home Office. They should also come from the Prison Service field and perhaps from other organisations as well.

### Purposeful

We need to be a more clearly purposeful Service. We have a statement of purpose. It has at its heart an ambiguity, the ambiguity that is at the heart of the work of any Prison Service, but it states clearly what we are about even though those goals are not always easy to pull together. What we need to achieve is a conscious buying-in to those goals by staff at all levels. Now I am not going to dog this talk by a series of visual aids, but I do want to bring in a few quotations, and one of them is about to come now, from a book published this year by an American called John J Di Iulio Jr.

*'Nothing good can happen unless those who manage the nation's affairs are ready, willing and able to make it happen. No programme, no reform can make its way unless those who are responsible for implementing it accept its wisdom and covet its results'.*

If that message had been understood and acted on by the Prisons Board for the last 20 years then we would have a rather different Prison Service than we have today. It is so tempting to believe that if you arrive at something that is self-evidently right and send a piece of paper out that says do it, it will happen and of course this is the explanation of why it does not always happen. The effective change that happens in a Prison Service is the change that happens because staff who are actually interacting with prisoners at all levels, crucially at the level of Prison Officer, have







bought into that change. There are all sorts of issues that face us where we need to make it a priority to persuade our staff to internalise the values that we are seeking to act on.

One of the obvious areas where we have not got complete agreement is on the balance between different features of our prison regimes. There is no clear consensus in the Service about how you put together a regime that balances work, education, physical education and so on. We need to debate that together and we need to get agreement.

### ***Outward Looking***

My third adjective for those who are counting is outward looking. The Criminal Justice Consultative Council is one of the most important recommendations in the Woolf Report endorsed in the Government's White Paper. The first date for that Council which we had hoped would have been in December is going to be something like the afternoon of 12 January. I am going to be a member of that Council on behalf of the Prison Service. It will be chaired by Clive Whitmore from the Home Office and will have representatives of people right across the Criminal Justice System including Lord Justice Farquharson from the judiciary. It presents a crucial opportunity to deal with that geological fault in the Criminal Justice System that has stopped comprehensive dialogue between all its elements. The Council will be supported by Area Committees. The Home Office in the last few days issued to interested parties a brief consultative paper on how those area committees might be constituted and what their focus might be. There is a very short deadline for consultation. They are asking for comments back by 6 December. There is a good reason for the short deadline. We hope that the area committees will have as their first task the implementation in each area of the Criminal Justice Act 1991 and the date for that is October next year. So it is necessary to get the area committees on the road pretty quickly if they are going to make an effective contribution to the implementation of an Act in just 11 months from now.

The geographical area to be covered by those committees is of course one of the most difficult issues when you look at 55 Probation Committees, 43 Police Forces, 15 areas in the Prison Service and so on. How

can you make sense of all that? That is one of the key issues on which they are consulting and they are proposing 21 area committees covering England and Wales. Each one will be contiguous with county boundaries, each one covering more than one county and some of them covering more than two counties.

In view of some significant representation from the Probation Service in this audience this morning, I would like to say a particular word about liaison between the Probation Service and the Prison Service and where that might go. It has been the ambition on the side of the Probation Service for some time to have a post in Cleland House which would be primarily responsible for liaison between the two Services. Although I am strongly in favour of closer relationship and better liaison, I must put my cards on the table as being pretty strongly against liaison posts. Based on 25 years experience of them, they are associated in my mind with, as it were, pre-retirement jobs for very worthy people in a post-retirement frame of mind. I do not want us to go down that route. On the other hand I am very interested in bringing the two Services together by getting somebody at least, possibly in due course more than one person, from the Probation Service, perhaps at Assistant Chief Probation Officer level, to come and drive a desk in Cleland House with a real job of work. If I can find a Probation Service that is prepared to have a senior Prison Governor go on secondment for a couple of years and be, say, an Assistant Chief Probation Officer with a real job of work in a Probation Service I will be even more pleased. That is what I am after bringing about. I have already asked our personnel management division to get on with trying to set that up. Of course, I also have a secret weapon for bringing the two services closer together, in the shape of Philippa Drew, whom I am hoping to welcome onto the Prisons Board in January as the Director of Custody after several years of extremely distinguished work in the division in the Home Office responsible for the Probation Service. So if I cannot skin the cat one way I am going to skin it another. I hope in fact that we can skin it in both ways quite quickly.

We beat our breasts in Bournemouth about our rather lukewarm and inadequate performance as a Service in relation to international contacts. We have become a much more isolated Service in the last 10 years than we were even in the 1950s and



60s let alone the 70s. We must be almost unique in this country in being more isolated internationally now than 30 years ago. For every group in society the movement has been in exactly the opposite direction. We did not make a bad start in Bournemouth because we had representatives at our annual conference from Canada, from Holland and from Denmark and they were not there just for the ride. They were earning their living and communicating with us. I have already seen representatives from the Polish and the Norwegian Prison Services in London since August. So I do not want to suggest that absolutely nothing is going on, but that is going to be part of the way the Prison Service is going to be more outward looking.

A quick word about that very unglamorous area subject to enormous criticism, the Prison Medical Service, which is going to become the Prison Health Service quite soon. I am greatly encouraged about the prospects for change there. I worked for three years in the 1980s in the Department of Health and found it stimulating. I am grateful to come back to some responsibility in this area. We have had a scrutiny which is going to point us in the direction of much closer contact with the National Health Service. It is clear that the most distinguished leaders in the medical profession in this country including the Presidents of some of the key professional bodies in the area, the Royal Colleges, and including the recently retired Chief Medical Officer, Sir Donald Acheson, are willing to take a continuing and close interest in the delivery of health care in prisons. Donald Acheson has agreed to become the first chairman of an advisory committee for the Director of Prison Medical Services and I know that he has a keen interest in what we are doing and is prepared to give quite a lot of time in the early years of his retirement to helping us do better in that area.

I was delighted to discover through an event I came to in Newbold Revel recently, that Loughborough University have been helping our senior doctors to become more effective managerially. Anybody who knows us as a Service knows that one of our problems has been as it were a gulf between doctors and the management of the Service in the past. The fact that so many senior doctors have committed themselves to management training and the fact that training has been delivered by Loughborough University are sources of real

encouragement.

Finally and quickly on the question of being outward looking, I have assumed this post with instructions to raise the profile of the post of Director General and have been working at it and will carry on doing so.

### Caring

The next adjective is caring. I am going to skip very rapidly through a number of areas which are important here. Ian Dunbar is leading work on setting standards following Woolf and the White Paper and that could not be more important. It is spot on our becoming a more visibly and more systematically caring Service. We have got resources from the 1991 PES settlement for sentence planning, for building on what has already been achieved in that area and that is important. That links closely with an increased emphasis on throughcare for prisoners. The Service has warmed to the notion that throughcare begins on the day that somebody is received into an establishment. It is not something for way out towards the end of the sentence. Closely linked to that is the whole business of family links on which we've made strides in recent years and tied to that is, of course, the Woolf notion of Community Prisons which have an obvious benefit in sustaining family links.

I suppose one of the most crucial changes that is going to come upon us is greater openness with prisoners. From the very beginning of their sentence we want them openly to be involved in and to sign up to sentence plans. That is going to require communication. Reasons, of course, are going to be given for parole knockbacks. If that comes as a bolt from the blue for a prisoner there is going to be trouble for him and trouble for us on the staff side of the relationship. It is terribly important for the stable prisons I was talking about that surprises are not sprung about. For instance, a failure to confront offending behaviour at the point where that openness is forced to come about in relation to the parole result. It has got to be part of a process of openness in dialogue between staff and prisoners from the very beginning.

### Innovative

Finally I want us to be an innovative Service. Some of the management changes I described at the very beginning were





motivated by a need to develop in the Service a capacity for constant change, not for handling occasional change, but a capacity constantly to be changing. We need to do that because we are part of a changing Society. We also need a capacity to sustain what is worthwhile despite personality changes. Of course we need some charismatic leaders. If I did not think that I would not be standing here taking part in something called the Perrie Lectures, but we have to be able to build on and sustain what charismatic leaders have achieved after they have gone. And that requires decent management structures. But those management structures must not stifle a freedom and a capacity for individuals to initiate change, individuals at all levels.

The Butler Trust in recent years has been a celebration of what individuals in the Prison Service are achieving. It is very important that we bring about in all establishments that room for manoeuvre which gives individuals a chance to experiment, a chance to develop pilot projects. Once you have got that going it needs to be complemented by a systematic practice of discovering and generalising best practice. I believe firmly that this is the way the Prison Service will move forward most effectively not by Circular Instruction, Headquarters Memoranda and so on. That in my view is the key reason for delegation to Governors. I hear some people talk about delegation to Governors as if it is a value in itself. Dare I say, I sometimes hear it described in a way that makes me think that it is a case of getting off my back those horrid people who are trying to bring about change. But it is not about either of those. The great majority of Governors do not see it as being for those sorts of reasons. It is because they are best placed to initiate worthwhile change in the Service and we need to set their energies and imagination free to be able to do it. "Is that safe" you probably do not ask. But I must ask myself if that is safe. It is safe provided we have done some of the things I was talking about earlier, and in particular developed a strong commitment to a shared sense of values, provided we have developed a common ethos across establishments, not a sense of being punched out of the same machine, but a commitment to the same goals which will mean that, however people tackle problems, whatever ideas they have, they will be doing that in pursuit of the same values. Then it will not give either the Home Secretary or

the Director General nightmares to think what might be going on out there.

You may say about all of that, "will it happen?" I am confident it will happen and I would like to explain why I am confident based on some more John J Di Iulio quotations –

*"buckets of money, uncrowded cell blocks, surplus staff, new buildings, do not lead automatically to better prisons, differences in the character of organisation and management explain most of the variance in prison conditions".*

We are not into buckets of money. We will never have as many resources as we would like. We are not, as it happens, as badly resourced as all that, but it is not in the end the single and most important thing. It is what we do inside establishments that matters, so I am not resting my confidence in buckets of money.

I apologise for the American jargon –

*"corrections people show a perspective that is sober without being cynical, sanguine without being overly optimistic and compassionate without making justice a hostage to mercy".*

I suppose more than anything else this quotation sums up why I am actually glad to be Director General of the Prison Service, why I find prisons completely absorbing and people who work in prisons splendid colleagues. It is the balance, that tension, the ambiguity that I described at the heart of the statement of purpose. It is the need to hold these things in tension, the need to hold people in custody, to treat them with humanity, to try to do positive things with them that makes prison people as worthwhile as they are. I do not want to sound too idealistic about it but there is a lot of this about and it is on that that I rest my confidence. And so to my final quotation –

*"whether prisons and jails are safe and civilised or riotous and wretched depends mainly on how they are organised and managed and on what corrections officials on all levels think and do."*

My 40 minutes is up. I will not elaborate, I will let that quotation speak for itself.







# Some reflections on the Woolf Inquiry into

## **Prison Disturbances**

*This article is the text of a paper by Mary Tuck, Former Head of the Home Office Research Unit, which was read in her absence at the annual conference on criminology at York 1991. It is included in the core of this edition because of the similarities of style and content to this year's Perrie Lectures.*

I was asked to talk to you today not about the content of the Woolf Inquiry; but about the process by which it was produced. I found this a surprising and somewhat disappointing assignment; and so I am not going to meet it exactly. I shall tell you a little about process, since I have been asked. But the part of my talk which will be more interesting (to me anyway) will be about some underlying difficulties in achieving the reform of prisons, or indeed any part of the British criminal justice system.

My objections to talking about process are twofold. In the first place I think the contents of the report, its arguments about the purpose, the nature and structure of the Prison Service, its recommendations for the future, are infinitely more important and interesting than questions of how the report was produced. The report itself is a massive, thoughtful and practical prescription for the reform of the prison system. Many of you will have read it; others I suggest do so. It seems to me an example of the triviality and introversion of too much modern academic culture that this conference should be thought to be more interested in how the Inquiry

worked and, in particular, how it used the findings of academics, than in what the Inquiry found and argued.

In the second place, a degree of privacy and mutual trust is essential for any joint endeavour. Anyone who understands co-operative work knows that it becomes impossible if those involved in joint analysis suspect that one or other of their number will later attempt to re-interpret their discussions and investigations, claiming credit or assigning blame. Such post-hoc attempts to rewrite history are inevitably biased and can distract from the real pros and cons of a position, carefully considered and negotiated and already a matter of public record. For these reasons I do not wish to give a personal account of any shifts in position which may have taken place as the Woolf Inquiry proceeded, nor do I think there would be any value in so doing.

In any case the attempt to carry out a post-hoc analysis of who exactly contributed what to the findings of the Woolf Inquiry would be more than usually nugatory. The report was essentially the responsibility of one man. As one of





my co-assessors, Professor Morgan, has already pointed out "The Woolf Inquiry was a departmental inquiry conducted by a judge, what is usually known as a judicial inquiry. It was not a committee of inquiry. The distinction is important. I and my fellow assessors were not part of a team in which Lord Justice Woolf was *primus inter pares*. It was his Inquiry and his alone (along with Judge Tummim in the second stage). We were appointed to assist him in whatever capacity he chose. If he had wished he could at any point have dispensed with our services or ignored our advice. At the end of the day he personally wrote the report; we were not signatories of the report and we could not formally have dissented from it. It follows that in departmental inquiries assessors are essentially back-room advisors."<sup>(1)</sup>

Furthermore the three assessors to the Woolf Inquiry, (Gordon Lakes, recently retired Deputy Director General of the Prison Service, Rod Morgan, Professor of Criminal Justice at the University of Bristol and myself), were only one part of Lord Justice Woolf's Inquiry team. The nature of that team has been fully and accurately described in the published report in the section "The way we worked". There was, as Lord Justice Woolf records, "an outstandingly able Secretary to the Inquiry in Mr John Lyon, who organised the Inquiry with immense skill". He was supported by "a small and very dedicated staff" of civil servants "who worked together magnificently throughout the Inquiry regularly until late at night". Lord Justice Woolf was further personally supported by his clerk, Mr Neville Hinsley. A team of four from the Treasury Solicitor was

assigned to assist in the preparation of formal written and oral evidence to the public hearings of Stage I of the Inquiry. The Counsel to the Inquiry, Mr David Latham QC together with Mr Anthony Morris and Mr David Evans worked hard in preparing for and conducting the public hearings, prepared submissions to Lord Justice Woolf summarising the findings of Stage I and contributed in innumerable ways to the discussion of findings. A small investigative team of retired Prison Governors was formed under the direction of Gordon Lakes, to spend time at each of the six prisons Lord Justice Woolf decided to look at in detail (the 'target prisons') and to identify points of dispute which needed to be explored at public hearings. In addition, an architect, Mr John Lynch of the Property Services Agency, who had considerable experience in the design of prisons, acted as advisor to the Inquiry.

There was thus a whole team appointed to assist Lord Justice Woolf, of which the assessors were only a part. We were appointed, as Lord Justice Woolf has recorded "because we had considerable experience of the Prison Service and were well equipped to advise on wider issues". The 'wider issue' on which I perceived myself as expected to contribute was in particular the relationship of the Prison Service to the rest of the machinery of criminal justice. As you all know, the Home Office Research Unit, particularly through the work of Roger Tarling and his colleagues, has, over the last decade or so, developed a considerable understanding of the criminal justice system as a system. As recently retired Head of the Research Unit, I was thoroughly au fait with this body of work and also, as



someone who had been connected with policy advice, with the very real problems of co-operation within the criminal justice system. Professor Morgan has suggested that he was appointed to the team of assessors "as a suitable candidate to balance the ticket, which by that stage already included two retired Home Office civil servants".<sup>(2)</sup> This is both a mis-perception and too modest. When I was invited to join the Inquiry I was told that Professor Morgan had already agreed to be appointed. And indeed his long knowledge of the British prison system made him a very obvious choice in his own right without any question of 'balancing a ticket'. Gordon Lakes, ex-Deputy Director General, was similarly a very obvious choice for his profound knowledge of how the Prison Service actually works. I doubt if the reasons for choosing any particular individual as an assessor can be any more precisely described than they already have been in the Report of the Inquiry itself. Nor can the nature of our work. There were few precedents and we all buckled to and tried to help the process of the Inquiry in any way needed. As Lord Justice Woolf said of us "Their role has gone well beyond that of normal assessors. They have been closely involved in all stages of the Inquiry and played an important part in the evidence-gathering process".

### **The gathering of evidence**

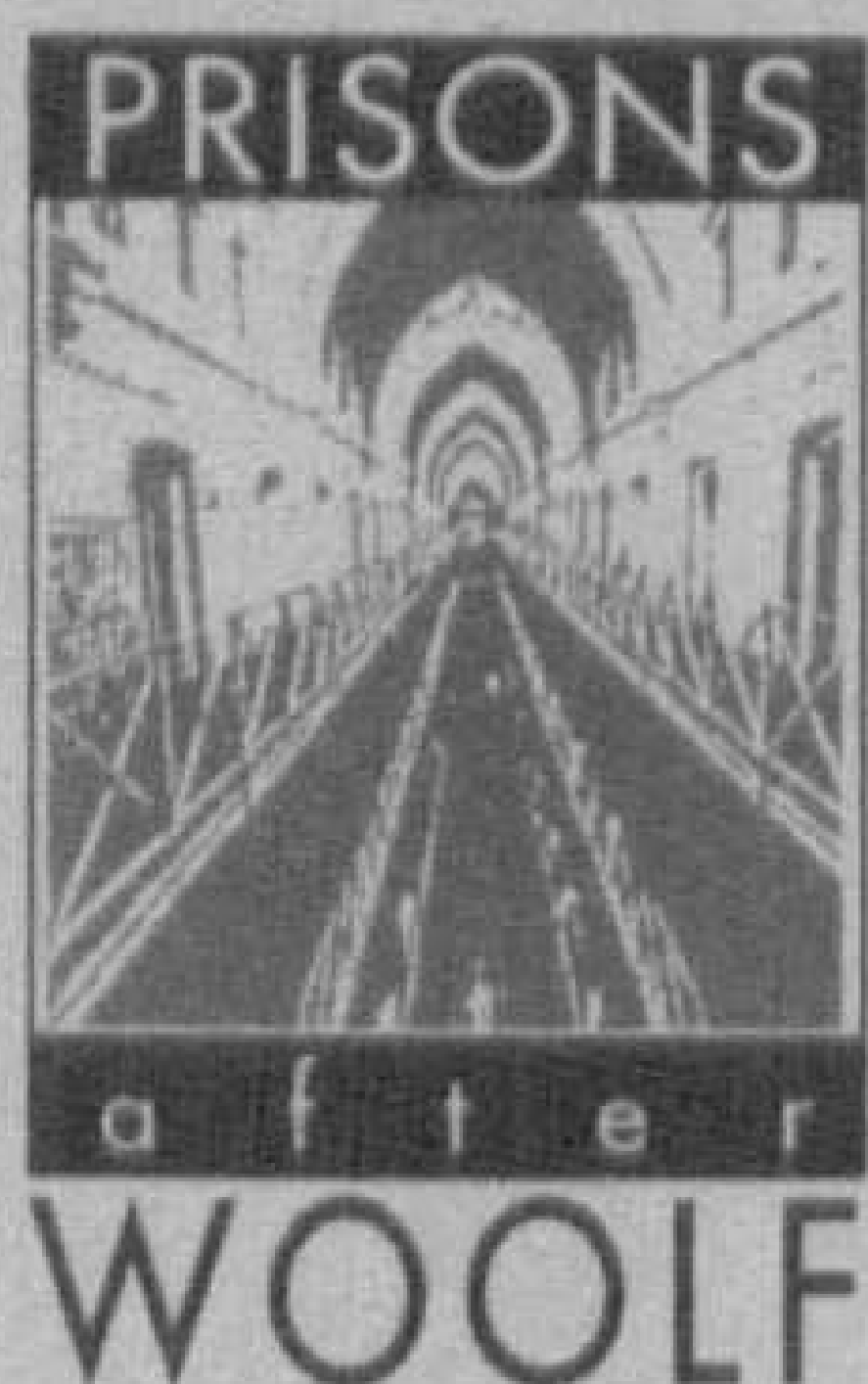
The authoritativeness of the Woolf Inquiry owes much to the care with which evidence was assembled. Two innovations in procedure were the personal idea of Lord Justice Woolf himself and were of

great importance. Firstly, at a very early stage, he wrote personally to all prisoners known to have been in the six target prisons at the time of the disturbances and another letter to prisoners generally, seeking their views both as to what happened in the riots and as to their underlying causes. Secondly he formulated a new procedure for judicial inquiries – the public seminar.

The letters to prisoners were important and necessary because of the need to give prisoners themselves a voice. The Home Office, the Prison Service, lobby groups such as Nacro or the Howard League, Unions, academics, pressure groups, were all ready and eager to put in their views. The one set of people whose views were difficult to canvass were the prisoners who after all were those with the most direct knowledge of what had happened and why. Although the three assessors and the members of the Treasury Solicitor's team (with the co-operation of the prison service) tried to interview personally as many prisoners as possible from the target establishments, time (and the inevitable scattering of inmates from the target prisons across the rest of the prison system) did not allow of interviewing every single person individually. The letters were invaluable in opening up a channel of communication. In themselves they gave a great deal of information about what actually happened from the point of view of witnesses physically present, they raised issues for further investigation and they pointed the Inquiry towards prisoners who later gave invaluable oral evidence, either in closed session or in public. The daily reading of incoming letters, many of them eloquent and moving, was also an







important experience for the Inquiry team and for Lord Justice Woolf. The letters gave vivid and personal reality to the experiences and sufferings of prisoners. The summary of them given as an appendix to the main report cannot do justice to their eloquence, but remains as an important documentation of the experience of prisoners in 1990.

The public seminars on wider issues held at Stage II were the other important innovation of the Woolf Inquiry. As Lord Justice Woolf puts it in the Inquiry report:- "The nature of the issues we wished to address seemed to us to require that the views of one party should be tested in public against the views of the other. It should not and need not be an accusatorial setting. We wanted instead to pool ideas and proposals and to see how separate insights and contributions could contribute towards what all the evidence had shown as an agreed goal – better prisons." With this in mind a series of five seminars were held in October 1990.

Each was attended by about 30 invited participants representing those organisations or individuals who had previously submitted evidence. The seminars were open to the press and public. Participants were seated round a large table; press and public behind them. At the end of the seminar there was an opportunity for members of the public to contribute. Although some ex-prisoners and representatives of prisoner groups attended the public seminars, for security reasons, serving prisoners could not participate. Hence two further seminars were organised at Lincoln prison for serving prisoners and for Prison Officers.

An important function of the seminars was to define and test the emerging agenda of Lord Justice Woolf's Inquiry. Discussion guides for each seminar were prepared and circulated in advance. These discussion guides signalled the width of the emerging agenda...one for instance was on the huge subject of "Cooperation with the Criminal Justice System". They drew forth new insights and comments from participants, all of whom had the opportunity of putting in further written submissions after the seminars, picking up points or answering arguments raised by others, an opportunity which many participants put to good use. The seminars brought together policy makers, practitioners from many different parts of the system, academics, lobbyists and prisoners in open and practical discussion; all testing their arguments on each other, forced to hear each other's points of view. They were a very thorough way indeed of sampling and understanding the diversity of insights which exist on the problems of the prison system. Lord Justice Woolf's final report was, as you all know, received with acclaim and consensus. That this was so owes, I believe, a great deal to the seminar strategy; to the care taken to reach and listen to all strands of opinion.

### **Difficulties remain**

But despite the consensus and acclaim with which the Woolf Inquiry was received, at the time of writing we still await the White Paper from Government on its implementation. I believe that this delay is not because Woolf did not produce a good, practical and innovative plan. I suspect it is for deeper reasons. In speculating what these may be



I must stress that I am speaking only for myself.

Why is it so hard to accept such sensible reforms which have achieved such wide acclaim? It is just because Lord Justice Woolf's report was so penetrating, profound and went to the heart of the problems of the criminal justice system. Many have stressed that his central recommendations, the twelve listed at pages 19 and 20 of his report, form an integrated package. Let me remind you briefly what these twelve recommendations were.

They were:-

1. A National Forum and local committees to achieve closer cooperation across the criminal justice system
2. A visible Director General in operational day-to-day charge of the system with a published compact or contract with Ministers
3. Increased delegation to Governors
4. An enhanced role for Prison Officers
5. A compact or contract for each prisoner
6. A national system of accredited standards
7. Certified Normal Accommodation not to be exceeded after 1992 unless Parliament informed
8. Sanitation for all inmates not later than February 1996
9. A move towards community prisons near the main centres of population
10. A division of prison establishments into smaller and more manageable units
11. A separate statement of purpose and separate conditions for remands
12. Reforms in justice and grievance procedures.

These recommendations were jointly intended to achieve the balance of security, control and justice within prisons which Woolf and his co-author Judge Tumim diagnosed as necessary. It was stressed in the report that they depended

on each other and should be seen as a package.

Note how many of these major recommendations are to do with devolution and with the proposed system of compacts and contracts. Woolf saw that it was impossible to run a civilised Prison Service without some degree of forward planning; some knowledge of the nature of demands to be put on the Director General, Governors, Prison Officers and prisoners themselves. All should have clear "contracts" as to the nature of their powers and duties. (Recommendations 2 to 5). He saw too that it was necessary for the numbers housed in establishments to be predictable if contracts were to be fulfilled ...hence Recommendation 7 about not exceeding certified normal accommodation (CNA). And he saw too that it was necessary for physical conditions to be minimally civilised ...hence Recommendation 8 about sanitation. He believes prisons should be more local, more community prisons and should contain smaller units (Recommendations 9 and 10). And he saw the need for a move towards accredited standards and more visible justice within prisons (Recommendations 6 and 12).

The only recommendation I have not so far mentioned is Recommendation 1 on a forum for consultation within the criminal justice system. Yet all the other recommendations are crucially dependent on this one ...rightly placed at the beginning. At para 10.169 of the main report Lord Justice Woolf writes:-

At the present time, to use the words in his evidence to the Inquiry by Sir Brian Cubbon, a former Permanent Secretary of the Home Office, there is a







'major geological fault' in the prison landscape. He argued that the 'fault' was the unpredictable and volatile size of the prison population. He suggested that it was necessary for sentencers to take greater account of the capacity of the prison system. We agree there is such a geological fault in the system. In our view it lies across all the agencies in the criminal justice system. It is a failure of co-operation. It shows itself in gaps in communication, in the necessary co-ordination, and in the wider consideration of developments in the criminal justice system.

We recommend that this fault be bridged. The form of the bridge would have to be determined by those who have the responsibility for setting it up ...Our proposal is but one of a number of possible models. We propose that a national forum should be established to consider at the highest level the interaction of the agencies to which we have referred..."

Woolf makes no firm recommendations about the membership of the proposed National Forum but suggests it should include "a very senior judge as a representative of the Lord Chief Justice and possibly the Permanent Heads of the Home Office and Lord Chancellor's Department and the Head of the Crown Prosecution Service." The Department of Health would also need to be represented and there should also be a senior representative of the Probation Service. A representative of Chief Officers of Police would need to be identified and if an issue were to be considered which affects Magistrates, then an appropriate Magistrate should be co-opted.

This paper is written before the Government response to the Woolf Inquiry is published. Much will turn on whether in that response the necessary central consultative committee is set up at sufficiently senior and serious a level. Yet no-one should under-estimate the difficulties of such a senior co-operative committee. Remember that one of the main problems it will face is that named by Sir Brian Cubbon and the Woolf report as "the unpredictable and volatile nature of the prison population". Those who work in the Prison Service know that it is this above all which makes all subsequent planning, compacts, and contracts relevant to the Prison Service difficult to implement.

Woolf takes pains to point out that his proposed National Forum would "in no sense be a Sentencing Council". Nor would it have executive authority or a collective voice. "Its authority would stem entirely from the interests which it represents and it would report back separately to them."

Why should such a mere talking shop, albeit at the highest level, be thought to be crucial in implementing the Woolf reforms? Because it would share information which too often now is not shared. It would begin to form a common view about how to tackle crime at the highest level of all the various agencies responsible.

I have recently argued, in a paper about to be published this autumn in the journal *Policy Studies*<sup>(3)</sup>, that thinking about crime among practitioners in this country (and I am not now talking about academics) is marked by a deep fissure between those who think in terms of what I



call 'the justice model' and 'the management model'. The same difficulty bedevils thinking about prisons. By 'the justice model' I do not intend to indicate anything very complex or academic. I am not referring to the concept of 'just deserts' held to underly a specific type of sentencing. I refer simply to the old-fashioned, taken-for-granted common wisdom that the way to deal with crime is to catch criminals, take them to court, judge them and then, if they are found guilty, punish them. If one asked the ordinary man in the street (or the average politician or journalist) how society deals with crime, this would probably still be the response; society deals with crime through the police, the courts and the prisons; catching the guilty and punishing them when caught. The 'management model' on the other hand is based on the insight that some crime is inevitable in any society and conceives the task as being to manage, reduce or prevent the amount of crime by bureaucratic techniques, to make its occurrence as little damaging to society as possible. It is for central administration to measure or test the efficacy of any particular way of dealing with crime and to extend or replace it according to its proven utilitarian value.

The justice model characterises the Crown Prosecution Service, the higher and lower courts and those who serve and work in them such as judges, lawyers and solicitors. They see themselves as 'doing justice'; considerations of managerial efficiency must, if present at all, be well subordinated to this goal. The Home Office on the other hand, though not captured by, is much influenced by the management model. From this point of view, crime is mainly

something to be managed; it must be prevented where possible but the impossibility of its complete elimination must be acknowledged. Utilitarian criteria such as the costs of crime and the costs of its prevention and processing must enter into decisions and arrangements. Criminal justice system agencies such as the police, the probation service and the prisons are caught between the two models.

Contradictions between the two models are at their sharpest in questions of prison policy. Are prisons simply an adjunct and servant of the justice model; their function simply to hold those whom the police have caught and the courts decided deserving of custody? Obviously in the present scheme of things this is largely true. But in so far as it is true, will not prisons always have the problem of "the unpredictable and volatile size of the prison population", dependent as it is on a series of individual decisions by individual actors immune to utilitarian or management calculations? Or are there ways in which the insights of the management model should apply to prisons? Should we allow ourselves to calculate whether current sentence lengths do anything to reduce or prevent crime? Or whether they swallow up finance which could better be allocated elsewhere? Is it possible for the justice model to come to terms at all with managerial considerations???

These are difficult questions. For myself, as I have argued in my Policy Studies paper and hope to expand in my forthcoming book, I do not think either the justice or management models are adequate in dealing with crime. There is a huge job to be done





in reconciling the two and preserving the central insights of both.

It is a job to which academics can, and I hope will contribute. But centrally it is a job for those with responsibility for running the system. And that is where the Woolf National Forum would come in. It would bring together those responsible for the justice model with all its historic and necessary insights and those charged with management. Each would share information and analyses. Only through such interactions will the deep contradictions between the two models be solved.

To arrive at a fresh synthesis will take time and evolution. But unless we set up forums for such evolution, it will never happen.

And meanwhile there should be short term gains. And among these might well be gains in predicting the size of the prison population, at least over short periods of two to three years. Such gains are needed if the Woolf structure of devolution, contracts and compacts is to have reality.

Nothing can, or in my view should, remove from the judiciary their central responsibility for sentencing individuals. The independence and responsibility of the judiciary is a central plank of modern liberal constitutions. But the outcome of judicial decisions inevitably affects the possibility or otherwise of a civilised and just prison system. Is it too much to hope that senior members of the judiciary will be willing to sit down together with senior managers in other parts of the criminal justice system and share knowledge and consideration of the outcome of their decisions?

It is such joint exchanges that offer the only pathway for the future.

If mutual confidence and a common view of the problems can be arrived at through the National Forum and its accompanying local committees, then the other Woolf reforms become possible. We might live to see a Director General with real devolved authority for the management of prisons, Governors and staff with contracts and compacts on which they can rely, prisoners who know what they can expect of prison and have a system of grievance and justice procedures to ensure their compacts are met. We would be able to achieve a situation in which Certified Normal Accommodation is not routinely exceeded, where sanitation is at a more civilised standard and in which all prisons progress toward national accredited standards. The movement towards community prisons and smaller units within prisons would be able to go forward. But all these reforms are a package. And a meaningful National Forum, together with local committees, is essential if the whole package is to work.

### References

(1) and (2). These quotations are from "Woolf in Retrospect and Prospect" by Rod Morgan, 1991, in press *Modern Law Review*.

(3) For a fuller statement of this argument see "Community and the Criminal Justice System" by Mary Tuck, in press *Policy Studies* (to be published September 1991).

(4) For quotations from Lord Justice Woolf see "Prison Disturbances April 1990", Report of an Inquiry by the R. Hon Lord Justice Woolf and His Honour Judge Tummim, London, HMSO February 1991; Command No 1456.





# The Classification of **RAPISTS**

*This article is based on a paper presented to the annual Conference on Criminology at York last summer and is reproduced by kind permission of the author Dr Don Grubin from the Institute of Psychiatry.*

We are a long way from understanding the causes of sexual violence. Explanations of why men sexually offend are numerous and varied, ranging in form from the psychological to the anthropological to the sociobiological. Because facts in this area are so scarce, however, one theory is really as good as another; indeed, the scarcity of hard facts is probably one reason why there are so many theories.

Many of the descriptive studies that have been carried out suffer from serious methodological problems, and much of the research has focused prematurely on the big question of developing a general theory to account for the existence of sexual crime. But if we are ever to sensibly address issues such as the prevention of sexual crime, the treatment of sex offenders, and the prediction of the risk of an individual offending or reoffending, we need to have many more small pieces of information; we need to be looking for little answers to little questions.

Today I shall be concentrating on rape. Rape of course is a crime which covers a wide range of complex behaviours, while the term "rapist" identifies a meaningful group only in terms of legal classification. Though all rapes have in common the fact that sexual intercourse was forced on a woman without her consent, the circumstances in which this happens and the amount of threat or force involved vary tremendously. Likewise, the motivation behind a sexual assault and the combination of psychological, developmental, and social

factors which help form the character of the rape offender are not uniform.

For any one man, we can make statements about why he offended, what sort of treatment (if any) he should receive, and whether he is at risk of reoffending. But there is no way in which we can test the validity of these statements. We can never know, for a single individual, the different effects a change of circumstances or intervention would have had. Testing our theories required more general statements, relating to groups of men. For example, if you want to know the contribution childhood sexual abuse makes to adult sexual offending, you need to compare groups that are alike in as many ways as possible, excepting the presence or absence of sexual abuse in childhood. This is where classifications, or typologies, come in. They allow us to argue from the general to the specific, rather than the more shaky specific to the general.

Many classification schemes have been put forward, but like so much else in sex offender research, few have been tested to see whether they are clinically valid. Most rely on arbitrary decisions about the contributions a variety of undefined motivational factors and thought processes like anger, power, or psychopathy make to an offence. The best known scheme, for instance, is that of Groth, a modified version of which is used by the FBI in its research programme. This defines an offence depending on the degree to which aggression, sex and power contribute to



the motivation of an offence. Though systems like this can be intuitively satisfying, it is not at all clear how one is to decide the degree to which these somewhat vague concepts are present in any individual case. Even in the FBI work, where attempts have been made to operationalise some of these terms, inter-rater reliability is relatively low.

At the Institute of Psychiatry we carried out a large descriptive study of men imprisoned for rape in order to establish some of the characteristics that might help in the generation of rapist typologies. Our work was guided by the principle that the most reliable measures are those which are in the public domain, things such as family background, offending history, or social functioning. Whether a man's father was present throughout his childhood, or whether a man is able to hold down a job, are things about him that in theory are possible to know (though in practice they may of course be difficult to find out), and about which two outside observers can agree.

In our study, we interviewed 142 men in 6 prisons, all of whom had been convicted of raping adult women. Victim statements were seen in the majority of cases, and social and psychiatric reports were obtained when available.

I am not going to go into the methodology of our study in any detail because I want to concentrate on its results.

However, there are two methodological points I do want to raise. The first is about randomness: our population is in

no way a random sample of rapists. All the men had been reported to the police, had charges pressed against them, were convicted of rape and were given

prison sentences. All these factors are well-known filters: it is reckoned from victim studies that probably less than one in ten rapes are actually reported to the police, and court statistics show that only about 40% of men who get so far as being brought to court are in the end convicted. Thus, our study can say little about the characteristics of rape in the community. Nor, I should add, should it even be thought of as being representative of imprisoned rapists. We made no attempt to obtain a random prison sample, though we did ensure that we saw men from all categories of security classification. Much of the press reporting of the study has ignored this, and presented our results as if they held universal truths about rape.

The second methodological point that I want to raise is the absence of control groups. This was intentional. What should you be controlling for? I've seen a number of studies where rapists are compared with other groups of sex offenders, or other offenders generally, which serve as controls; the assumption is made that "rapist" or "not rapist" is a meaningful variable. Not surprisingly, they don't tend to find any differences between the groups. Rapists are a heterogeneous group, and by lumping them together and comparing them with other heterogeneous groups any significant differences that may be present are obscured. The obsession with control groups comes from a misunderstanding of what control groups are and what purpose they are meant to serve. Instead, we used the group as its own control, and looked for subgroups within the population. Thus, everyone had raped; we looked for ways of distinguishing these rapists from each other.

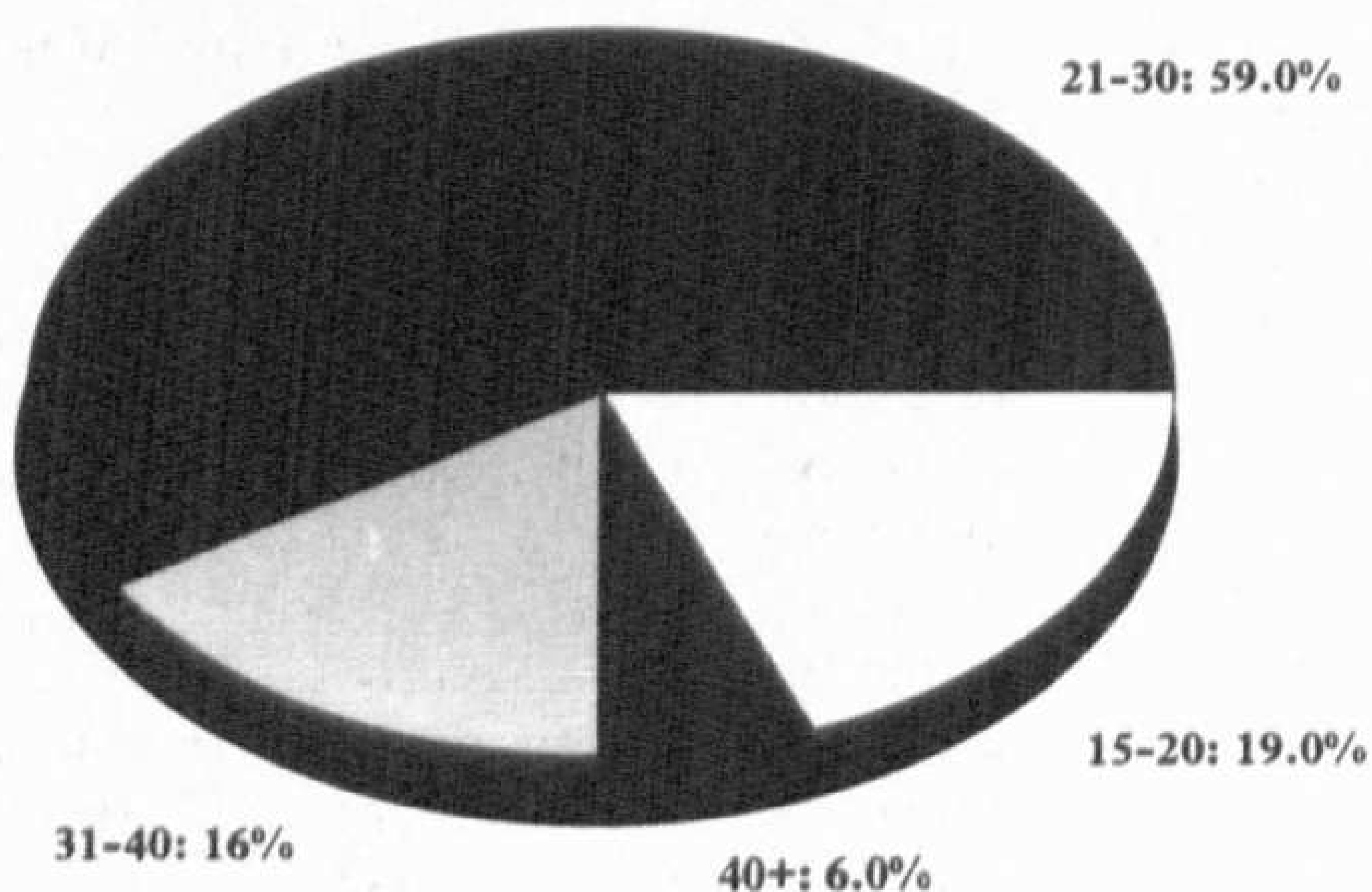
### The sample

First, I would like to present a bare bones description of the study population.

(Figure 1) Most of the men offended when they were in their twenties; however, about a fifth were under 21 and a fifth over 30 at the time of offence. The mean age of the sample was 26.5 at offence. Half the men were seen within 2 years of their index offence.

(Figure 1)

#### AGE AT OFFENCE





(Figure 2) About one third of the sample was nonwhite; men of Afro-caribbean origin in particular were overrepresented, reflecting the ethnic breakdown of imprisoned rapists generally. This racial bias has also been found in the United States. There are a number of possible

explanations for this bias, ranging from the racist to the cultural, but I do not plan to go into this issue today.

- serial or single rape
- murder or non-murder
- elderly or young victim

Offender:

- adolescent or adult
- ethnic origin
- history of sex offence conviction
- level of sex drive and presence or absence of sexual deviation

Cluster analysis (5 variables):

- substance abuse
- life management skills
- unsocialised behaviour
- impulsivity in offence
- history of sexual aggression against partners

Much to our surprise, all of these variables did in fact distinguish distinct groups of offenders in meaningful ways. Today I intend to describe in some detail three of these: the serial offenders, the murderers, and the results of the cluster analysis.

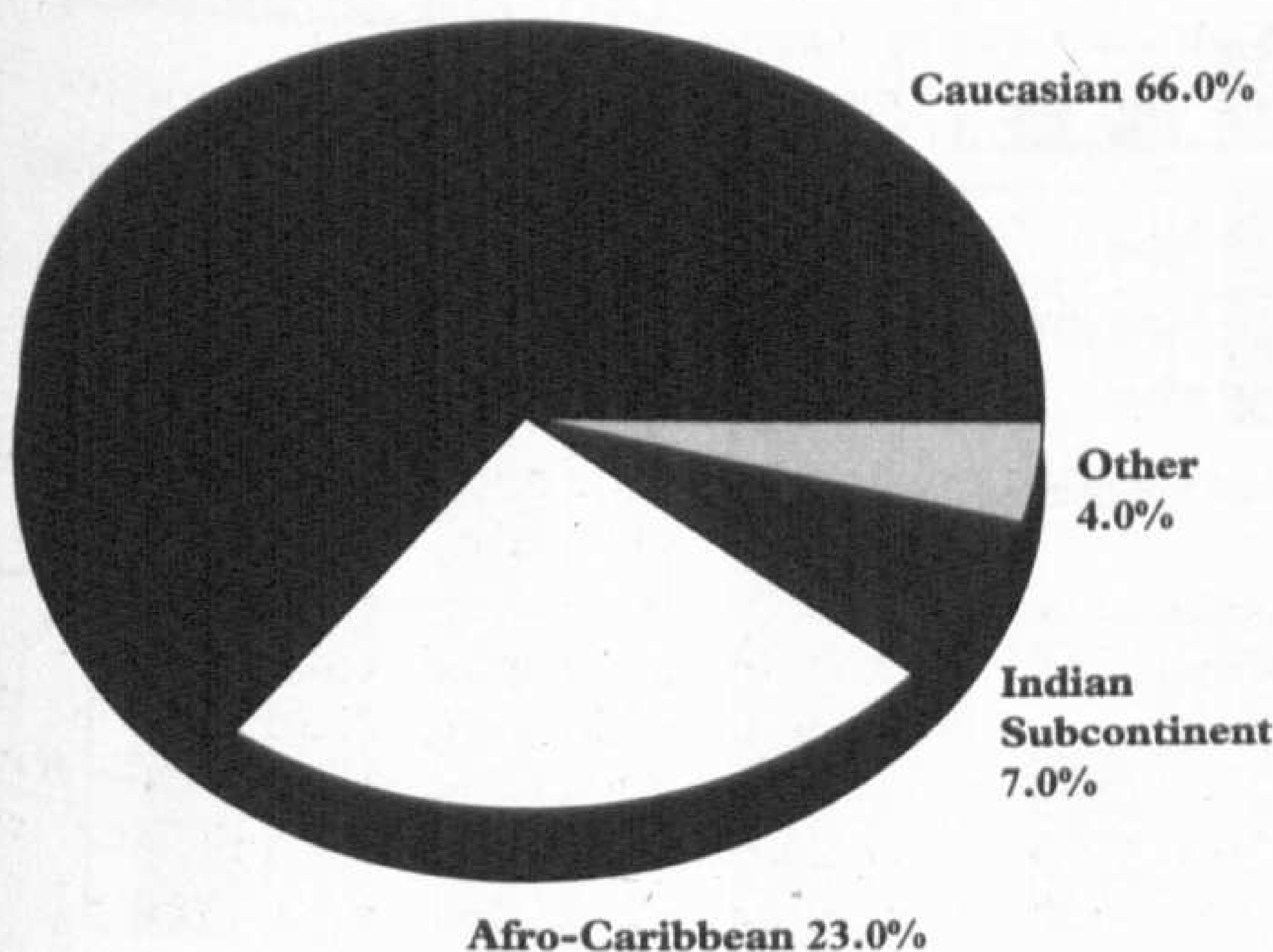
### Serial Rape

Twenty nine men had been convicted of two or more rapes that took place on more than one occasion. Because other men in the sample with just one rape conviction may well have committed other rapes for which they were not convicted, we also counted as serial offenders those with one rape conviction who were also convicted of another sex offence distinct from the rape incident, and men who, from file and interview information, seemed likely to have committed other rapes. In total, 37 men were classified as being serial offenders.

The serial rapists and the men who had raped once were similar in terms of their mean age and ethnic origins.

(Figure 6) Though the general criminal histories were similar in terms of general offending, nonsexual offending, offences of violence, mean number of convictions and mean number of prison sentences, the groups did differ in their histories of sexual offending: nearly half the serial offenders had convictions for past sexual offences, most commonly indecent assault (it was of interest, however, that

(Figure 2)  
**ETHNIC ORIGIN**



previous prison sentences. Eleven per cent had been out of prison for less than 6 months when they committed their current rape offence. Nearly a third had past convictions for sexual offences and 10% had convictions for rape. It was also of interest that 6% (9 men) had in the past been acquitted of a serious sex offence charge; Soothill and his colleagues in a 14 year follow-up of men acquitted of rape in 1961 were subsequently convicted of a sexual offence.

(Figure 4) Finally, an indication of the sort of sentences the men were serving. Forty men (28%) were serving life sentences, 21 for murder and 19 for rape. For the remainder of the population, the median sentence was 8 years, the mean 8 years 8 months. Clearly, then, these men represented the more serious end of the rape spectrum.

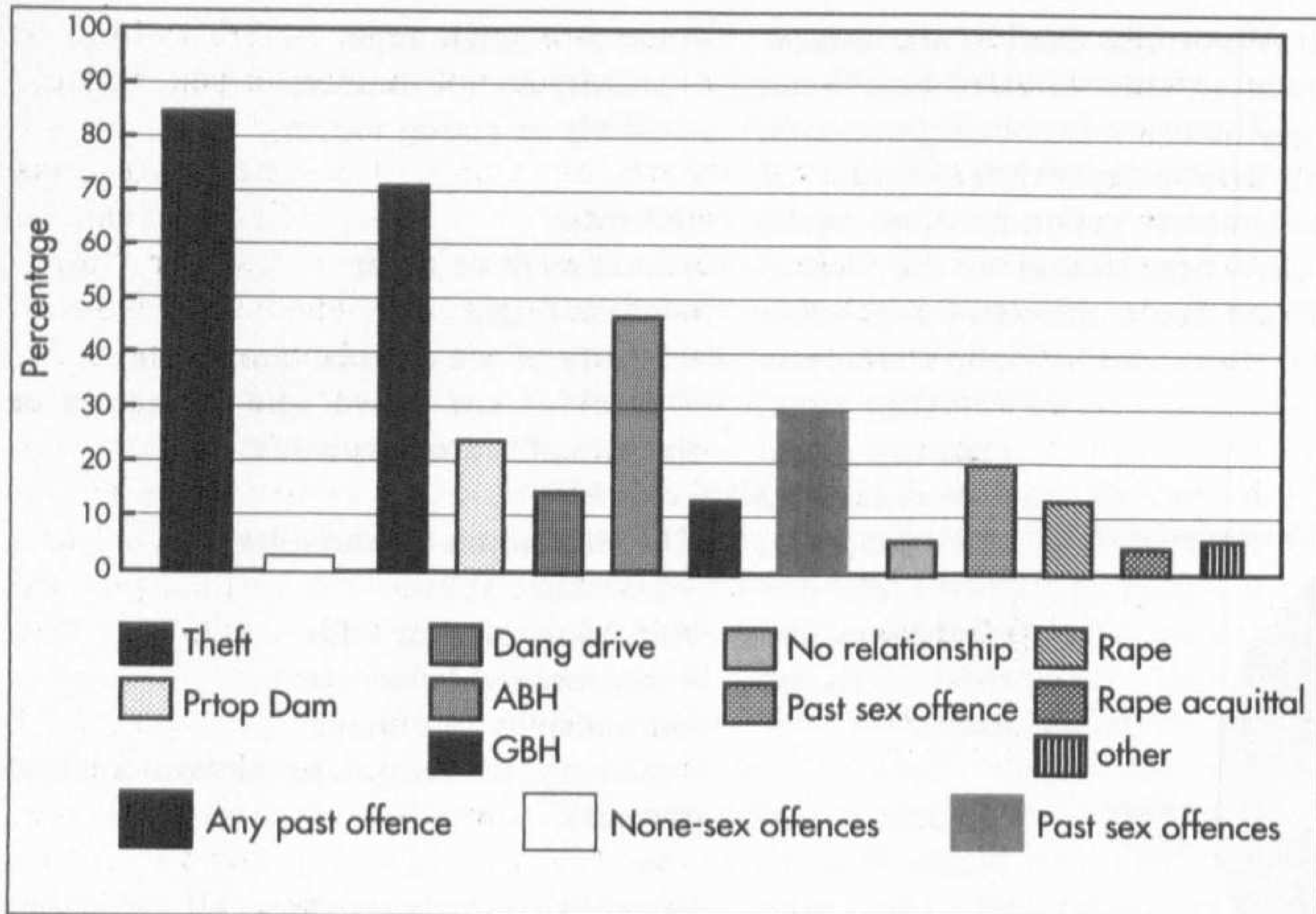
Classification variables

(Figure 5) We divided the population according to a number of variables:

Offence:

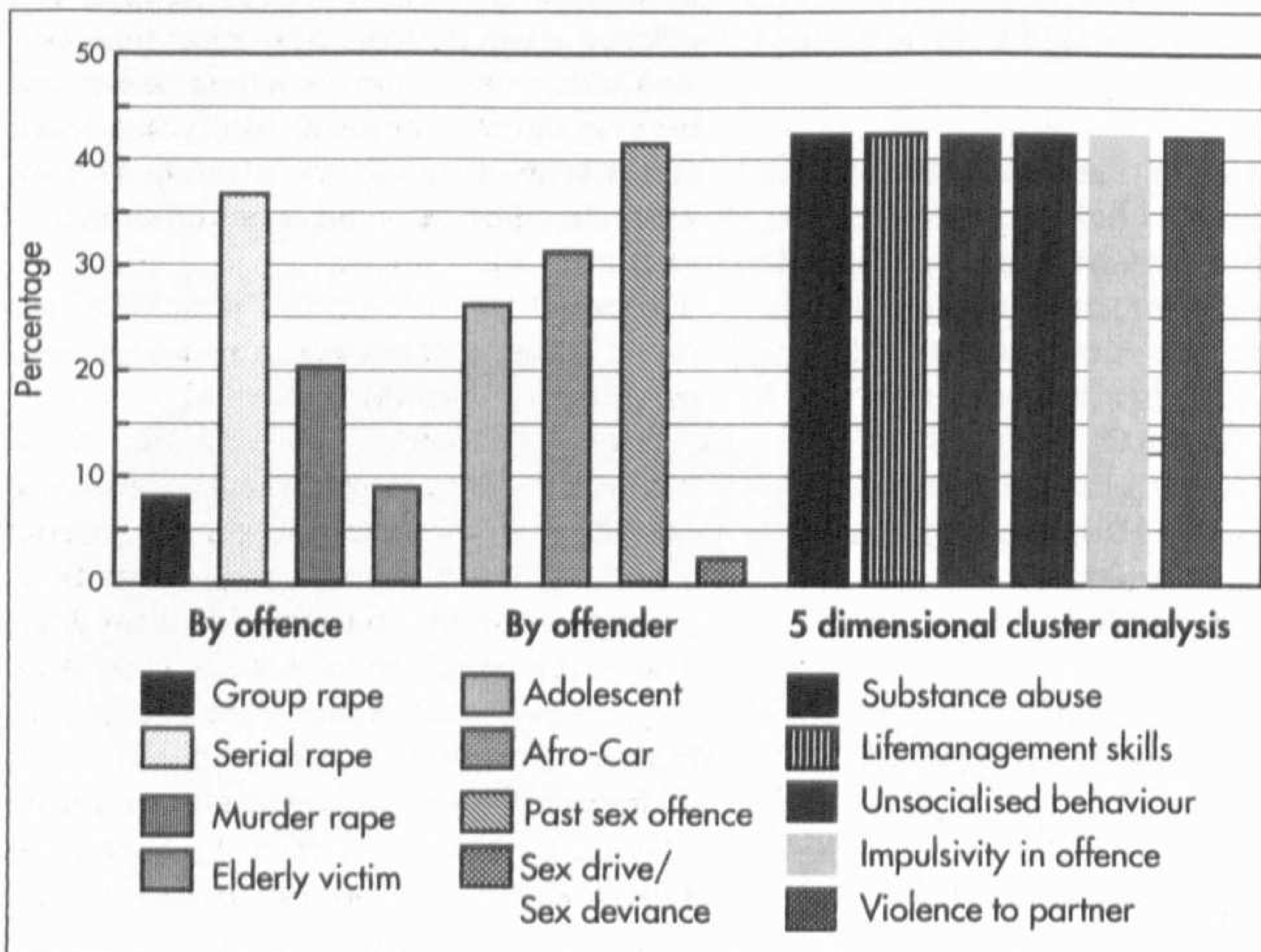
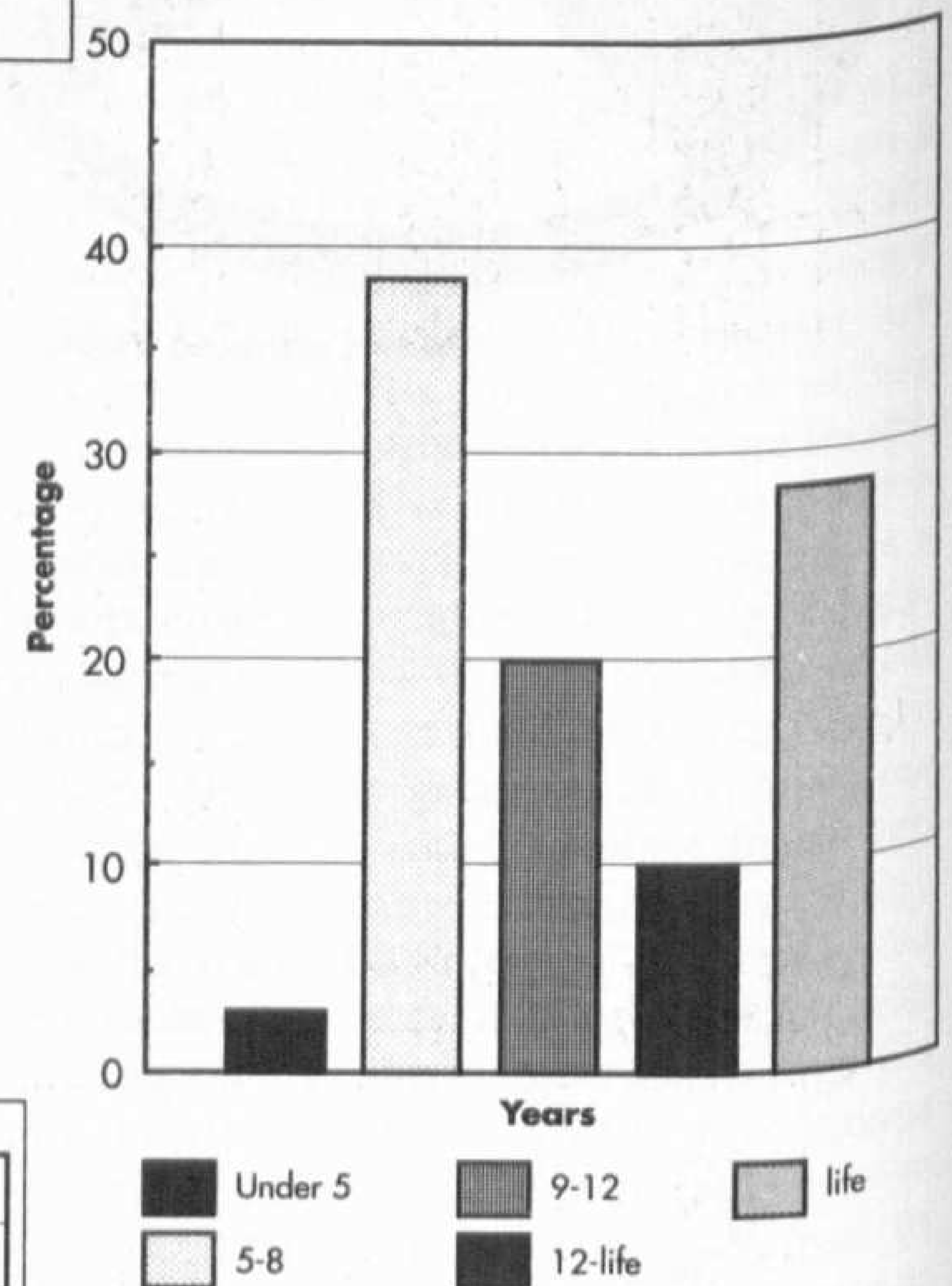
- group or solo rape





(Figure 3)  
**PAST CONVICTIONS**

(Figure 4)  
**LENGTH OF PRISON SENTENCE**



(Figure 5)  
**CLASSIFICATION VARIABLES**

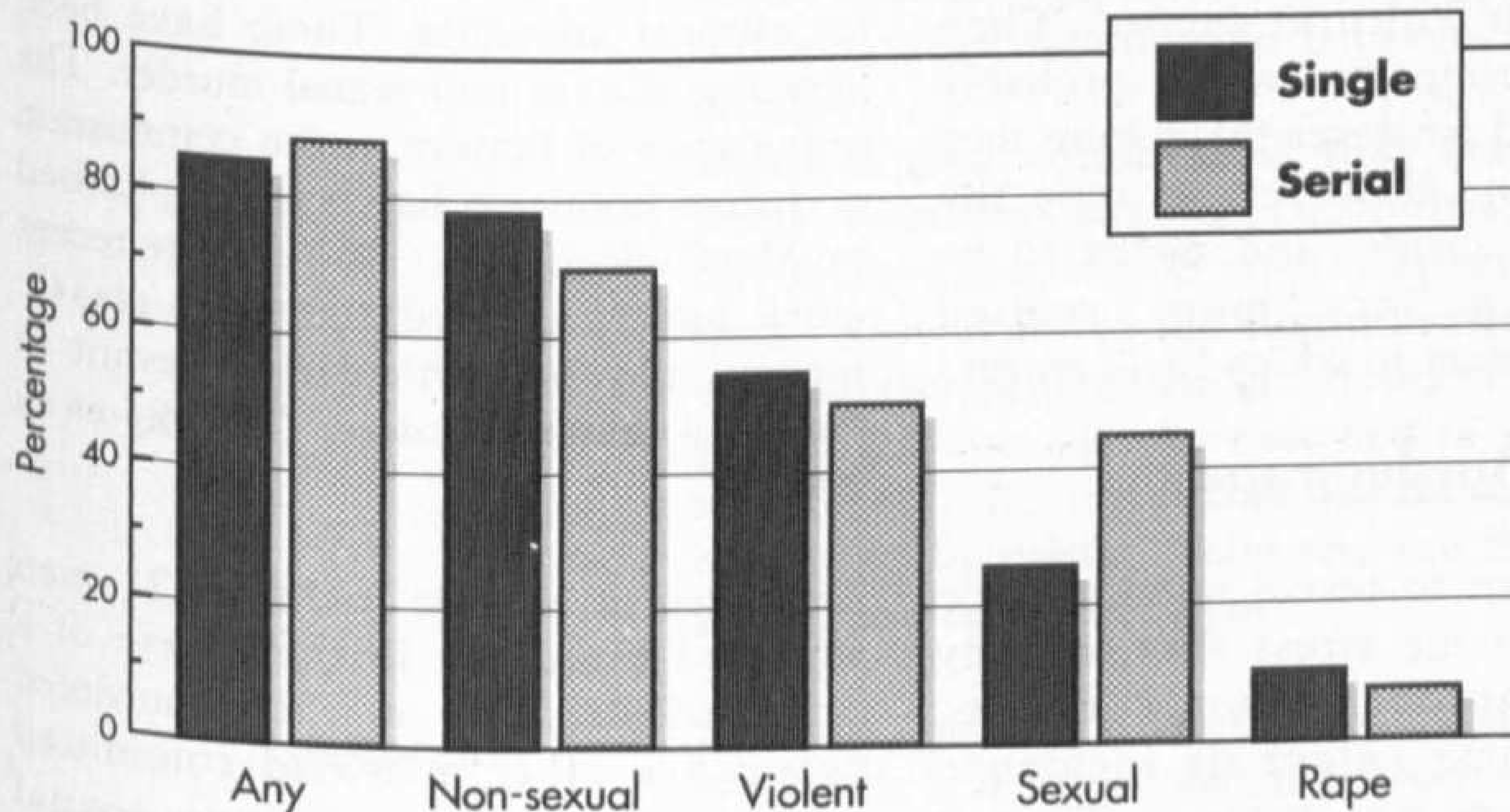


the proportion of men in each group with past rape convictions was similar).

(Figure 7) In terms of the offences themselves, there were a number of interesting differences between the serial and single offenders; there were also a number of interesting ways in which the groups did not differ. Not surprisingly, premeditation was much higher in the serial group, from which follows,

(Figure 6)

### SERIAL OFFENDING AND CRIMINAL HISTORY

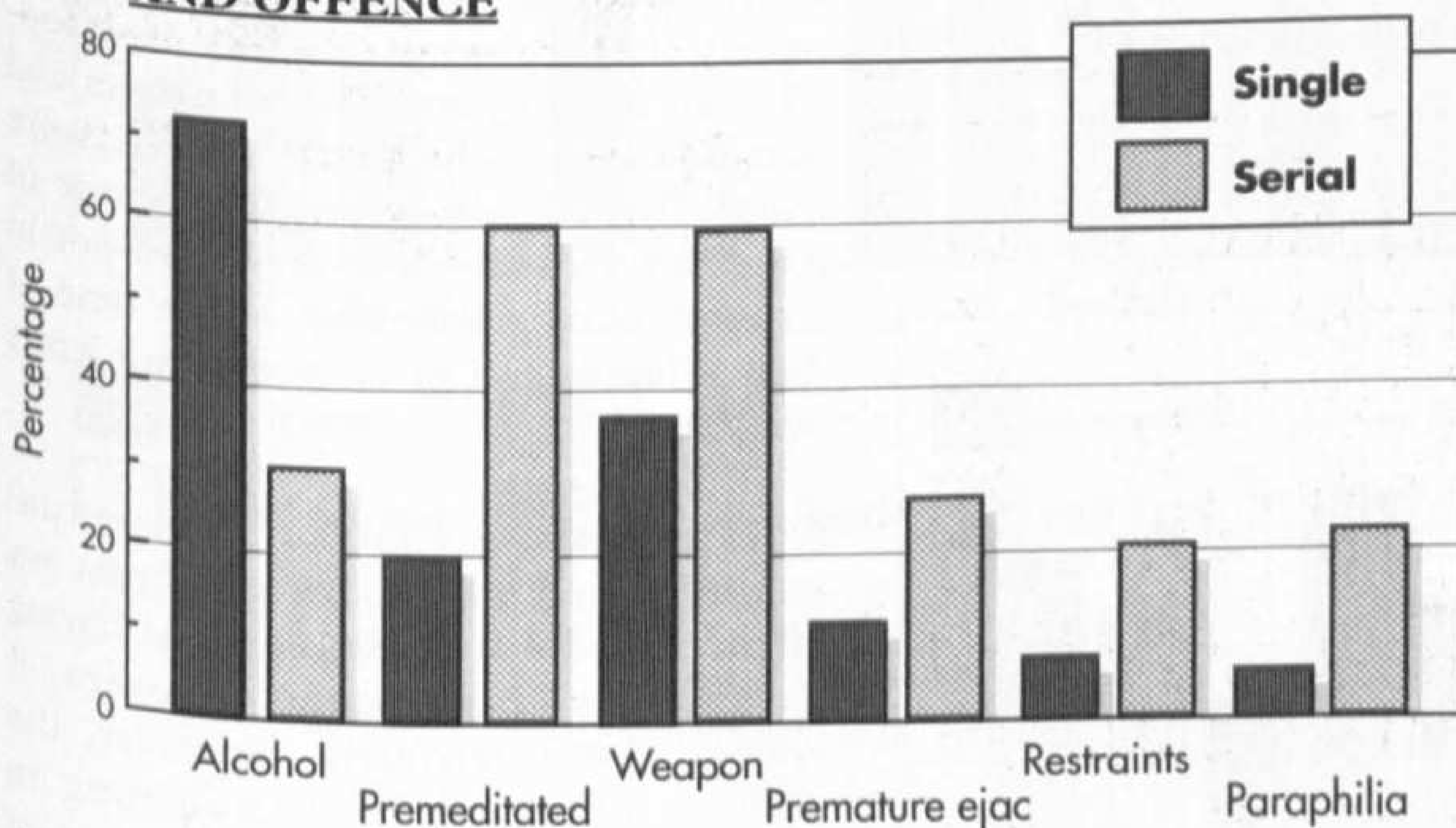


perhaps, that the use of weapons and restraints were also more common and alcohol was less likely to be involved.

The likelihood of a sexual fantasy being acted out during the rape was also more common in the offences of the serial group. The offences themselves,

(Figure 7)

### SERIAL OFFENDING AND OFFENCE



however, involved no greater violence or humiliation, nor was there any greater tendency to carry out additional sexual acts. The incidence of sexual dysfunction was similar between the two groups, but the serial rapists were much more likely

to be premature ejaculators (within at most a couple of minutes of penetration).

Work by the FBI in the States has suggested that serial offenders can be classified as "increasers" or "non-increasers" based on whether the violence in their offences escalates over the series of rapes. In their sample of 41 serial rapists, they identified 10 increasers who, they said, assaulted more victims over a shorter period of time, transported and bound their victims more often, planned their offences in greater detail, and acted in a more "macho" manner (whatever that means). In our study, we rated 11 men as serial offenders whose violence increased through their series of rapes. None of the features found in the American work could be confirmed. We did find, however, that the increasers were younger (mean age 23 compared with 29), and were much more likely to have prematurely ejaculated during the offence. I suspect that the American increasers come from a population at the extreme end of the sadistic spectrum, and accumulated in their sample from the way in which it was recruited (which began with the more serious serial offenders); our study was a more general sample of serial offender and so was unable to uncover this fairly rare subgroup.

(Figure 8) Looking at the backgrounds of the serial rapists, we found that disorders of sexuality were more common amongst them compared with the single offenders. Paraphilias were diagnosed significantly more often, in particular voyeurism and exhibitionism, and they also tended to report a higher sex drive and subjective difficulties in controlling sexual urges or behaviour.

The serial offenders as a group, therefore, appeared to be more disordered sexually. In spite of this, their relationships with females were no less structured than in the single offenders: about a quarter were married, another quarter were in relationships that had been in place for more than a year, and about a fifth of each group had been divorced or separated. Only one said that he had not had sex with a consenting woman in the year of his offence. I should also add that the incidence of childhood sexual and physical abuse was



not significantly different between the groups.

What, then, is the take away message about serial rape? My belief is that serial rapists are different from other types of rapist, and that as a variable it is a good initial filter: these men show a greater disturbance in their sexual behaviour, and the underlying cause of their offending, if I can use that word, has more to do with sexual elements than any attitudinal or cultural factor. They represent a group that would probably sexually offend whatever the culture they were living in. However, as type the group is still crude, and needs to be broken down into more refined subgroups, a point to which I will return.

### Murder-rape

I will now turn to sexual homicide. To start with, let me stress that sexually motivated murder is not common, though to some extent its incidence depends on how you define it. When it occurs it may be the result of post offence panic or a calculated decision to avoid capture, but it may also be related to an offender's sadistic fantasies and deviant sexual arousal. The classic picture of the sadistic sexual murderer was drawn by Brittain (1970), who described an introverted, timid, overcontrolled and socially isolated man, over-dependent on a mother with whom he has an ambivalent relationship. On the

whole, according to Brittain, he feels inferior to other men, and is particularly likely to offend following a loss of self-esteem. He is sexually reserved and inexperienced, but sexually deviant (being either a voyeur, fetishist or transvestite), with a rich and sadistic fantasy life and an interest in violent pursuits.

It should be noted, however, that Brittain's description is based completely on clinical anecdote. There have been very few studies into sexual murder. The importance of fantasy in the commission of sexual homicide has been emphasised by MacCulloch et al (1983). More recent work has suggested that this classic picture may be particularly relevant to the serial sexual murderer (Prentky et al, 1989).

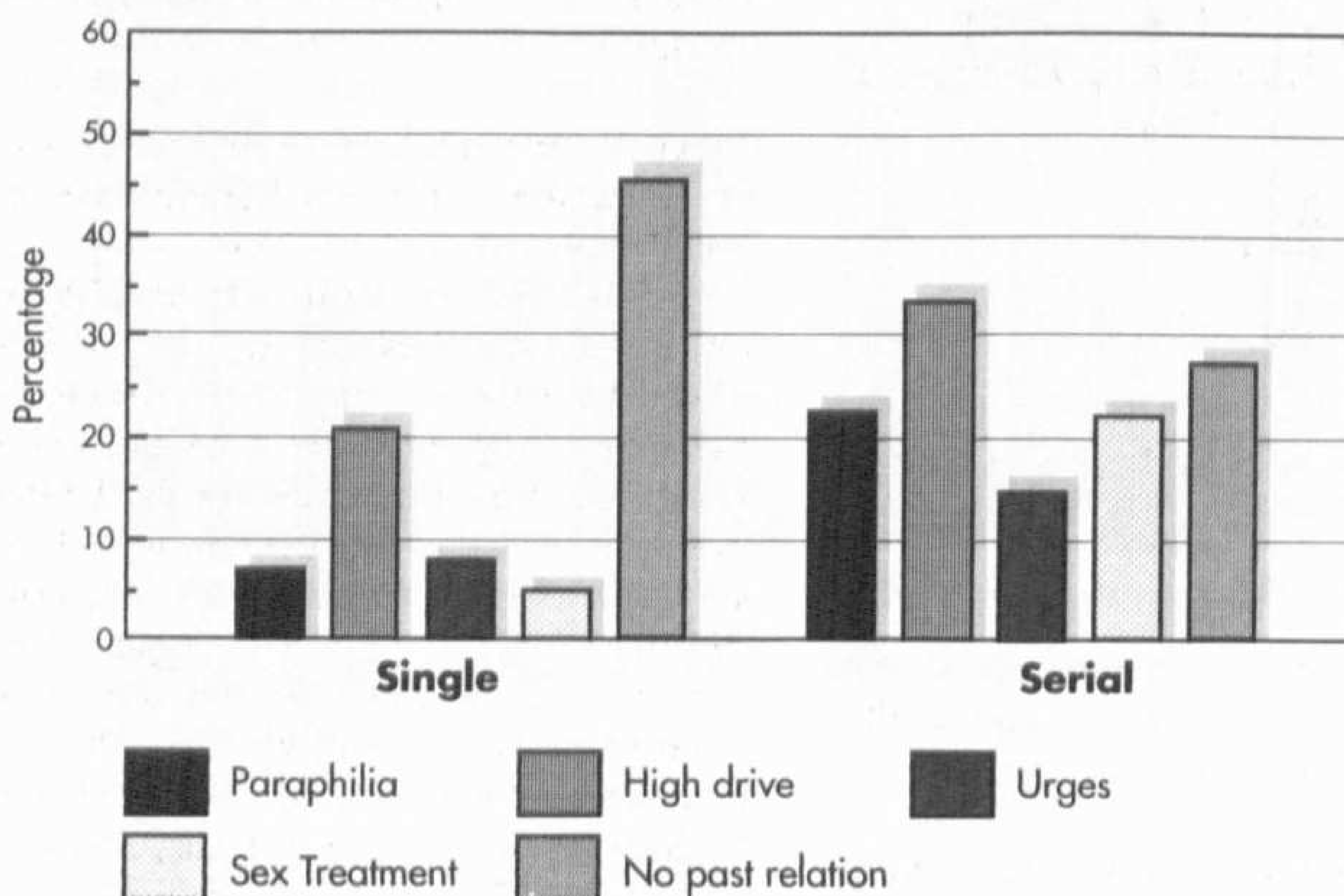
The present sample included 21 men who had murdered in the course of a sexual offence, one of whom murdered twice; five other men had committed additional rapes or serious sexual offences.

(Figure 9) We found, interestingly enough, that many of the general features described by Brittain were accurate in this sample of sexual murderers, though there were also important differences. A majority were judged to have had little heterosexual interaction in their lives compared with the non-murderers, and nearly a third were socially isolated. Though the proportion of murderers and non-murderers who said that they were married was similar, significantly more of the murderers said that they were not in an established relationship at the time of their offence, and more of the murderers lived alone.

A large proportion of the sexual murderers had been convicted of past sex offences, and 4 were diagnosed as having paraphilias (2 indecent exposers, 1 voyeur and 1 fetishist). However, the only significant difference relating to sexuality between them and the rest of the population related to the number who had past convictions for rape. Past offending in general was similar between the two groups.

(Figure 8)

### SERIAL OFFENDING - SEXUALITY





About half the men in each group admitted to aggressive fantasies or interests, but significantly more of the murderers said that they tended to keep their anger bottled up until exploding 8 (38%) compared with 18% of the non-murderers, perhaps reflecting a tendency for overcontrol. About a third of the men in each group were diagnosed as alcohol dependent; none of the murderers was addicted to drugs. Mean impulsivity scores measured on the 1-7 questionnaire did not differ significantly between the groups.

Brittain also commented that many sexual murderers were hypochondriacal, an observation which was supported here. While 20% of the non-murderers needed frequent medical attention in prison, this was true for over half of the murderers. In terms of psychiatric morbidity in prison, however, the two groups had equivalent rates.

Perhaps more difficult to judge objectively is the relationship between the murderers and their parents, and between

time of their offences than those who had not killed. Just under half (48%) of the murdered victims knew their attackers, which was a similar proportion to the non-homicide rapes. In 5 cases the offender said that his victim had shown no physical resistance, but the violence used in all but one of the murder-rapes was extreme. For instance, in one case the cord used to strangle a woman had been pulled so tight that when the ambulance men arrived they were unable to untie it, and in another case an 87 year old woman was beaten so badly that she had 16 broken ribs, a torn liver and a ruptured heart.

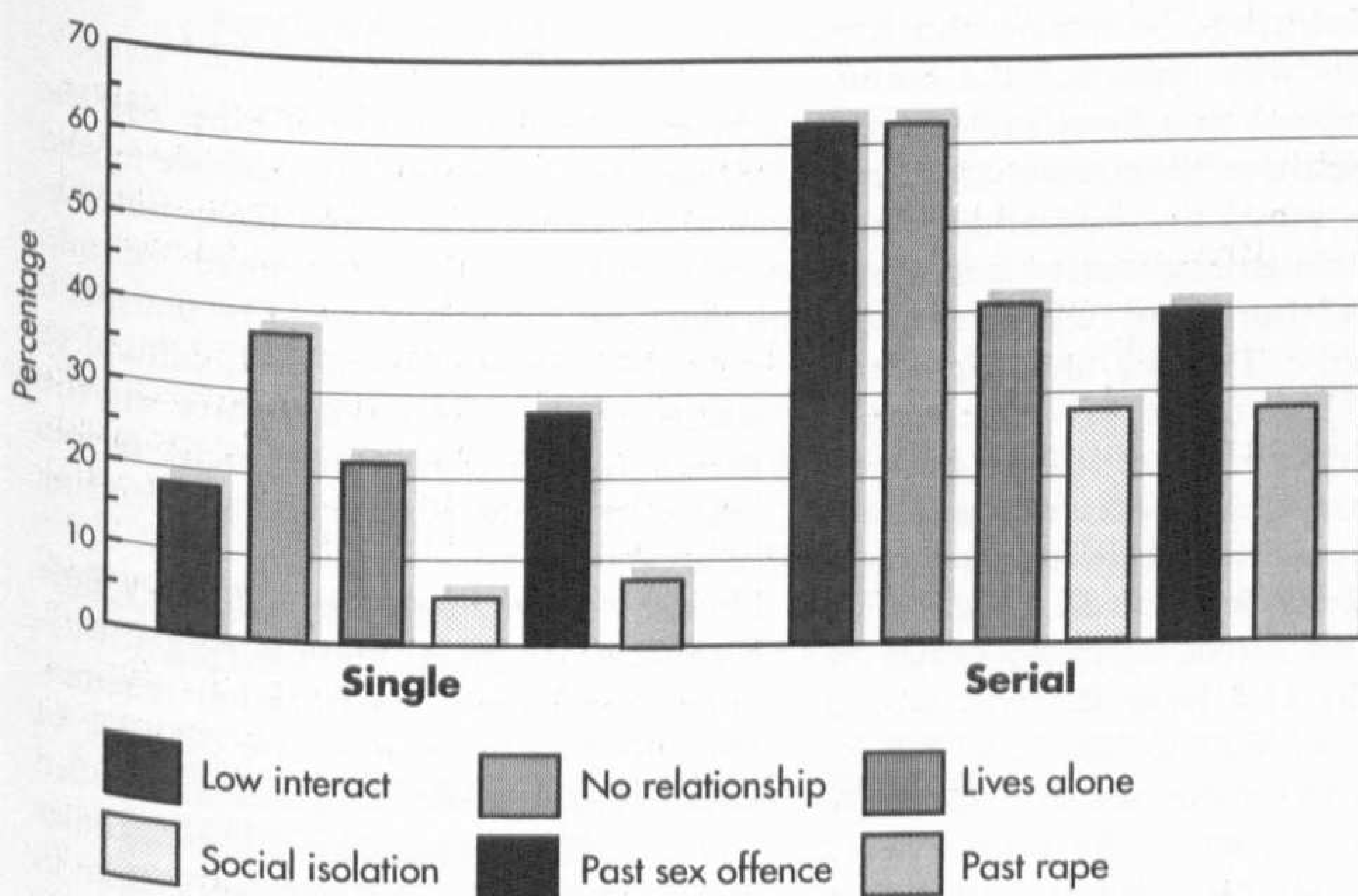
About a quarter of the murder rapes started out as burglaries, compared with 18% of the non-murder rapes. However, the mental state of only 5 of the murderers (24%) was judged to be normal in the period preceding the offence, compared with well over half of the non-murder rapists.

None of the sexual murderers admitted to impotence or difficulty in gaining an erection during the offence, but 4 described premature ejaculation and 2 others said that they had been unable to ejaculate. One man said that his inability to ejaculate made him increasingly angry, which led him to strangle his victim. He had told the police at the time that he discovered, "a sense of power in depriving a body of life". Semen was found in the victim's anus and vagina, and presumably it was this sense of power that finally enabled him to ejaculate.

Forensic evidence suggested that at least seven of the murderers had intercourse with the victim when she was unconscious or dead. It might be expected that these seven men would differ from the remainder of the group, perhaps being equivalent to the serial sexual murderers described in the United States by Prentky, but this group did not seem to be particularly sexually disturbed. Just one had a past sex offence, none were serial offenders, none rated his sex drive as high, none admitted to heavy pornography use, none to rape fantasies, and just one was diagnosed as paraphilic. Though four of these men

(Figure 9)

### MURDER - RAPISTS



them and women and men in general. Seventy-one per cent of the murderers described their relationships with their mothers as close, compared with 82 of the non-murderers, but this could reflect an ambivalent relationship between them as suggested by Brittain.

The men who were convicted of sexual homicide were significantly older at the



were not in an established relationship at the time of their offences, just one was considered to have been socially isolated.

Brittain's description of the sexual murderer was thus found to be accurate in many ways. Offenders were often reserved, overcontrolled and both sexually inexperienced and disturbed. They were frequently socially isolated. Their offences were usually carried out with particular aggression and savagery, as if the offenders had completely lost control of themselves. However, sexual problems did not seem to set them apart from other rapists, and those who had intercourse with the body after death did not seem to differ from other sexual murderers. Sadistic fantasies also were not a common finding.

It might be useful if I give a description of a not untypical case:

PW was 31 at the time of his offence. As a child he was quiet and cooperative, but a loner with few friends. He lived with his parents until the age of 29 when, after a five year courtship, he married his first girlfriend. His wife organised the house, their finances and their lives, while he felt that he should have been more dominant. The couple rarely argued, and PW in fact showed little emotion to her at all. Before marriage he was sexually inexperienced ("I'm shy and frightened of women"); after it his wife rarely agreed to sex. He found the lack of sexual activity unsatisfactory and frustrating – even on their wedding night his wife refused him sex. At interview he said about his forced abstinence that he would "grin and bear it" and would never force his wife to have sex, but he often fantasized about sex and "how I'd like to take my wife"; he masturbated most nights. He rated his sex drive as 5 on a 7 point scale and was frequently a reader of "soft" pornography.

PW drank little alcohol and had little social life. He enjoyed Kung Fu movies, but had few other interests. In prison he was described as quiet and polite. He had no criminal record, but was strongly suspected by the police of indecently exposing himself to young girls, which he denied.

His victim was a 16 year old girl whose grandmother lived in the house next to his. He had seen her before and they had occasionally said hello to each other. The girl's grandmother had been away on holiday, and on the day of the offence she went to the house to leave food for her grandmother's return. PW saw her leave the house and invited her inside his own house while his wife was away at work, having convinced himself that she would agree to have sex with him. He asked her to climb the stairs, and almost immediately began to touch her. She attempted to leave, he tried to pull her up the stairs, they struggled, she screamed, and in a panic he strangled her. The post mortem showed that the strangulation had been prolonged, lasting at least two minutes, and that his grip had changed at least 3 times. After the killing, he became sexually aroused. He touched the victim's breasts and masturbated over her. He then dragged the body to the passage between the houses where he left it. In prison he showed little feeling for his victim.

### Cluster Analysis

I've suggested a number of times that the offence and offender variables we looked at are a reasonable initial filter, but that we need to identify more refined subgroups. Indeed, it would be unusual if a single variable, behavioural, cultural or whatever, could encapsulate all the various psychological and social factors that contribute to a rapist's offending behaviour.

Until recently, there has been very little research aimed at developing multi-dimensional rapist classification schemes. David Cantor's work is one example of how objective variables can be identified and combined to produce reliable profiles of offenders (I am using the term here in its non-technical sense). Prentky and his colleagues in Massachusetts have taken another approach, using cluster analysis to produce offender typologies. Cluster analysis is a statistical technique that organises individuals into distinct groups depending on the way in which a number of predetermined variables are distributed in the population. By definition, of course, the process will produce clusters or groups, but one can compare these



groups over a range of independent variables to test whether they have any meaning beyond that imposed by the underlying statistical manipulation.

Prentky's team clustered men who had committed a variety of sexual offences on the basis of 5 dimensions: substance abuse, life management skills (such as whether a man could hold down a job or a relationship), lifetime history of antisocial behaviour, sexual aggression towards partners, and offence-related impulsivity. Their preliminary results looked interesting, so we thought their system a reasonable place for us to start.

We used similar but not identical criteria. In particular, because few men admitted to sexual violence in their relationships, the variable of "sexual aggression" was based here on CRO information relating to violence to a partner supplemented by interview material.

The following definitions were used:

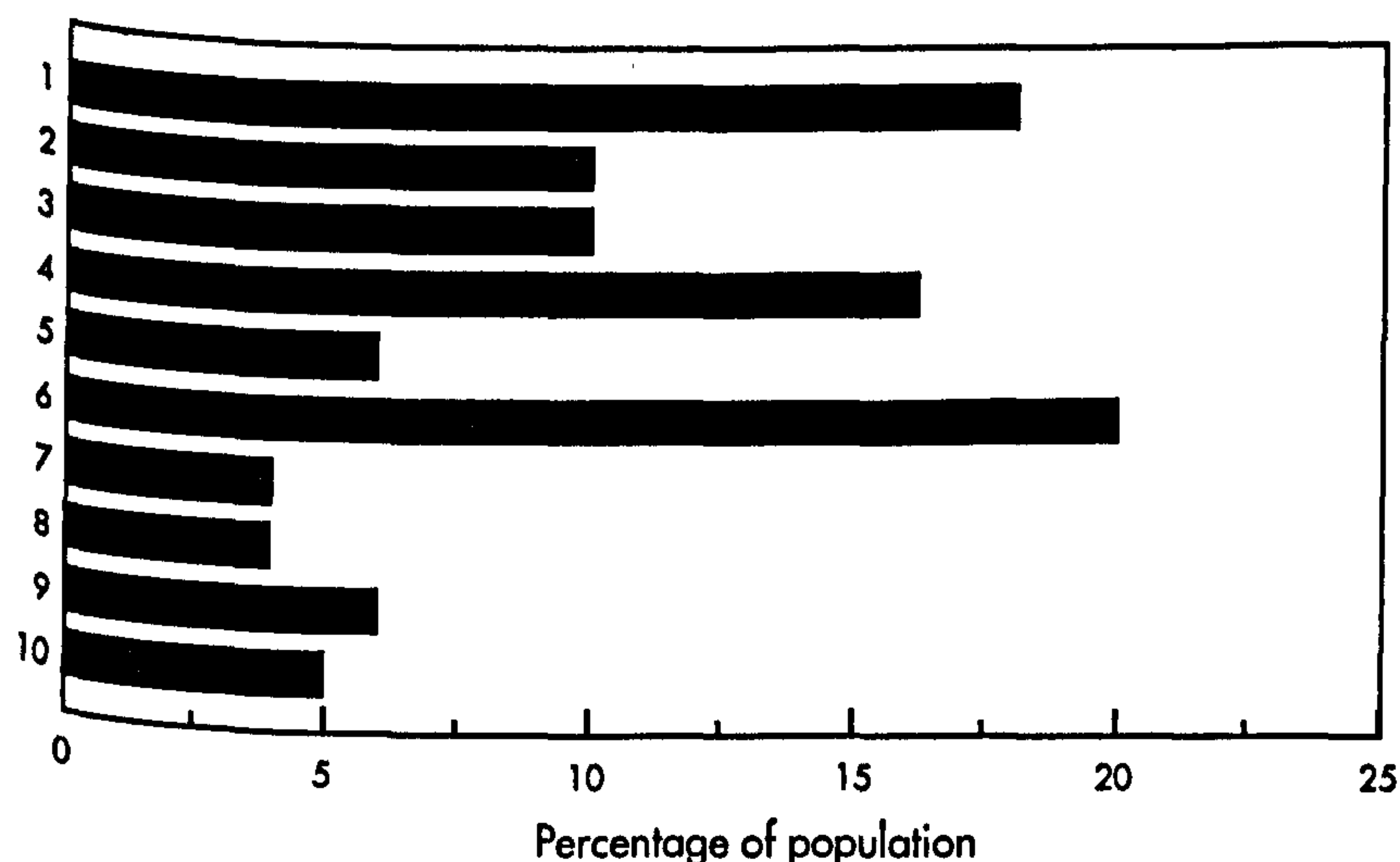
**Substance abuse:** diagnosis of alcohol or drug dependence.

**Life management skills:** based on the ability to maintain a relationship and the quality of that relationship, whether the subject was ever of no fixed address for more than one month, employment record.

**Unsocialised behaviour:** based on presence of childhood conduct disorder, lifetime history of aggression (excluding violence to partners), and number of criminal convictions.

(Figure 10)

#### CLUSTER BREAKDOWN BY POPULATION



**Impulsivity in offence:** assessed on degree of premeditation

**Sexual aggression:** past conviction for violence to partner.

The scales were standardised and their correlation tested; none reached significance.

(Figure 10) We found that a 10 cluster solution was the most interesting. You can see that five of the clusters contained most of the population; of these, I will talk about four, which between them contain about two thirds of the sample.

(Figure 11) This slide shows the ways in which the variables combined in each of these four clusters. We've given them arbitrary names which we think give a feel for the men who are in them.

(Figure 12) Before I go on to talk of the four groups in more detail, this slide shows the way in which the offence types such as serial or single rapist are distributed through the clusters: the serial offenders congregated in the cluster called violent deviants, the murderers in that called overcontrolled rapists, group rapists in the unsocialised rapist cluster. Men with past sex offences were found throughout, but men with past offences of violence mainly in the first two groups. (Acquaintance rapists were concentrated in two other clusters (9 and 10), that are not on this slide).

**CLUSTER I (impulsive addicts):** This cluster of 26 men had a high level of substance abuse but moderate life management skills. Antisocial behaviour was high, though no one in the cluster had a conviction for an offence of violence against a partner. The rapes committed by the men in this cluster involved little planning

The mean impulsivity score on the 1-7 questionnaire for the men in this cluster was high. About a quarter had past convictions for serious violence and 80% for violence of any nature; two thirds said they were violent when they lost their temper. It (along with cluster III) contained one of the highest concentrations of men whose rape

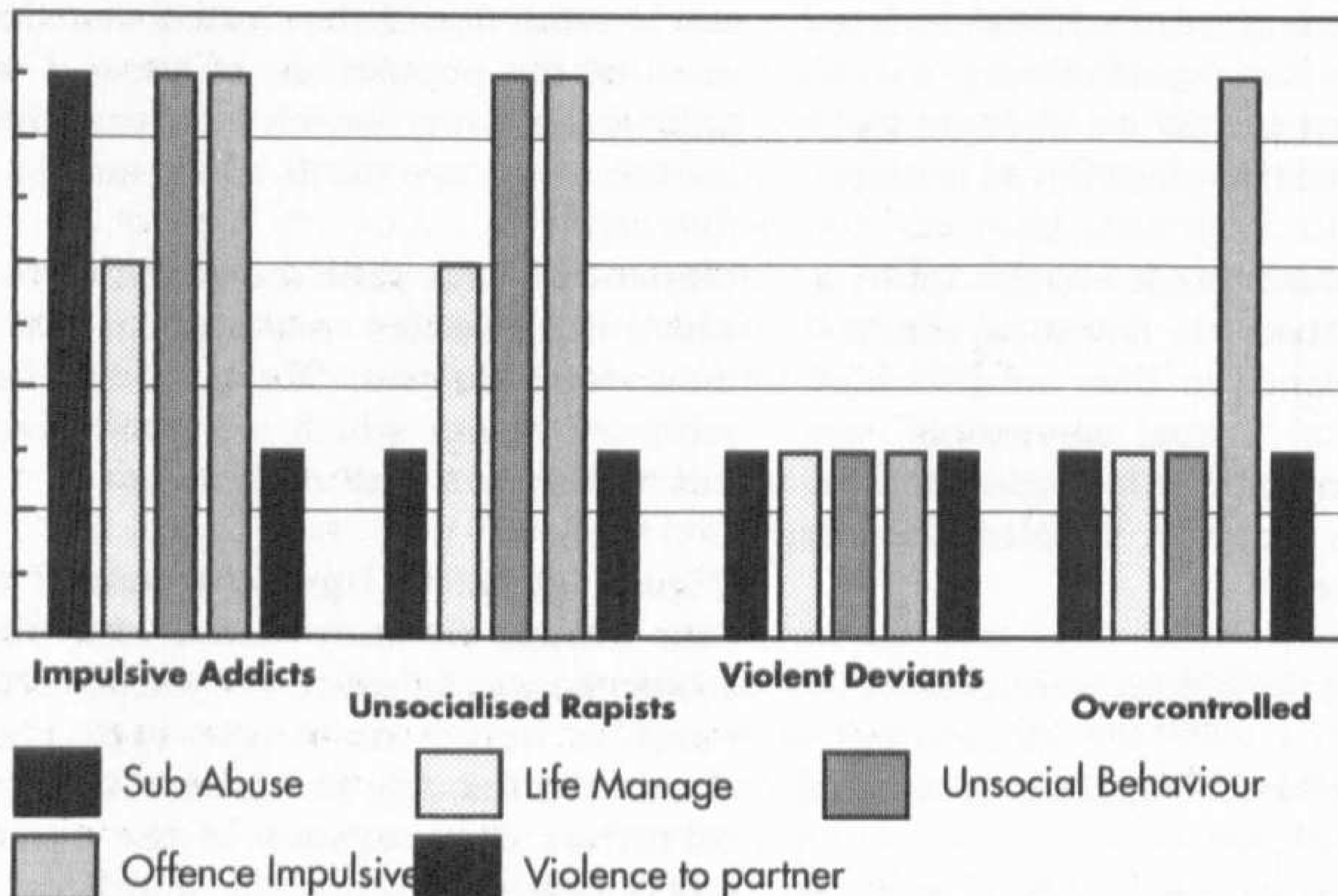


offences started out as thefts (35%). It was of interest that offence violence was no greater than for other groups, but attempts to humiliate their victims were a feature of the men in this group. About a quarter of the men in this group were also rated as being preoccupied with sex.

The offending of these men can perhaps be seen as that of men who do not consider the consequences of their

(Figure 11)

#### CLUSTER ANALYSIS (10)



actions, whether that be to follow an impulse to drink, use drugs, to hit out when frustrated, or to act on sexual desires when circumstance allow it (such as coming upon a lone women in the course of a burglary).

**CLUSTER III (unsocialised rapists):** This cluster of 14 men contained no substance abusers but the men in it had a high incidence of unsocialised behaviour. All had past criminal offences; interestingly, two thirds of the men in this group had siblings with criminal records, a significantly higher proportion when compared with the rest of the sample. Life management skills were moderate, none had violently offended against a partner, and their offences were unplanned. Their basic profile was thus similar to the first group except for the lack of substance abuse.

This group had by far the highest proportion of group rapists (43%), and the second highest proportion of serial rapists. The men in this group also

admitted to having violent tempers. Nearly half rated their sex drive as high, and about a third were rated as being preoccupied with sex. Half had been treated in the past for a sexually transmitted disease.

About a third of the rapes committed by this group started out as burglaries, but unlike cluster 1 humiliation of victims was not usual. Of interest was the fact that the group had the most conservative mean score in the attitudes to women questionnaire.

This group is thus very similar to the previous group in many ways, but offending seemed to be part of a pattern of general antisocial behaviour rather than simply of poor internal control. The high proportion of group rapists makes one wonder whether the antisocial behaviour on a large scale may be mirrored by highly conformist behaviour on the smaller scale.

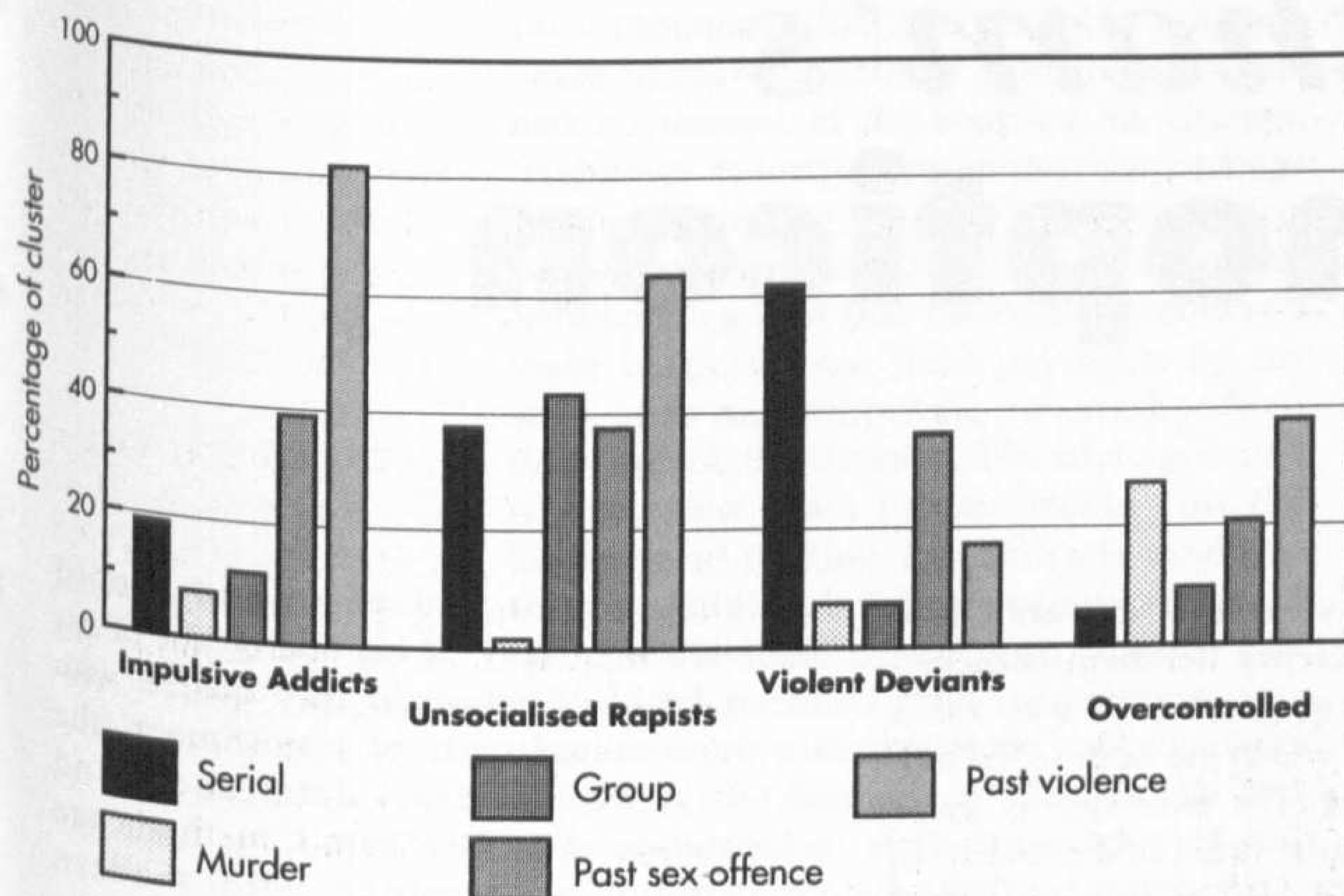
**CLUSTER IV (violent deviants):** This cluster of 23 men had low levels of substance abuse, low levels of antisocial behaviour, good life management skills and no offences of violence against a partner. There was little history of past offending of a nonsexual or violent nature, but a third had past sexual offences. Relationships with partners were fairly stable; on the whole, the lives of this group were much more organised than many of the men in the sample. Planning in the offence was high, burglary as a primary motive was not common, and this group contained a high proportion of serial offenders (63%). This group also had the youngest mean age (23.5).

We call this group violent not because of a past history of violence, which it didn't have, but because (apart from the murderers) it had the highest proportion of men who were gratuitously violent during the offences. Few, however, said they had trouble controlling their tempers often or that their tempers were violent.

About a fifth of the men in this group were diagnosed as having paraphilias, while 40% had evidence of past paraphilic behaviour. Sexual



(Figure 12)  
**CLUSTERS AND  
 OFFENDING**



preoccupation was also common. About a third admitted to feelings of sexual tension before their offences, and a quarter had had treatment for sexually related problems. Men in this group also

of murderers in it. It also had the lowest 1 score on the 1-7 questionnaire, and scored very conservatively on general attitudes questionnaire. The men did not report high sex drives or difficulty in controlling their sexual behaviour, and sexual deviance was not commonly found. Only 1 man in this group said he frequently lost his temper, but only 40% had past convictions for offences of violence. Many of the rapes occurred in social settings, though not necessarily sexual ones; this group had the highest proportion of men who knew their victims.

The offending in this group seemed to be explained by a sudden and temporary loss of control in what are perhaps overcontrolled personalities.

The thing to stress about these clusters is that they are composed of a mixture of offence types. In other work we have done involving men who had committed a variety of sexual offences, not just rape, we found a similar mixing: legal classification did not produce, in most cases, clinically or socially meaningful subgroups.

This work is still in its early stages. But it suggests that we must get away from thinking about sex offenders, or rapists, as a single group about which universal statements can be made. If we are to develop reliable treatment, risk assessment or management programmes, we must develop subgroups composed of objective and valid criteria. Different schemes may be useful for different purposes, but my own feeling is that we need to begin arguing from empirically based systems in developing theories about sex offending.

had the highest percentage who reported being sexually abused as children.

This group of calculating and organised men seemed to be closest to what one might call true sex offenders who would offend in any culture.

**CLUSTER VI (overcontrolled rapists):** This cluster of 29 men (the largest group) had a low incidence of substance abuse, little history of unsocialised behaviour, good life management skills, and no offences of violence against a partner. Their offences were unplanned, which distinguished them in the sense of cluster profile, from the violent deviants.

This cluster had the highest proportion



# Bentham's Panopticon

*Janet Semple currently works with the Bentham Project and wrote this article in September '91.*

*The Prison Service traditionally believes that problem-solving is best achieved by adopting a pragmatic approach. The author suggests that much could have been learned from Bentham's Panopticon project, had it been allowed to reach fruition. Jeremy Bentham firmly believed that there is no such thing as a sense of duty in public service and the motivating factor for all who work is self-interest. His methods of addressing this issue, practically, are simplistic but realistic. His suggested radically different approach was eventually rejected by the early 19th century administration.*

*The article begs the question, as we approach the 21st century, are we still refusing to address Bentham's fundamental principles of truly public accountability?*

**T**wo hundred years ago the utilitarian philosopher Jeremy Bentham launched his Panopticon project. It was for a contract prison of which he was to be the owner and governor. For over twenty years he tried to persuade the Government to allow him to build and manage it. But, although the Prime Minister, William Pitt, gave a grudging approval and an Act of Parliament was passed to enable land to be acquired, it was never built. Bentham was frustrated by powerful aristocrats opposed to the contamination of a prison on their land, by government bad faith, administrative inertia and the distraction of the war with Napoleon. In 1813, Bentham was paid £23,000 compensation.

But although the scheme was a spectacular failure, it remains of absorbing interest. Architecturally, the design was simple, it was circular in shape with the cells on the circumference; in the middle an inspection tower, disjoined from the main structure, housed Prison Officers and from it they could see into the recesses of every cell. But they were hidden from the prisoners who could never know if the eye of inspection was upon them and so were subject to constant unremitting pressure to behave well. Bentham's symbol for his Panopticon was an all-seeing eye surrounded by the words 'Vigilance, Justice, Mercy'.

## Challenging Assumptions

Bentham's ideas challenge many assumptions accepted today, others have become commonplace. No one would disagree, openly anyway, with his fundamental principle that prisons should be

humane, decent and clean and should deprive a man only of his liberty not of his life or health. Nor would they quarrel with his three stated ends of punishment, the security of society, deterrence and reformation. But Bentham's methods are very much at variance with modern assumptions. His fundamental premise was that all men are self-seeking and self-serving and they will sacrifice the welfare of those in their charge if it suits their purpose. This is difficult for anyone brought up in the ethos of public service to accept; it is easier and more comfortable to believe in the sense of duty and the disinterested humanity of governors and officers. But Bentham would have no truck with such sentimentality. He argued that the only way to secure the welfare of the inmates was to make it the interest of those in authority to provide it; he called this the junction of interest and duty. The Governor of the Panopticon was to have absolute power over his prisoners, he could force them to work at any trade; he had complete control over their diet; the doctor and the chaplain were appointed by and dependent on him. How could he be prevented from abusing his power, from over-working, starving and abusing his inmates?

## Exhorting Profit

Money was to be the motivating force. By a system of life insurance, the Governor would lose if mortality were above average, but gain if it were below. So he would take great care of the health of his charges. If they re-offended he would have to pay compensation, so he would attend to their reformation. And again, he would have to



pay if they escaped, so he would ensure his prison was secure. Bentham believed that crime was caused by drink and idleness, the cure was sobriety and work; the habit of industry would ensure honesty. But labour should be made enjoyable not used as a punishment. Unlike many of his religious contemporaries, notably John Howard, he had no interest in the souls of his charges. 'Habits of industry,' he wrote, 'are perhaps the only criterion of their again becoming proper members of society.' (UC cxix. 19) Bentham assumed that his Panopticon would make its profit, not from payments by the state, as in modern private prisons, but from the work of the inmates. He envisaged that within a few years prisons would cost the Government nothing, for contracts would be so valuable that entrepreneurs would compete for them in the open market. The work to be extracted from the prisoners was therefore crucial to the profit and so to the viability of the Panopticon. The inmate had to be persuaded to work, those who refused would be deprived of food until they submitted, but this was a last resort that Bentham disliked. Otherwise discipline was to be enforced by exhortation and inspection. There would be little attempt to achieve cooperation or to involve the inmates in the management of the gaol; this was a prison where, 'a keeper never need see a prisoner without either a wall, or a grating, or a space of seven feet between them.' (Bowring iv, 41) Instructions from the central tower were to be relayed through conversation tubes. Inspection would ensure that no misdemeanour went unobserved or unrebuked.

To make it impossible for these habits of work ever to be forgotten, the Panopticon was to become a vast labour exchange where 'released' prisoners would be allotted to employers willing to put up a bond of £500. All of those left would be taken by Bentham himself and set to work in subsidiary Panopticons. This may seem an unacceptably oppressive method of rehabilitation, but Bentham hoped to address the problem facing the ex-convict of finding honest work and to help him from being forced back into a life of crime.

### Control Incentives

The inmate was also to be motivated by money. Bentham suggested that good behaviour, that is hard work, should be rewarded. From his earnings he could buy

better food – an attractive option as the basic diet would have been water and boiled potatoes. A proportion of his earnings would contribute towards an annuity for his old age. The nexus of money held the Panopticon together. But Bentham also suggested that visits from wives might be allowed as a reward, a temporary curtain could be hung to provide privacy.

Financial incentive was one pillar that upheld the Panopticon; the other was inspection. It was the essential tool of discipline but performed an even more vital function by ensuring the good behaviour of the prison authorities. They would, every one of them, working and eating together in the central tower, be a restraint on each other. And the whole prison was to be subject to the inspection of the public who were to be allowed freely into the centre. 'I take it for granted', he wrote, 'that the doors of these establishments will be ... thrown open to the body of the curious at large – the great open committee of the tribunal of the world.' (Bowring, iv, 46) In the unreformed gaols of the eighteenth century, free commerce with the street was some safeguard against the ill-treatment of prisoners. But it had its dangers, promiscuous visitors could smuggle in tools and help plot escapes. Bentham hoped to have the best of both worlds, the safeguards of free visiting combined with the isolation of the inmate from criminal associates. As well as casual visitors the public would be encouraged to attend divine service on Sundays. In this plan for inspection by the open tribunal of the world Bentham was at odds with the future; even more at odds than over contract management, for his idea of free public access to a spectacle has no place in modern penal theory or practice.

### Closing of Ranks

In 1811, the Holford Committee rejected Bentham's plans for universal inspection as giving inadequate protection to the prisoners. Their opinion became the accepted wisdom of the nineteenth century and faith was put in the sense of professional and religious duty of doctors and chaplains, and in the public spirit of magistrates, government inspectors and official visitors. Investigation of prisons was more and more strictly controlled and confined to an official elite; and after they were taken over by the State in 1877, they



became, in the Webbs' words, 'a silent world shrouded so far as the public is concerned in almost complete darkness.' (S & B Webb, p.235) In the twentieth century, the Official Secrets Act still threatens any official who reveals, without proper authorisation, what goes on within the gaols. It is the ultimate irony that the Home Office would certainly exclude Howard from the very prisons which his influence has helped to establish. The inmate culture of the eighteenth century and the free commerce with the street had been some safeguard against official tyranny. It was pitifully inadequate. Unfortunately, the new system was also pitifully inadequate. Doctors, chaplains, visitors and inspectors colluded with officials to conceal abuses and cover up scandals. In 1872, a Howard Association pamphlet denounced abuses in the secret wards of the convict prisons; it was, 'a uniform practice, on the part of convict authorities to ignore complaints, deny abuses, and represent themselves as exemplarily efficient.' (Howard Association, p.81) Despite its shortcomings, Bentham's idea of an inspection gallery freely accessible to the public is worthy of more consideration and respect than it has received. The nineteenth century reform movement shut the prisons to the outside world, silenced the inmate elite and ended the commerce with the street. Had it been adopted, Bentham's transparent management might have altered the emphasis of reform of all carceral institutions; and might have gone some way to prevent the drear catalogue of straitjackets, dowsing, hallucinations, self-mutilation and suicides that disfigure the history of penal institutions in the nineteenth and twentieth centuries.

### Perils of Secrecy

Bentham anticipated the perils of secrecy and foresaw the cosy relationship and close sympathy that would arise between the prison authorities and official visitors and inspectors. He had no faith in public spirit or professional ethics unless they were reinforced by self-interest and publicity. Bentham's ideas may seem alien to the Christian and philanthropic ideals that have played so important a part in the history of the Prison Service. But they have an immediate relevance to current debates. They could be a useful starting point in a discussion on methods of safeguarding the

welfare of prisoners in the new privatised institutions and indeed raise the question of whether contract prisons should be allowed to hide behind the screen of secrecy that state institutions have hitherto enjoyed. It might be wiser to construct institutions in Bentham's spirit of cynical realism rather than rely too heavily on altruistic benevolence or the traditions of public service.

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# Letters

Dear Sir,

When the Prison Service deemed, in its infinite wisdom, to place women officers in male establishments I wonder if they realised the full implications of the pressures this initiative would place on the Service. Until this point it was unthinkable, if not anachronistic, to suggest a "lady" officer could survive the hostile and highly pressurised life within a male establishment. This was the starting point for women officers entering male establishments.

The path was not an easy one as she had to walk a tight-rope to maintain the equilibrium of being regarded as highly professional, carrying out all the duties of a male officer whilst maintaining her femininity. To appear unfeminine - whatever that means - was to be branded a subversive, bullying, militant feminist who has liking and respect only for her own cause.

The woman officer, like all staff, is closely monitored by her peers, management and most importantly, inmates. The difference for a female is that each of the groups is of the opposite sex. Within these groups there is a variety of expectations and misgivings. In general though they all subscribed to the "unthinkable" theory before meeting their first woman officer.

Perhaps the most unfortunate upshot of cross-sex postings was the loss of identity and subsequent labelling that ensues. Stereotyping occurs in all walks of life and none more so than the Prison Service. One is no longer Jane or Joe Bloggs, an individual officer, but rather a "male" or "female" officer. Thus you are judged by the knowledge that exists about others in your "group". Unfortunately for women it is only the negatives that seem to be remembered. For example, if a woman officer has previously acted in an unprofessional

manner (say by becoming over familiar with an inmate) the inference is drawn that all women officers will succumb to the same fatal flaw.

The traditional macho image of a prison officer, which many are keen to sustain (or hide behind), does not help the cause of the women officer. This obsession with physical strength and the ability to bawl and shout to intimidate, still seem to be essential qualities for the red blooded male officer. Women of course do not fit into this category, or so we were told! The sad fact is that neither are we credited with possessing the qualities and skills necessary for daily interaction with inmates.

A woman's social role transcends all classes and races including that of the criminal. With full staff backing a woman officer can use her gender to pacify, understand and diffuse violent outbursts. She also forms a valuable link between outside society and the unnatural homogeneous environment within a prison.

Male staff who are honest enough to justify their prejudices openly generally express the following;

"they do it to get cushy jobs"

"they don't do all the work we do"

"I don't feel safe with them on the landing"

"I always have an eye on them, I feel responsible".

As for the first of these criticisms, it is entirely a matter for the peer group (men) and management to sort out. If any officer is not pulling his/her weight, this problem should be addressed in the same manner regardless of sex. Not to do so merely perpetuates the myth and absolves the individual of management responsibility.

It is an indisputable fact that female officers are not allowed to perform all

the duties of a male officer within a male prison. This is so obviously not the fault of the women officer but rather the ruling from on high. However it is important to get into perspective just how small a percentage of the total work done we are not permitted to do. Let's be honest, who knows of any male officer who performs such a range of duties that he does not exclude himself from any area of prison work?

As for the last criticism - what can I say? Boys will be boys and seem to feel a natural protective instinct towards women. I wouldn't want it any other way. However sometimes men can be a little over protective toward women. We are not made of glass or as weak as kittens. Most women officers are proud of the fact that they are equipped with the same C and R skills as men and are able to help out any officer who encounters difficulty on the landings. Indeed, the presence of female officers at the riots of last spring further emphasises this point.

Happily, the indications are that cross-sex postings are slowly becoming more acceptable. It is still a long hard road for women to walk but at least it is no longer all up hill. To fellow officers I would like to say that with mutual help and support we can all be truly united and work together to improve our Service.

It is my hope the the department will support cross-sex postings in a more positive way as we progress towards the 21st century. They must set realistic guidelines for management to follow, learn from the experiences of women officers and fully realise the potential contribution women have to make to the Service.

Joanne Sutherland-Smith  
Officer - HMP Lincoln



# Letters

John Staples Esq  
Editor  
Prison Service Journal  
HM Prison  
Full Sutton

16 October 1991

Dear John,

I note from the "Comment" section in the spring 1991 edition of the Prison Service Journal (number 82) that DOC are portrayed as serving wine with working lunches. In the first days of reorganisation, I know that wine was occasionally provided, because the order for a working lunch was a standard one. We subsequently put an end to the practice, and have the same alcohol free working day as the rest of the Service.

I hope this removes any confusion. If your informants believe that any part of DOC are still departing from the norm, do not hesitate to let me know.

Yours sincerely,  
Bill

W J A INNES  
Director of Custody



# Interview

**JOSEPH ROWAN** is an expert on suicide prevention. His work has mostly been concentrated in New York State and Florida, but he is currently touring several prisons in England and Wales, and lecturing at Newbold Revel to suicide prevention management groups. David Saunders-Wilson interviewed Joseph Rowan, in the company of David Neal of the Suicide Awareness Support Unit within DIA 1.

**DSW:** Thank you on behalf of the Prison Service Journal for agreeing to be interviewed by me. Can you tell me how you came to be in England and what you are trying to do whilst you're over here?

**JR:** *Well my first trip to England was for the first international Death In Custody conference in Canterbury in March/April but it was my work in Australia which actually got me here as I was recommended by the Australian Institute of Criminology to the Home Office.*

**DSW:** So you are formally involved with the Home Office?

**JR:** Yes.

**DSW:** In what way?

**JR:** *Since I was coming over here and I had clippings sent to me about the suicide rate and, given my interests, I asked if I could be of help.*

**DSW:** I would like to come on to what you think about the

suicide rate in British Prisons in a moment but obviously I've read about your work in the United States and New York State and Florida in particular. Would it be fair to say that your argument is suicide is preventable?

**JR:** *Yes. All suicides can be prevented. Not all but almost all. We have seen that from New York State. They used to have 32 or more suicides a year in their Remand Centres and they have been able to reduce those to 5 in 1990. They have done it through a programme that all must agree on:- extensive training of staff; establish policies and procedures; management training from the bottom up to the top; heavy participatory management. The discipline officer - we call them correctional officers - is the backbone of suicide prevention. Medical middle health people are support services.*

**DSW:** What kind of training is necessary to help staff become more aware of how to prevent suicides?

**JR:** *Basically two approaches. One, we train them in suicide signs and symptoms and the proper management of suicidal people. Secondly, in order to have a good foundation of training, we provide what we call professionalisation of correction officers, getting at motivation, attitude, and philosophy. It is basically about attitudes. Indeed it is more a matter of attitude and philosophy change, than money and resources.*

**DSW:** Right. That's interesting. Did you find any



resistance from correctional officers changing their attitude and adopting a new philosophy?

*JR: Initially, but the changes or problems in changing usually started with the Governor – we call them superintendents – and systems changed really only when the Governor changed.*

DSW: You are implying there was resistance by the Governor or superintendent.

*JR: Quite. Most of the Governors in our country, from my experience of over 540 surveys of institutions, do not believe in participatory management and they work from the top down and that rarely gets all the way down as far as communications is concerned. Good Governors work from the bottom up and follow the Japanese style of management. They run the best institutions.*

DSW: You've had some well documented successes, haven't you?

*JR: Absolutely. In New York State where they've gone from 32 down to 5 suicides was about 83% reduction over 6 years. In Cook County Jail, which was no doubt the worst urban jail in the United States at least, and probably the world, where they averaged 16 suicides and/or homicides a year since 1968, out of 8200 inmates, in 1985/86/87 had no suicides.*

DSW: That's an astonishing success.

*JR: It is. It is.*

DSW: Two things which interest me reading your literature. Firstly was there any incidence of suicide amongst the staff and what was the rate of suicide amongst the staff in comparison to the general population?

*JR: It was high. In fact in some of our remand centres not prisons, but remand centres, we had a higher rate of suicide amongst staff than the inmates. We've not done a national survey to get a handle on the actual statistics. It is high and every training conference that I go to I hear these stories from someone saying that "we've had 2 officers commit suicide and we've only had one inmate suicide in the last 10 years".*

DSW: Is that a way of discounting? I don't mean by that discounting the work to prevent suicide with inmates, I simply mean that often we forget how stressful suicide is both for staff and for other inmates.

*JR: Absolutely, absolutely and what we have done in the States and probably elsewhere, is making heavy emphasis on stress training for officers. Frankly Law enforcement in our country – the Federal Bureau of Investigation (FBI) was ahead of us in stress training of their officers.*

DSW: Your staff are very underpaid as well I gather.

*JR: Right. In our country Remand Officers are paid less in 80% of our institutions based on the national survey than Police Officers who work the streets. So it's low pay for remand centre officers and for prison officers.*

DSW: I said 2 things struck me about reading your literature. In a sense both these things were absences. That's not to imply that you haven't thought of these things, merely it wasn't necessarily the focus of what you were writing about. The first was about staff suicide; the second was that you paint a very "classic" portrait of suicide. It is a very utilitarian picture; it happens when people are depressed.



Now I just wondered if you had any thoughts on the Durkheim view of suicide, which crudely would suggest suicide happens not just when one is depressed but often when one has gained some confidence, is gaining some successes. What would your training or knowledge suggest about that?

*JR: The literature I've provided does have that in there and I warn that while 80% of our suicides are preceded by depression, not clinical depression, but situational or reactive depression based on short term factors, that also when people get better that is another high risk period. They've had a chance to make up their mind; they feel better; they're stronger. Sometimes they make their minds up during that period when they have regained their health and they seem to be improving and so on. It is also during that period where they'll make amends and apologise to an officer, for example.*

**DSW:** Is it cross cultural as well? Is there a higher suicide rate amongst ethnic minorities than there would be from white prisoners?

*JR: Our highest rate of suicide is amongst American Indians. They are committing suicide 5 times higher than the general population. In Australia the Aboriginal suicide rate is 16 times higher than the general population. Interestingly, in America, black suicide in custody is much lower than their percentage in the population.*

**DSW:** Why should that be so?

*JR: My rationale is that black people have been used to rejection, and poor economy, and not finding jobs and so on in the community, that they are used to it in custody and they can handle stress better than we can.*

**DSW:** I'm interested by the comparison to the Aborigine and to the native American in relation to the Durkheim view about suicide, as I had to do some research myself about the nature of the Scottish character. I found that there is a statistical correlation between the results of the Scottish football team and the Scottish suicide rate. Now interestingly the Scottish suicide rate goes up when Scottish football team wins and that led to all kinds of arguments about the Scottish being culturally attuned to defeat; to accepting defeat and thus an inability to handle success. I found that absolutely fascinating at the time and given that we're playing England at rugby today I throw that in for good measure. I was trying to do some research with you coming today, and I found out that there are some 60,000 suicide attempts each year in England and the average hospital sees 10 attempted suicides per week. Given what you know about the British prison system would that be comparable, higher, lower?

*JR: That I can't speak on, but I am aware that the prison rate in the US is 112 suicides per 100,000 inmates, and yours is 106 per 100,000 inmates.*

**DSW:** You've been round some 10 prisons now. What common themes have you found which either impressed you, or made you think there was work still for us to do?

*JR: On the side of being impressed, your Suicide Prevention Management Group is where you are ahead of us. You've got a formal system of meeting at least quarterly and we don't have those on a formal basis. Other impressions are similar to the problems that we have in our country, mainly attitudes of staff.*



DSW: What is that attitude?

JR: *A not caring attitude. Our philosophy is that good institutions are run on the basis of being firm, fair, and consistent. You can hate the crime but not the criminal who committed it, and we have trouble separating those two.*

DSW: So presumably this is tackled by training, sensitivity and awareness.

JR: *Training, retraining, and retraining.*

DSW: Classically, who is most at risk of suicide in prison in this country? That's the first time I've seen you twitch all morning.

JR: *David, I don't think we can generalise. I think there are a number of different classic risk groups; the young offender with low coping skills, particularly if it is his first time in custody; the inadequate type; the long term offender with serious psychiatric behavioural problems; and the mentally ill.*

DSW: Joe, is it ever possible to do enough to prevent suicide?

JR: *I would say no. What happens is, nature sets in and an institution which hasn't had a suicide for a long time gradually becomes insensitive to it, and they get complacent and so on.*

DSW: So to sum up what would be your message, what would you be telling me as a Governor to be aware of?

JR: *Be aware that good suicide training starts with the Governor. It's not going to get any better if he doesn't give a lead. He's got to be a policy setter and so on, but most job learning does not come from a formal classroom setting,*

*but from your boss, your supervisor, it has to start with the Governor.*

DSW: Presumably that's where the attitudes come from.

JR: *Yes - that's where the attitude comes from. If you're going to have good officer attitudes it's got to start with the Governor. We have seen, prisons and remand centres with nothing changed except the Governor, and the end result was the difference between daylight and darkness, dramatic differences. So the Governor is the key factor in suicide prevention. Then when it all trickles down there's got to be training, training, training so that the officer then becomes the back-bone of suicide prevention. After all it is the officer who sees the inmates day in and day out.*

DSW: Well thank you both very much.



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