

J PRISON SERVICE JOURNAL

ISSUE NO. 87



***Will the customer
get a better service?***

Privati-*£*-ation

PRISON SERVICE JOURNAL

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Comment

WHITHER THE BOV

Without the power to punish through adjudications nor to reward through restoration of remission, Boards of Visitors feel beached, floundering in shallow water out of keeping with the weight given to their selection and potential for action. Maguire and Vagg in their examination of the rôle of boards offered helpful ways of improving their function of monitoring the work of the establishment but that is treading water when most boards have the skills and experience to do more. To have real power.

It doesn't have to be as it is. In Holland, boards some of which are chaired by judges thus usefully bringing together elements of the Criminal Justice System, have executive authority to overturn a governor's decision. In most public services whether privatised or not, consumers groups such as OFTEL do have power and although it is exercised rarely the fact that it is there adds strength to those bodies in their day to day discussions.

To be given such power would not only attract a wider range of people to the work of the boards but give them greater credibility in the eyes of prisoners.

Boards could play a significant rôle in moving prisons towards the Woolf ideal of community prisons. Why shouldn't they as school managers do, play a part in the appointment of the governor and contribute to the setting of his contract with Prison Service Headquarters.

Board members have untapped talents and give unstintingly of their time. There is immense potential in boards for a new dynamic in the Service which would counter the traditional, pervading centralist tendencies of Headquarters and allow and encourage diversity in our institutions and a greater sense of local accountability. It is time to float the beached boards whale on the ebb tide of change and discovery.

Explaining the Penal Crisis

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There has been persistent talk of a "crisis" in the British penal system for over twenty years now. Indeed, a cynic might say that the idea of a penal crisis has become that rare thing, a self-refuting cliché. After all, how long can a situation remain at crisis point before it becomes, not a crisis, but business as usual? Has the penal system really been a constant state of penal crisis for over twenty years or even, as Fitzgerald and Sim (1982: 3) have claimed, ever since the Gladstone Committee report of 1895?

Perhaps, as Professor Joad used to say, it all depends on what you mean by a "crisis". It is probably not the case that the whole system is on the brink of total collapse or explosion, but I would agree with Terence Morris (1989: 125) that there is a crisis in at least two senses¹: firstly, we have "a state of affairs that is so acute as to constitute a danger"; and secondly we are at a critical juncture, much as a seriously ill person may reach a "turning point at which the patient either begins to improve or sinks into a fatal decline". In this article I will be using the "C-word" in these senses to refer to the present penal situation in this country; cynics may feel free to substitute a word such as "problems" for "crisis" throughout.

But what is the nature of the crisis - if that is what we choose to call it - and why does it exist? There is widespread agreement that prison overcrowding, prison riots and unrest among prison staff and inmates are all important features of the crisis. But there are in existence various competing accounts about how these problems are related to each other, and what are the underlying causes of the crisis - in short, how to explain the penal crisis. What I shall call "the orthodox account" is the one most often encountered in media coverage of penal matters, and also used to predominate in official reports purporting to explain phenomena such as prison riots. Alternative accounts have been put forward, for example by Fitzgerald and Sim (1982: ch 1) and by Bottoms (1980). I shall begin by examining and criticising the orthodox account, and then proceed to contrast it with the analysis provided by the Woolf report (Woolf and Tumim, 1991). Finally, I shall put forward a framework for a "radical pluralist" account of the penal crisis which draws on the insights of (inter alia) Woolf, Fitzgerald and Sim, and Bottoms.

The Orthodox Account of the Crisis

The orthodox account is perhaps best summarised by the following extract from a Sunday Times article of 1977 headlined "Why the Prisons Could Explode":

"Explosive problems remain in many of Britain's prisons - a higher number of lifers, often with strong political faiths, who have

nothing left to lose: overcrowding which forces men to sleep three to a cell and understaffing which weakens security. Prisons, too, are forced to handle men with profound psychiatric problems in conditions which are totally unsuitable." (Humphry & May, 1977)

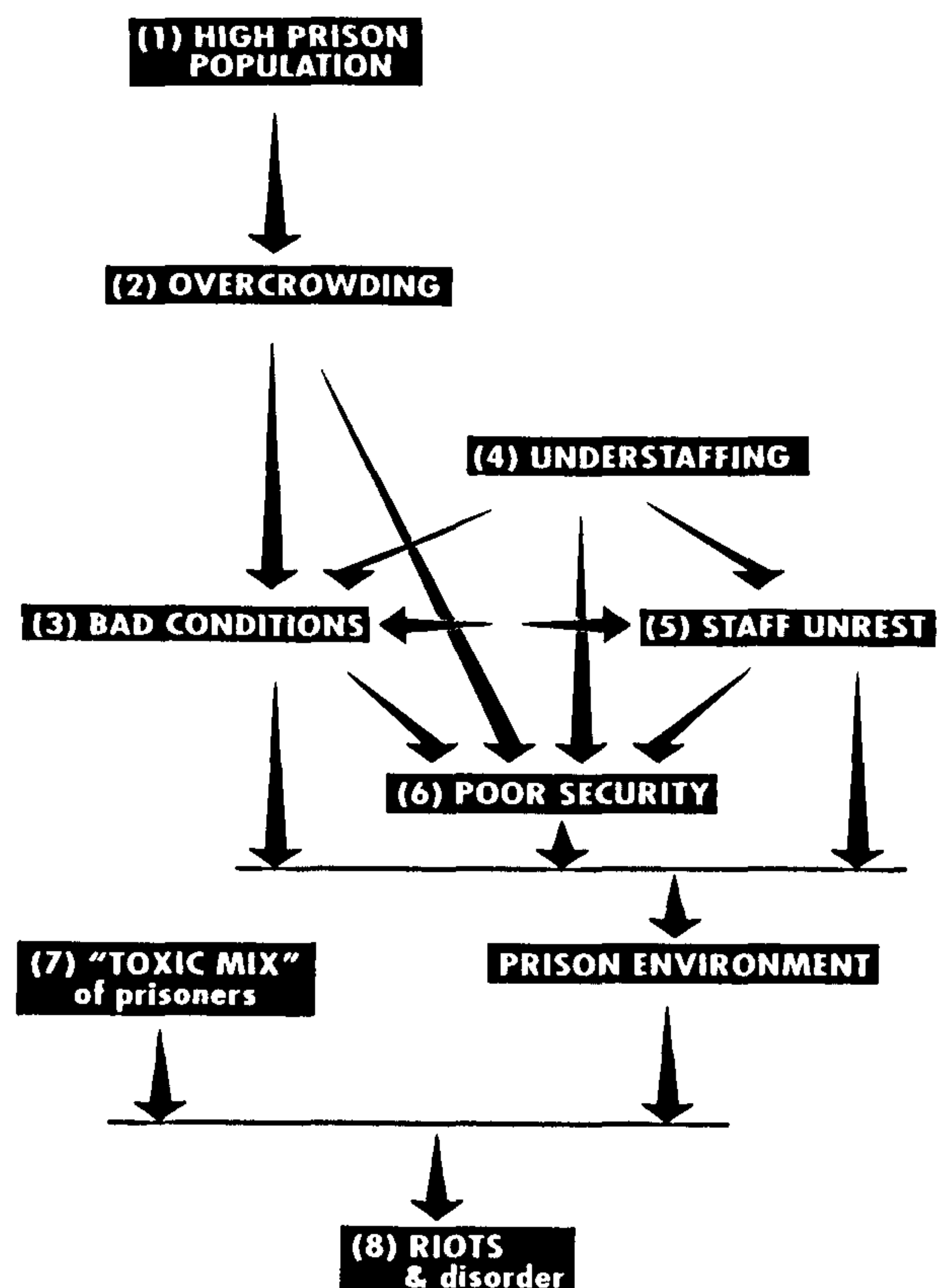
This passage gives us almost all the components of the "orthodox account" of the penal crisis. The immediate cause of the crisis is seen as the combination of different types of difficult prisoners - what has been called the "toxic mix of prisoners" (Home Office 1984: para 124) - in physically poor and insecure conditions which gives rise to an "explosion".

The orthodox account points to the following factors as implicated in the crisis: (1) the high prison population (or "the prison numbers crisis"); (2) overcrowding (3) bad physical conditions within prisons; (4) understaffing; (5) unrest among the staff (6) poor security (7) a "toxic mix of inmates; (8) riots and other breakdowns of control over prisoners. These factors are viewed as interacting in the manner shown in Figure 1, with riots and disorder being the end product which shows that there is a crisis.

One problem with the orthodox account is that it simply does not square with the facts about when and where riots have happened. If prison riots are crucially caused by overcrowding, understaffing, bad physical conditions and poor security, one would expect them to occur exclusively in the local prisons and remand centres which are the most overcrowded and understaffed, where conditions are worse and security less tight than in many longer-stay establishments. Yet prior to the year of 1986, major disorder was almost entirely confined to the dispersal prisons, which were neither overcrowded nor particularly understaffed, where conditions were relatively good, and where security was at a maximum. Since 1986 the pattern has been reversed, with major disorders occurring in local prisons (most notably Strangeways in April 1990), remand centres and lower-security establishments. But these riots are not satisfactorily explained by the orthodox account either, for such institutions lack the particular "toxic mix" of prisoners which is supposed to be an important causative factor in inmate disorder. Again, the prisons hit by riots in 1986 and 1990 were not all overcrowded (for example Northeye in 1986 and Dartmoor in 1990) or the worst in terms of physical conditions (Wymott and Wayland in 1986).

One could try to modify the orthodox account to accommodate these factual discrepancies. Indeed, such a modified version appears in Sir James Hennessy's (1987) official report into the 1986 disturbances² (which, as we shall see, contrasts interestingly with Lord Justice

Figure 1: Orthodox account of the penal crisis



Woolf's report into the 1990 riots.) Hennessy downplayed the importance of overcrowding and poor physical conditions, whilst revising the theory of "toxic mix". Previous accounts, as we have seen, pointed to the presence of long-term prisoners who supposedly have "nothing left to lose" by rioting. This was always a faintly bizarre claim, since one would have thought that such prisoners had a great deal to lose in terms of parole chances, disciplinary measures and other unpleasant consequences which may be visited on rioters one way or another. Hennessy asserted that the mix of offenders in the prison affected by riots in 1986 had altered for the worse. But in doing so, he turned the traditional "toxic mix" theory on its head by claiming that prison order was rendered unstable by young inmates serving short sentences, even suggesting that at Wymott "a more stable inmate population might have been achieved if the predominantly young and short-term population had been diluted with some older men or those with longer to serve" (para 7.08). But such an explanation could not of course be extended to explain the riots in dispersal prisons in earlier years. To remain faithful to the fact of prison riots, the orthodox account would have to elaborate a variety of different "toxic mixes and a variety of kinds of poor environmental conditions that were conducive to riots with different "mixes". The implausibility of such a project casts doubt on the validity of the orthodox account.

More importantly, the pseudo-scientific nature of the phrase "toxic mix" highlights the fundamental deficiency in the orthodox account. It is in essence a highly positivistic (or "mechanistic") theory. One thing is seen as leading almost automatically to another: prisoners and prison staff both seem to react to conditions in a mindless manner, exercising neither free will nor rationality to any significant extent. The prisoners in particular seem to behave much like molecules in a test tube: place such a combination in such a physical environment, agitate, apply heat, and an explosion is the automatic result. (Hennessy (1987; para 9.06) says almost exactly this in a passage which reads as not entirely metaphorical: "It can perhaps be explained in terms of a chemical reaction. When a number of elements are brought together and a suitable catalyst is added, an explosion may result.") Such an account misdescribes the phenomenon of rioting, which is not mindless behaviour but meaningful human action. More specifically, as the Woolf report acknowledges (Woolf and Tumim, 1991), it arises out of a sense of injustice, which is not an automatic mindless reaction but an active interpretation of a situation. To understand and explain such matters calls for a more humanistic explanation than can be provided by the orthodox account. Significantly, it is the account's reluctance to view prisoners as fully human which renders it inadequate.

The Woolf Diagnosis

The warm reception accorded from most quarters to the Woolf report on the prison riots of April 1990 (Woolf and Tumim, 1991) suggests that its diagnosis and prescription bid fair to become established as the standard liberal account of what causes prison riots and what should be done to prevent them. Although it retains some features in common with the orthodox account, it also departs from it significantly, especially in its emphasis on the importance of "justice" within prisons.

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Woolf's central finding was that if the prison system was to be stable, it was vital to strike the correct balance between the three essential elements of security, control and justice. "Security" and "control" are of course hardly novel concepts, figuring significantly in the orthodox account just described. Woolf also acknowledged as relevant factors such as overcrowding and insanitary physical conditions, but did not regard these as crucial. Their significance for Woolf was in contributing to prisoners' *sense of injustice*. It was this sense of injustice which, according to Woolf, induced so many prisoners to participate in the riots. Despite not committing himself as to whether any specific grievances of the prisoners were well-founded, Woolf was clear "that the Prison Service had failed to *persuade* these prisoners that it was treating them fairly." (para. 9.25) The best way to allay this sense of injustice, and thereby make disorder less likely, was actually to improve the level of justice: "If a proper level of justice is provided in prisons, then it is less likely that prisoners will behave in this way. Justice, therefore, contributes to the maintenance of security and control." (para. 151)

While talking about the need to keep security, control and justice in "balance", Woolf appeared to emphasise the importance of justice: the imbalance he was most concerned about was the prospect of security and control measures exacerbating prisoners' sense of grievance. Although Woolf stated that "there is no single cause of riots" (para 9.23), it may not be too great a distortion to say that he saw this sense of injustice as the key factor in explaining the disorders. For this reason he stressed in his recommendations not only measures to improve prison conditions but also reforms of grievance and disciplinary procedures which might both improve the objective standard of justice within prisons and be seen as fairer by prisoners.

This humanistic attention to the subjective interpretation by prisoners of their situation (together with the notable absence in Woolf of any version of "toxic mix" theory) marks a distinct departure from the positivism of the orthodox account. In a sense, Woolf's analysis has more in common with the radical account of the penal crisis provided by Fitzgerald and Sim (1982) which identified as crucial a "crisis of legitimacy" afflicting the prison. "Legitimacy", in the sociological sense of the term, is power which is perceived as morally justified; it is the fact that the prison lacks legitimacy with its inmates - that they nurse the sense of injustice which Woolf identified - which leads to riots and other problems of security and control.

The Woolf report represents a substantial advance upon the "orthodox account". It is superior firstly in that it accords better with the facts of prison disorders. Secondly, it is founded on an implicit but plausible humanistic view of human nature compared to the crude positivism of the orthodox account. Other welcome aspects of the Woolf report include its recognition of the interdependency of the prison system with the rest of the criminal justice system and the role of sentencing in creating the "numbers crisis" within the prison system. Woolf correctly identifies some of the components of an adequate account of the penal crisis, but for a fuller explanation we will need to supplement the Woolf diagnosis.

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Ideology and Resources: Two Sides of the Crisis

The reader who has persevered to this point could be forgiven for imagining that the *penal* system is synonymous with the *prison* system. But - while it is true that dramatic events such as prison riots are the most visible symptom of the penal crisis - the travails of the prison system are only part of a wider crisis affecting the whole of the penal system, affecting other penal disposals such as probation, community service and the fine. In Tony Bottoms' (1980) account of this wider penal crisis, he suggests that the penal system as a whole is suffering from both a *material* crisis (of resources) and an *ideological* crisis (of legitimacy), each of which demands and has elicited responses of different kinds. The crisis of penological resources is caused by the size of the prison population and the increasing demands which have been placed on the probation and after-care services, generating an imperative to deal with more offenders in the community in the most cost-effective manner possible. The ideological crisis, for Bottoms, is largely the result of the "collapse of the rehabilitative ideal" since the early 1970 which has left the penal system bereft of a legitimating philosophy. This has caused problems for the whole penal system, but especially for the probation service which has for some years now been uncertain about what its proper rationale and direction should be. This ideological vacuum has led to a variety of responses, including the revival of the "just deserts" philosophy which forms the central theme of the 1991 Criminal Justice Act.

It could also be said that another consequence of the collapse of the rehabilitative ideal has been to add impetus to the rise of the punitive "ideology of law and order" which has been analysed and explained so provocatively (as a pro-ruling-class response to the crisis of social order arising out of British economic decline) by the Gramscian Marxist Stuart Hall (1980). It is true that "law and order" is an ideology which was particularly associated with "Thatcherism" and indeed with the person of Mrs Thatcher herself, and may be said to have passed its peak even before her resignation in 1990. Nevertheless, it remains a potent influence on the kinds of penal measures which the Conservative government favours (for example the emphasis in the 1991 Criminal Justice Act that community disposals should be punitive in nature) and to a lesser extent on those which opposition parties consider it expedient to propose. Not only does it act as a constraint on measures to alleviate the resources crisis and provide greater justice within prisons, but there is also some evidence that governmental law and order rhetoric has played a part in exacerbating the prison numbers crisis by encouraging harsher sentencing by judges and magistrates (Worrall and Pease, 1986).

Another response to the crisis, which Bottoms has analysed, has been the ever-increasing trend towards *bifurcation* in the penal system, whereby less severe measures are taken with the bulk of "ordinary" or "run of the mill" offenders while simultaneously much tougher measures are imposed on those who are identified as serious or dangerous offenders. This is again exemplified in the provisions of the 1991 Criminal Justice Act which on the one hand encourages sentencers to make greater use of non-custodial penalties but at the same time allows them to pass longer prison sentences on violent and sexual offenders. Bifurcation can be seen

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as a product of the combination of "law and order ideology" (which encourages visibly harsh punishment of those who commit the crime about which there is greatest public concern) and the pragmatic imperative to do something to limit the numbers in custody and thereby ease the resources crisis. The danger is, however, that bifurcation could rebound to the detriment of legitimacy within the prison as those who find themselves singled out for harsher punishment have their sense of injustice further exacerbated³.

The analysis in the preceding paragraphs is based on the notion that, as Bottoms implies, the crisis should be seen as having two interacting aspects, ideological and material. It could also be said that similar assumptions are made by some other accounts. Fitzgerald and Sim and Stuart Hall espouse versions of modern Marxism which see the interaction between economic and ideological factors as crucial, while Woolf sees the physical conditions within prisons (a material, resource related factor) as contributing to the prisoners' sense of injustice (an ideological phenomenon). Indeed, it is only the orthodox account which does not share this interactive approach to any extent, even implicitly, because its positivistic nature leaves no room for ideology to play any part.

Any adequate explanation of the penal crisis must recognise this vital interaction between material conditions and ideology. Governments, Home Office, penologists, practitioners and prisoners all have to contend with the combination of material and ideological circumstances in which they find themselves, and their responses in turn alter the circumstances in ways both foreseen and unexpected. This leads to new circumstances which will demand new responses. Responses to the crisis will not necessarily ameliorate it: constraints (perhaps particularly those imposed by "law and order ideology") may ensure that the responses are ineffective or even counter-productive - as could ultimately prove to be the case with some of the package of measures contained in the Criminal Justice Act 1991.

A Radical Pluralist Account

If we reject the positivism of the orthodox account and seek instead an explanation of the penal crisis which emphasises the interaction between material and ideological factors, what kind of explanation might this be? Is there any more general theoretical framework within which our explanation of the crisis could usefully be located? I wish to suggest that there is.

David Garland's excellent book *Punishment and Modern Society* (1990) essentially calls for a negotiated truce between what have been seen as competing paradigms of penal explanation. He favours a multi-dimensional account of punishment which synthesises the contributions to penal thought of the Durkheimian, Marxist, Foucauldian and Weberian traditions in sociology. Rightly, he denies that such a synthesis must amount to an unsoundly promiscuous "eclecticism". On the contrary, reductionist accounts which obsessively stress (for instance) the purity of their Marxism inevitably oversimplify the multi-faceted social phenomenon of punishment. For example, whereas Foucault stresses the rational nature of punishments as strategies for

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exercising power, Durkheim explores the non-rational side of punishment as an expression of collective sentiments. Both types of analysis (and others) must be combined if we are to achieve a rounded understanding of penal phenomena.

So far, so compelling. But this only does take us so far. Garland avoids any attempt to link the sociology of punishment to any wider theory about the nature of society. This avoidance is combined with his explicit rejection of the project of constructing a "general theory" in a rather different sense, namely a model of all the interacting forces which affect the penal realm "which specified the precise pattern of their interaction, identified regular causal sequences, and revealed principles of determination and structuration which are reasonably constant over time". Such models, Garland notes "are a legacy of the nineteenth-century scientism which viewed society as a closed, mechanical system, and left little room for agency, contingency, and accident in the historical process. In contemporary thought these global theories and rigid models have been giving way to more openended, pragmatic theorising which seeks to interpret the varieties of social and historical experience rather than search for iron laws and structural necessities" (p 284).

But one can eschew the kind of totalisation and positivistic anti-humanism which Garland rightly deplores without necessarily abandoning the search for a wider vision of how society works and how punishment fits into that picture. Perhaps a certain type of "general theory" - or "theoretical framework", if a looser term is preferred - is not only compatible with a synthesis of the kind Garland advocates, but capable of enriching it by supplementing it with an understanding of the wider social processes which impinge on punishment. The theoretical framework I would suggest is what I shall call "*radical pluralism*", since it represents a compromise between Marxism and the pluralist tradition in sociology.

Pluralism holds that, at least in modern Western democracies, power is not monopolised by a single ruling class but is distributed between a plurality of interest groups. Politics is a process of competition, bargaining and compromise between the different interest groups in which the state plays the role of "honest broker". This vision of society contrasts with that of Marxism, which sees power in capitalist society as concentrated in the hands of the ruling class, and society as primarily divided into two great opposing classes rather than a motley of interacting interest groups. Similarly, the state for Marxists is by no means neutral and independent, but is in the words of Marx and Engels "but a committee for managing the common affairs of the whole bourgeoisie".

Neither traditional Marxism nor conventional pluralism are adequate to explain either society as a whole or the penal realm. Marxism's main flaw is its insistence on economics and the economic category of class as the one fundamental explanatory factor. This has meant, for example, that despite some valiant efforts Marxism has been unable to deal with other differences without reducing them to a mere aspect of class oppression and class struggle. A penology which adopted this approach would be unable adequately to account for the often very different experiences of women and black people within the penal system.

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Conventional pluralism, while unembarrassed by the existence of a plurality of important social divisions, has its own flaws, chiefly its "honest broker" conception of the state. For the state is by no means fully independent and impartial of all groups and classes in society. (The Marxist phrase "relative autonomy" is not perhaps a bad description.) For one thing, the personnel of the state are members of some of these interest groups themselves, and the more powerful state personnel will tend to be members of or sympathetic to - or sharing the ideology of - the more powerful and entrenched classes and groups. Again, as all viewers of the television programme "Yes, Minister" are aware, the state bureaucracies and their members have their own organisational and personal interests to pursue which are often at variance with those of their supposed political masters, which in turn are not invariably identical with those of the electorate or of any coalition of interest groups. (In the penal field, this analysis might be applied to the Home Office, whose agenda of pragmatic and managerial responses to the crisis has often been effectively pursued despite its lack of consonance with the ideology and rhetoric of the party of government.)

The chasm between the pluralist and Marxist views has been narrowing encouragingly in recent years (McLennan, 1989). Marxists have discovered the state to be relatively autonomous and classes to be composed of "class fractions" which seem to interact in a manner curiously reminiscent of the pluralist account. The humanistic Gramscian Marxism of an E P Thompson or a Stuart Hall approaches even closer to pluralism. And, on the other side recent pluralist work has accepted that class division and class competition is a pervasive feature of modern society. A radical pluralism could build on the common ground emerging between these two traditions.

Any such theory must, in Garland's words, leave room for "agency, contingency, and accident in the historical process". In other words it must not be positivistic but humanistic, accepting - as Marx put it - that human beings "make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by themselves". These constraining circumstances include the economic, political, cultural and ideological factors which shape our social world, but none of these are basic in the way that Marxism claims economics to be ultimately determining. The economic situation may set limits on what is socially possible, but (as Weber for one insisted) this is equally true of the prevailing ideological situation. Economics and ideology are thus both "determining" in a weak sense, and they interact with each other (and with the political realm), but neither make a single future inevitable. Thus radical pluralism can be open ended in two desirable ways. Firstly, it allows for a variety of factors to enter the equation without having to be reduced to functions of one "basic" factor. This leaves space for the theory to incorporate elements of the Weberian, Durkheimian and Foucauldian streams of sociology and penology. Secondly, it leaves the future open.

This framework allows us to theorise the current penal crisis in a way which synthesises the insights of Woolf, Fitzgerald and Sim, Bottoms and Hall. Material factors (such as the shortage of penal resources) interact with ideological developments (such as "law

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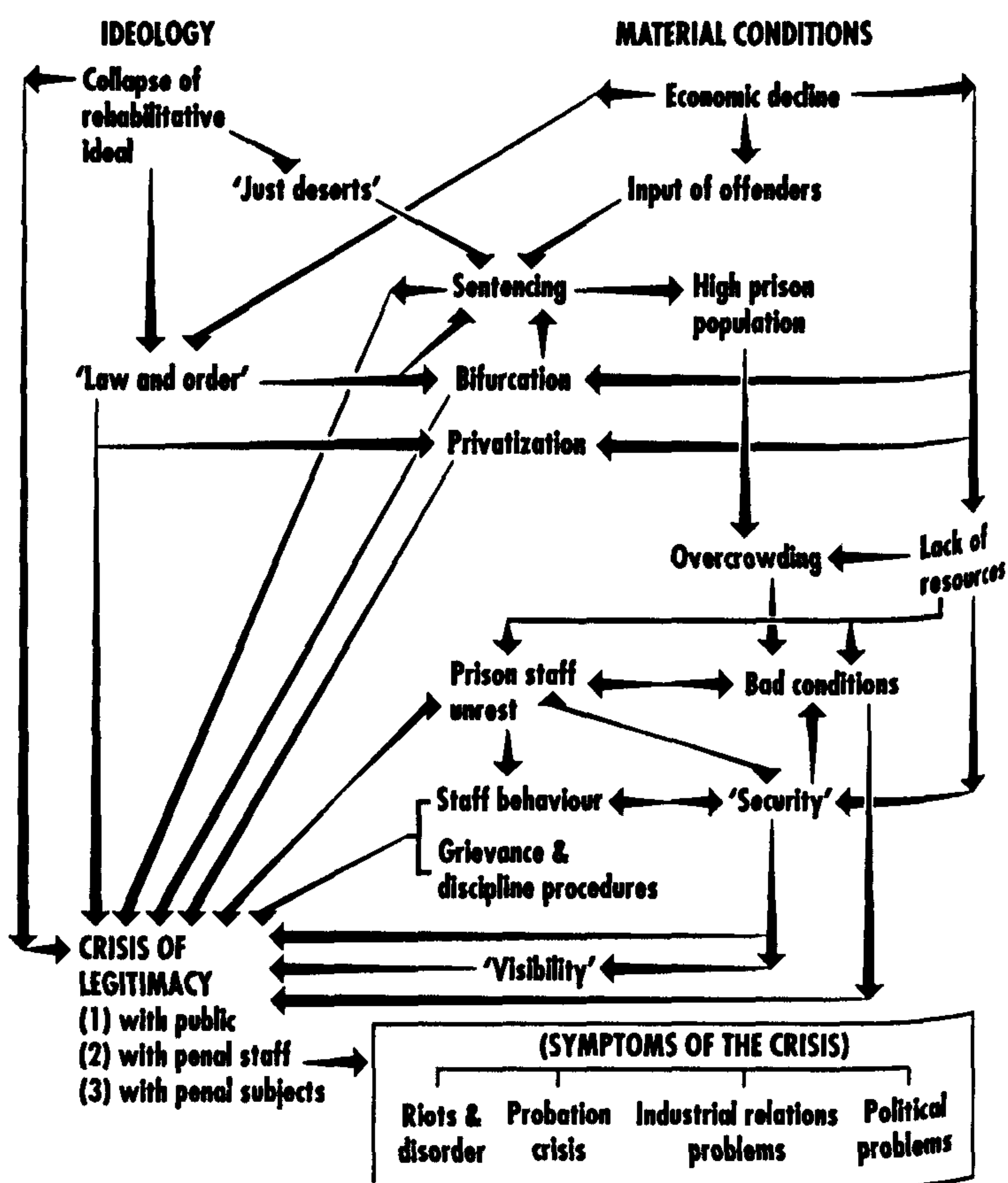
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and order ideology" and the "crisis of legitimacy") in a complex and sometimes unpredictable manner. Figure 2, though complicated, is a simplified representation of just some of the processes involved in the crisis. An arrow in the diagram means that one factor affects (often this means "exacerbates") another in the direction shown.

A few points are worth stressing about this kind of account. Firstly, although it is structured around the notion that the crisis has both a material and an ideological aspect, certain features of the situation, for example bifurcation, cannot be neatly placed on one side or the other of the (ultimately artificial) material/ ideological divide since they are both ideologies and material practices at the same time.

Figure 2: A radical pluralist account of the penal crisis



Secondly, as Figure 2 shows, there is a single unifying feature of the crisis into which all the exacerbating elements flow and from which all the symptoms of the crisis proceed. This key factor is the "crisis of legitimacy" - ignored by the orthodox account, but rightly identified as crucial by Fitzgerald and Sim and (using other words) by Bottoms and Woolf. Riots, staff unrest, the malaise in the probation service and the political problems caused to governments by the penal system are not the *direct* result of a high prison population or a lack of money or of decent prison stock (although these do contribute to the crisis) but result from what people believe and how they feel - from the *moral reactions* of people within and outside the penal system to the material situation. (In sociological language, the effects of the objective material conditions are "mediated" through the subjective perceptions of human actors which are structured by ideology.)

The crisis of legitimacy is at least threefold. The penal system needs to legitimate itself with three groups of people: the public (including politicians, commentators, etc), penal staff (including prison staff and probation officers) and with penal subjects (prisoners, probationers and others who are subject to penal treatment). Failing to satisfy the sense of justice of these different audiences leads to the alarming visible "symptoms" of the crisis: political problems, industrial relations problems, malaise among prison and probation staff and disorder amongst prisoners.

Finally, it must again be stressed that this is a humanistic account. The arrows in Figure 2 are not meant to imply that

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human actions and beliefs are mechanistically determined. For example, bifurcation is a policy which has been *occasioned* and *encouraged* by the conjunction of overcrowding and lack of resources in an ideological atmosphere of "law and order" and legitimacy crisis, but it was not inevitable: policy-makers could have decided to do something else instead. Nor was "law and order ideology" an inevitable result of economic decline and/or the collapse of the rehabilitative ideal; it has been actively promulgated and adopted by people who see it as a rational response to the situations they find themselves in. This vital human element makes the study of the penal system a complex and often uncertain business, as this kind of account recognises. In the final section I shall discuss whether this element of uncertainty amounts to a fatal flaw or a saving virtue.

The Value and Limits of Radical Pluralism

A possible response to this article so far might run as follows: Let us accept, for the sake of argument, that radical pluralism can provide a reasonably accurate account of the way society works, including penal developments. Doubtless that is very pleasant for academic observers, giving them a warm feeling of understanding what they can watch going on. But what use is it? Is not the account incapable of generating accurate predictions about the future, because it leaves so much open and depending on the vagaries of human agency? Does it tell us anything we didn't already know by using our common sense? Can it provide us with prescriptions, telling us how we should respond to the crisis? Does explaining the crisis in this manner have any "cash value"?

It must be admitted straightaway that the account's virtues are limited, and to some extent negative. Let us start with some negative virtues. No humanistic account can provide watertight social predictions, but this is at least better than misleading by making confidently false ones. Nor does the account mislead by leaving out important factors ignored by some other accounts. For example, we have seen that the orthodox account goes astray by not taking prisoners' sense of injustice sufficiently seriously. This leads it to generate prescriptions for action which are likely to be ineffective or even counter-productive, by for example introducing tighter "security" measures which increase prisoners' grievances, a consequence which the radical pluralist account could help us to predict.

This illustrates a more positive point. The radical pluralist account *does* generate predictions and prescriptions, albeit without providing a detailed map of the future. For example, if it is right to place a central importance on the crisis of legitimacy, it follows that the penal crisis is unlikely to be solved without a sincere and determined attempt to raise the moral credibility of the penal system, which can hardly succeed unless the system actually becomes significantly more just. Prescriptively, therefore, the radical pluralist account finds itself largely in accord with Woolf's package of recommendations. Predictively, however, the resource implications of these recommendations (a material factor which Woolf does not address) make it unlikely that they can be achieved without a more radical attack on the "numbers crisis", which would require a much more dramatic ideological shift on the part of government than seems immediately probable in a climate still

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heavily affected by law and order ideology. In short, the radical pluralist account implies that the government needs to take more drastic steps to reduce the prison population, but that it probably won't unless and until it is forced to. This may not be a particularly exciting conclusion, but nor is it an empty one. If true, it is useful to know.

This illustrates the validity of the observation that radical pluralism does not flagrantly contradict a liberal commonsense. But this is again at least a negative virtue if alternative accounts are actually inferior to commonsense understanding (which usually has the virtues of being humanistic and open-ended). It has been said that intellectuals tend to believe either that they can change everything or that no one can ever change anything. Radical pluralism and commonsense are in agreement in rejecting these two absurd extremes. There can be different responses to the penal crisis, because it is people who make these responses. Positive penal reform is possible, and people's efforts can make a real difference, despite the problems caused by adverse material circumstances and powerful ruling ideologies. People's minds can be changed about punishment, and as a result people can decide to change the way we employ material resources in the penal realm. But no theory can turn this into an easy task.

Footnotes

This article is based on 'Theorising the Penal Crisis', a paper presented at the British Criminology Conference, University of York, 26 July 1991. An expanded version of the arguments contained in this article is to be found in Cavadino and Dignan (1992), chs 1 and 3.

1 Dr Roger Hood has made the interesting suggestion that the institution of imprisonment contains inherent tensions which give rise to regularly recurring crises. I am indebted to Dr Hood for this suggestion.

2 I have here stressed the positivistic aspects of the Hennessy report. It also contains some elements of a more humanistic account (referring at times to inmates' grievances and frustrations), but these are not integrated into the modified orthodox account which is Hennessy's predominant explanatory framework.

3 There is some evidence that previous bifurcatory developments within the parole system played a part in the grievances which led to serious prison riots in Scotland in 1986 and 1987 (Scruton et al., 1991: 25, 1035).

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Interview

David Wilson: Thank you, on behalf of the Prison Service Journal, for agreeing to speak to me today. You must be getting rather excited about the place opening on April 6th.

Jim Harrower: Yes, in ten days time.

DW: I wondered why Group 4 was interested in running a remand facility?

JH: Well, first of all, can I start with a bit about Group 4 prior to running a remand centre, as it is relevant?

DW: Sure.

JH: The culture in Group 4 has always been a caring culture, a people culture. You see the only product that we've got is people. So we sell people's time, and in selling people's time we've got to meet every customer's requirements. And in meeting every customer's requirements we've got to train well. To train well we've got to select well, we've got to vet well, and so our business is built up. We've got 30,000 people employed by Group 4 Worldwide, and excess of 7,000 in the UK. So that was our business prior to privatization of prisons. So our culture is one of quality management. That's enough of that now. Some three years ago, we were asked by the Home Office if we'd take part in a study. We agreed - at no cost - to look at the feasibility of privately run prisons. We, Securicor, Racal Chubb, took part in that study, so the Home Office picked security companies with a reasonable reputation. Reasonable - the best security companies were involved in that study. So in

our studies we came up with various business ideas, but more important than business, it fitted in with our culture - which is why I started with our philosophy - the business was about people, about quality.

DW: Well, what you are indicating is that interest would not be a "one-off", as presumably that culture would be interested in running further private remand facilities, if that was an option which was open to you.

JH: No question. We came into this business, and part of our submission, was that the development of this idea was no cheap way forward as far as Group 4 was concerned, and the best way forward for us is to have a programme running with at least three centres within two or three years time.

DW: So whilst not now, as you have pointed out that what you are doing is costly, but perhaps in two or three years' time if you got more private facilities, your people culture notwithstanding, what you will be trying to do is to make a profit.

JH: It wasn't the prime consideration, but I'll come back to profit as it is extremely important - especially when you employ 30,000. When you keep 30,000 people in employment. It was more important to us if there was a business opportunity to generate another core business. Our core businesses - guarding, cash in transit, the systems and expertise of total security - are different from this business, and this has therefore allowed us to develop. This is not a security guard business: they're not paid the same; they're not trained the same; the selection is different; the vetting has a Home Office inspection; but the important part was to

create another business. This allows us to create career development for our guards. We want people to advance, and ultimately to work for people like Steve Twinn, if they've got the right qualities. We are creating a career path for our people.

DW: You were going to come back to motive.

JH: *Eh, I think I'd repeat what I said before. My prime responsibilities is to keep my employees in full-time employment, I can't do it without making a profit. I can't hide from that fact, and I don't think that there is anything morally wrong in making a profit. We give value for money, and the service that the customer asks for.*

DW: Presumably the customer is the prisoner?

JH: *I was more thinking, no, I hadn't thought of it like that. I'll tell you what I think and then we can develop that, as it's interesting. My customer is the Home Office, to whom we have a contractual obligation, and we must meet those obligations in full. In meeting those contractual obligations in full, I'm certain - oh I'm frightened people will quote me wrongly - I'm certain we'll look after the remand prisoners well.*

DW: I'll just transcribe exactly what you say. But I have been reading the various things that have been claimed for The Wolds that there was a philosophy that the prisoner was your customer..

..interruption by Steve Twinn

ST: *Would you like me, Jim, to expand on this?*

JH: *Yes, go ahead.*

ST: *What was very important to us, in drawing up the detailed procedures*

in the running of The Wolds, was giving the customer what he wants. Now we have to work out in a practical sense who our customer is. We have three sets of customers: we've got the public, with whom we have a relationship via the Home Office, in the sense that the Home Office works for the government, and the government works for the People, so the public has a right to expect us to be cost-efficient, safe, and so forth, which is one set of customer requirements; our other direct customer is the Courts, and we have a clear requirement to put prisoners in the right place, at the right time, in the right frame of mind, with the right belongings, having had sufficient access to advisors so that the courts can transact its business; the third set of customers - not in a contractual sense, not in a commercial sense - are prisoners, as they are direct consumers of our services. So in that sense only we have identified prisoners as customers, who have specific requirements, and entitlements. Woolf talks about this compact; about making a clear statement of what prisoners will get, and ensuring that they will get it.

DW: Well, thanks for those qualifications. I won't let Woolf get all the credit, especially given Jim, and my nationality, as I think it was an idea Woolf got from the Scottish Prison Service.

JH: *Now how did you know that I was Scottish!*

DW: Probably in the same way that you guessed that I was. We've been mentioning contracts, and even though I understand that there has to be some element of confidentiality between customers, I wondered if you could tell me how long your contract with the Home Office lasts for?

JH: *I've no problem with that, it's 5 years.*

DW: Will that contract be affected if there is a change in government?

JH: *No.*

DW: Barry Shearman, whom I interviewed last month for the Prison Service Journal, said that if Labour came to power they would bring The Wolds back into the national Prison Service.

JH: *Ehmm, I'll just give you a quote - I have lunch with Barry Shearman as well - that Roy Hattersley made. He said, "we will allow it to run its term". I think he said that in the papers.*

DW: Does that not imply that they'll perhaps allow your contract with them to run out, and not to renew it?

JH: *I am quoting him, and what was said, and I think fairly accurately.*

DW: But would you accept that privatization is part and parcel of the Conservatives political philosophy?

JH: *That's a difficult question. As far as I'm concerned no reasonable government would change anything that gives real value for money, and shows improvement.*

DW: Well I notice that Sir Norman Fowler - the former Conservative minister - is on your Board of Directors, and I searched in vain for a Labour Man.

JH: *What about Sir Peter Parker?*

DW: He's a Liberal.

JH: *Well he used to stand for the Labour Party, did he not?*

DW: Oh I think they all used to stand for the Labour Party in the 1940s.

JH: *Well I didn't.*

DW: Humberside is a very Labour orientated area, and indeed the three sitting MPs for Hull - including John Prescott - are all Labour men. Have they

welcomed a private prison in the area?

JH: *I find it as welcoming as I find Scotland, and they're all Labour up there.*

DW: How am I to interpret that?

JH: *I've experienced no difficulties...*

...interruption by Steve Twinn

ST: *In fact The Wolds is situated in a safe Conservative seat.*

DW: Oh you've always worked in safe Conservative areas haven't you?

ST: *I've worked where I was sent.*

DW: Jim in reading up for today I noticed many quotes by yourself about the lessons you've learned from the experience of privatization in the United States. What do you think we've got to learn from America?

JH: *I think mainly in design. You see we went there to learn. The Group 4 reputation has much to lose in running a prison if we don't know enough about it. So, when we decided to go this way we decided to look at the designs; to look at the experts in treatment; to hire who we decided to be the best in the land at each of the levels, and we are happy that we got Steven, and David, and Tessa - all experts.*

DW: But all from Littlehey.

JH: *It doesn't really matter - all from the Prison Service. The talent in the Prison Service is really very high. So we especially looked at designs We went to the Federal Bureau of Prisons, we went to the White House - Group 4 reputation gets you in there because of our background. We found a company that was rated number one in designs,*

and in treatment related programmes, and so we bought them.

DW: You sound like Victor Kiam! What was that company?

JH: *Carter Gobel International.*

DW: They operated for the Federal or State systems, did they?

JH: *Yes. Their people developed programmes for various facilities, such as Prince George's, which was a major one that we were at, and also others in Georgia and Tennessee, and a multi-storey drug treatment facility in Washington.*

DW: It doesn't surprise me that they designed for the Federal and State systems, as there are so few private facilities in America.

JH: *How many are there?*

DW: Less than one per cent.

JH: *I thought that it was five per cent, but I'll bow to your greater knowledge.*

DW: Does it worry you that of that 1 per cent - most are based in Florida, Texas, and the Old South - several have had to close in the last year as they didn't make a profit.

JH: *I don't know that for a fact. I'm delighted to see places close if they don't make standards.*

DW: No, this was about money - they didn't make a profit.

JH: *I can't comment because I don't know.*

DW: Can you help me about your company? I got friends I have in the City to send me all the details that they had on Group 4, but I got lost in a maze of companies, and subsidiary companies. At the end of the day - and I accept that this is a naive way of putting it -

all companies lead to a parent company. What is your parent company?

JH: *Group 4 Securitas International BV.*

DW: Now, is that the one that was set up in Sweden?

JH: *No, it is based in the Hague.*

DW: Well, based in the Hague, but weren't the roots in Sweden? I mean your managing director is Phillip-Sorensen, who is Swedish, isn't he?

JH: *Absolutely right, but the Swedish Company is 25 per cent owned by Group 4. But it is not a parent company, it is a holding company.*

DW: So are you wholly independent?

JH: *No, there is one parent company, which is Group 4 Securitas International.*

DW: And who is the managing director of that?

JH: *The Chairman is Phillip-Sorensen.*

DW: Who is on the Board of Directors for this company?

JH: *Yes.*

DW: You can see why I was asking for some kind of direction out of this maze.

JH: *Och, if you are half-clever you can get out of it.*

DW: I've never claimed to be half-clever. Are there any private prisons in Sweden? Isn't it wrong to have this Swedish company involved in the running of public policy in this country?

JH: *No it is not Swedish. Who can I think of that is Chairman of a big company who was not born in Britain.*

DW: It's not a question of where the Chairmen were born - it's about control of public policy in this country by a company which isn't British. Naively, to me, that sounds important.

JH: *We bought 25 per cent of the Swedish Company three years ago, maybe four years ago. There are no private prisons in Sweden.*

DW: Does that not strike you as odd, or interesting?

JH: *I haven't given it much thought as we don't trade in Sweden we have an agreement with Securicor...*

...interruption by Steve Twinn

ST: *The Swedes are coming over in September, to have a look at what we've done.*

JH: *Let's be clear, and let's be sure, Group 4 are not in any way associated with Securitas Sweden, other than that they have an interest in Securitas Sweden, as they have interests in other companies. Just to be clear.*

DW: Privatization was a fairly common thing in this country until the prisons were nationalised in 1878. In fact John Howard - our greatest prison reformer - used to find people in Bedford still incarcerated as they couldn't pay the fees of their gaolers. Now for a variety of reasons we no longer have privatization. Why do you think we now have this kind of experiment?

JH: *It is not wrong to look at other methods, if the other methods are going to bring out changes for the better. One of the questions I would be asking is why not do it with the existing regime. In other words why not do it within the Prison Service. I can't answer that question, other than to say that I know that Group 4 will meet its obligations, in a*

quality and humane way. We are not a company that is going to go out of business. We have a turnover of £180m, and this is not going to affect it that much. Our reputation is more important. You are going to have to ask the Home Office...

...interruption by Steve Twinn

ST: *Are you saying that there is anything wrong to go back to something that was tried in the past? There used to be a Prison Commission, and now I see that you are going to have Agency Status which will be much the same.*

DW: So you're advocating that people don't get released if they can't pay their fees, are you?!

JH: *Oh, you don't believe that do you? I had to smile about the Agency Status. We had Joe Pilling here, and he said he didn't know if he'd be in a job in a year's time, because of this Agency thing.*

DW: Group 4 must have been helped in getting the contract because they ran Harmondsworth?

JH: *Not particularly. It is a different contract. It has a different purpose. It is about immigration, and people coming and going very quickly. It has different kinds of people, with different salaries from the people who are running this prison. Totally different from this contract. Indeed that contract only lasts on a year to year basis; and there is a high turnover of people - immigrants - sometimes moving in and out in an afternoon.*

DW: I'm glad that you've said that, and emphasised the quality of staff that you want, as I have a quote from one Group 4 guard at Harmondsworth, who told a coroner's inquiry, into the death of Kimpua Nsimba last year, that the guards got no suicide

prevention training.

JH: *I don't have the intimate details of that contract, but we could soon look them up, but I don't think that contract includes such things as that, whereas these people here will have all the training that the prison officers go through.*

DW: I was impressed by all the checks that you are going to do on all your staff, but I was rather disappointed to see no black staff had been recruited. Do you have any intention...

...interruption by Steve Twinn

ST: *We are no longer allowed to go along the streets and pressgang people to apply for jobs. Not a single member of the ethnic minorities has applied to us for a job.*

DW: Have you been advertising in any black newspapers or magazines?

ST: *We put our advertisements in The Hull Daily Mail, as we were anxious to recruit people from the Hull area.*

DW: But, are you anxious to recruit ethnic minority people from the Hull area.

ST: *Anyone who reads The Hull Daily Mail.*

DW: But you might find that people from ethnic minorities in Hull do not read The Hull Daily Mail, or that if they do you might have to pitch your advertisement in a different way to attract this group of people, who would undoubtedly be of benefit to you.

ST: *We are interested in attracting people who live in this area.*

DW: But, you might have to pitch your advert in a different way...

ST: *I would not know how to do that if they don't read The Hull Daily Mail or The Yorkshire Post.*

JH: *We advertised once, and the decision to employ people from this area - which is a good decision as far as I'm concerned and the numbers we got were initially...*

ST: *Initially, 1,500, and now we have got over 3,000.*

DW: And what percentage of that 3,000 were from ethnic minorities?

ST: *Not a single one.*

DW: So your advert wasn't very good at reaching ethnic minorities. What positive steps are you taking to attract black people to work at The Wolds?..

...interruption by Steve Twinn

DW: Hang on, that shouldn't be a hard question.

ST: *I don't know who our advertisement is reaching, I only know who is responding.*

DW: But that is only one part of the equation...

ST: *What equation?*

DW: About determining how, and which people will respond, you know that.

ST: *The people have to be there to respond, and you might ask our Chairwoman of The Board of Visitors what steps she's taking to attract ethnic minority candidates...*

DW: ...But I'm not, I'm interviewing people from Group 4 who care about the quality and people who are going to work at The Wolds...

ST:... *She would tell you the same as I do that this is an area of the country where there are few ethnic minority people...*

DW: ...What in Hull!

JH: *I was just going to ask that...*

ST: ...One of the lowest in the country.

DW: I thought there were about five per cent ethnic minorities in Hull.

ST: I don't know the figures.

DW: Well what is the ethnic minority composition of England and Wales, as a percentage?

ST: About 12 per cent.

DW: Well it is actually three per cent. I think that answer tells me a lot.

JH: I hadn't given it a thought.

DW: Well I'm glad that I raised it.

JH: I would welcome ethnic minorities working for us. The most important thing for me is that I've hired the correct people, who are correctly trained. Providing we haven't been discriminating I don't have a difficulty.

DW: Without embarrassing him, why did you hire Steve Twinn, and so many - amongst your senior staff - ex-prison staff.

JH: Let me answer it in one way...

...interruption by Steve Twinn

JH:.. then you can come in Steve. As far as I'm concerned you must hire the best people to do the job. We therefore had to look for people who were doing that kind of work. The largest single employer of people doing that kind of work was the Prison Service. We interviewed many, very many people, from the Prison Service, and we chose well in choosing him.

ST: What do you mean so many prison staff?

DW: Well there's yourself, the

Head of Custody, and I believe that the ex-Education Officer at Littlehey is now Head of Inmate Activities.

ST: Well she's not Prison Service, she was paid by the Local Education Authority.

DW: Well it is the Home Office who pays the money to the LEA, but that sounds very...

ST:...Do you know the figure?

DW:...no, tell me Steve.

ST: five out of 160.

DW: But you've only got 60 staff at the moment.

ST: We have now identified all our future recruits.

DW: And how many of them are black?

ST: None.

DW: Just a technical point to end on. One of the fears that any prison has is for when things go wrong. What sort of Contingency Planning have you got, given that I suspect you will not be part of Prison Service arrangements

ST: I have plans for all the normal contingencies, like every other prison. These will be plans that you are entirely familiar with.

DW: But you won't be grouped with other prisons.

ST: No. As you know, the POA have said that they will not assist, and we have made plans - as do other prisons accordingly.

DW: Well thank you for agreeing to see me, and I hope that you don't have to use those plans.

HMP GRENDON:

A maverick prison⁽¹⁾

Dr. David Wilson, MA, PhD,
Governor 4
HMP Grendon.

This paper was originally given as a talk to a group of magistrates at Madingley Hall, Cambridge, on Saturday 17 November 1990. It was later published by the Journal of Forensic Psychiatry.

The testing of the efficacy of a therapeutic community model within a penal environment is one which deserves serious consideration. At a time of a massive prison building programme the reality of the Strangeways riot, and the seemingly never-ending 23 hours a day "bang-up" inside, there has to be radical re-thinking about what our prisons can do, and what can be expected of our prison staff. The history and philosophical development of the ideological themes of the therapeutic community, from the Northfields experiment to the present day, is beyond the scope of this paper. However, the application of those themes at HMP Grendon can surely be used as an indication of what is possible not only with a client group of offenders, but also of what happens when an entire prison, as opposed to a wing of a prison or a single unit, harnesses those themes into a positive working regime. This has significance both in terms of how to judge Grendon's "success", and in its potential for replication elsewhere.

In the beginning

HMP Grendon opened in 1963, the same year that the birch and flogging were abolished in our prisons, and just two years prior to the abolition of capital punishment. This background is significant, suggesting something of the growing social change being experienced by the country, in a period which also saw homosexuality legalised, the Open University founded, an Equal Pay Act established, and the implementation of race relations legislation. Old beliefs were being challenged, and there was an air of optimism and progress.⁽²⁾ Dr W J Gray, the first Governor and Medical Superintendent of Grendon, caught something of this atmosphere when he wrote that Grendon was "an unique establishment ... attempt[ing] for the first time, in an English prison, a therapeutic approach to the psychiatric treatment of non-psychotic

recidivist offenders with moderate to severe personality disorders".⁽³⁾ From the outset the Grendon regime contained the four basic elements of the classic therapeutic community: a democratic exercise of power over the administrative and therapeutic life of the prison; permissiveness in relation to previous, or ongoing behaviours, thus allowing those behaviours to be acknowledged or worked through; confrontation and presentation of those behaviours so as to reveal how they affect others within the prison; and communalism, in the establishment of close, inter-active relationships.

The regime

A simple description of the regime within the prison will reveal glaring differences between life at Grendon, and that of any other Category B establishment.⁽⁴⁾ Staff and inmates are on first name terms, and their daily work revolves around groups. Inmates are unlocked at 0745 in the morning, and remain unlocked until 2100 at night. Each wing houses 40 inmates, and each inmate is assigned to a group of seven other prisoners. That group is led by a member of staff who might be a prison officer, a psychiatrist, a psychologist, or sometimes someone from the probation or education departments. Each group has a broad mix of offenders so as to ensure that armed robbers mix with sex offenders, that arsonists mix with murderers, or that burglars mix with paedophiles. The traditional "nick hierarchy" which sees notorious armed robbers ["blaggers"] and murderers at the top, and sex offenders ["nonces"] at the bottom, subject to the constant threat of abuse, necessitating their segregation from the rest of the prison on Rule 43, is totally absent. The strict "no violence" rule initiated, and upheld by the prisoners themselves has facilitated this communalism, and stands in stark contrast to the attacks on sex offenders which initiated the

Strangeways riot. What is shared in these small groups of eight prisoners is fed back into the wing group, when all 40 inmates, and as many staff as possible come together to share what has been discussed. There are no secrets at Grendon, or as Dr Gray put it, no "Prisoners Code", and many inmates find this hard to accept, often describing their time at Grendon as the hardest "bird" they have had to do.^[5]

True democracy

Inmates on therapy wings, and to an extent on the assessment unit, develop and maintain their own prohibitive rules relating to violence, sexual relations and drug taking, and those who transgress against these rules are "voted out" of therapy by the wing communities and returned to their sending establishment, known universally at Grendon as "the system". There is no punishment or segregation block, and some measure of the motivation to abide by these rules can be gauged by the fact that Grendon has had the lowest number of offences recorded against prison discipline for several years. This is no small achievement, especially given the fact that the vast majority of inmates come to Grendon because of their violent, offending behaviour. Since its origin there has been only one escape, one major hostage incident, but no riots or roof-top demonstrations. Inmates vote for a wing "Chairman" or "Cabinet", food and television "reps", as well as electing members of various administrative committees within the prison. Assaults on staff are rare. "Socials", to which members of the public are invited, are held regularly, and in the past few months the staff and inmates have hosted a joint conference with the Howard League for Penal Reform, and have made a powerful submission to Lord Justice Woolf's inquiry into the latest prison disturbances. Such was the force of their submission that Lord Justice Woolf himself visited the prison in October 1990, meeting a joint group of staff and inmates. There can be little doubt that all this would be vastly different from what he saw in other prisons, and was especially impressive given that Grendon had had to close down from December 1989 until the summer of 1990 to facilitate electrical repairs. However Grendon is popularly judged in relation to its effects on reconviction rates, rather than the quality of the regime it provides for inmates, for job satisfaction it gives to staff, and here the evidence is more ambiguous.

Monitoring success

The first major study on the effectiveness of the Grendon regime was published in 1978 by Gunn, Robertson, Dell and Way.^[6] In a comprehensive report they examined every aspect of life at Grendon, in the hope that "the study ... will help prison authorities in any country to evaluate the place and purpose of voluntary therapeutic communities within a penal system". In this respect they have been frustrated. However, of note, was their research into the type of prisoner who came to Grendon, and their conclusion that it did not receive "good" cases. Instead they found that Grendon received a young population, with an average age of 27, heavily convicted prior to their current sentence, with offences of theft predominating. Of their present offence the study found that 65% of their sample had been imprisoned for property offences, and 24% for violence, of which 7% were sex offenders. The authors found it impossible to construct a proper control group to compare reconviction rates of ex-Grendon inmates with inmates released from other prisons, due to a combination of pre-sentence variables, the fact that prisoners are specially selected for Grendon, see themselves as "psychiatric cases" and are highly motivated to treatment. Thus to have established a proper control group they would have had to construct a system whereby a pool of those inmates who would have been suitable for the Grendon regime would have been randomly allocated either to Grendon, or to another, non-therapeutic prison. This, they decided, would have been unethical and thus their conclusion that they found no significant re-conviction rates between the ex-Grendon inmates, and those in the control group "cannot be properly interpreted".^[7]

A 10-year follow-up study by Gunn and Robertson to their original work in the British Journal of Psychiatry, came to much the same conclusion. In short, that re-conviction rates are an unsatisfactory test of the efficacy of Grendon, and that Grendon can best be seen as a catalyst, giving men who want to change "the opportunity of spending their time in prison constructively".^[8] Since then there has been one further investigation into the work of Grendon by Elaine Genders and Elaine Player, of The Centre for Criminological Research at Oxford University, but as yet their findings are unpublished. However, their

preliminary report suggests that Grendon has begun to take a significantly different population from that of the 1978 study, with older, and more violent offenders predominating.^[9] Indeed in preparing a briefing for the recent visit of the Home Secretary to the establishment, it was discovered that just under 3% of the prison population were sex offenders, and that rape was the most common offence. However as the Genders and Player study is concerned with Grendon's therapeutic method, and does not intend to look at re-conviction statistics, it will again be impossible to draw firm conclusions on this particular problem.

Overcoming threats

An inability to resolve the importance of this issue of recidivism by ex-Grendon inmates has sometimes led to a feeling of pressure within the prison, both real and imagined, to abandon the ideals of the therapeutic community, and instead become a "real" prison. Ironically these pressures have been exacerbated by the new officer attendance systems, introduced under a comprehensive package known as "Fresh Start". This package heralded a major recruitment drive, and an end to the massive amounts of overtime being worked by prison officers, and instead gave them a fixed and predictable shift cycle, and a modern salary. All this had an adverse, and unforeseen consequence at Grendon, where officers who had previously been working an average of 60 hours per week, now all work just over 40. This has meant a loss of continuity of staff cover on groups, and thus a lessening of knowledge about what is happening within the community. Similarly, the imposition of a Rule 43 Unit onto the prison's G wing in 1987 meant that "the system" did finally come to Grendon.^[10] However by early 1989 this unit had been transformed into a specialist sex offender treatment programme, and has since been incorporated into the running of the prison.^[11] Indeed G wing serves as a powerful example of the prison's ability to adapt to the needs of the service as a whole, and the extent to which a positive regime is able to develop in different directions. Never was this more in evidence than during Grendon's enforced exile from December 1989 until August 1990.

On December 21 1989 Michael Selby, the prison's first non-medical governor, was given just 48 hours in which to evacuate the

prisoners, and close the prison, so as to facilitate immediate and essential electrical repairs. This information was given first to the staff group, and then to the inter-wing committee. Thereafter each wing was advised of what was happening in community meetings, which were characterised by great anxiety and tension. Many inmates were in tears, frightened that this would mean a return to "the system" and fearful that Grendon would never again re-open. Yet when the prisoners were moved only hours later, there was not one incident of violence or vandalism, not one black eye or broken window. The moves, first to The Mount, and thereafter to Wellingborough caused a certain amount of unhelpful media hype, and a police motorcycle escort accompanied the coaches through the gates of both host jails. Nonetheless therapy continued in each prison, often in difficult circumstances, with small group, wing and community meetings being held in cells, shower areas, and TV lounges, and with staff being bussed to and from Grendon, often adding 3 hours or more to their working day. All this continued for some months, during which time there was a riot at Strangeways, and further disturbances at HMPs Bristol, Dartmoor, and Pucklechurch.

Exporting and replicating

At present Grendon has a waiting list of 240. This gives some indication of the need for the services that it offers beyond the prison's present capacity, and this figure does not include either women or young offenders. The decision on a second "Grendon" is one to be taken at ministerial level, but one which would find ready support from parliament's upper chamber. At a recent debate in the House of Lords concerning the Government White Paper, 'Crime, Justice and Protecting the Public', several members commented on the need to expand the kind of facilities which Grendon offers. Baroness Seear, for example, advised the government to "pursue the possibility of having more prisons like Grendon in other parts of the country".^[12] In doing so she was echoing the words of Earl Howe, and Lord Donaldson of Kingsbridge. There are some indications that there may be developments in this direction, and it is perhaps significant that two former Deputy Governors of Grendon have been appointed as Governors of the new prisons at Bicester [Bullington] and Doncaster Moorland. Nonetheless much of the Grendon regime

could be replicated in other prisons, either on whole wings or single units. The success of the Barlinnie Special Unit, and the Annexe at Wormwood Scrubs is indicative of how this might be achieved. What is required is not greater resources, better buildings, or even more training - no matter how valuable these might be - but a change in attitude. The greatest difference between Grendon and many other prisons is quite simple: the motivation that inmates have to change their criminal behaviour, and a regime which facilitates as opposed to frustrates that process; and the respect that staff have for the prisoners as individuals. This difference is the "success" of Grendon.

Hope for the future

That Grendon "works" on this level is beyond question. It provides a rewarding regime of activity and purpose for inmates, which in turn significantly alters their behaviour during their time in prison - no small achievement - if not necessarily after release. This should not be seen as damning as is usually implied, for no prison guarantees that its inmates will return to the community to lead law-abiding lives. Prison, after all, usually means stigmatization, and suggests likely failure. Nonetheless the Grendon regime offers clues to the direction in which we have to travel to make the experience of imprisonment something which is both positive and humane, and suggests one method of stopping the cycle of riots and demonstrations

Footnotes

1. The quote is taken from a description of Grendon in *The Times*, 15 November 1990.

2. See, for example, Clive Ponting, *Breach of Promise: Labour in Power, 1964-1970* [Penguin Books, 1990].

3. See WJ Gray, "The English Prison Medical Service: Its Historical Background and more Recent Development," in *Medical Care of Prisoners and Detainees* [Elsevier, North Holland, 1973], pps. 129-138.

4. As a result of the Mountbatten Report [1966], prisons are divided into four security categories: A; B; C; and D. A Category 'A' prisoner is someone whose escape would be highly dangerous to the public or the police, or to the security of the state, and who as a

consequence must be kept in maximum security conditions. A Category 'B' prisoner is one for whom the very highest conditions of security are not necessary, but for whom escape must be made very difficult. Category 'C' prisoners cannot be trusted in open conditions, but are not regarded as having the necessary ability or resources to make a determined escape bid, and Category 'D' refers to those prisoners who can be reasonably trusted to serve their sentences in open conditions.

5. Gray, *op cit*, p. 131

6. John Gunn, Graham Robertson, Susanne Dell, Cynthia Way, *Psychiatric Aspects of Imprisonment* [Academic Press, 1978]

7. *Ibid*, especially pps. 74-101, 205-208, 253-254.

8. Graham Robertson, John Gunn, "A ten-year follow-up of men discharged from Grendon prison," *British Journal of Psychiatry*, 151, pps. 674-678.

9. These remarks are based on notes taken at a talk given by Genders and Player about their research at All Souls College, Oxford, 19 May 1989.

10. Under Prison Rules [1964] Governors have the power to place a man in solitary confinement either for the maintenance of good order and discipline (used mainly against men suspected of bullying others), or similarly at the prisoner's own request, as the prisoner is afraid, because of the nature of his offence, that he may be attacked by others. This is commonly known as "Rule 43 Own Protection".

11. An account of G Wing's change in regime can be found in the *Prison Service Journal* [Issue No 81] by Jim Gomersall, the Principal Officer on the unit.

12. Quote taken from the published report of the debate in the House of Lords on sentencing policy, dated 8 November 1990.

HE ARA HOU "A NEW DIRECTION"

Individual inmate prison sentence planning and delivery in New Zealand.

The New Zealand Department of Justice has in HE ARA HOU- 'A New Direction' conceived a determined and ambitious programme, aimed at bringing about change to a prison system in need of an overhaul, with the intention of utilising resources effectively so as to better deliver humane containment and to assist inmates with individual social reintegration.

Ray Doughty is governor of HMP Preston and this is his account of a New Zealand initiative which he came across during a Winston Churchill Memorial Trust travelling fellowship.

Introduction

I was fortunate enough to be granted a Winston Churchill Memorial Trust travelling fellowship to visit New Zealand. The main purpose of the Fellowship project carried out between late January and the end of March 1991, was achieved in that I was able to form an impression of individual inmate prison sentence planning and delivery in the New Zealand Prison Service. I gained an understanding of the treatment programmes in use and talked to staff and inmates about their perception of what took place. Additionally, I was privy to the progress of a major change to the structure and organisation of the 'Penal Division' within the Department of Justice. I also came into contact with the Probation and Psychology Services and had a 'taste' of staff training. At the same time I was able to share some of the developments within our Prison Service.

I visited the Head Office, the Training College, 14 prison establishments, two Probation offices and two Psychology units. The range of institutions visited gave me a broad look into the way individual inmates were assessed and allocated to treatment/training and work programmes, with a view to preparation for life after release. The spread of experience covered a maximum security prison, a new establishment, medium and low security institutions and two female locations. I visited the oldest prison, a regional training

institution and experimental sex offender treatment unit. I was able to see how the Probation and Psychological Services dovetailed into the Corrections system. My approach was one of talking to staff and inmates to gain a first hand view on given topics; to attend case management meetings; to read up on the treatment/training facilities available and to write key notes as proceeded. It is a personal impression.

Background

The 'Corrections Group' consisting of the Penal, Probation and Psychological Divisions, sits in a Department of Justice covering a wide sphere of social justice and administration. I was reassuringly surprised to find a compact Penal Division Head Office set-up, occupying a couple of floors in a building shared with other Governmental and Ministry of Justice Departments. The slender organisation reflects a much smaller prison system than ours, having 25 establishments holding about 4,000 inmates. It has parallels with our own experience of structural change.

Statistics indicate that New Zealand has one of the highest rates of imprisonment in the western world and yet offending rates are not substantially higher than elsewhere. New Zealand also has one of the highest rates of community based sentences. Despite this, the numbers being sentenced to custody has increased throughout the latter part of the 1980s (see chart 1 below).

Indeed, chart 2 illustrates the dramatic growth in the whole correction system over the same period.

Case management

Case Management is the term used in New Zealand to describe "the planned co-ordination of all programmes and services to meet the individual needs of inmates in prison and to prepare them for their successful reintegration into the community. It is a continuous process aimed at providing assistance whilst in prison as well as on parole". It is intended that case management will lead to a greater range of programmes being available in prisons. It would not necessarily end an discharge. Inmates will be encouraged to continue relevant programmes in the community on their release.

At the time of my project a national policy document on "case management" was awaiting completion and promulgation. In the ensuing operational vacuum uncertainty had resulted in tentative re-organisation within the prisons I visited. Furthermore, the position of Programme Manager, a necessary first step to bring in the programmes, had not been clarified or filled in any of the prisons. This tended to create frustration for those charged with delivery of the programmes and services already established. Given the rapid pace of change it is almost inevitable that the case management aspect would take time to fall into place. This is particularly so when one considers that inmate treatment and training facilities, including needs assessment and pre-release preparation, were already a feature in some of the prisons.

In many ways operating the custodial system in New Zealand is similar to England. However, the significantly smaller prisoner population and staffing numbers (the Penal Division employs about 2,100 full-time equivalent staff, the majority being prison officer grades, Probation employs around

700 and Psychology 50 staff) despite a broad geographical spread, permits a more closely related operation than that of our Service. The communication advantages of a smaller organisation with a lower prison population, facilitated information gathering and decision making. It also allowed for personal knowledge between staff across the institutions, in particular with senior staff.

A large Maori (40%) and South Pacific Islander (8%) inmate population give a particular dimension to work in prisons. The development of culturally appropriate mechanisms for dealing with Maori and South Pacific Islander inmates is of special

Chart 1

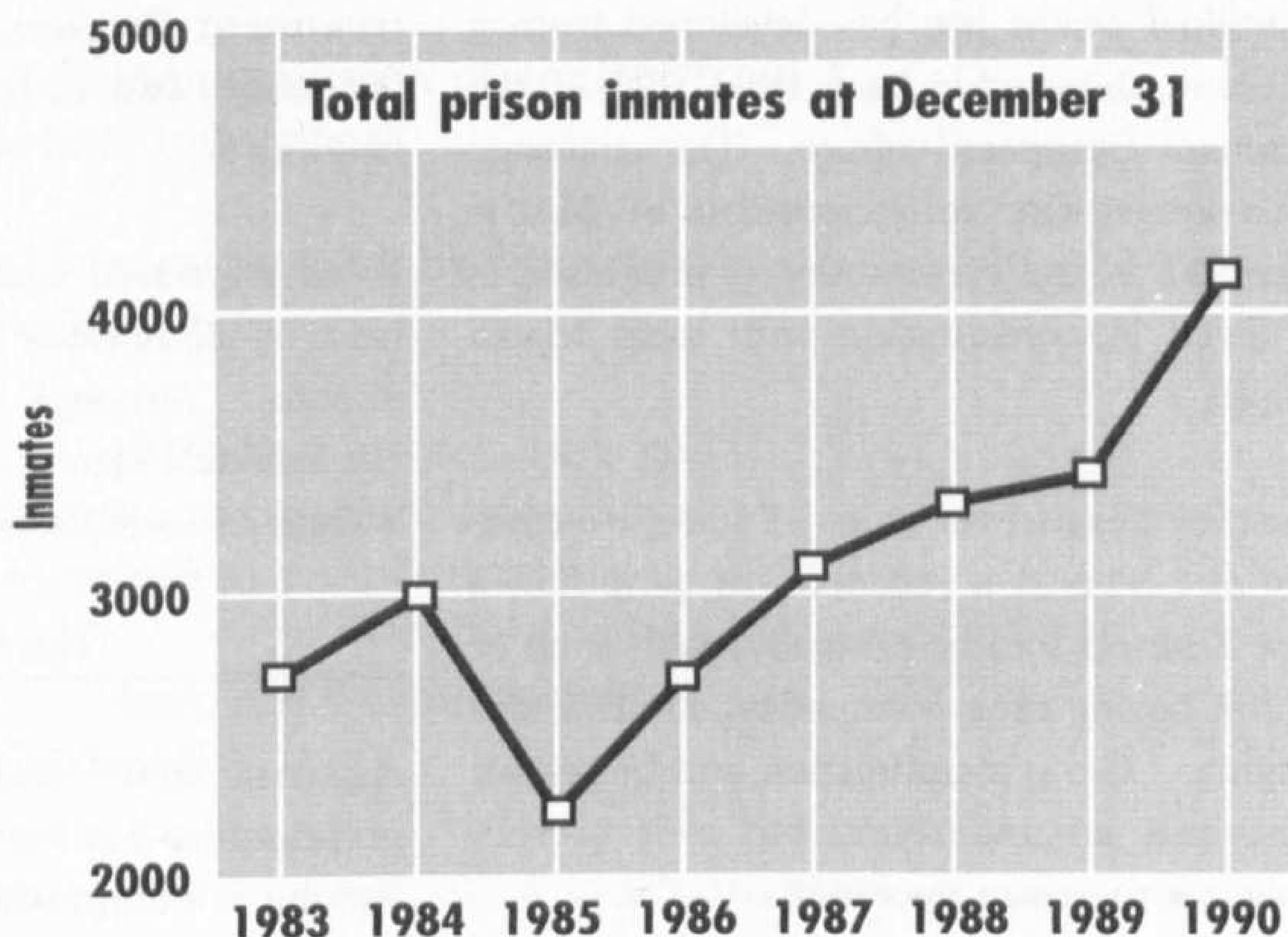
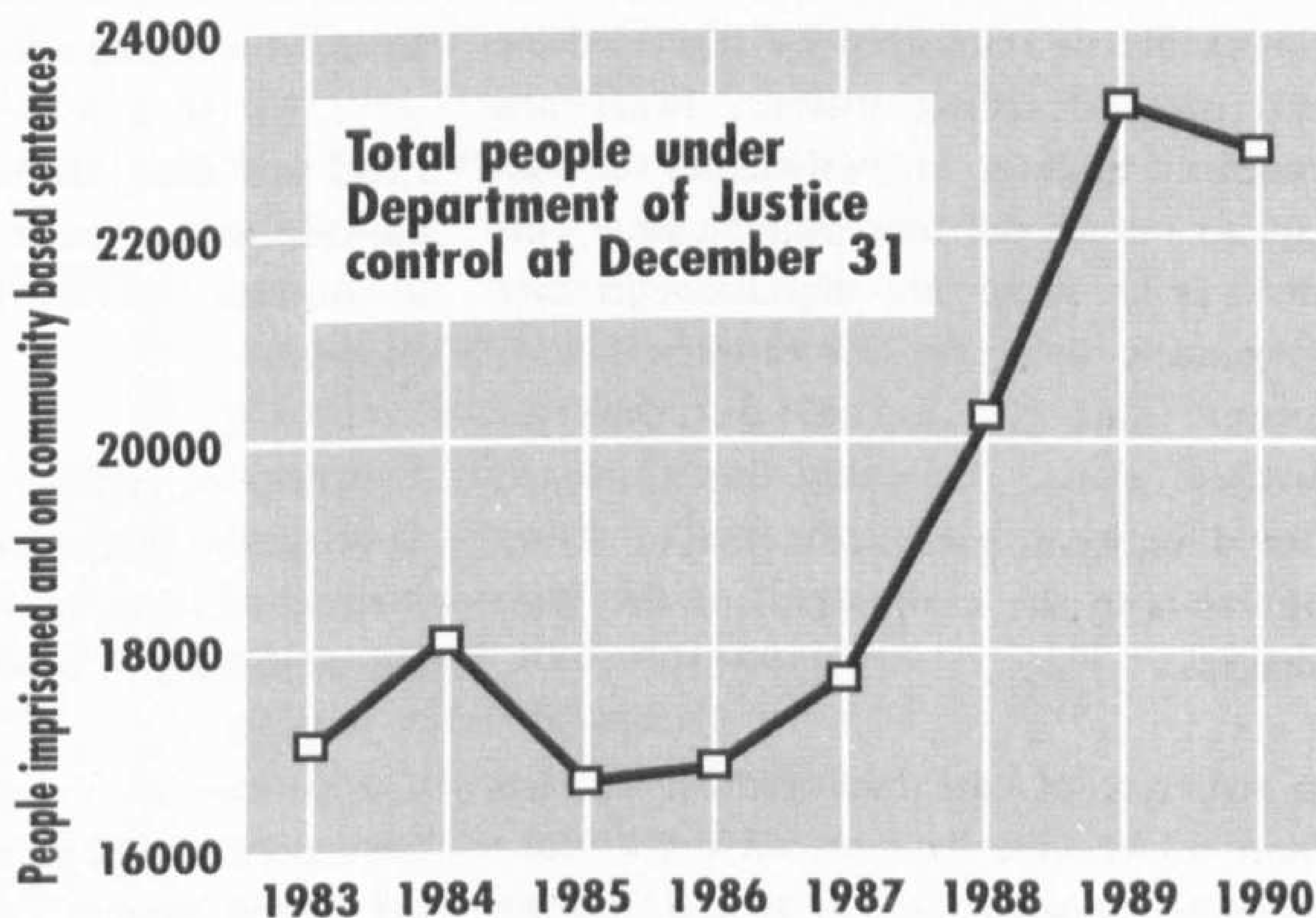


Chart 2



HE ARA HOU

concern. For example, it is recognised that traditional Maori law has developed from a different philosophic base from that of the dominant European culture. The challenge is to assist the reintegration of Maori offenders in the community, a process best achieved in consultation with local Maori people.

Another feature is that of gangs within prisons. This is a reflection of gang life in New Zealand society generally, each gang or faction having their own codes, conduct and insignia. Gang identification and behaviour represents an underlying but ever present challenge to prison operations.

There is a tradition of direct contact between staff and inmates. This high level of interaction is reinforced by the relatively small size of living units. Staff are encouraged to get to know their inmates and to spend out of cell time with them. This contact is an important ingredient in case management being the link between what is planned and the actual outcome of individual plans. In reality this approach differed between establishments in direct proportion to the enthusiasm of the Unit Managers.

The structure of case management in each prison differs but is centred on a 'case management committee'. A typical meeting would consider recently allocated inmates; carry out periodic reviews of contracts; and amend or add to existing contracts. Where an inmate chooses to opt out, his record is noted accordingly. However, this is not a common event as a great deal of effort is put into encouraging inmates to participate. The impact such co-operation might have on early release boards, working out, or home leave decisions, is felt by some staff to be a prime motivator for inmates. Once party to a contract' inmates are expected to display a commitment to positive participation. Programmes include work skills, social and life skills, painting, alcohol and drug counselling, anger management,

budgeting and, for selected inmates, treatment for sexual offending. Maori language and culture programmes also feature.

I was impressed with the level of knowledge held by committee members on individual inmates. Although there was a reliance on the inmate's stated or perceived motivation, a sense of reality was maintained.

The Changes

Against that background of positive programmes but inconsistent in delivery and lacking a comprehensive policy, the New Zealand Department of Justice has in HE ARA HOU - 'A New Direction' conceived a determined and ambitious programme, aimed at bringing about change.

I feel sure that HE ARA HOU will improve the case management service being provided to inmates because the will to succeed is apparent.

A variety of changes have been attempted: early release mechanisms; parole in various forms; adding to the prison estate and moves relating to preventive methods.

The process of change began in 1989 with the report from a Committee of Inquiry into the prison system (Roper). This was the first thorough examination of the penal system since it began. At the same time, consultants carried out a review of resource management finding that the emphasis on custody in prisons meant that not enough attention was paid to the reform and reintegration of inmates. The Committee of Inquiry recommended substantial changes to the existing system which the Minister of Justice approved.

HE ARA HOU

Kim Worman, Assistant Secretary of Penal Institutions, noted "a radical re-shaping of values is called for within the prison system.

HE ARA HOU

In a time of change underlying shared values must support a new approach. Some of these values relate to the dual role of prisons that is, humane containment and habitation (to equip and make fit for life). There needs to be a focus on providing constructive programmes for inmates within prisons, as well as providing secure containment". This statement, linked to a rigorous approach to the economic use of resources, encapsulates the spirit and tone of HE ARA HOU - a New Direction for the Prison System in New Zealand.

Chart 3 highlights the changes which had either taken place by the time of my visit or were due to do so.

The Correction Group has published a Mission Statement for the Penal, Probation and Psychological Divisions. The Penal

Division Mission Statement is:

- the protection of society from criminal behaviour
- reducing the likelihood of re-offending by:
- providing secure, safe and humane containment of persons committed to penal custody
- assisting the habitation of offenders."

This statement gives equal emphasis to humane containment and habitation of inmates.

The Head Office structure had been changed as the first stage of the prison reform process. New positions were created

in the areas of custody, human resources, communications, inmate programmes, training, planning and finance. I was impressed with the knowledge held in Headquarters about the institutions in the field. Many of the staff had worked in prison establishments in a custodial capacity before taking up post. A number had in depth experience of working with each other and senior staff in the field were well known.

Two of the changes noted in Chart 3 are the organisation review of all prisons' and new senior management for prisons'. By the time of my visit, the majority of institutions had undertaken an organisational review. This included an analysis of the work already undertaken in the prison, grouping that work together and establishing guiding principles for a new structure.

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Flow chart of changes

1989

Change Package
Approved

Introduction of New
Head Office
Structure

Working Parties in
Four Areas

Organisational
Review of all Prisons
Commences

Superintendents
Offered Positions as
General Managers

1991

Processing of other
Major Roper
Recommendations

Introduction of Case
Management into
Prisons

Revised Basic
Training Courses for
Prison Officers

New Selection and
Recruitment Process

New Senior
Management
Structure for Prisons

Chart 3

Performance objectives would be established appropriate to each institution. Although not the subject of my project, this had a familiar "Way Ahead" feeling to it.

A new senior management structure emerged from the prisons reviewed, along the lines set out in Chart 4. It was in its infancy during my visit but I was impressed by how people were coping with the change and that an underlying confidence and respect among the different levels of the organisation was being achieved.

The Prison Management Team

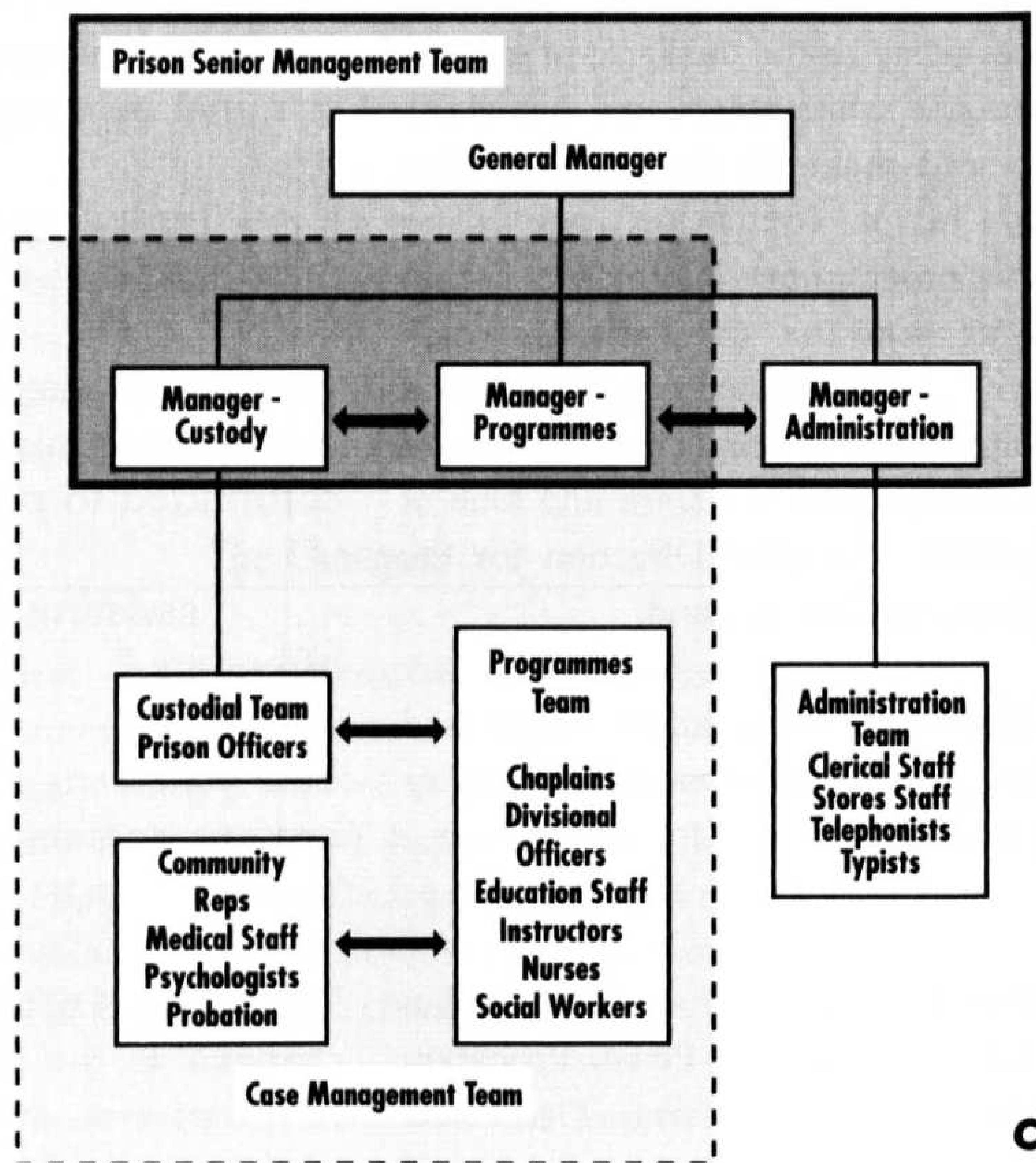


Chart 4

HE ARA HOU

Future issues of the Journal are being considered on the following themes:

- **Environmental Issues:**

The Greening of Prisons

- **Crime:**

Is it on the increase or just being reported more?

- **The Police:**

Do they employ more criminals than they catch?

- **Evil**

The editor welcomes articles and correspondence on these or other ideas you see as important.

J PRISON SERVICE JOURNAL

Write to the secretary
to the Journal:

Hilary Pollak
HM Prison Service College,
Newbold Revel,
Rugby,
Warwickshire
CV23 0TN

Privatisation

Privatisation is a controversial issue for the Service. Unions fearful of job losses or reduced conditions of service join with pressure groups in opposing the development.

Two of our articles are from Vivien Stern and Stephen Shaw who take that line. On the other hand the resources available to the private contractor and the conditions being offered to prisoners draw a look of envy from those like David Waplington who have peeked behind the bars. America is ahead of us on this issue and two articles from the States are published, one by an entrepreneur, George Zoley, impressing us with the range and quality of the services and the other by Robert Lilly and Paul Knepper, academics, who are fearful of the growing political influence on policy which private organisations may have as that industry grows. They offer a chilling comparison with the power of vested interests in the commercial/military contracts arena.

However it is the Interview between David Wilson of our editorial board and Group 4 that highlights a disturbing development. For all their bureaucracy, public services have set high standards in policies of equal opportunity, health and safety, even openness in management compared with the private sector. That sector is unlikely to give those issues priority and so as the model we look to for the running of any service is increasingly the commercial one, then standards in those important areas will decline in both public and private sectors.

THE SHORT HISTORY OF PRISON PRIVATISATION

Stephen Shaw is the director
of the Prison Reform Trust

Just four years ago, in May 1988, the Home Office took over the Alma Dettingen military barracks near Cam-berley as a temporary overflow prison. This was one part of an emergency package endeavouring (unsuccessfully, I need hardly add) to clear police cells of remand prisoners for whom no room could be found in the prisons proper. Military police and troops of the Gurkha Regiment were called in to guard the prisoners. That fact, and the echoes of the nineteenth century in the very name of the establishment - the crossing of the river Alma in the Crimea by the Anglo-French army on 20 September 1854 is the reason why there is an Alma Road in most towns and cities - seemed to symbolise the failure of over a century of state control of the prisons.

All the more so, as the aspect of Alma Dettingen I remember most exciting Home Office officials was that the catering contract to provide food for the 300 prisoners had been privatised. Thus the employment of a few service wives by a small catering company in Surrey became virtually the first breach in the state monopoly of imprisonment since 'nationalisation' of the county gaols and recidivist prisons in the late 1870s.

That this should all be just four years ago is a reminder of the pace of change in the Prison Service and the degree to which privatisation - or, more accurately, 'contracting-out' - has moved to the centre stage of penal policy. This article is being written before the 1992 General Election. But should the result of that Election be a fourth term for the Conservative Party, private sector involvement in the prisons seems set for a rapid expansion.

Origins of the Idea

How have we reached this point? Only a short time past, the very notion of privatising prisons would have been regarded as an absurdity. I believe I am right in saying that there is still no textbook on penal policy which even mentions the possibility. Law and order - no less than national defence - was regarded on all sides as a necessarily direct responsibility of the state.

No doubt even now some Phd student is beaver away

on the origins of prison privatisation. My recollection is that it was only in 1984 that the right-wing think-tank, the Adam Smith Institute, first proposed privately managed prisons:

***"Both security firms and hotel operations are commonplace in the private sector: it may be an oversimplification but a prison ... involves little more than a combination of these two talents."* (1)**

Subsequently, the Institute published a short book by Peter Young which pointed to the "producer dominance" (i.e. union influence) on prison policy.⁽²⁾ The book also painted a rosy view of the America experience with private gaols, although in fact that experience is very limited. It surprises most people to learn that less than 0.5 per cent of America's admittedly formidable number of prisoners is held in a private prison.

Support for privatisation was also to come from criminologists sympathetic to penal reform. Ken Pease and Maxwell Taylor were reported as favouring widescale denationalisation with private institutions competing with each other on the basis of their success in rehabilitating prisoners⁽³⁾. And in a pamphlet for the SDP (remember them?), Sean McConville and Eryl Hall Williams argued that what they termed "detention services" as well as the court and escort service could be contracted out to private enterprise⁽⁴⁾.

But the real pressure for privatisation did not take off until publication in May 1987 of a House of Commons Select Committee report consisting of just three pages and entitled *Contract Provision of Prisons*. Following a short visit to America, the Committee recommended (the Labour Members dissenting):

***"... that the Home Office should, as an experiment, enable private sector companies to tender for the construction and management of custodial institutions ... tenders should be invited in particular for the construction and management of new remand centres, because it is there that the worst overcrowding in the prison system is concentrated."* (5)**

It is an intriguing insight into the making of public policy that it was the personal interest in the idea of private prisons of just two Conservative backbenchers on the Home

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Affairs Committee - Sir Edward Gardner and Sir John Wheeler - which placed the issue so firmly on the political agenda.

Much has been made by opponents of privatisation of the remarks of the then Home Secretary, Douglas Hurd, in July 1987 when he told Parliament there was no case "for auctioning or privatising the prisons or handing over the business of keeping prisoners safe to anyone other than government servants." But in fact there was a major shift in the Government's position over the autumn of 1987. In September that year, speaking at the Annual Conference of Boards of Visitors, the Prisons Minister Lord Caithness was repeating the message that selling off prisons "would represent a complete abdication of one of our most important responsibilities, that of ensuring that custodial sentences imposed by the courts are given proper effect." However, he now added a highly significant rider: "At the same time, we believe that it is seriously worth considering whether the private sector may not be able to help us run the service more efficiently and effectively than at present. There are two main areas for private sector involvement to which we are giving particular attention: the provision of new accommodation and the possibility that the private sector might be invited to tender for the operation and management of a new facility, perhaps for remand prisoners under contract." (6)

In other words, a distinction was being made between private institutions for convicted prisoners and those for remands. This distinction was also stressed in the subsequent Green Paper *Private Sector Involvement in the Remand System* which argues:

"... because of the different purpose of remand, as opposed to the sentence of imprisonment, and the character of the remand regimes, the running of a remand centre by a private company would raise fewer difficult operational questions or issues of principle." (7)

However, this argument always looked bogus. All prisons involve the use of coercive powers. In remand centres, no less than in prisons for the convicted, security must be ensured, discipline enforced, prisoners and visitors searched, vulnerable prisoners protected from attack. In fact - judged by the number of disciplinary offences or the rate of suicide and self-injury the safe treatment of remand prisoners can pose more severe problems than running a prison for convicted prisoners.

Following the Green Paper, the Home Office commissioned an expensive and somewhat repetitive report from the management consultants Deloitte Haskins and Sells on the practicality of private sector involvement (8) and in 1989 the Remand Contracts Unit was set up. On 11 July 1990, David Waddington, who had succeeded Hurd as Home Secretary, announced that court escorts would be

reorganised and tenders invited. Furthermore, while as a result of the general fall in the prison population (oh happy days), "the opportunities for involving the private sector in the running of remand centres will be considerably more limited than appeared likely at the time of publication of the Green Paper," nevertheless "a trial of competitive tendering for the operation of a remand centre [the Wolds] still arises."

Trial and Error

So even at this stage all that was proposed was a single private remand centre as a "trial". As late as January 1991, Ministers were opposing moves by Conservative backbenchers to extend privatisation to all prisons. However, at the Report Stage of the Criminal Justice Bill, John Greenway MP moved a series of amendments to allow for far wider privatisation of the prison system. Before his amendments, the only prisons which could be contracted out were newly-built remand centres. Now under the Criminal Justice Act any new or existing prison can be contracted out on an affirmative vote of both Houses of Parliament. We will hear no more cant about why private remand centres pose fewer objections of principle.

It is not clear why Ministers experienced such a change of heart, although presumably it was part of the fall-out from Strangeways. I expect the Home Office papers would make interesting reading. But since the passage of the Criminal Justice Act there has been no stopping them. Far from the Wolds being an experiment, Ministers have ploughed straight ahead by announcing the contracting out of the mixed remand/ sentenced prison at Blakenhurst. I gather that no-one thought of mentioning this to the team responsible for the Estates Review until the day after the announcement. Lancaster Farms has been mentioned as another possibility, and it is widely predicted that many more contracts will be in the offing if the Government is returned at the General Election. Certainly the enthusiasm of Kenneth Baker and Angela Rumbold for private sector involvement seems to know no bounds. There is a very real chance that the number of private prisons will grow considerably, particularly at the 'soft' end of the market.

In the short term, I imagine most of these institutions will be reasonably well run. After all, this is broadly the case in the U.S. - disbelieve those who exaggerate either the success or failure of America's small number of private gaols (9). Certainly it would be hard to quarrel with the tender documents for the Wolds which hold out a much better quality of life for remand prisoners than in the state system. However, serious questions need answering on

Privati-~~E~~-ation

accountability and the recruitment and training of private sector staff. Goodness knows too what will happen if there is a serious incident or when the first prisoner in a private prison takes his own life. Managing the prison estate to the best effect will also be more difficult when private institutions are tied up in long-term legally-enforceable contracts which prevent their change of use. And, for the first time, there will be a powerful commercial lobby with a vested interest in a higher prison population.

But perhaps the most destructive effect of privatisation will be what it will do to the concept of public service in the treatment of prisoners. That notion of public service not only forms the introduction to the mission statement but is the basis of all that is best in the prison system. As our most distinguished criminologist, Sir Leon Radzinowicz, has written:

"... in a democracy grounded on the rule of law and public accountability the enforcement of penal legislation, which includes prisoners deprived of their liberty while awaiting trial, should be the undiluted responsibility of the State. It is one thing for private companies to provide services for the prison system but it is an altogether different matter for bodies whose motivation is primarily commercial to have coercive powers over prisoners." (10)

Surely this is the crux of the matter. Privatising the prisons is not like any other privatisation. The question of who runs the prisons is on an entirely different scale from that of who runs the telephone service or empties your dustbins.

The idea that there are always lessons to be learned from the past is part of the propaganda of the historian. It may be of no significance that the progress of prison privatisation in this country has been so little predicted, so little debated, and so little planned. After all, the Government discovered its entire privatisation programme almost by accident (the word privatisation does not even appear in the Conservatives 1979 Election Manifesto), yet it became the most distinctive - and arguably the most popular and successful - policy of the Thatcher years.

However, I am sure I am not alone in regretting the way in which privatisation appears to have been foisted upon the Prison Service under false colours.

Footnotes

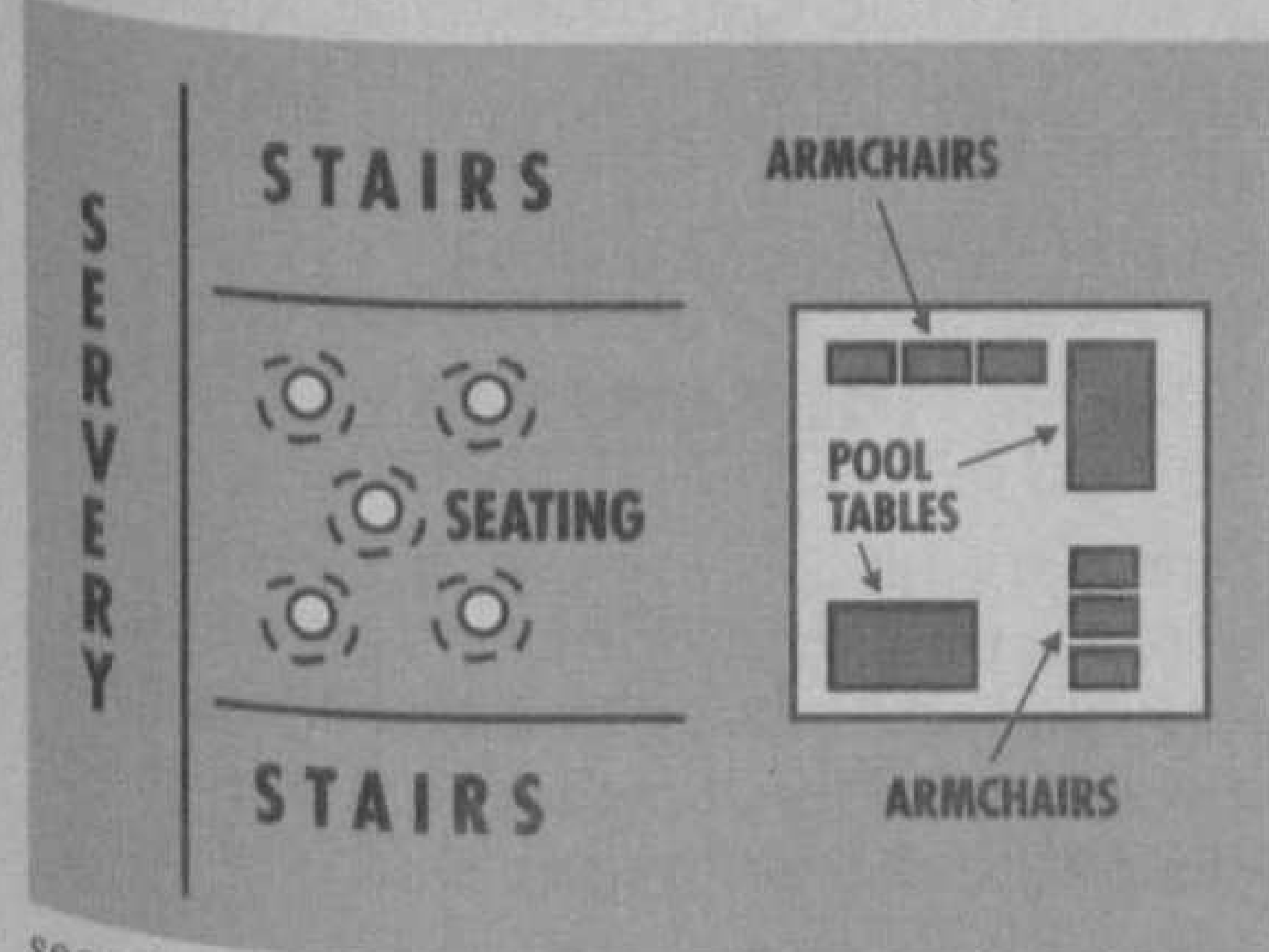
1. Adam Smith Institute. *Omega Justice Policy*. ASI (Research) Ltd, London, 1984
2. Young, P. *The Prison Cell*. ASI (Research) Ltd, London 1987
3. *Independent*. 5 March 1987
4. McConville, S. and Hall Williams, E. *Crime and Punishment: A Radical Rethink*. Tawney Society, London, 1985
5. Fourth Report from the Home Affairs Committee. *Contract Provision of Prisons*. HC Paper 291, 1987
6. Quoted by Shaw, S. 'Privatising Prison Services' in Parry, R. (ed) *Research Highlights*. Jessica Parry, Edinburgh 1990
7. *Private Sector Involvement in the Remand System*. Cm 434, 1988
8. Deloitte, Haskins and Sells. *A Report to the Home Office on the Practicality of Private Sector Involvement in the Remand System*. 1989
9. For an excellent review of American experience see Ryan, M. and Ward, T. *Privatisation and the Penal System*. Open University Press, Milton Keynes, 1989
10. *The Times*. 22 September 1988

OBSERVATIONS ON A VISIT TO THE WOLDS

I visited The Wolds to observe some of their training; I have also been given a copy of the conditions of employment which will apply to their staff. It seemed to me that there were many things worth reflecting on and in view of the interest in this area I am offering this reflection through the PSJ.

THE PRISON

The Wolds is the best jail I have ever seen. Its perimeter security consists of a wall with a beak on top and a strong inner fence. I couldn't help but contrast my perimeter



security at Lancaster Farms with what I saw. I know that I will have to devote a lot of time to safe-guarding an apparent weakness whereas The Wolds management could be confident that it has everything one could wish for.

Internally the prison is based on small, separate units with an observation link between two. Steve Twinn, the governor, has been allowed to buy furniture of his choice and the furnishings on each unit and in offices are of a very much higher standard than ours. The association area is half carpeted as standard fitting and the rails on the second landing (ground level and one landing on each unit) are high, allowing for good sight lines and to prevent people falling over them. (Mine at Lancaster are just the right height to be dangerous). Three telephones are intended on each unit and the central area is set out much as I intend -

namely with round dining tables and dining chairs and then a second carpeted area with two pool tables, soft chairs and standing ash trays. Observation window (full length) is above the servery.

STAFF

The unit will be staffed by one unit supervisor. They will be one of a team of 5 staff working on 8 hour days, afternoons and nights with 2 on rest day. This post carries an extra £2,000 a year and the supervisors are being selected from the new intake of staff. I was told that they will be selected by peer group trainer selection. I was told they will have 84 custody officers in total.

Attendance Systems

These have not been finalised and I had to get quick copies of drafts but the following is an example of the system for Reception, Security and Induction where continuity is necessary. It is based on a ten week cycle.

E	R	R	N	N	N	N
N	N	N	R	R	L	L
R	E	R	T	E	E	E
M	M	E	E	M	R	R
R	R	L	E	E	E	E
M	M	M	M	R	R	M
E	E	E	R	M	M	R
R	L	M	M	R	M	M
L	R	R	L	L	L	L

E = early shift
R = day off
N = nights
L = late shift
M = main shift
T = additional shift

David Waplington is Governor of Lancaster Farms and visited the Wolds while still Head of New Entrant Training in February of this year.

Privati£ation

The early shift is 6 to 2 and late 2 to 10. Staff working on the units have free meals if taken with their prisoners.

An interesting device is the 'T' shift. This is to encourage people to take leave on these days. If they don't they will have to cover someone else's duties and may get any sort of shift.

Some of the shift systems were better than others and there is to be job rotation. For instance they intend running visits all day and have devised a system which will be popular so staff will change over every 12 weeks.

30 staff will be on general duties.

Terminology

The Gate will be called RECEPTION, Reception will be called ADMISSIONS and they have a SPORTS CENTRE MANAGER. I thought their titles much softer and more helpful but surprisingly they still referred to "INMATES". (Their Head of Inmate Activities was an ex-Education Officer).

New Practices

I talked to the H.I.A. about training in attitudes and communication skills for inmates and although she said they were dealing with this on induction she seemed imprecise. However I was impressed to discover that they intend arranging their shift systems so that the Admissions Officer is also the Induction Officer the following morning. Every prisoner will be put on Induction. (I may be wrong but I guessed that it would be initially half a day).

TRAINING

It is obviously cost effective for them to train their own staff when they have a large group, but later on they may find it expensive to train 2 or 3 replacements. Their staff seemed very similar to ours. They were aged between 24 and 50 and although someone told me that no serving Prison Officers or ex military had been

recruited, when I spoke to one of the new staff I found he had earned an army pension.

I looked at their session on 'Minimum Standards'. I wished we had something like it. It provides much clearer baselines across the board than the ones in our contracts. It would be of enormous help to us in setting objectives and the N.C.V.Q. process. For instance on TIME OUT OF CELL - their minimum standard is 15 hours a day, 7 days a week, a programme based on work, education, library and P.E. is offered. This to be reviewed after 6 months and after 12 months. Each prisoner must have a minimum provision offered of library for 2.5 hours per week and education for 6 hours per week. (Interestingly I formed the opinion that they were having trouble getting work for their workshops).

I was not impressed with Group 4's trainer but the ex-Prison Service presented well. The main training was done in a large group around the large tables. This was interesting and popular. I felt I thought it would work well when teams from different establishments attend courses.

PHILOSOPHY

The Group 4 trainer presented an introductory session on "Total Quality Management" which is a current concept adopted by the Company. However she identified that their baseline was

"CONFORMANCE TO THE REQUIREMENT AGREED WITH THE COMPANY".

To illustrate her point she held up two pens - a plastic biro and a silver Parker pen. She asked which of these was a quality product and it emerged that both were, the key being whether each did the job required by the customer.

Apart from the minimum standards, which they expect prisoners to be aware of, they are also producing a list of "House Rules". They did not discuss anything to do with compacts but their training programme does include a questionably short session called "Introduction to Counselling".

INDUSTRIAL RELATIONS

The staff at the Wolds are obviously concerned that they are seen as "blacklegs" and "unprofessional". Apprehension about this was evident. I don't think they should worry - their image is good, their pay is equivalent and although their basic training programme is not as good as ours it is not likely to be eroded by bad attitudes and bad practices in the field. I was told that they had a no-strike agreement but this was not confirmed when I was allowed to listen to the union recruitment lecture. Surprisingly it was done by the Deputy Head of Personnel but it was so balanced and designed to encourage union recruitment that he may also have been a branch official.

The unions' long links with Group 4 were stressed. The excellent dispute agreement was held up. Apparently this agrees no industrial action until the disputes procedure has been exhausted and both sides refer unresolved disputes to ACAS. The union involved is APEX - the white collar section of G.M.B. (the country's second biggest union). Group 4 does not have an agreement that APEX represent its managers although it was said that APEX wished to do so.

CONDITIONS OF EMPLOYMENT

Group 4's vetting procedures can take up to 4 months and at any time within that they can dismiss new staff. They are proud of their vetting procedures and stated that they go back 20 years or to when the candidate left school.

The new officers are not going to be given a "Certificate of Custody Officer" until they have completed their training. This certificate is revokable. As continued employment with Group 4 depends upon having this then loss of the Certificate means dismissal. I think there is a contrast between these kind of procedures and ours which, in my experience are so timid they lumber us with bad staff. There may be a mechanism here worth examination. Another interesting point is the use of no pay for the first 3 days of any sick absence. This is a commonly-used device which deters those who regularly take one day or short periods of sick leave. It also affects genuine cases but

perhaps a compromise might be that any second absence from work on self-certificated or non-certificated sick would incur the no pay for 3 "waiting days" rule. The effects could be dramatic.

UNIFORM

I was very impressed with their smart uniform. It consisted of dark blazer, white shirt, navy pullover (not a chunky military one like ours) and grey slacks or skirt. I went hostile to the idea of "blazer and slacks" and was instantly converted. It looked to set the right tone.

FINAL THOUGHTS

I suspect the Wolds will be a success. It has all the ingredients - a unified committed management and staff. (If it fails they all lose their jobs). Imaginative management given lots of support and the best all round purpose-built facilities I have ever seen. I want the same and have asked if I can take my Area Manager with me to visit.

Privati-*E*-ation

PRIVATE PRISONS:

Will the customers get a better service?

Vivien Stern is Director of the National Association for the Care and Resettlement of Offenders, a voluntary organisation. Her book on the prison system in this country, "Bricks of Shame" is published by Penguin.

When the contract for Britain's first privately run prison was signed on 6 November 1991, penal policy entered a new era. England and Wales (there are we understand to be no private prisons in Scotland) became the only country in Europe to have taken privatisation so far. Even in the United States the development is marginal. Estimates suggest that 3% of its over one million prisoners are in private jails.

This may seem strange. Many explanations for England being the guinea-pig of Europe could be put forward. Perhaps the reason lies in an unusual combination of the views about the nature of imprisonment and current political trends.

On the one hand, prisons are regarded as institutions that provide a service. On the other hand, the current political enthusiasm is for improving the services that are provided to customers. Such thinking is the basis of the Citizens' Charter movement. According to the Citizens' Charter, customers are entitled to a better deal than they are getting now from their public services. If private companies can achieve this, then they ought to be asked to do so. Therefore, if private companies can serve prisoners better, at a good price, how could anyone who cares about prisoners oppose privatisation?

Penal reformers, who have consistently opposed the privatisation of prisons, have had some difficulty in countering these justifications. Undoubtedly, the service provided by the State to remand prisoners is appalling. The Council of Europe Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which visited places of

detention in the UK in August 1989, found conditions so bad in Brixton, Wandsworth and Leeds prisons, where many remand prisoners are held, that they found the UK Government guilty of inflicting inhumane and degrading treatment and punishment on prisoners in those prisons, a finding without precedent in any published report on West European countries so far.

The Chief Inspector of Prisons, in a report published in December 1991, said, "It is to be regretted that for many prisoners, and particularly those on remand, their first custodial experience is of a cramped, claustrophobic, and poorly equipped establishment."

The conditions in the new private sector prisons will undoubtedly be much better. The prison will be smaller than almost all specialist adult remand institutions and prisoners will benefit from a superior regime to those found in most remand prisons. The prison managers will have to abide by contractual standards and, in contrast to state prisons, the Wolds will not be protected by Crown Immunity which means that, unlike state prisons, the contractors running the Wolds could be prosecuted if they were found to be in contravention of health and safety and food hygiene regulations.

However, NACRO, in common with other penal reform groups, has not been persuaded. We continue to oppose the privatisation of prisons for a number of reasons. Firstly, although privatisation might bring improved conditions for a few selected prisoners in a showpiece jail, we would argue that improvement is needed for all prisoners in all prisons. Privatisation is a diversion from the urgent task of improving the state prison system.

Secondly, there is an argument of principle. NACRO has always argued that the private management of prisons is wrong in principle and would involve serious dangers in

Privati-ation

practice. The deprivation of the liberty of any citizen is a direct responsibility of the State which cannot be delegated to a private organisation. Neither do we accept that private prisons might be acceptable for holding remand prisoners. For the purpose of private remands, no useful distinction can be drawn between sentenced and unsentenced prisoners as both categories are detained in custodial establishments following deprivation of their liberty by a judicial decision.

Thirdly, the conflict of interest in private prison management can lead to grave injustice, despite the Government's inbuilt safeguards. When the aim of an organisation running a prison is to make profits, decision-making about individuals and policy will be based on these imperatives. It is better for prison management and profitability if the prison is full, if prisoners stay longer, if quiet orderly prisoners stay and others are transferred out. These requirements must inevitably take precedence in decision-making.

Finally, penal reformers are extremely concerned about the creation of a powerful commercial lobby interested in seeing a high number of prisoners, many of them imprisoned for a long time. Such commercial interests have the resources to campaign politically and through the media for a penal policy that suits their business interests. The resources available to penal reformers are scanty. In a country with the highest per capita prison population in Western Europe, this is indeed a danger greatly to be feared.

Post Woolf and the White Paper the Prison Service seems to be on the brink of genuine and far-reaching reforms. The image of the Group 4 employees of the Wolds with their smart blazers and welcoming smiles is not only attainable by private companies. All the prisons in the State sector could be improved to such a level if the will was there to do so. Let us hope privatisation will not dissipate energies and divert attention from that aim.

Privati-*E*ation

A discussion of the **WACKENHUT EXPERIENCE** *providing correctional management services in the U.S.*

George C. Zoley,
 President, Wackenhut
 Corrections Corporation

Brief History of the Privatization Movement

A free enterprise system provides certain goods and services based upon the demand in the marketplace. As demand increases, so does competition. This tends to increase quality and lower cost as companies vie for market share. Government is a customer in the free enterprise system and seeks to purchase goods and services at favorable prices while maintaining the quality standards it has set. In the case of the management of correctional institutions, U.S. government agencies have traditionally secured food, medical, and educational services via contract with the private sector. Interest by government in full contract management of secure correctional institutions reflect a recent change in government attitude, but a change consistent with the premise discussed above.

In the United States, public attention began focusing on crime-control issues in the late 1960s and continues today. The number of persons under supervision by local, state and federal agencies for violation of laws has more than doubled over the last decade. The U.S. Department of Justice reports that as of year-end 1990, the number of prisoners under the jurisdiction of federal or state correctional authorities reached a record high of 771,243. The increase for 1990 brings total growth in the prison population since 1980 to 441,422, an increase of about 134% in the 10-year period 1980-90. This is in addition to the 405,320 estimated number of prisoners being held in jails (remand centers) as of June 30, 1990.

This increased focus on safe streets has awakened the interest of lawmakers who must raise the funds necessary to sustain the system.

For non-secure facilities, both juvenile and adult, the practice of government contracting with private parties was widely accepted; however, the idea of a private company managing a secure adult correctional facility was virtually non-existent before 1980. When President Reagan took office, he encouraged the government sector to look for ways to bring cost savings, efficiency, and innovation to the management of traditional governmental functions by turning to the free enterprise system.

Contract Facilities in the U.S.

Following President Reagan's challenge, the Federal Immigration and Naturalization Service let out contracts for several secure detention centers to house illegal aliens awaiting disposition by the courts in California, Texas, and Colorado. Wackenhut was the recipient of the Colorado contract in 1986, and only 150 days after the contract was signed, the facility had been constructed and furnished; the staff had been hired and trained; and detainees arrived for confinement. You can be sure that this was not an easy feat; but we were determined to prove to the government that private industry could provide correctional services quickly as well as economically.

During the 1980s, several states, including Texas and California, followed the lead of the federal government and passed legislation authorizing contracts for the management of secure detention facilities containing state

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*Pre-Release Unit in Kyle,
Texas.*

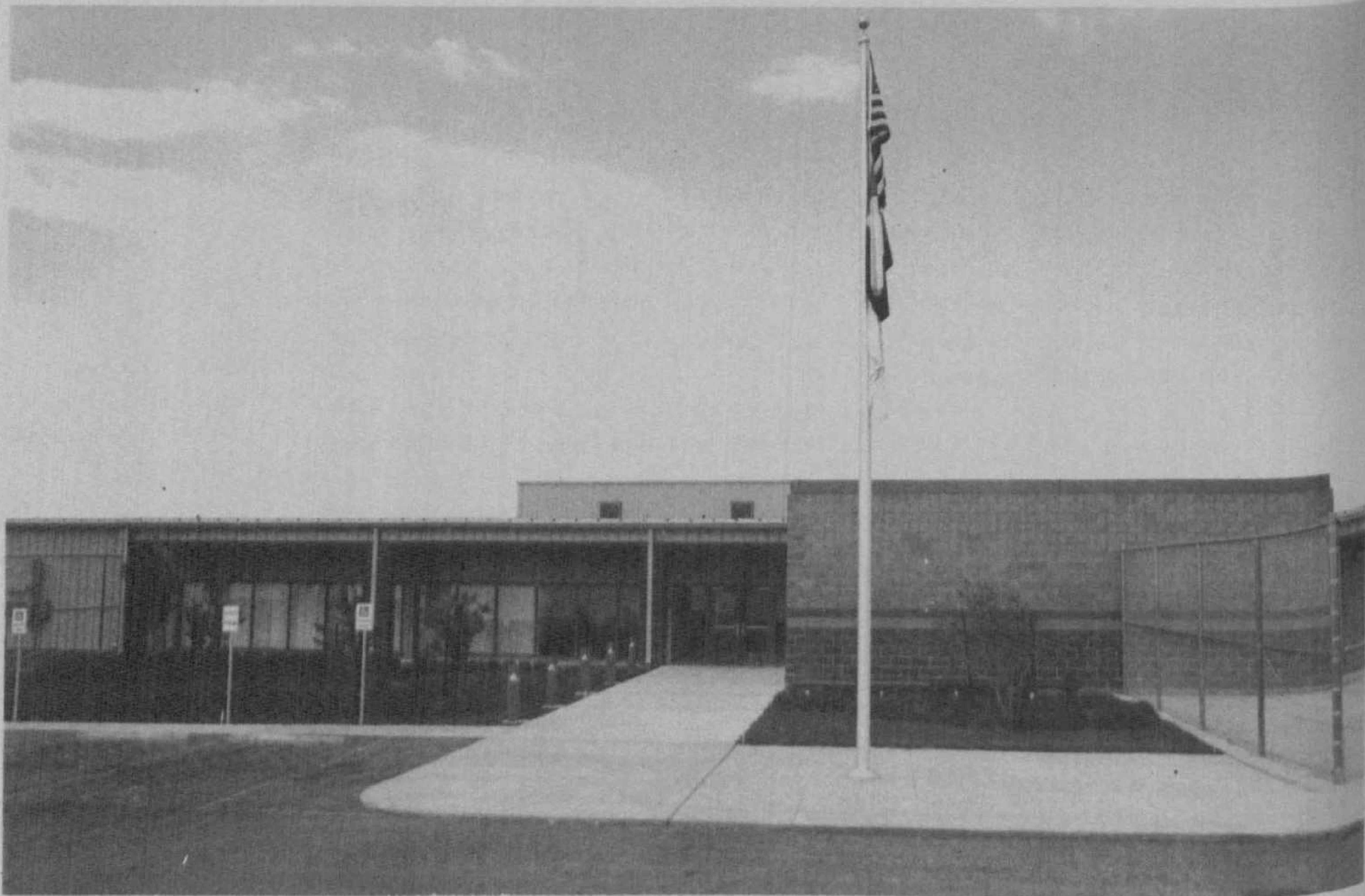
prisoners. In 1987, Wackenhut received a contract from the State of California for the design, construction, financing and operation of a 200-bed Return-to-Custody facility in McFarland, California. Subsequently, the State of Texas executed contracts for the construction and management of four 500-bed Pre-Release Centers in 1988, and these facilities became operational in 1989. Wackenhut Corrections was awarded two of these contracts, one in Kyle and one in Bridgeport, Texas.

Early governmental supporters of privatized correctional management in the government suggested that the proper domain of the private sector was in managing minimum security prisons, and critics of private management argued that private companies only wanted prisoners who did not pose any appreciable security threats. I believe this charge was disproved in 1990, when a private firm undertook the management of a 600-bed medium/maximum security prison

for the State of Louisiana, and again in 1991, when Wackenhut accepted its first contract for a medium/ maximum security prison in this same state.

Wackenhut operates a 623-bed Parole Violator Facility in downtown San Antonio. This facility houses approximately 498 male and female state parole violators who are considered to be minimum custody prisoners, and approximately 125 U.S. Marshal prisoners whose custody levels range from minimum to maximum security. During late 1988, we performed \$1.5 million of renovations to this eight-story former jail, purchased all new equipment and furnishings, hired and trained 160 personnel, and opened the facility within a total of 90 days.

Privatization



*"... more inmates at lower costs
... no sacrifice ... to quality of
care". Bridgeport, Texas.*

By the end of 1991, private correctional management companies were responsible for the operation of 60 or more correctional facilities through-out the U.S. Approximately 20,000 local, state, or federal prisoners are housed in these facilities. Our experience at Wackenhut reflects a growth trend. From one facility in 1986, with a population of 150, we now manage eight facilities throughout the country and we have another three facilities under construction in California, Texas, and New South Wales, Australia. We are currently in the process of doubling the size of our Colorado facility, and construction is under-way at the Louisiana prison which we operate to increase the population from its present 696 to 1,252. Further, we are currently in contract negotiations with the Australian Queensland Government for management and operation of the 380 bed Wacol

Remand and Reception Centre. When these additional facilities and beds open, we will be managing an inmate population of more than 5,500.

Why has our growth been so dramatic? I am convinced that among the many reasons for our apparent success is the fact that we have hired experienced, innovative correctional professionals who instinctively know how to accomplish correctional objectives in a cost-efficient and non-bureaucratic manner. Along with this understanding of the system, Wackenhut brings to bear its over 37 years of business experience and significant financial and organizational resources that can be quickly applied to any new project. The management staff of Wackenhut Corrections are accountable for their policy and budgetary decisions, and at the same time must work within the framework of their contract obligations to their clients.

We have been in the business for a long enough period that some useful cost

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comparisons can be made between the traditional cost of government to operate facilities and those experienced by Wackenhut. In Texas, the Sunset Commission, a state agency, reported that Wackenhut Corrections achieved a 16% cost savings in its operation of the two 500-man Pre-Release Centers we operate at Bridgeport and Kyle, Texas. Another study by the Texas Comptroller of Public Accounts compared the \$30.62 cost of the Wackenhut per day per inmate cost (including imputed contract oversight and overhead costs) to a state cost of \$37.13; a cost saving of 18% (not including any consideration of property taxes paid). This discussion is in no way intended to diminish the professional services provided by the state, but it does establish that privatization of corrections management does work, and the private sector can be a stimulating part of a governmental agency's correctional system.

Prisons - Where Crime. Substance Abuse, and Illiteracy Come Together

The types of correctional/ detention facilities we operate vary in their individual missions, but in general, treatment programs which include educational and counseling opportunities are provided in every state correctional facility we operate. Our two pre-release centers in Kyle and Bridgeport house a total of 1,000 minimum/ medium security male inmates, and I will focus on these two facilities to give the reader an overview of the programmatic services offered at these facilities.

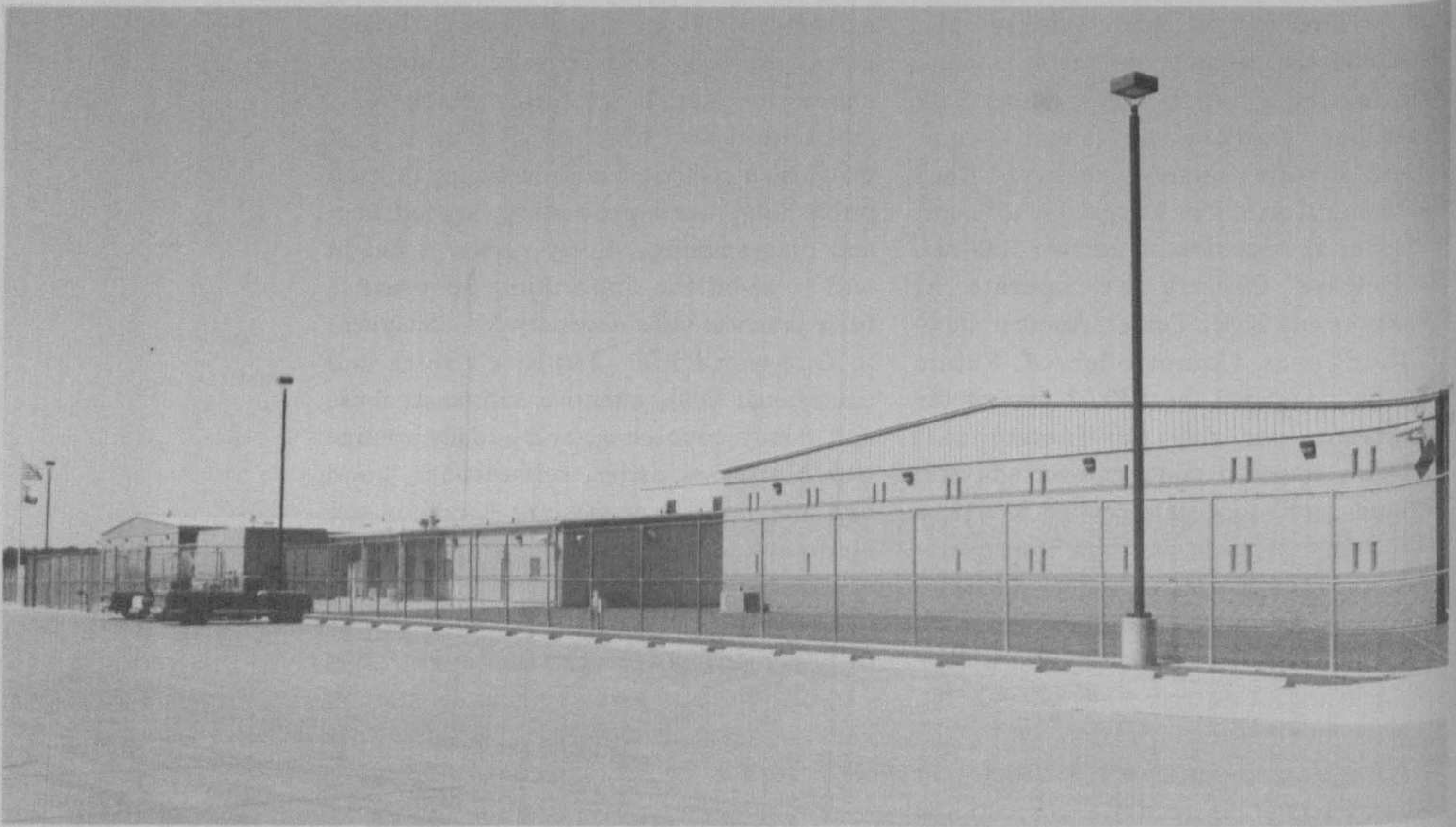
The typical inmate in our pre-release centers is about 30 years of age, poorly educated, and chemical dependency contributed either directly or indirectly to his criminality at least 50% of the time. All inmates are required to participate in 7.5 hours each weekday of mandatory program activities. Program activities include academic, vocational, life skills/pre-employment, and substance abuse classes. In the vocational area, we have responded to the

marketplace's demand for computer literate employees by developing computer classrooms and laboratories which offer instruction and practice in a variety of marketable computer skills including desktop publishing, word processing, spreadsheet and programming. Every person is taught and is given the opportunity to practice basic practical skills necessary for adjustment to free-world life. Improved work and educational skills, intensive substance abuse and family counseling, and a daily routine which stresses order, self-respect, good hygiene, and exercise are some of the elements which give offenders an opportunity to succeed upon release. We certainly do not pretend to have all the answers as to what it takes to ensure that a person will not revert back to criminal behavior upon release, but I do believe we are headed in the right direction.

Another innovative step has taken place at our Kyle facility. The State of Texas has designated the entire facility as an intensive drug treatment center. Wackenhut has won a contract from the Texas Commission on Alcohol and Drug Abuse (TCADA) to implement the world's largest in-prison therapeutic community chemical dependency treatment program for 500 inmates. This means that only inmates who have been identified as having chemical dependency problems will be housed at this facility. The Wackenhut Chemical Dependency Treatment Program, called New Vision, will be immersing inmates in an intensive, confrontational counseling and treatment program that will be nine months in duration. Since this article is giving an overview of the Wackenhut experience in correctional management services, I will not go into further detail about this program, but it could be the subject of further discussion after it has been in operation for a while.

It is also our belief that another key to

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"the world's largest in-prison therapeutic community chemical dependency treatment program". Kyle, Texas.

bringing about positive changes in individuals is involvement in community activities. Shortly after the Bridgeport Center began receiving inmates, a small group of the inmate population was formed into a club known as the Wackenhut Inmate Service Program (WISP). WISP members are involved in several fundraising projects, such as a weekly car wash for employees and picture taking on visitation days. The club donated a child's wheelchair to the local hospital and donated money to the community's "Spirit of Christmas" Fund. The club has established a scholarship fund for a juvenile offender on probation. The Kyle Inmate Community Awareness Program (ICAP) has organized a Thanksgiving food drive and Christmas toy campaign to benefit low-income and elderly area residents. Other projects include "adopting" a school for troubled and abused youngsters, providing scholarships for graduates of a nearby high school, and

contributing to a drug abuse prevention program in the school district. ICAP has built shelves for the local library, repainted street signs, and provided emergency relief to needy families in times of financial crisis.

Summary

From overseeing one 150-person facility in 1986, to becoming an international correctional management organization with more than 5,500 inmates, Wackenhut Corrections has experienced a dramatic and challenging organizational transition. I believe that the privatized correctional management services concept has been successfully implemented. The private sector has proven itself to be a viable alternative by providing its governmental clients with the capacity to house more inmates at lower costs but with no sacrifice as to the quality of care.

Privati-*E*ation

THE CORRECTIONS-COMMERCIAL COMPLEX

The current interest on both sides of the Atlantic in privatizing prisons and jails glosses over the extent to which private enterprise is already heavily involved in corrections. This is nowhere more true than in the U.S. The following discussion describes this by employing the idea of "subgovernment" operating as a "corrections-commercial complex." If our description is correct, and we think that it is, it seems reasonable now to expect a similar development in England and Wales.

Abstract

Recent studies of the privatization of correctional facilities have examined numerous policy issues surrounding the ownership and management of prisons and jails by private corporations. However, the privatization debate has neglected the larger issue of private sector involvement in public facilities, particularly from the standpoint of policymaking. Who makes correctional policy in the United States? This paper argues that a corrections-commercial complex composed of private corporations, federal agencies, and professional organizations dominates the corrections industry. Specifically, we describe four key features of subgovernments and then detail the interaction between public and private interests to show subgovernmental influence in U.S. corrections policy.

The Corrections-Commercial Complex

Policy studies and political analyses of corrections have been few and far between. There is a large and growing body of literature debating the issues of private prison management, including issues of cost and efficiency, quality of services, accountability, profitability, and civil liability among others, (McDonald, 1990; Logan, 1990; Ryan and Ward, 1989; Durharn, 1989; Robbins, 1987; Dilulio, 1988; Bowditch and Everett, 1987). Despite the great interest in this topic, the fact remains that less than one percent of the nation's one million prison and jail inmates are housed in facilities owned or managed by private companies. Even if the private

operation of prisons doubles - or triples - in the next few years, private prisons would still confine only a few thousand prisoners. The privatization debate, therefore, is largely about normative issues. It deals with symbolic questions about what would happen, or should happen, if private facilities appeared on a larger scale.

At issue is the extent to which private enterprise is already involved in corrections. Corrections policy is fashioned within a corrections-commercial complex akin to the military-industrial complex which operates in the defense industry. There is a little research to suggest that corrections subgovernments comprised of legislators, governor's task forces, correctional administrators, and interest groups operate within particular states (Berk and Rossi, 1977; Palumbo et al., 1984).

In the first part of the paper we mention Eisenhower's notion of the military industrial complex and then describe some key features of subgovernments. Next we identify the major participants in an emerging national corrections subgovernment (federal agencies, for-profit corporations, and professional organizations), then move on to describe interrelationships between these entities. We conclude that an emerging network of private companies, federal agencies, and private professional organizations displays the characteristics of a national policy subgovernment.

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Privatization

The Military-Industrial Complex

President Eisenhower coined the term "military-industrial complex" in 1961. In his Farewell Radio and Television Address to the American People, Eisenhower warned that government "must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist" (Eisenhower, 1985: 748). Eisenhower was concerned that university researchers would become captives of government lured by the desire for project allocations. At the same time, he worried that a "scientific-technological elite" immune from accountability would dictate national policy. "Only an alert and knowledgeable citizenry," he insisted, "can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together" (Eisenhower, 1985: 748).

Eisenhower's fearful pronouncement ignited a flurry of analyses by political scientists. Defense policy analysts have generated an enormous literature detailing the operation of the military-industrial complex. The military-industrial complex is now understood to have existed historically in the USA, and to operate in other nation-states, including the Soviet Union. Political analysts have pointed to staggering Defense Department budgets, disturbing amounts of waste and inefficiency in armaments production, fraud and influence-peddling in contract procurement, armaments that do not do what they were designed to do, frightful public debt and enormous social costs. They have also detailed the growth of private firms funded by the Defense Department, the maintenance of Cold-War ideology to justify expenditures, and a defense industry infrastructure so massive that it influences the peacetime economy (see, for example, Melman, 1971; Pursell, 1972; Koistinen, 1980).

Subgovernment

Subgovernments are defined as "clusters of individuals that effectively make most of the routine decisions in a given substantive area of policy" (Ripley and Franklin, 1984: 9). Decision making within a given policy arena rests within a closed circle or elite of government bureaucrats, agency heads, interest groups, and private interests that gain from the allocation of public resources. These include bureau chiefs, administrators, academics, private contractors, and members of state and local governments (Palumbo, 1988: 51).

The military subgovernment, for example, shows a triangular pattern of interaction between a federal agency (the Pentagon), its constituent group in American society (defense contractors), and those in Congress with a special interest in that part of the federal budget (members of armed services committees, defense appropriations committees, and members from congressional districts and states with concentrations of defense spending) (Adams, 1984: 326). They are not limited to the military sector. They exist in many arenas of national policymaking, including agriculture, banking, organized labor, education, international business, and scientific research (see Knott and Miller 1987: 131-132; Ripley and Franklin, 1984: 97-135). They also operate at both the state and national levels, with stable alliances between legislators, state agencies, private enterprises, and other interest groups (Palumbo 1988: 51).

Several characteristics may be identified of subgovernmental control in national policy making:

(1) Each of the participants in a subgovernment share a close working relationship. The subgovernmental participants do not constitute a "power elite" capable of enforcing any policy or interest, but within the policy arena under subgovernmental control no single actor is powerful enough to stop the alliance when the major participants are united (Knott and Miller, 1987: 130). This participants' alliance becomes stable over time and is characterized by cooperation and compromise.

(2) Each subgovernment features a distinct overlap between the societal interest and the government bureaucracy in question. Government policymakers and agency administrators move freely between the two arenas and tend to share common values, interests, and perceptions. The line between the public good and private interest becomes blurred as governmental and nongovernmental institutions become harder to distinguish (Ripley and Franklin 1984: 9; Adams, 1984: 326).

(3) Subgovernments operate with a low level of visibility and a high degree of effectiveness from the point of view of those inside the subgovernment. Decisionmaking is normally invisible and noncontroversial. The closed, low-profile operations of a subgovernment are not noticed by the public, the media, nor other governmental agencies (Ripley and Franklin, 1984:10,105).

(4) The subgovernment has the tendency to become a fixture within a given policy arena. They exercise control over the policymaking process for long periods of time and disintegration is rare (Ripley and Franklin 1984: 106). Eventually, policy makers and private participants come to share the assumption that they are not only acting in their own interests, but in the general public interest as well (Ripley and Franklin, 1984: 9,105; Adams, 1984: 327).

Participants in the Corrections Subgovernment

Prompted by such factors as the rapid rise in correctional populations during the 1980s (the nation's prison population more than doubled), a corrections subgovernment of national proportion has emerged.² The key participants in the national corrections commercial complex are (1) private corporations devoted to profiting from imprisonment, such as Space Master Enterprises and Adtec Incorporated; (2) government agencies anxious to maintain their continued existence, namely the National Institute of Justice (NIJ) and the Law Enforcement Assistance Administration (LEAA)

prior to it, and (3) professional organizations which sew together an otherwise fragmented group into a powerful alliance, including the American Bar Association (ABA) and the American Correctional Association (ACA). These national level players are in turn linked to corrections subgovernment within states and form a massive policymaking alliance.

Private Concerns.

During the 1980s, a number of firms have emerged as players in the national corrections market. A few firms have become quite visible in the ongoing debate about privatization. These firms specialize in the management and ownership of corrections facilities, including Corrections Corporation of America (CCA), and United States Corrections Corporation (USCC). CCA is backed by the Massey-Burch Investment group (Massey-Burch owns Kentucky Fried Chicken and Hospital Corporation of America), and achieved national notoriety in its attempt to purchase the entire Tennessee prison system in 1985 (see Egerton, 1984; Tolchin, 1985). USCC used an initial investment of \$1.9 million to convert an old seminary in St. Mary, Kentucky, into a corrections facility, and became the first private company to build, own and manage a corrections facility (Logan, 1990: 25). Yet alongside these novel, high-profile operations, there are many more companies profiting from the routine, low-profile world of providing prison services.

Private interests profit from imprisoning lawbreakers in various ways. In thirty-nine states, private firms provide services ranging from catering to vocational training within publicly managed prisons (Becker and Stanley, 1985: 728). Private companies with names like Hopeman Correctional Systems, Bevels Correctional Food Service Equipment, and Szabo Correctional Services provide myriad goods and services, including food service design and management, consulting and personnel management, architecture and facilities design, vocational assessment, medical services, drug detection, and transportation. And that is not all. There are

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companies that sell protective vests for guards, closed circuit television systems, mechanical and electronic locks, perimeter security and motion detection systems, fencing, flame retardant bedding, furniture, footwear, lighting, and linen along with shatter-proof plastic panels, tamper-proof fasteners, and clog-proof waste-disposal systems.

Two firms, Adtec Incorporated and Space Master Enterprises, illustrate the rapid growth of the punishment business. Adtec became Adtec Incorporated in 1987, a successor to Adtec Security, which was originally incorporated in Texas in 1984. Headed by Sam Youngblood, the company designs, produces, and markets electronically controlled locking devices and security doors. In December 1986, the company formed Correctional Development Corporation and American Detention Services Incorporated to pursue other opportunities in the correctional market. In October 1988, the company bought out Steel Door Industries. Adtec revenues were \$21.6 million in 1989, up from \$14.6 million in 1988, and \$10.3 million in 1987. Space Master Enterprises Incorporated specializes in modular buildings for use as minimum-security and pre-trial holding cells. The company is headed by Raymond A. Wookidge, who left Gelco Corporation (which also manufactures pre-fabricated cells) to acquire Space Master in 1982. Space Master's revenues have increased fivefold from about \$12 million in 1982 to \$60 million in 1987 (Foust, 1987: 86).

Federal Agencies.

Federal agencies joined the corrections-commercial alliance following the creation of the Law Enforcement Assistance Administration (LEAA). LEAA was launched by the Omnibus Crime Control and Safe Streets Act of 1968 and during its massive campaign to restructure the justice system during the 1970s, it doled out \$8 billion dollars to state and local justice agencies. LEAA's policy stance was ambiguous; it seemed to many that the agency threw money at the crime problem without sense or strategy. But whatever else

LEAA accomplished or failed to accomplish, the agency served to initiate a nationalization of crime policy. In the early years, LEAA gave money to police for hardware (helicopters, tanks, riot gear, and so forth), but in later years the agency developed an emphasis on community corrections and diversion programs. The existence of a central grant-making presence in Washington increased the flow of information between jurisdictions and fostered a sense of common participation (Gordon 1990:200-203).

When LEAA was abolished in 1982, the Office of Justice Programs (OJP) stepped in. OJP is a branch of the Justice Department that began when President Ronald Reagan signed into law the Justice Assistance Act of 1984 as part of the Comprehensive Crime Control Act of 1984. This Act amended the Omnibus Crime Control and Safe Streets Act, and created five interrelated bureaus to promote research, collect statistics, and provide financial and technical assistance to state and local governments. The bureaus include the Bureau of Justice Assistance (BJA), the Bureau of Justice Statistics (BJS), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Office for Victims of Crime (OVC), and the National Institute of Justice (NIJ). NIJ is the "research branch" of the Justice Department devoted to "targeting resources, assuring their effective allocation, and developing new means of cooperation between the public and private sector" (DeWitt, 1988: i).

Professional Organizations.

Professional organizations comprise the third side of the corrections-commercial triangle. Professional groups such as the American Bar Association (ABA) and the American Correctional Association (ACA) exert considerable influence over correctional policy.³

The ABA is the foremost nationwide attorney organization. It exercises enormous influence over corrections policy through criminal code revision. While a professional association of lawyers might naturally be expected to be interested in criminal law reform, the ABA is no ordinary interest group. The ABA's influence over criminal justice policy might be thought of as a "working criminal

justice elite" (Melone, 1983). From 1971, when initial congressional testimony began on revision of the federal criminal code to its final testimony in 1979, ABA representatives testified on a wide range of topics. These topics included criminal sentencing, probation, the death penalty, and bail jumping. Curiously, it was not the ABA's section on criminal law that offered initial testimony on criminal code reform. Rather, business-oriented sections, such as the Section on Corporation, Banking and Business Law, and the Section on Taxation, were the first to testify before the Senate Judiciary Committee. These sections offered repeated testimony over the years (Melone, 1985: 38).

The ACA was founded in 1870 as the National Prison Association and became the American Correctional Association in 1954. Composed of about 40,000 correctional professionals, the ACA is involved "in the entire spectrum of correctional activities" it publishes corrections-related materials, trains personnel, sponsors the annual Congress of Correction, and accredits agencies and programs. The ACA has been described as being to correctional officers and prisons as what the American Medical Association (AMA) is to doctors and hospitals, or as one California prison official explained, the ACA is "a lobby, professional standards-setter, peer review group, public relations mill, seller of prison-related junk, and a place where people pop-off and retire" (Dilulio, 1987: 83). Since its beginning, the ACA has worked to shape national and international policy and has recently expanded its role to uniting public government and private business.

The Corrections-Commercial Complex

The pattern of interaction among the participants in the corrections-commercial complex fits the subgovernmental model. The national corrections subgovernment displays each of the features of subgovernments in other national policy making arenas.

(1) Each of the participants in the corrections subgovernment share a close working relationship supported by the flow of information, influence, and money. Just as

protecting the nation from foreign enemies is a major industry, punishing people in this country is big business. During the 1980s, corrections in the USA became a multi-billion dollar industry. Total capital and operational expenditures by county, state, and federal correctional systems for 1990 is estimated to be more than \$25 billion (*Corrections Today*, 1990: 201).

Where does all the money go? Private vendors get a significant part of it. When in 1987 the Texas legislature passed a bill to create an additional 2,000 prison beds, a legislative aide commented that salesmen wearing "funky perfume and strange polyester suits" descended on the state capitol to hawk corrections products such as electronic wristbands that monitor released inmates (Vogel, 1987: 33). Health care and food service are two of the fastest growing sectors in the corrections industry. The revenue for one prison health care provider, Prison Health Services Incorporated, jumped from \$5.5 million in 1983 to \$19 million in 1988. *Nation's Restaurant News* estimates that prison food service is a \$1 billion dollar enterprise that is growing between 10 to 15 percent each year (Asinof, 1988: 1). In June 1988 the Campbell Soup Company reported that the nation's prison system was the fastest growing food service market (Alsop, 1988: 27).

The biggest profits are not in providing prison services, however, but in new construction. Direct expenditures for new prison construction rose from 7.7 percent in 1977 to 12.9 percent in 1988 (Bureau of Justice Statistics, 1988: 5). Not surprisingly, more than a hundred firms specialize in prison architecture alone, and these firms now receive between \$4 billion and \$6 billion in prison construction business a year (Duffy, 1984: 20; Kroll, 1984: 18). Other firms profit from the rapid increase in facilities expansion indirectly by financing prison construction. E.F. Hutton, Merrill Lynch, and Shearson Lehman/American Express have arranged millions in corrections financing by orchestrating lease-purchase deals (Becker and Stanley, 1985: 728). The profits earned

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from government contracts and construction deals keep the subgovernmental participants working closely with one another.

(2) There is a distinct overlap between the interests of for-profit companies and professional organizations and the interests of the federal agencies maintained by the flow of influence and personnel. As with the military-industrial complex, there is a constant flow of personnel between the public and private correctional governments. American Bar Association (ABA) representatives are high-status lawyers often having prestigious individuals and organizations for clients. Many ABA leaders are associated with large private law firms with some of the most successful business enterprises in the USA for clients (Melone 1985: 40).

The revolving-door so characteristic of the defense industry also characterizes the corrections subgovernment. The heads of private prison firms are often former government officials or corrections administrators who have left public service for private interest. Ted Nissen, President and Founder of Behavior Systems Southwest Incorporated (BSS), a private prison firm, is a former employee of the California Corrections Department (Ryan and Ward, 1989: 13). Tarnara S. Lindholm, Vice President of BSS also had a long career in the California Department of Corrections (Logan, 1990: 22). Craig Dobson, a 20-year veteran of the U.S. Bureau of Prisons, operates a detention facility in Aurora, Colorado, owned by Wackenhut Corrections Corporation (WCC), a company that expanded its operation from private security to prison incarceration. Dobson is also the founder and first director of the National Institute of Corrections Jail Center in Denver (Logan 1990: 24). T. Don Hutto, executive vice-president of Corrections Corporation of America (CCA), is a former commissioner of corrections in Arkansas and Virginia. Hutto also served as President of the American Correctional Association from 1984 to 1986 (Logan, 1990: 23; Ryan and Ward, 1989:

37). Richard Mulcrone, former chairman of the Minnesota State Corrections Authority, manages a corrections system division of Control Data Corporation. Maurice Sigler, former chair of the Federal Parole Commission, serves on the Corrections Corporation of America's board of directors (Becker and Stanley 1985: 728-729.)

This list goes on. James K. "Chips" Stewart, who served as the Director of the National Institute of Justice (NIJ) from 1982 to 1990 years recently announced that he was leaving NIJ to become the director of Justice Systems Technology Practice at Booze-Allen & Hamilton, a consulting firm. Charles DeWitt, the new NIJ director, had been project director for a cooperative effort between NIJ and the ACA to produce the *National Directory of Corrections Construction* (DeWitt, 1988). Hallem H. Williams, former director of the District of Columbia Department of Corrections, heads International Corrections Services, a company organized by Carter Goble Associates. Based in Columbia, South Carolina, Carter Goble is known worldwide for criminal justice consulting and plans to capitalize on the operation of private prisons in the USA (State, 1990).⁴ Robert Britton served as Alabama Prison Commissioner in the early 1980s during which he urged a massive ten-year construction program for the state. Britton then left public service to head a medical firm that serves Alabama's prisons (Kroll, 1984: 19). Charles Fenton, who served as chief warden at three federal prisons, now runs Buckingham Security, along with his brother Joseph Fenton, a Pennsylvania businessman (Becker and Stanley, 1985: 729). Buckingham operates private corrections and detention facilities in several states.

Any issue of *Corrections Today*, the official publication of the ACA, contains many examples of the triangular arrangement between government, commerce, and this organization. In the July 1990 "Annual Security and Buyers Guide Issue," employees of private firms published articles describing technological and product developments, and a special section described the products and services of several hundred companies that profit from the deprivation of liberty. Each year at the annual congress of corrections, sellers meet buyers at the American Correctional Association Show. At the 1990

congress in San Diego, California, ACA members enjoyed an evening of entertainment featuring Rita Moreno that was sponsored by Adtec Incorporated, Bell Public Communications, and GE Structured Plastics.⁵ Delegates who registered at the congress had the opportunity to win a 1991 Pontiac Firebird financed by Construction Control Corporation, Del Norte Security Systems, Fail-Safe Lighting Systems, GELCO Space, Harris Corporation, Digital Telephone Systems, and Roche Diagnostic Systems (*Corrections Today*, 1990: 44).

Along with the ACA, the National Institute of Justice (NIJ) has done its part to boost the corrections industry. A 1987 study publicized by this federal agency claimed that society spends an average of \$25,000 a year to confine an inmate, while it costs \$430,000 for that individual to remain free to commit crimes. The NIJ also calculated that the average crime costs society a whopping \$2,300. While the accuracy of these figures remains questionable, the implication was clear: every available dollar should be spent on prisons. The NIJ distributed this study to the public by Associated Press and United Press International; it provided valuable support for states rapidly building prisons. California's Governor George Deukmejian cited the study in a 1989 speech justifying the state's \$1.5 billion prison operating budget. Assistant Attorney General Richard B. Abell used it in a letter mass-mailed to policy makers across the country. Abell argued that "the costs to society of non-imprisonment are significantly higher than the costs of prison construction" (Barrett and Greene, 1989: 19). James K. Stewart, while he directed NIJ, also took the message of merging corrections with private enterprise directly to the public. In 1985, Stewart appeared in the *New York Times*, arguing that "the private sector is able to meet the demand [for correctional institutions] quicker [than the government]" and "The private sector...can build and maintain a prison for about 10 to 15 percent—maybe 20 percent—less" (Stewart, 1985: 22).

(3) The corrections-commercial complex operates without public scrutiny and exercises enormous influence over corrections policy. Neither the American Bar Association (ABA)

nor the American Correctional Association (ACA) has any official power to make policy decisions. The fact is, however, that these organizations effectively make many of the decisions that affect the lives of lawbreakers in this country.

Since the activities of subgovernmental participants are by definition low-profile, they are difficult to document. Yet on occasion, these activities come to light. When Professor Emeritus Livingston Hall of Harvard Law School and chairman of the ABA committee of Reform of the Criminal Law gave extensive testimony on diverse issues ranging from conspiracy to federal jurisdiction, Senator Roman Hruska (R-Neb), a ranking member of the Senate Subcommittee holding the hearings, said to Hall: "We are gratified at the number of instances when we conform to your recommendations of today. We will take under advisement those instances where we have not conformed." Professor Hall later commented of the ABA committee's work, "Our committee believes that its work...was well worth the time and effort that it spent, because we are very pleased to see that a substantial number of our recommendations have been adopted in both bills" (quoted in Melone, 1985: 41).

Likewise, the ACA is not an agency of government yet it probably has as much to do with the experience of prisoners in this country as the agencies of government with nominal control. One of the ways the ACA exerts major influence is in the setting of standards. Published ACA standards cover such areas of security and control, food service, sanitation and hygiene, medical and health care, inmate rights, work programs, educational programs, recreational activities, library services, records, and personnel issues. ACA also sets standards that relate to crowding, including the size of cells, recreational space, and the total floor space per unit.

Reliance on ACA standards by government agencies and private contractors promotes a close working relationship between the ACA, government agencies and private companies. Essentially, this arrangement means that the policy adhered to

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is made by a private organization rather than public officials. Contracts for the operation of private prisons often include a requirement to adhere to ACA standards. This may be stipulated by the government agency involved, or by the contractor (Logan, 1990: 128129). Compliance with these standards is necessary to receive accreditation from the Commission on Accreditation for Corrections. While accreditation is seldom required, it often paves the way for increased funding. It also has been recognized by the courts as one indicator of the acceptability of an institution's conditions which provides an excellent defense against civil suits by inmates for violations of constitutional rights (Clear and Harris, 1987: 44; Dilulio, 1987: 215). Recently, Thomas Boshell of Liberty Healthcare Corporation attributed his company's growth to correctional officials' fear of litigation. Contracting with private health care services affords prison officials some protection against malpractice suits by prisoners (Asinof, 1988: 1).

(4) The corrections-commercial complex shows signs of becoming a fixture within the national policy area of punishing lawbreakers as the participants define their activities in the public interest. Like the military-industrial complex Eisenhower worried about, the alliance of private profit and public punishment seems to have been forged.

State governments have formed dependencies on the private sector. The production of specialized products and lease-purchase financing are two examples. When in January 1988 Armco Incorporated, the only producer of double-ribbed steel window bars used in jail construction, announced that it would no longer produce them, jail builders feared a major crisis. Fifty new detention facilities were planned for that year alone, plus maintenance of existing facilities. But a month later, Commercial Metals Incorporated, a specialty steel producer said it would make the bars (they are not used in any other type of construction), and thereby alleviated concern that the bars would be unavailable (*Wall Street Journal*, 1988: 42).

Lease-purchase financing appeared in the 1980s. E.F. Hutton orchestrated one of the first such deals in Jefferson County, Colorado, in 1983. The \$30 million lease-purchase contract was divided into \$5,000 certificates of participation that were sold to investors with the allure municipal bonds. The proceeds were funneled into jail construction, and the building leased to the county for yearly payments. At the end of the ten year lease, the county will own the jail (Duffy, 1984: 20). Lease-purchase financing schemes have become indispensable in allowing governments to establish new prisons and avoid legislated debt ceilings and voter referenda. Such services strengthen the relationship between public and private interests.

Private companies and professional organizations are unabashed in their claim to be operating in the public interest. Private prison officials do not claim to be operating in their own interest while not interfering with the public good, rather, they claim to provide a public good. Defending the activities of Behavior Systems Southwest, Ted Nissen has written: "Private corrections management gets the public involved. It gets us involved as citizens, as taxpayers, as concerned Americans. The prison system is a disaster. I want to make it better and to do it at a profit" (Nissen, 1985: 194). Hugh J. Swink, national director of a management consulting division of the accounting firm of Touche Ross specializing in corrections, has said of private financing of prison construction, "Where it's done right, you're going to see a great benefit to government and a chance for the private sector to make money" (Bacas, 1984: 62). Tom Beasley, founder of the Corrections Corporation of America (CCA), expressed this unity of interest somewhat more eloquently: "There are rare times when you get involved in something that is productive and profitable and humanistic. We're on the verge of a brand new industry" (Egerton, 1984: 19).

Besides the official statements of corporate corrections leaders, there are the advertising slogans of the private companies they operate. These demonstrate to those with a public duty to punish that those devoted to the private pursuit of profit actually share the same goals. Promotional literature for E.F. Hutton offers "Exciting New Ways to Finance New Jails"—new jails the company claims the

public sorely needs: "As a nation, we have an unprecedented need to acquire new jails and prisons" (Kroll, 1984: 21). Kullman Industries, a prison construction business, sells "The Fastest Way To Put Offenders Behind Bars." - Move'em Securely... "is the byline for Blue Bird Body Company, a manufacturer of "security transfer vehicles." Electronic Control Security, a company that specializes in security fencing, says "We Help Separate the Outside World from the Inside World." Gelco Space, a prison construction firm, simply asserts: "Gelco Space Solves Overcrowding." All of these advertising slogans promise outcomes consistent with the public interest.

The Future of the Corrections-Commercial Complex

Will the corrections-commercial complex follow the same road as the military-industrial complex? Will policy analysts uncover soaring corrections budgets, disturbing amounts of waste and inefficiency, massive defects in new corrections construction and prison services?

There is mounting evidence to suggest that this is the case. Spending for corrections monumental and is growing. The nation's prison and jail population passed the one million mark in 1990 and is rising at a 13 percent annual growth rate. At this rate it will cost at least \$100 million *per week* just for construction of new facilities (*Criminal Justice Newsletter*, 1990a: 1). Connecticut, California and Ohio have cut millions from their public education budgets while increasing their corrections budgets at unprecedented levels (Barrett and Greene, 1989: 18). Waste and inefficiency color the delivery of correctional services. Despite doubling the number of imprisoned lawbreakers in the past decade, the recidivism rate remains high. Prisoners in at least one state prison system have come to view prison services - rehabilitation programs and the like - as no more than gimmicks to bring money into the institutions (Kroll, 1984: 20). As well, there are reports of major defects in new prison construction. A national survey of the design and construction of new jails and prisons has uncovered design blunders that have resulted in facilities that are difficult to keep secure, conducive to inmate suicide, and vulnerable to conditions-of-confinement lawsuits (*Criminal Justice*

Newsletter, 1990b: 2-3).

But more research must be done before it can be said with surety that a corrections-commercial complex exists. Several questions pose issues for immediate attention: Does a national corrections subgovernment influence incarceration and recidivism rates? When did the national corrections subgovernment begin? What factors led to its formation? What is the relationship between the national and state corrections subgovernments? Is there a connection between get-tough-on-crime politics and the profit-seeking interests of the corrections industry? Is there a corrections subgovernment of international scope? These questions and others await further research.

Endnotes

1. Given the historic pattern of interaction between prisons and private companies, it may be more accurate to say "re-emerging alliance between government and private enterprise." Throughout the nineteenth and early twentieth centuries, contract and lease agreements between prison authorities and private entrepreneurs for the use of inmate labor were common (see, for example, Knepper 1990, Conley 1980).

2. From 1925 to 1974, the record high prison population was in 1961, when 220,149 persons were in prison. Every year since 1975, a new record high has been set. During the 1980s, the prison population more than doubled from 329,821 inmates in 1980 to 710,054 in 1989. Given current population projections, it is conservatively estimated that the U.S. prison population will reach 771,000 inmates by 1993 (Bureau of Justice Statistics, 1988; Travisono, 1990).

3. The ACA is openly in favor of private corrections facilities. The ACA policy on private sector involvement states: "Profit and nonprofit organizations have resources for the delivery of services that are unavailable from the public correctional agency...For its most effective operation, corrections should use all appropriate resources, both public and

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private" (Corrections Today, 1990: 173). The ABA has neither embraced nor condemned the privatization of corrections. The Prison and Jail Problems Committee of the ABA Criminal Justice Section did resolve to study the legality of privatization, particularly contracting for the total operational responsibility for a prison or jail—and appointed Ira P. Robbins to draft a model contract and model statute (Robbins, 1989).

4. Carter Goble is one of a number of private firms that have actively sought business in an international corrections market. Further research may show that an international corrections-commercial complex is emerging.

5. Rita Moreno is the only female performer to win the Oscar, Tony, Emmy, and Grammy awards. She has performed on Broadway, film, television, and more-recently, in her own nightclub act (Corrections Today, 1990: 37).

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Privatization

Letters

This letter was a response to a request for an article about the 'privatisation' programme. The content is self explanatory and surprising!



The management of HIV disease in the correctional setting

A REVIEW OF THE U.S. EXPERIENCE AND RECOMMENDATIONS FOR THE PRISON SERVICE OF ENGLAND AND WALES

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PREFACE

The Harkness Fellowships.

In August 1990, I arrived in New York on a paid leave of absence from H.M. Prison Service to commence a 12 month tenure as a 1990 Harkness Fellow in the U.S.A.

Since 1928, Harkness Fellowships have been offered annually through the Commonwealth Fund of New York. In recent years the U.K. programme has been redesigned to grant fellowships for studying public policy issues of common concern to the U.K. and the U.S.; these changes took effect with the 1990 programme. The new programme aims to "...expose potential leaders from the U.K. to ideas, approaches, and contacts in the United States. The hope is to enhance their ability to bring about change and improvement at home and to build enduring relationships of value to both countries."

Project proposals had to focus on one of three broad subject areas: promoting good health, educating for the 21st century, and improving the condition of people living in cities. Subsidiary themes were built into these broader topics, and crosscutting themes common to more than one subject area and which illuminate significant contrasts between the U.S. and the U.K. were also important subthemes of study.

The project.

My project proposal was to study HIV disease, particularly in the penal setting. This proposal was based on the understanding that certain states in the U.S.A. had experienced HIV disease in their prisoner populations for a longer period and in significantly larger numbers than the Prison Service of England and Wales. I also believed that a variety of approaches to this politically sensitive medical condition would

exist and hoped to learn of successful and unsuccessful strategies through reviewing the literature and undertaking site visits.

The National Institute of Justice [NIJ], the research branch of the federally funded U.S. Department of Justice, acted as primary host during my tenure. NIJ's mission is to develop knowledge about crime, its causes and control. Since 1985, NIJ has collected data from the 50 states and the District of Columbia in respect of HIV disease in federal and state prisons and county and city jails. Cheri Crawford, the AIDS program manager acted as my mentor, and access to NIJ, with its impressive data base, afforded me a first class starting point from which to review current literature and immediate access to a network of specialists and practitioners.

A secondary host was the George Washington University in Washington D.C. where I attended some classes during the Fall semester and had access to the library, all facilities and staff.

I have written this paper primarily for the U.K. audience, particularly those employed by or associated with the Prison Service. Therefore the assumption I have made is that the reader has a working knowledge of imprisonment under that jurisdiction. Where I felt that further clarification was needed or that additional information would be beneficial, I have provided it at that point. This is intended to be a working document for discussion and for that reason I have compiled my research findings into broad themes as the alternative strategy of describing each system visited in great detail would be inordinately arduous for the writer and the reader.

INTRODUCTION

The United States ranks first in the world in imprisoning the highest number of its

citizens on a per capita basis. This is partially attributable to the levels of violent crime, particularly crime involving the use of firearms. An extreme example of this is the homicide rate in Washington D.C.; 483 persons were killed in 1990 and the figures this year to date are higher than at this time last year. The proportion of homicides relating to the drug trade have reduced from 60% in 1988 to 42% in 1990, and are shifting towards the common disputes of daily life, particularly with young men taking the law into their own hands.¹

With so many persons incarcerated, there is plenty of choice for the researcher. I decided at an early stage to compare state prisons. This would allow me to study several jurisdictions' management of and approach to the same disease under similar conditions. All of the States have a prison system, funded by the state, which holds their sentenced populations in accordance with State law. Thus there is potential for diverse approaches to any particular problem whether it be overcrowding, sentence calculation, the death penalty, or HIV disease.

After reviewing the literature, I decided to visit male and female state prisons in New York, California, Colorado, Kentucky, Florida, Texas, Mississippi, Massachusetts and Illinois. I also had an opportunity to visit the city jails of New York [Riker's Island] and Chicago Cook County Jail. This range of jurisdictions offered an opportunity to review several aspects of the management of HIV disease including: education programmes; methods of health care delivery; segregated and integrated systems of housing for those prisoners who are HIV positive; equal or discriminatory access to programming [the regime] dependent upon HIV status; links with the community; and policy on HIV antibody testing - either voluntary or mandatory.

The visits were all easy to arrange and I met with great courtesy, kindness, generosity and hospitality. Individuals were easily accessible and their information unrestricted and readily available. I received candid replies to my direct questioning of issues which were often very sensitive and I found people willing to share their failures as well as successes.

HIV DISEASE

History

AIDS, [Acquired ImmunoDeficiency Syndrome], was first reported in the United States amongst a group of young homosexual men in 1981, although it is now widely acknowledged that the disease had existed undiagnosed for many years. It is the last stage of HIV disease, a continuum of conditions caused by the Human Immunodeficiency Virus [HIV]. The virus is fragile and does not survive outside the body and cannot be transmitted through casual contact. There are three established routes of transmission; the exchange of intimate body fluids during unprotected sexual activity with an infected person [vaginal intercourse, anal intercourse and oral sex]; through the exchange of bloods during transfusions of unscreened and contaminated bloods and blood products, or sharing used and unclean injecting equipment, unsterilised tattooing equipment, and unsterilised ear piercing equipment; and perinatally from infected mother to foetus either during pregnancy, at birth or possibly during breast feeding. As the virus is so fragile and the routes of transmission well-established the adoption of universal precautions [washing hands, use of disposable surgical gloves, disinfectant] are recommended to be sufficient in the event of spilled body fluid.

Since 1985, it has been possible to test for the virus through a blood test. The most commonly used test in the United States is the ELISA and this and other tests will indicate whether there are antibodies to the virus in an individual's blood. The presence of HIV antibodies [a positive test result] will determine that an individual has been exposed to the virus at some point in the past; it will not determine when or the route of transmission. A negative test result following a significant exposure to the virus during high risk activity does not necessarily indicate that an individual does not have the virus. The average time between exposure to the virus and the body developing antibodies is six months [this period is known as the "window period"], and for that reason, a negative test result following known exposure to the virus is usually followed up by a further test six months later.

Medical opinion is that all those who are HIV positive will progress through the disease and die. The virus works by attacking and destroying the immune system leaving the patient vulnerable to multiple infections which cause death. Estimates in respect of the time between asymptomatic and symptomatic phases are set as high as 10 years; American medical opinion is that the drugs AZT and pentamidine are beneficial in prolonging life if administered as prophylactics during the asymptomatic phase. The lengthy asymptomatic phase is contrary to popular opinion which has been that HIV infection leads swiftly to AIDS and death; although clearly those in poor general health or who had severely impaired immune systems prior to infection are more likely to become very sick and die more rapidly than those in good health with healthy lifestyles - as exemplified by the intra-venous [IV] drug-using street populations of major [U.S.] cities.

Current Situation.

At the 1991 World Health Organisation [WHO] International AIDS conference it was reported that by the year 2000, it is anticipated that 40 million people worldwide will be infected with HIV, and there will be 10 million cases of AIDS worldwide: 90% of those cases will be in developing countries. Heterosexual transmission will become the predominant route of transmission and women and children will account for increasing numbers of cases. [Dr James Chin, W.H.O.]²

HIV disease in the U.S.A.

The Centers for Disease Control [CDC] report that in 1990, 43,339 cases of AIDS were reported - a massive leap from the 189 cases reported in 1981. CDC estimate that there are 1 million Americans currently infected with the virus although some argue that this figure is too high and that the number of those infected is more likely to be between 500,000 and 800,000 [Dr Hay, Stanford; Dr Morgan, CDC].³ These revised statistics are based on the belief that the epidemic has not taken hold in the heterosexual population as was first anticipated.

By comparison, in the U.K., 4,098 AIDS cases were reported in 1990, a leap from 106

cases reported in 1984. At the end of 1990, 15,166 persons were known to be HIV positive. This figure may be a significant underestimate given the recent increase in the rates of other sexually transmitted diseases which indicate that unprotected sexual intercourse continues to take place in spite of recent public health campaigns.

In the U.S.A. and the U.K., those infected through homosexual activity are the largest subgroup of AIDS cases closely followed by HIV drug users; women are the fastest growing group of HIV infected persons in the U.S.A.

HIV in prisons

The rate of HIV infection among the incoming prisoner population is likely to be a concentrated version of the prevailing situation in the local general population because of the link between HIV disease, illicit drug use, prostitution and incarceration.

The results of blind seroprevalence studies undertaken in the U.S. confirm this; the latest NIJ report, 1990 Update: AIDS in Correctional Facilities, details seroprevalence rates of incoming populations ranging from 0% amongst the incoming female populations of Wyoming, Idaho, South Carolina, Hawaii and Arkansas to 25.6% amongst the incoming female population of Riker's Island, New York. Further, as of October 1990, 6,985 confirmed cases of AIDS and 2,504 deaths have been reported by Federal, State and larger city/county correctional systems. AIDS is now the leading cause of death in some correctional systems.

There is no firm data available in the U.K. as blind seroprevalence studies have not been undertaken. It is known that in 1990 there were 60 persons in custody in England and Wales who were HIV positive and in the same year 10 deaths from AIDS. Seroprevalence rates vary between establishments and although demographic factors may be at play here, the importance of local disincentives to come forward for testing must not be underestimated. It is speculation as to the proportion of prisoners who are HIV positive in the institutions of England and Wales, but the known figures are clearly a significant underestimate; the

numbers of prisoners known to be HIV positive have averaged about the same number since reporting first started and yet the number of confirmed AIDS cases among prisoners has risen by 500% over the past 2 years.⁵

THE DRUG WAR

Increased personal drug use in the U.S.A. in the 1970's and 1980's resulted in a rise in drug related violence and crime and mounting public concern about the social costs of drug use and its aftermath. Following the explosion in the use of crack cocaine during the 1980's, political pressure for a government strategy to address the drug issue resulted in the Reagan Administration "War on Drugs", which emphasised tougher penalties for drug offenders and a more stringent enforcement of anti-drug laws in conjunction with a public information campaign intended to deglamourise drug use. President Bush was elected on a platform of continuing the Reagan Administration drug strategy and one of the consequences of this strategy has seen a massive rise in the prison population, partly attributable to the introduction of mandatory custodial sentences for drug offenders.

Extent of drug use among arrestees

In 1987, NIJ began the Drug Use Forecasting [DUF] programme in New York city. By 1989, 22 cities across the U.S. had entered the programme which is designed to provide estimates of the amount and trends of drug use amongst arrestees through analysis of urine specimens [a technique known as urinalysis] given voluntarily and anonymously by samples of male and female arrestees. The results are shocking: in 1989, the percentage of males testing positive for a drug at the time of arrest ranged from 53% in San Antonio to 82% in San Diego; the percentage of females testing positive ranged from 45% in Indianapolis to 83% in Washington D.C.. Cocaine was the most prevalent drug for the majority of male and female arrestees.⁶ The 1988 DUF data reports that substantial numbers of arrestees have injected drugs - from a high of 36% of all male arrestees and 47% of all female arrestees in Portland, Oregon to a low of 9% of all male arrestees in Miami, Florida.

Female arrestees are more likely to have injected drugs than males.⁷

Of greater concern, the 1988 data shows that significant numbers of arrestees who currently inject drugs share needles; 44% of male arrestee injectors in Los Angeles, California share needles.

It is not possible to make a direct comparison with the U.K. as there is no equivalent data set for drug use in the U.K. However, in a recent Home Office Statistical Bulletin, it is reported that the number of drug addicts notified to the Home Office [a procedure required of General Practitioners, Hospital or Treatment Centre Doctors, Police Surgeons and Prison Medical Officer] increased by 20% between 1989 and 1990 to almost 18,000. Information on injecting behaviour was reported on 80% of those cases and two thirds of the addicts were reported as injecting drugs. More males were reported as injecting drugs than females and those addicts reported by treatment centre doctors and Prison Medical Officers were more often described as injecting drugs than those reported by General Practitioners.

In evidence to the Woolf Inquiry⁹, it was reported that between 2,000 and 3,000 prisoners each year are reported by Prison Medical Officers as having some degree of dependence on drugs at the time of their reception into custody.

The Woolf report also makes note of facts from a draft copy of a report commissioned by the Home Office on Mentally Disordered Offenders, researched and written by Professor Gunn. Professor Gunn determined that 10.1% adult males, 6.2% juvenile males and 24.2% females of the sentenced population were drug dependent using his criterion "the daily use of drugs of dependency during the six month period prior to the index offence. For this sample, cannabis users were not considered to be drug dependent.

Drug use in custody

Although there is little firm data, and that available such as the number of drug and needle finds in custodial settings may underestimate the problem, the majority of

prison administrators in the U.S.A. and the U.K. would confirm privately that drug use does occur in custody. Of greater concern is that those prisoners who inject drugs are more likely to share drug injecting equipment when confined with no method of sterilising than would do so when at liberty.

Drug/STD/HIV link.

Those involved in illegal drug activity are at increased risk for HIV infection, either as a result of injecting drugs, unprotected sexual activity sometimes with multiple partners when high, or trading sex for drugs. The rate of syphilis has increased dramatically across the United States over the last decade and some have attributed this to the concurrent increase in the use of crack cocaine. Crack is a popular drug among women and youths in particular because it is cheap and may be smoked which makes it more acceptable and less intrusive than injecting a drug. This method of administration also makes it more addictive.¹⁰ HIV disease is another sexually transmitted disease and therefore transmission of that virus is likely to parallel the patterns of the other STD's. Further, individuals with an STD which produces genital ulcers may be at increased risk for the transmission of HIV infection during high-risk sexual activity with an HIV infected partner.

Intra-venous drug use is the leading cause of HIV infection in some U.S. cities. A new user is more likely to share injecting equipment than an established user who may have their own equipment which they do not share or loan; it would be unusual for a person who had not previously injected drugs to purchase injecting equipment prior to experimenting for the first time. Therefore the new user is at high risk of infection.

Experienced drug users may have their own equipment but become increasingly unable to fund their incremental drug habit through legitimate means. In this situation, prostitution may provide a supplemental income with clients prepared to pay higher rates for unprotected sexual activity; alternatively, sex can be traded for drugs. In both situations, these individuals are enhancing their risk for HIV infection.

Treatment options

Drug treatment options in the community or in custody are costly and time consuming. Because of the very nature of addiction, and diverse reasons for entering treatment, the success rate is far from 100%.

There are three traditional treatment methods in the U.S.A.; detoxification, either drug free or with medication [for example the methadone programme for heroin addicts]; drug free out-patient clinics where the client attends the treatment centre for various types of counselling and therapy, alone as a group member or with family; and the therapeutic community or residential treatment programme which can last from 9 months to 2 years.

Treatment in custody usually consists of detoxification, with or without medication supplemented with voluntary attendance at a self help group along the lines of Alcoholics Anonymous. Many prisoners are omitted from these programmes either because they are not available or recognised in all prisons or a prisoner who was not convicted of a drug offence may not wish to declare his/her drug dependency to the authorities.

IMPRISONMENT IN THE U.S.A.

The prison population

In 1990, approximately 1.2 million adult and juvenile prisoners were held in public and private correctional centres [Federal Bureau of Prisons, State Prisons, Jails, Youth Centers] in the U.S.A."¹² Of a total national population of approximately 248 million, this figure equates to 0.4% of the population imprisoned.

By comparison, in the same period in England and Wales the total adult and juvenile prison population was approximately 45,000 from a general population of approximately 50 million. This equates to 0.09% of the population imprisoned.

The U.S. prisoner population has increased dramatically over the past decade and this has called for innovative measures to house the excess numbers which have included the use of tents in Louisiana and barges in New

York city, in addition to massive building programmes embarked upon by many states. By contrast, the prison population of England and Wales has declined by some 2,500 since 1989, largely as a result of legislative changes which have impacted the juvenile population in particular.

Correctional systems

There are three main systems of imprisonment in the United States which operate autonomously. The unconvicted, those sentenced to less than one year, and in some states those awaiting a vacancy in overcrowded state prisons, are held in city and county jails. These establishments are funded by the county or city in which they are located, and tend to have limited facilities, few programmes and experience the most severe overcrowding.

Prisoners convicted and sentenced of Federal crimes are held in a nationwide network of Federal Prisons according to the security requirement of the prisoner. Allocation near to home is not necessarily a priority. The Federal Bureau of Prisons is funded through the federal government.

Those sentenced to state terms, usually of more than one year, are held in the state prisons of the state in which the term was ordered. The states operate independently of each other through rules and policy decided by the state legislature and Department of Corrections [DOC]. Therefore the approach may vary widely between states on such diverse issues as the death penalty, compassionate release strategies, sentence calculation and programming. State prisons are funded by the state, although they may be supplemented with federal funds for specific programmes.

Corrections and the political picture

The state legislature establishes the laws of the state in accordance with the broad outline of the state and federal constitutions. This may impact state prisons in terms of policy and procedure. The Constitution of the United States [the federal constitution] sets minimum standards for the civil and procedural rights of all prisoners, but the state constitutions may provide for additional civil and procedural rights for prisoners within that state. However, state

constitutions may not set civil or procedural rights less than those embodied in the Constitution of the United States.

Each state, as well as the federal government, maintains a system of courts to administer justice and interpret the law. Appeals on questions of state law are heard in the state court system up to the states highest court. Appeals on federal law are heard in the federal court system up to the Supreme Court of the United States. In a limited number of cases, appeals on questions of state law also raise issues affecting federal law and may be appealed beyond a state's highest court to the Supreme Court.

A state legislature is to a Governor what Congress is to the President of the United States [checks and balances]. A Governor's term of office is for two to four years dependent upon the state constitution. The maximum number of terms a person may be elected to serve as Governor is determined by the constitution of that state. Individuals who hold ministerial or cabinet positions in state government, including the state's correctional administrator, are appointed by the Governor and serve at his or her pleasure. A state's correctional programmes are likely to be impacted by this, particularly when there has been a change of political party. If a Governor has won the election on a "get tough on crime and criminals" ticket, a current popular opinion, then state correctional policy and practice is likely to be affected.

State correctional policy and practice is also affected by national politics. For example, during the 1988 Presidential campaign, candidate George Bush used the case of Willie Horton, a prisoner who committed several violent crimes whilst on furlough from the Massachusetts correctional system, to raise doubts about the managerial competence of his chief opponent, then Governor of Massachusetts Michael Dukakis. As a result of the successful Bush campaign and the equation of prison furlough programmes with managerial incompetence or foolhardiness, the use of prison furlough programmes has substantially reduced across the U.S.A.

Impressions

During the course of my visits the most dominant impression I have gained is that the U.S. is a more punitive society with the emphasis being on punishment rather than rehabilitation. This is exemplified by the huge numbers imprisoned in the U.S., the availability of the death penalty in the majority of states,¹³ the paucity of furlough programmes and in some states the unavailability of compassionate release for terminal medical cases.¹⁴ I have been shocked to see mechanical restraints and an extensive use of shackles; especially to see young offenders in medium security shackled in Illinois; and surprised to see an enthusiastic interest and adoption of rigorous shock incarceration programmes across the country.

The secure perimeter, which is always armed, has allowed reduced staffing levels and enhanced prisoner movement within the facilities. I have been surprised at the amount of prisoner activity which is not directed by a staff member, especially sports activity, and wonder whether reduced staffing levels have resulted in "no - go" areas for staff, but have been pleased to see positive interactions between staff and prisoners and staff of either sex carrying out their duties efficiently and effectively in singleton-post housing units.

Another surprise in some jurisdictions has been the number of transvestites in male establishments which was open and presumably tacitly approved of by the authorities. This was especially marked in Vacaville, California. It has seemed to me that there is a much higher level of homosexual activity among male prisoners in the U.S., although it may be that this behavior is simply more open. I have gained the impression that the amount of homosexual activity is related to the regime: where there is a limited regime or a lack of direction then there seems to be more homosexual activity. High levels of sexual activity may also be related to a lack of legitimate income - unavailability of work, low incomes or enforced work without remuneration: in those situations, sex becomes a method of earning income.

The private sector.

The increase in the prisoner population and consequent cost to the States has led some to believe that the private sector may be able to operate parts or all of the process of imprisonment more effectively, efficiently and cheaply, thus absolving the state of some of the responsibility whilst simultaneously saving money. Not all of the states have adopted private prisons, and there are states who have passed specific legislation forbidding the use of private prisons. Illinois is such a state.

Particular aspects of the imprisonment process may be contracted out such as the delivery of health care, food service, prison building, and prison industries. The last is widely vaunted as a way to introduce meaningful work with realistic wages for prisoners; part of this wage is paid to the prison as "Room and Board", part sent to family, and part sent to the victim. In this way, the prisoner funds his own imprisonment and makes restitution.¹⁵

Influence of litigation

As a result of successful litigation in 1976, prisoners have become the only group in the United States who have an enforceable right to health care. Subsequently, class action suits were taken out by individual prisoners in several states and partially as a result of their success, the amount spent on prisoner medical services has increased dramatically over the last decade.

Litigation is big business in the United States. All state prisons must provide law libraries and in the event of dissatisfaction prisoners take out law suits. It is unfortunate that it appears to the casual observer that the major catalyst to positive change or development in corrections is successful litigation. This is obviously not the absolute position as I have seen excellent programming and regimes being pushed forward by initiative at local level in spite of a paucity of resources.

AMERICAN VALUES

Culture

Any prison system will reflect the culture and values of the country/state/area in which

it is located, therefore it is not surprising to find that Mississippi decided to establish a plantation prison whereas Minnesota with its Scandinavian legacy has created Oak Park Heights - a maximum security prison with a good regime and freedom of movement which is so highly regarded in the U.K.¹⁶ For precisely the reasons of regional diversity and cultural influence, concepts, methods, policy and procedure do not always readily translate either between states or internationally. Although there will be regional variations dependent upon history and tradition, there are some broad statements to be made about the United States in general which may be helpful as background information.

The quick fix society

Firstly, it appears that America is a quick fix society. In the face of a state or national problem, the legislature looks for a quick fix solution as a response to public pressure. The solution may impact all or part of the symptom of the problem but not necessarily the root cause. The solution will be adopted with vigour, especially if it is endorsed by the Administration and is politically fashionable. An example of this is the strategy known as the "War on Drugs"; whilst the symptoms of the problem [drug trafficking, drug dealing] are being energetically pursued, there is less emphasis or research into the root causes of drug taking.

This quick fix approach receives good press as it gives the impression that the Administration is responding to the problems presented to it and thus serving the demands of the public who elected them.

The U.S.A. is also a society with an abundance of data. In order to understand any problematic issue there must be data produced and in order to measure the effectiveness of a solution there must be out-turn data. This data is available for all who would care to study it.

Punishment and programmes

There is a move away from the prisoner and rehabilitation and a move toward punishment and retribution with the offender being expected to pay restitution and in some cases pay towards his/her

imprisonment rather than being a burden on society. In today's climate of fiscal restraint and budget deficit for many states, difficult decisions have to be made as to whether the limited funds available should go towards the construction and staffing of new prisons, or state education, or welfare programs, or the provision of health care for the indigent of the state. Corrections will usually find themselves low on the list of priorities. Corrections budgets have been cut to the extent that some states with severe financial problems have temporarily laid off corrections employees.

Whilst the American public want people locked up, they want this done as cheaply as possible.

In spite of the above rather than as a function of it, programmes continue to exist in corrections and innovative ways are found to enhance the regime by the staff at local level. In most of the prisons I visited, the local mission was much more than simply warehousing the prisoner population.

Sexuality.

There is a puritanical attitude towards sexuality which stretches further than the "Bible belt". This is demonstrated by the coy approach to HIV disease campaigns by some states; for example Texas had difficulty in obtaining "appropriate" material which would not be offensive, and there has been a fierce debate in New York as to whether to make condoms available to some high school students, thus denying that sexual activity exists among teenagers.

THEMES AND FINDINGS

Blind seroprevalence studies

Since the early days of the AIDS pandemic, several state prison systems and the larger city and county jails have undertaken blind seroprevalence studies of the incoming prisoner population. Such studies are often federally funded. Bloods are routinely drawn from prisoners on reception into custody in the United States, to establish baseline medical information and particularly to test for syphilis. Therefore it is not difficult to anonymously test a sample of these bloods for HIV antibodies and determine the seroprevalence rate of the incoming

population at a particular point in time. This random sampling technique is particularly useful as more accurate conclusions may be drawn for the wider population than if a seroprevalence study were undertaken on a sample of a population subgroup.

The results of these studies indicate a wide variance in seroprevalence rates across the states with the patterns mirroring the amount of HIV disease in the wider community, as one might expect. Specifically, high concentrations of HIV disease are found in the general populations of California, Florida, Texas, New York, and New Jersey, with urban areas experiencing higher rates than rural areas. Similarly the higher seroprevalence rates are found in prison systems in New York, New Jersey, Florida and Georgia.

The primary route of virus transmission among the prisoner group is IV drug use and this explains why California does not have one of the largest prisoner seroprevalence rates as the epidemic on the West Coast was historically more closely linked to unsafe sexual activity among homosexual men, as opposed to the East Coast where the disease is associated with HIV drug abuse.

There has been concern expressed that prisons are a potential breeding ground for HIV disease as the belief is that high risk behaviours dominate custodial life. Of particular concern is the amount of transmission through unprotected anal intercourse. Studies undertaken to review seroconversion rates in custody do not confirm the breeding ground theory. In Maryland, bloods drawn from incoming prisoners at state prisons in 1985 and 1986 were compared with bloods drawn from the same sub-group in 1987. Less than half of the original subgroup participated in the 1987 follow up study, and of these 1129 prisoners, two had seroconverted. Because of the length of pre-sentence detention and a negative HIV test result from the blood drawn at reception, transmission must have occurred in custody.¹⁷

There are problems with this study. Prisoners had the option of participating as permission had to be given for the second [1987] blood sample to be drawn. Those who chose not to participate were more likely to have been committed for a drug

offence. Whatever bias this presents to the results, this population is a biased sample and caution needs to be exercised in extrapolating these findings to the wider prison population.

A more extensive and sophisticated study has been undertaken by the Illinois Department of Corrections in which the blood of just under 2,500 male inmates was tested at reception and one year later using blood drawn at the annual physical. Test results were anonymised and non-attributable. At the time of writing, the results of this study have yet to be disclosed.¹⁸

HIV testing strategies

Seventeen state prison systems operate a policy of mandatory HIV testing for all incoming prisoners whether or not this is clinically indicated and regardless of the prisoner's opinion. It appears that this policy has been created by the state legislatures as a result of public concern, or media attention and this decision may have been contrary to the wishes of the state Department of Corrections. The seventeen states who have this policy are:

Alabama	Nebraska
Arkansas	Nevada
Colorado	New Hampshire
Georgia	North Dakota
Idaho	Oklahoma
Iowa	Rhode Island
Michigan	Utah
Mississippi	Wyoming
Missouri	

It is interesting that none of these states have exceptionally high seroprevalence rates, indeed some have rates close to zero.

The Federal Bureau of Prisons tests all the outgoing population, and 10% of the incoming population on a mandatory basis.

The remainder of the state systems undertake testing on a voluntary basis. There are variations within this general policy. In some states the prisoner requests the test and it is immediately administered following individual counselling, whereas others require the prisoner to justify his/her need for the test [high risk activity]. Historically there were a number of state systems which

attempted to test those prisoners identified to be in a member of a "high risk group". As membership of such a group is notoriously difficult to establish and in any case is largely irrelevant as it is not membership of a particular group but undertaking certain proscribed high risk activities which is the important issue, this testing strategy is no longer fashionable.

Housing Policies

Although there are 17 state corrections systems which have a policy to test all incoming prisoners, there are only four state systems which segregate all known HIV positive prisoners including those who have no clinical symptoms [referred to as asymptomatic]. These states are Alabama, California, Colorado and Mississippi, but it should be noted that California is moving towards an integrated system with some HIV positive prisoners as a result of a lawsuit taken out against that department by a prisoner who objected to the segregated system.

Colorado is steadily moving towards integration in a calm and orderly fashion. At the beginning of the epidemic the policy to routinely test all incoming prisoners was introduced under state legislation. This policy is approved of by the Department of Corrections as they maintain that they are better able to monitor the progression of the disease and make appropriate interventions with prophylactic drugs if they are aware of those prisoners are HIV positive.¹⁹ Female prisoners who are HIV positive are mainstreamed in the general population but male prisoners who are HIV positive are located together but separately in one wing of Territorial prison, a medium security establishment in Canon City in southern Colorado where there are several other state prisons in the same locality. At the beginning of the pandemic the policy was to keep these men completely isolated in their housing unit which necessitated the introduction of separate programmes to the unit which was both limited and costly. Approximately 18 months ago, a process of gradual integration was begun for the male seropositive prisoners. These men were allowed access to mainstream programmes, commencing with using shared facilities at separate times and, over time, resulting in joint programming other than housing and

meals which continue to be provided for separately. This has been a lengthy process and not without difficulty. Its successful implementation lies in extensive education campaigns, open communication between management, staff and prisoners, and a multidisciplinary approach led by the warden in a calm but determined style with keen attention being placed on the importance of timing in the strategy. It may well be that the future will see Colorado with fully integrated systems for male prisoners as already exists for the female population. Several prisons of the range of security categories are co-located and therefore seropositive prisoners could be located in accordance with their security category and receive the same medical attention rather than allocation being determined by the presence of the virus. The Colorado Department of Corrections is to be commended for their professional and calm handling of a potentially difficult transition.

The remainder of the state prison systems operate integrated strategies for prisoners irrespective of HIV status. It is only when prisoners become very sick with opportunistic infections such as pneumocystis pneumonia, tuberculosis, or are very weak with HIV disease that they are held under more intensive medical conditions and thus separate from the remainder of the general population. This separation is for the benefit of the sick prisoner rather than a strategy developed to appease the worried well in the wider community. For the jurisdictions with large numbers of seropositive prisoners there really is no alternative strategy; to attempt to isolate all those who are HIV positive would require thousands of bedspaces to be set aside for New York state, for instance.

Prevailing attitudes.

The jurisdictions which have developed a more calm and rational approach to HIV disease are generally ones which have experienced the pandemic for a longer period and in greater numbers. For those systems, HIV disease is another medical condition to be appropriately dealt with by the responsible person. That includes all staff being involved at the asymptomatic phase. Staff are trained to take universal precautions in the event of spilled body

fluids on the assumption that anyone can appear physically well and yet have the virus. These staff have "let go" of their need to know who is seropositive and acknowledge that they can undertake their duties effectively without intimate details of a prisoners medical records. This is not to say that it has always been easy for these same agencies; they have passed through the panic and anxiety of staff refusing to deal with prisoners with AIDS or moving them dressed in "spacesuits" and masks.

Sometimes institutions have gone through this transition alone. For example, Broward Correctional Institution for women in southern Florida had experienced the AIDS related deaths of a prisoner, a staff member, and then a prisoner who had just given birth. This was within a short time frame during the early 1980's when AIDS was still presumed to be an illness specific to the gay community.

The staff were extremely anxious. There was no training package available and therefore the superintendent researched the topic and spoke to the staff reminding them that corrections is difficult and sometimes dangerous work to be involved in. "...you come to work in the prison. You have to work with violent people and people with AIDS. I can't promise you that you won't get stabbed today, but I can give you as much information and training as possible to prevent this happening. It's just the same with AIDS. The bottom line is that you have to deal with it... This honest, open, and upfront approach paid off for this establishment.²⁰

Health care provision

HIV disease is an expensive illness. The costs of tests and treatments in addition to inpatient hospitalisation have been a tremendous burden for some states. Dr Greifinger, Deputy Commissioner and Chief Medical Director for New York State reports that he spends \$6 million on AZT alone per annum for 1500 prisoners. Also funded by the DOC is a 25 bed unit in Manhattan, dedicated for the use of prisoners with acute conditions associated with HIV disease at a cost of \$1,000 per bed per day. Once treated, these prisoners are returned to their prison; this is not a hospice.²¹

The impact of the pandemic, the massive growth in the prison population and federal orders to improve health care in prison as a result of successful litigation have created huge increases in the amount of money dedicated to prison health care. In a recent report by the National Commission on Correctional Health care,²² it is reported that the median expenditure on prisoner health care in Fiscal Year 1988 - 1989 was \$158 million within the range \$12 million to \$1.6 billion. This represents an average 9.5% of the DOC budget devoted to health care within the range 2.8% to 18.9%. These figures do not necessarily mean that the highest spenders are the providers of the best health care as costs will vary between states. More striking is the rise in the cost of health care provision over recent years; in 1982 an average of 7.2% or \$883 per inmate was being spent on health care whereas in 1989 this figure had risen to 9.5% or \$1906. As these are average figures they disguise the extremes; Texas showed a massive 472.7% increase in prisoner health care expenditure over the period 1982 - 1989.

There are three models under which health care is delivered in corrections systems in the U.S.A.; 100% state employees; part contractual and part state employees; and 100% contractual.

The first model can be seen in the New York state system. All medical staff are full or part time state employees, and deliver the majority of the medical care. Specialist treatments, treatments beyond the competence of state employees or hospitalisation cases are dealt with by independent staffs and are funded separately. State medical personnel are accountable locally to the warden and in line management to the Chief Medical Officer who is also the Deputy Commissioner. The disadvantage of a state employee system is that with national shortages of medical personnel, the unattractiveness of working in corrections, inflexible working conditions, and the inability of the state to keep pace with salaries offered in the private sector, some states find it difficult to recruit the best personnel. The advantage is that state employees are invested in working for the state and the state is the major employer. There is no incentive for state employees to cut corners in order to make financial savings for the parent "for profit" company.

The second model operates in Illinois DOC. As a consequence of that state's inability to fill all state medical positions the decision was taken to contract out some of these positions. Initially this was done by individual establishments which resulted in a system which was administratively difficult with establishments not necessarily getting the best price. Therefore the task of contracting out was taken over as a central, comprehensive task. This is a very smooth operation. Companies are invited to bid on the provision of health care, usually to a cluster of establishments, on the basis of the data on the profile and history of the establishments provided. Applications are reviewed independently by three sub-committees [cost, credentials (company record, history etc) and clinical] which comprise various disciplines from the institutions concerned. Following discussion in the wider committee and with supplemental recommendations from the head of medical services and the Wardens, the Deputy Director decides which company should win the contract.

The advantage of this system is that the private company is locked in to a binding agreement to provide health care at a predetermined cost. The DOC is not spending a lot of time and effort in recruitment drives, and a private company can pay whatever it likes in order to attract staff. A private employer may be able to offer more flexible working arrangements. The major disadvantage is that the companies involved are "for profit" and thus are looking to make money out of the contract. To combat this, the establishment health administrator is always a state employee whose function is to monitor the performance of the company against the contract. The health administrator is accountable to the associate warden of programs a post similar to the Head of Inmate Activity in the prison service of England and Wales] and in the event of dissatisfaction there are clauses built into the contract to invoke financial penalties or revocation of the contract [only on the side of the DOC].

The third model is to be seen in the large city jails of New York and Chicago. Independent "not-for-profit" companies or hospitals are subcontracted to deliver the complete health care programme for either a fixed number of prisoners or the total and

variable population. They stand independently of the correctional services although there is an interface. Methods of payment differ. The provider for New York [Montefiore Hospital] is reimbursed for all the treatments given, plus a percentage payment over and above to cover overheads. In this way, the hospital is paid for treatments and procedures undertaken, and although profits may be slight, neither should money be lost. The disadvantage of this system is that there may be no direction from the corrections agency. The advantages are similar to those outlined above.

As prisoners are the only group in the U.S. who are legally entitled to health care and there is no socialised medicine system to fall back upon, it is in the interest of all corrections systems to provide as much health care as possible within prison rather than paying private hospitals to do that for them on a case for case basis. Therefore, generally speaking, the systems I have visited in the U.S. have been able to afford more sophisticated treatments than prison hospitals in the U.K., and some of the prison medical facilities have been superior to those available in some areas of the NHS.

Confidentiality

Confidentiality in prison or any institution is difficult and it could be argued that it is impossible to achieve. However, the alternative situation where more staff are apprised of a prisoner's medical record in respect of HIV disease than are not is contrary to public health information and a breach of medical confidentiality. If the public health campaign has emphasised that the virus cannot be transmitted by casual contact then there is no need for non-medical staff to be made aware of HIV status. In fact to inform staff directly or indirectly through associating the disease with certain distinct locations is to give a stronger counter message than the public health campaign. Identification of known HIV positive prisoners through a segregated housing policy is of itself a breach of medical confidentiality.

Self disclosure will always be an issue, either through a prisoner declaring the information, attendance at special clinics or selfhelp groups particularly in small establishments. There are some state systems

which have gone to great lengths to fiercely guard medical confidentiality. For example, in Fishkill prison, a medium security prison in New York state, the AZT packaging has been cleverly disguised in order that HIV diagnosis is not publicised by staff and prisoners recognising that drug. The prison is large enough with sufficient evening group activity in existence to anonymise the HIV group by giving all activities a letter rather than a title.

Education Programmes

Of all the factors which result in a successful HIV disease strategy being implemented, education seems to be the single most important. In all of my site visits DOC officials, Wardens, Doctors, Administrators, staff and prisoners have emphasised the importance of regular, accurate, and professional education sessions. An educated and informed staff is a confident staff who are more likely to carry out their duties calmly, efficiently and professionally; an educated prisoner population is less fearful, more compassionate and more likely to come forward for testing and treatment.

All state correctional systems have some form of mandated education for prisoners and staff at the initial training/orientation phase. Some systems offer annual updates for prisoners and staff. Less effective education strategies may be little more than a video presentation with no competent person available to supplement the information in the film; written information may be unattractively laid out, or contain information and terms which are outdated; and there may be no information for illiterates or prisoners whose first language is not English. More effective education programmes are those which are regularly updated, are presented by a competent individual, are culturally and gender specific, and appropriate in language and terminology for the target audience. The quality of the training available depends upon the enthusiasm and or priorities of the staff at headquarters and especially the leadership at facility level.

It need not be expensive to provide quality training. Texas DOC, who were experiencing difficulties in obtaining video material which was acceptable to the administration and appropriate to the staff

and prisoner audience, made their own video using cartoon drawings and a voice-over. As the video was comparatively cheap to produce using DOC staff and facilities it will be more acceptable to revise and renew the tape as necessary than if substantial amounts of money had been paid to a third party to produce a film on their behalf. Further, if administrators were to look outside their walls they might discover community groups who are prepared to provide their services free of charge to prisons; one such arrangement is provided by the Community AIDS Task Force, an independent group based in Manhattan who travel weekly up state to deliver training at Sing-Sing prison.

The most impressive training I have seen during site visits in the states at both male and female prisons is peer education. At Bedford Hills, New York [a female prison] and at Norfolk, Massachusetts [a male prison] there are examples as to how prisoners can deliver AIDS education to their peers with impressive results. At Bedford Hills, 25 women prisoners are attached to the AIDS Counselling and Education [ACE] programme on a full time basis. The ACE mission is to 'eliminate fear and stigma and promote "safe behavior"', and the women fulfil their mission by: a 45 minute information session on HIV disease to all women as part of the reception/orientation process, an 8 week workshop offered to 50 women every 3-4 months of one hour class per week, a prerelease programme, peer counselling, and maintaining a clearing house of information from the ACE office. Supported by the local and state administrations, the ACE programme has become the reference point for all HIV disease issues in the prison.²³

At Norfolk prison, the peer education programme has been in operation for just over a year. The prisoner co-ordinator is a volunteer part time position and he and the additional prisoner tutors are released from their full time prison jobs to deliver the training. Classes are held in the library and the tutors follow the curriculum laid down in the manual drawn up by prisoners and staff [the manual is written in English and Spanish]. The lesson plan involves lectures, videos, and question and answer sessions. Prisoners who attend these two three hour sessions are credited with an additional 2 1/2 days good time as an incentive to attend. Whilst the Norfolk programme is not as

central to the life of the prison as the ACE programme, it fulfils the same important function.²⁴

At Vacaville, the north California reception center, prisoners are employed to distribute AIDS information around the prisons through pamphlet and poster campaigns and also to assist in the AIDS information presentation given to all prisoners as part of the orientation process.

Illinois department of corrections employs a female ex-offender to deliver AIDS education to the female and young offender populations of the State prisons in conjunction with a public health nurse as part of the pre-release programme. As a former drug addict she is a very credible and an effective teacher.

Peer education is a very useful technique. Staff and prisoners often have a mistrust of higher authority and as peers are more likely to be aware of the type of high risk activity, the prevailing attitudes, and the fears and concerns in any subculture they are more likely to deliver education with more credibility and the results will be more effective. Peer education engenders trust, increases participation and meets the specific needs of the population it represents and serves. It is also an extremely cost effective way of delivering training.

Sexual activity

Whilst most systems would agree, privately if not publicly that sexual activity does take place in custody and therefore prisoners are at risk of the virus there are few which take preventative action. The jurisdiction which I visited which does have a strategy was Mississippi. Parchman Farm, the largest of the three Mississippi prisons holding 5,500 prisoners on a 22,000 acre site was designed to operate as a plantation. There have been conjugal visits since the turn of the century; this is an enlightened policy although it has not have been introduced for enlightened reasons. In the early days these conjugal visits were introduced as a result of a belief that the black prisoners had tremendously high sex drives; historically, prostitutes were allowed to visit the site at weekends and use the 'red houses' although later the rules were revised and conjugal visits were available to married men only.²⁵

Conjugal visits are available today for male and female prisoners who can show proof of marriage and it is generally accepted that this privilege is an important part of incarceration if families are to be kept together. In the female prison at Jackson there are units available for prisoners and their families to stay for a three day period every 90 days. The family have to provide the food and linen and there are play areas available for children. This scheme is a privilege scheme and offers an opportunity for the family to be together as a unit. Rooms are also available for shorter conjugal visits at weekend.

With the advent of HIV disease, it was decided to continue with conjugal visits but to sell condoms in the prison canteens in order to prevent transmission of the virus. Ostensibly then the condoms are available for purchase for conjugal visits, but as trusted prisoners operate the unit canteens unsupervised, there is no staff knowledge as to who purchases or whether the condoms are used in the housing units or on conjugal visits. In this way, condoms are available for heterosexual and homosexual intercourse.

New York state prison also allows conjugal visiting. The ACE programme has specific sessions dedicated to women and sexual decision making. In recent years, the responsibility for contraception in society has rested with women through the availability of female centred birth control methods which can be used without the consent or knowledge of males. HIV disease has meant that women have had to start making assertive decisions about sexual relationships, particularly in regard to high risk activity, and acting upon them. This is difficult for those women who for socialised or cultural reasons have not been permitted overt sexual power. The ACE programme recognises this and attempts to address this issue in training sessions through information and role play to assist in managing sexual situations in custody [conjugal visits, furloughs] and after release.

Male juveniles have also had specific attention focussed upon them. Texas DOC in their AIDS education programme discuss and demonstrate the correct use of the condom: Illinois DOC has recently extended the work of their AIDS educator to include the juvenile facilities and emphasis is placed upon safer sex practices.

Resources for programmes

Whilst the states are financially responsible for the state prisons, it is possible to apply for federal monies to put particular programmes in place. For instance, the blind seroprevalence studies have often been funded in this way.

Public health positions within prisons may be fully or partially funded on a matched dollar for dollar basis by the Centers for Disease Control [CDC]. CDC has funded the pre-release AIDS educator position in Illinois for example.

Local public health departments have proved to be useful resources for corrections departments. The AIDS training manual and video in use in all the state prisons of Florida was created by a partnership of the DOC, Department of Education and the Department of Health and Rehabilitative Services. There are many partnerships which could be made which may ease the burden of the provision of information and services in respect of HIV disease.

Community links

In order to provide effective release strategies it is important to maintain contacts with the community. Community groups providing education and support groups in establishments have immediate access to support in the prisoner's home area which will form the basis of a bridge linking custody with release.

Illinois has addressed the issues of linking with community by providing a resource manual of community service providers ranging from treatment centres to support groups in every prison to be made available to the prisoner immediately prior to release. Cook County Jail, Chicago, has taken a different approach - in addition to the provision of an AIDS educator and counsellor on every accommodation unit who is responsible for the provision of AIDS information, training, and counselling, there is a social worker recently appointed whose sole responsibility it will be to undertake the community linkage function with emphasis on HIV disease.

In other states the linkage with the community has been left to individual

establishments to take the initiative. With competing and conflicting priorities, this task has been undertaken with varying degrees of enthusiasm.

ENDORSEMENTS AND REJECTIONS

Endorsements

Blind seroprevalence studies

I support the introduction of periodic blind seroprevalence studies as these enable any correctional system to determine more precisely the extent of HIV disease among the incoming population at that particular time. Wider conclusions could be drawn from that data thus enabling the jurisdiction to plan more effectively for the future. More precise numbers of prisoners who are likely to become sick and require specialist treatments and prophylactic drugs would greatly assist in the budget and medical services planning processes.

In the prison service of England and Wales the introduction of a blind seroprevalence study would require additional finance and a change in reception procedures as currently blood is not drawn routinely from incoming prisoners. The alternative would be to anonymously screen that blood currently drawn for other specific purposes, but this would not measure the seroprevalence of the general population due to the bias in the sample.

Health care

I support the provision of prisoner health care by a professional, independent and accountable group of staff. Whether the Prison Medical Service, a subdivision of the Prison Service, with a specified budget can provide such a service has been debated elsewhere and is currently under review.

Under the provision of a socialised medicine scheme, specialist treatments and staff are provided free of charge to the prison service of England and Wales and this should continue, as it would be prohibitively expensive to attempt to set up a parallel specialist system within the prison service.

Every prison must deal with HIV disease and there is no reason why asymptomatic HIV infected persons should not be on ordinary

location in a prison compatible with their security needs.

During the symptomatic phase, the prisoner will have to be moved to an establishment which affords full time medical cover. There should be several of these; HIV disease is another terminal illness and those establishments already offering full time medical cover should extend this to HIV infected persons if they have not already done so. Like other medical conditions requiring full time medical cover such as epilepsy, the prisoner can be located with the general population unless it is clinically indicated that close medical supervision is required.

When the prisoner becomes very sick, he/she should be dealt with in one of the NHS hospitals as would be the policy with any other acute condition. Terminal patients should be released to hospice or family or friends to be cared for at home under the compassionate release strategy already in place.

Staff training in the recognition of the signs and symptoms associated with HIV disease is critical for medical personnel, particularly when a voluntary testing strategy is in operation. Additional training in pre and post test counselling skills is also necessary.

Voluntary testing.

A policy of voluntary testing available on request is desirable. There is no reason why prisoners should be treated any differently to any other group of the population in respect of HIV. Accordingly, test results should be available to the prisoner and the medical provider only. Breaches of medical information should be dealt with through the discipline code.

In order to enable such a policy to operate effectively, an atmosphere conducive to testing should prevail. Often there are too many disincentives for taking the test - fear of reprisal, discrimination in programmes, cellular accommodation, security categories, and automatic segregation from the rest of the prison community. To reduce these disincentives, both staff and prisoners need to feel comfortable and confident when dealing with HIV disease and this will only result partly from experiencing the disease in

much larger numbers but primarily through extensive education programmes.

Education

HIV education for staff and prisoners should be mandatory, regularly updated and delivered by a competent trained individual. It is not sufficient to rely upon a video presentation and distribution of written information alone: education sessions need to be live, that is a trained individual should be available to present the information and answer any questions. The education packages should be specific to the custodial setting and yet have relevance to the non-custodial setting looking towards release. Care should be taken to ensure that the needs of the illiterate and non-English speaking populations are met.

Staff and prisoners may have a basic mistrust of information delivered from a higher authority and to compensate for that I support the use of peer educators for both groups. A multidisciplinary HIV committee in every prison responsible for the implementation of departmental policy at local level would also prove useful in the area of education, by evaluating educational needs, determining strategy and implementing or co-ordinating training.

Community links and resources

Custodial situations are isolating by design. I support the introduction of community groups into prisons to be used as AIDS educators and to develop support groups. Those groups already in place such as prison visitors, chaplaincy teams and probation volunteers may also undertake these functions following training and with adequate supervision.

Community based AIDS organisations can provide an additional function of bridging the gap between custody and community although these groups are more likely to be found in large inner city areas which is not necessarily where prisons are located or where the prisoner normally resides.

Conjugal visiting

I support conjugal visiting, particularly for those men and women who are serving very long terms and who may not be eligible for

the home leave programmes. The introduction of conjugal visiting, particularly where it involves the complete immediate family may assist in retaining family ties and reduce the amount of prison homosexuality. Condoms should be offered to male and female prisoners prior to release on furlough and at completion of sentence.

Drug treatment programmes

Meaningful drug treatment programmes should be introduced into the majority of prisons and accurate information on the extent of prior substance abuse should be obtained and acknowledged. HIV disease and drug addiction are inextricably linked, and a serious attempt at dealing with the latter may halt the growth of the former. It will no longer suffice to have an undirected approach of withdrawal with occasional attendance at self support groups and expect success.

Local management should ensure that participation in drug treatment programmes does not result in discrimination in the regime or release opportunities.

Reject

Mandatory testing

A mandatory testing strategy is an expensive strategy and has usually been introduced to satisfy a third party's curiosity or quell fears. Such a strategy usually leads to segregation of those who are infected with the virus and in turn inferior programming and reduced access to facilities. Mandatory HIV testing is not undertaken on any other group in society and there are no public health reasons to support it. The justification of such a strategy with the argument of being able to provide superior health care is spurious and not one that I would support. If that were the prevailing philosophy then those systems would be providing very sophisticated annual tests and screenings for a variety of potential diseases and conditions, rather than limiting this approach to HIV disease.

Segregated housing

Segregated housing schemes on the basis of HIV status are contrary to public health advice. The existence of fear, panic and bigotry in any establishment originate from a

staff and prisoner population which is ill prepared and poorly educated. The result is a knee jerk response to HIV disease which may include segregated populations, a refusal to work or live with HIV infected prisoners, breaches in medical confidentiality and punitive measures towards those who are HIV positive.

Such a climate has to be rejected and comprehensive efforts must be made under firm leadership to reverse the situation into one of calm, caring, equal justice.

I am convinced of the psychological aspect of fighting this disease - I have visited with men in New York prisons who are still alive through sheer determination. A positive regime can assist in this process; male prisoners in Florida and Mississippi, held in segregated conditions, have inferior regimes and have little to occupy them other than dwelling on their illness. Many of these men wanted to work and were physically able to do so and this would have provided an alternative focus for them. This topic will have to be addressed with the implementation of the Americans with Disabilities Act which provides for equal access to programmes involving federal and state dollars regardless of disability; AIDS is considered a disability in the U.S.A.

Condoms and bleach

I reject the argument for the distribution of condoms. There has been no comprehensive study on the extent of homosexual activity in the prisons of England and Wales and I do not believe that there is as much as anecdotal information would lead us to believe.

The majority of U.S. correctional systems do not offer condoms. It has been my impression that there is more overt homosexual activity in the American prisons that I have visited than in the prisons in the U.K., and where there is a larger degree of homosexual activity, this seems to have been linked to establishments with low levels of programming, staff "no-go" areas and a lack of a legitimate prisoner income.

Not every homosexual encounter is bound to be penetrative anal intercourse and I believe that with sufficient information about the risks of certain behaviours, prisoners are capable of altering their sexual practices to

less risky sexual activity. Concern has been raised over the aggressive predatory homosexual and the prison rapist. In the event of condoms being available, it is unlikely that these individuals would make use of them. There has always been a control strategy to be used in the event of an aggressive predatory homosexual and this behavior should be managed in the usual way.

No correctional system offers a needle exchange scheme, and it is unlikely that such a scheme would be introduced into the custodial situation. Setting aside any security implications, it would be politically unacceptable, especially in the U.S.A. as it is in direct conflict with the thrust of the "War on Drugs". Therefore, this preventative policy will not be introduced in the immediate future, even though it could save lives.

How then could condoms be introduced into the custodial situation? Homosexual acts by consenting adults in public places [and in English law a prison is considered to be a public place] are against the law. Condoms are not 100% effective and there may be liability issues to face. It is not logical to introduce one method of preventing transmission of the virus [condoms] and not the other [needle exchange scheme] when both are illegal activities and yet acknowledged to exist.

Custodial units for the terminally ill

Whilst it is logical to establish specialist treatment and terminal units in some state prison systems in the U.S.A. for reasons of economy, or where there is no compassionate release strategy, I reject establishing such units in the U.K. It is my belief that prisoners should remain in ordinary location participating in all aspects of the regime until they become too sick to do so. At that stage it becomes a matter of referral to the NHS hospitals for specialist intervention. There can be very few scenarios where it is necessary for a prisoner to enter a hospice-like facility located in a custodial setting in England and Wales. Scarce money and resources are wasted by duplicating what is already available in the community and the prisoner becomes further displaced from his/her family by being moved to one central specialist unit.

It has been necessary to introduce such systems in the U.S. only where a compassionate release strategy is not available and the costs of placing a prisoner in such a unit in the community are prohibitively expensive and the numbers so great. This is the situation in New York state.

RECOMMENDATIONS FOR THE PRISON SERVICE

Clear policy.

Headquarters with the Medical branch taking the lead should set out a clear strategy in respect of HIV disease which is understood by all. They should also make themselves available as a resource for establishments to draw upon.

Establishments should aim towards setting up a multidisciplinary committee, along similar lines to those which exist for race relations, to set out specifically the policy for their own establishment, monitor the training and act as a resource for the prison.

Deviance from the departmental policy should be dealt with in the usual way.

Education

The methods used to train staff at local level on the subject of HIV disease should be reviewed. Staff and prisoners should be trained annually as a minimum and the information regularly reviewed and updated as necessary. Training should be live, appropriate for the audience and consideration should be given to using community resources to assist in the provision of training. All staff and prisoners should be well versed in the routes of transmission, high risk activities and preventative measures. Universal precautions should become part of routine procedures. The use of peer educators should be seriously considered.

Medical staff will require additional training in the signs and symptoms of HIV disease and there should be several qualified counsellors in every establishment to undertake pre- and post-test counselling. It may be that the local area health authority could assist in the provision of this and other specialist medical training.

HIV training should be the responsibility of the Head of Medical Services in consultation with the training officer and the local multidisciplinary HIV committee.

Integrated housing and programming

In accordance with public health information, there is no reason not to integrate all prisoners regardless of their HIV status unless it is clinically indicated that the prisoner requires close medical supervision. There is no need to set aside separate cells for the location of prisoners who are HIV positive and neither should they be discriminated against or restricted from certain activities, work or training.

Blind seroprevalence study

A blind seroprevalence study with a true random sample should be undertaken as soon as possible to determine the extent of HIV disease among the prison population.

Medical care

Medical care should be delivered at the primary stage by every establishment medical team. Specialist care should be provided by the local NHS facilities and specialists. Prisoners should have access equal to the general population to tested and trial medications if these are indicated. Terminal patients should be discharged under the compassionate release strategy to the nursing situation which is most appropriate.

Testing and Medical Confidentiality

Voluntary tests on request should be available to all prisoners. Any attempt to introduce a mandatory testing system should be resisted. Test results must be kept confidential between the prisoner and the health care provider; there is no-one else in the prison who really needs to know. Breaches of medical confidentiality should be dealt with through the discipline code.

Drug treatment programmes

Drug treatment programmes should be available to all who request them and should consist of more than withdrawal supplemented with self help groups. Inclusion in drug treatment programmes

should not result in punitive measures or discrimination.

Community resources

Establishments should be encouraged to look outside their perimeters to the community, both professional and voluntary organizations for the provision of resources for training, support and befriending purposes. It may be that established groups could undertake some of these duties given additional training and adequate supervision. Networks of available community resources should be created and information shared between establishments for the use of discharged prisoners.

CONCLUSIONS

There will be several prisons in England and Wales who have not knowingly dealt with an HIV infected prisoner. Now is the time for those establishments to set up their HIV committees and set down their strategy, in consultation with the NHS/local Area Health Authority, and for others to review their contingency plans.

At times, the approach to HIV disease in prisons appears disjointed with no firm leadership as to the way the policy should be implemented. There are conflicting approaches across establishments. I accept that there have been many major initiatives in recent years, there has been tremendous change and great conflict as to the order of priorities, and the function and purpose of imprisonment. For many, HIV disease has been yet another problem afforded low priority in the face of the overriding issues of industrial relations, staffing shortages and major disturbance.

In some correctional systems in the United States today, HIV disease is the major issue as so many prisoners and some staff are infected and consequently it affects all aspects of institutional life. AIDS is an expensive illness and this has had a major impact on the corrections and state budget, coincidentally at a time of severe fiscal restraint.

If we were to surmise that the seroprevalence rate were 5% in the prison population of England and Wales [a figure picked from the air], that would equate to 2250 prisoners

who are HIV positive, are likely to become sick and die. That figure approximates to the lifer population. Are we prepared for this scenario?; or something worse?

The policies and procedures we have in place are not necessarily the best. We cannot afford to continue the process of segregation and disincentives to testing that exist in some prisons. Staff and prisoners will only begin to feel confident and comfortable about change as a result of extensive education. The systems which manage the disease well in the United States are those which were well prepared, learning in advance from others' experience, and which have begun to experience the disease in significant numbers.

If we don't act now, we will be unprepared for a potential wave of illness. People will panic, and punitive measures may be introduced. Medical services may be unable to cope. Prison budgets will become overspent as a result of costly prophylactic drugs which were not budgeted for as there were no estimates as to the potential extent of the problem.

Although we cannot stop the disease which already exists, we should approach the pandemic better prepared by building on the foundation laid down by the Directorate of Prison Medical Services in the form of the training manual, video and the AIDS steering group. Now is the time for these strategies to be more rigorously introduced at establishment level. Through educating prisoners, a group of people traditionally not impacted by public information campaigns, we could influence a much wider population and may assist in stemming the tide of infection. This is a long haul issue, not a quick fix.

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EXPERIENCES

of a Person with AIDS

The author of this article sadly died on the 15th April 1992 after having been released under the Royal Prerogative of Mercy on 15/2/92.

The article was a personal response to the paper written by Alison Gomme with which he felt much empathy.

My experience as a P.W.A (Person with Aids) in the American Prison System began in 1988. I remained in the U.S for about three years at which point my transfer (via the transfer treaty) was approved.

The American System

There are a number of different Prison systems operating in the U.S., County, Federal and State and the County Jails and Federal Metropolitan Correctional Centres (M.C.C's) where remand prisoners are held.

Each State has its own system with autonomous guidelines and parole criteria.

During my incarceration there I spent 18 months in a County Jail, a month in an M.C.C and the remainder in Federal institutions once I had been sentenced. These included Otisville, New York, Atlanta, Georgia/El Reno/ Oklahoma/Forth Worth/Texas and Texarkaron, Texas.

I had been designated to Texarkaron and spent 18 months of my time there. The others were just transit stops for a couple of weeks at the most.

The Federal system often leads the way in terms of policy and has a reputation for being more liberal than some of the State systems, especially the ones in the Southern States.

This will be a subjective account of my experience within the County Jail and the Federal system, concentrating on Texarkaron.

I am sure that there are many people who are H.I.V

positive or who have AIDS who would be able to describe very different experiences to my own.

I have tried to cover briefly each of these areas, Institutional policy, Medical treatment provided, Inmate and Staff attitudes, Support Services available and my own feelings.

When I was arrested I was HIV positive, well most of the time, but with A.R.C type symptoms which were not life threatening and easily controlled. This situation declined so that by the time I came back to England I had full blown AIDS diagnosed as being in an advanced and final stage.

My needs changed during this period of time, quick, aggressive medical treatment became necessary and the imminence of my own death freed me to consider this major issue. To try and come to terms with death and the effect it would have on my family. There was a period where this was in danger of becoming a morbid obsession and psychological support would have been very helpful. Sometimes I felt overwhelmed and came very close to suicide. It seemed a paradox to be caught in such an ironic situation, one where I knew my health could only decline with the advancement of time, but only the advancement of time could bring my release from prison. "One day at a time" is a wise old cliché, but so much of my persona was projected into my hopes for the future and the life I would be again leading once I was released.

The quality of life in prison was, for me, negligible to the point of being worthless. I wanted the future to arrive also knowing it would probably bring an untimely death. I suppose I attempted to develop a

philosophy where I would confront the issues and feelings, but not dwell on them. It was a tenuous balance but I realized how unhealthy it would be to completely repress my emotions.

My friends and especially my family have been and still are, amazingly supportive, but I felt protective towards them and it was difficult for them to understand what I might be feeling. The large distances apart didn't help. Regular visits would have been financially impossible and I was always very self conscious during our phone conversations. The phones were in an open area which lacked any privacy and the calls recorded. I felt, still do, the pain of what I was going through an intimately private thing. The thought of this being exposed to people who, having no interest in me, didn't care, or worse may use this to discriminate against me was always prominent in my mind. I was constantly amazed how, given public education programmes, there could still remain such ignorance and fear of AIDS

Medical care

Having been arrested by the F.B.I my charge was a federal one placing me in the Jurisdiction of the Federal system, however Buffalo, a small city in New York State did not have any Federal holding facilities and I was to be remanded to the local County Jail (E.C.H.C)

E.C.H.C has a policy of holding H.I.V and Hep.B's in the hospital wing. This comprised three separate areas of cells. Two areas of the old fashioned type, electric gates with bars and observation catwalks, the area outside the cells about 4 x 30 ft. The third area was quieter and modern, based on the the latest

system now being used in the U.S. Doors with glass in, that could be closed and a larger living area. There was less problem with noise because the walls were solid. It was however an oppressive environment.

There were a constant succession of 'disturbed' prisoners who, having just been arrested, were suffering chemical withdrawal and there was no access to the library and educational facilities. Church was prohibited until someone filed a suit. In the older sections any rest, day or night, was infrequent. The floor beneath held Juvenile offenders who often pounded the tin walls all night long. This created a lot of stress, argued to be detrimental to the immune system.

Medications were administered by the Nursing staff. A local G.P. would come during weekdays for 'Sick Call'. There was provision to take care of any specialist needs at clinics in the local hospital.

For an H.I.V positive prisoner the 'front line' of medical care was often not that effective.

Doctors from local practices often seemed unfamiliar with H.I.V symptoms and the treatments available on a number of occasions. I was told there was nothing they could do for a particular ailment or if I was feverish to go to bed.

It was suggested that I go to the clinic at the local hospital. At that time I was reticent to do this. Hospital visits involved wearing an orange boiler suit and walking through the hospital shackled and manacled with a waist chain and hours of processing in and out of E.C.H.C. It would lead, I felt, to embarrassing questions from inmates and inquisitive Marshals who, through concern, would want to know what the 'red dot' on file denoted.

I had already decided that discretion would be my best policy. I also expected that sentencing would occur reasonably quickly, within months at least, and that I could begin treatment in the Federal system, which I imagined would be less problematic.

Some months later, no sentencing in sight, with a noticeable decline in health and weight, loss of twenty pounds, I became concerned and asked to go to the clinic. This took three or four months following a lot of insistence on my part. By the time I got there I had a number of health problems and it was thought I had already had a couple of opportunistic

infections without the benefit of any treatment to help me through this.

On a couple of occasions I had been so weak I could not walk and vomited anything I ate. I had 'night sweats' which drenched the bed. The sheets were supposed to be changed every week, but this would often run into three or four and it was very uncomfortable at times. I had splitting headaches which lasted for hours sometimes days.

The Consultant at the clinic ordered a concoction of medications, but because most of them were ones the medical team were not used to administering and I suppose because there was so many of them, there was often confusion, which meant I either did not receive them at all, or the wrong doses at the wrong times. I did point this out but was usually ignored, it was very frustrating.

A few of my fellow inmates over that time seemed aware of AIDS and its modes of transmission, but the general attitude was born of fear and ignorance. In answer to inquisitive questions I would say I was in the Hospital unit, with Hep.B. It seemed ridiculous to be distorting the facts and covering up, so intrinsic a part of my life. My cover was blown however when officers would shout through the bars for me to come out and get my AZT.

Special treatment?

Medical files were treated as confidential but in such an insular environment that remained an impossibility. Officers would attend any visits to the Doctor and hand out treatments, but I never did encounter a negative attitude towards AIDS from the officers who chose to work in the hospital unit.

Cell searches were conducted by a security team, sometimes conducted with rubber gloves and masks whilst we were herded into a corner.

E.C.H.C did provide counselling services from an outside agency. That one hour a week helped enormously and I had confidence to talk openly, knowing they could view things objectively.

After 19 months I was sentenced and transferred to a Federal prison in New York. From there, via several other institutions, to Texarkon where I was designated.

The Federal Marshal transported myself and other

prisoners using B.O.P planes confiscated from drug dealers. We were searched every time we got on a plane and when we left or were received into an institution. When we were travelling I was left till last and having searched everyone else without them, the Marshal put on rubber gloves and searched me. I found it embarrassing and the questions it provoked from other inmates awkward.

The policy of the Federal system is to integrate HIV prisoners into the population and administer medications at the regular 'pill line'.

Outside Clinic appointments were possible, but often they would try to get the Specialist to visit the prison. In the event of a prisoner becoming very ill, they would be sent to the local hospital, or if long term treatment was required to the Federal Prison Hospital at Springfield, Missouri.

Medical files were confidential because visits to sick call were unaccompanied, discretion was possible. However the monthly H.I.V clinics were printed up on the 'call out' sheet by computer, this was posted on the unit board every day. The call out did not state the type of clinic but inevitably a few inmates learned what it was as inmates worked in the hospital.

If you went to 'sick call' you would be seen by a Physicians Assistant (P.A) They would try to deal with the problems themselves or refer you to the Prison Doctor if they felt it necessary. There were a number of them (between 5 and 10) and so there was a lack of continuity, not important for mild ailments, but essential where ongoing problems were concerned.

Lack of experience with H.I.V disease meant they often did not treat symptoms as potentially serious. There were other H.I.V positive inmates there, but I was the only one with an advanced form of the disease, who they had to deal with. One sore throat lasted for five weeks, oral antibiotics were ineffective, leading to septicaemia and hospital. A leg infection abscessed and on another occasion I had classic symptoms of septicaemia. I went to bed and did as instructed but within a few hours became delirious and had to be rushed into hospital before I went into septic shock.

Every three months a Specialist would visit the Prison. He would recommend prophylactic and other treatments, but the institution was reticent to obtain the expensive medications. It took months of pressure to get Aerosol pentamidine, afterwards I

was told that it was not considered 'cost effective'. - On another occasion, I was told it would be awkward to have to order a particular antibiotic.

In the Federal system inmates have certain freedoms to move around inside the prison, this makes for a less insular environment, generally knowledge of your H.I.V status need not arise. Once I started going to an outside hospital and spending a little time there, this did come out, but I never encountered a negative attitude from any of the members of staff on bed watch or on my return to the unit. Perhaps because they chose to work there.

My hospital stays did however, start rumours amongst the inmates. I tried to laugh off sarcastic or otherwise unpleasant comments and pass weight loss off as normal. The catheter tube in my arm made people suspicious. One inmate would cover his face with a scarf if I walked past him. When I had just come out of hospital I felt weak, walking to the hospital I would need some oxygen and it made dealing with these attitudes that much harder. When I am physically strong I am more able to cope with the psychological and emotional aspects.

The first few weeks at Texarkaron were the hardest. During inmate processing I was sternly told that if it was ever suspected that I was involved in any 'unsafe' practices I would be put in solitary where I would have to stay for the rest of my sentence. I could understand the thinking behind it, but found it mildly insulting as I have always been very conscientious about that. It left this threat hanging over me throughout my stay there as it wasn't unknown for inmates to start malicious rumours.

The day after I arrived, my bed, which was in a dormitory situation, was sprayed with disinfectant/insecticide by the safety officer. My locker opened and all my clothing and bedding taken away. I was in the yard at the time but everyone else had been watching this. The officer told the other inmates that I had crabs, which was completely untrue. My possessions were put in the laundry in a plastic bag, marked with my name and a message for the staff to be cleaned due to contamination with crabs. In order to get some more bedding I had to go to the store office, there was a large group of inmates and they all laughed at me. I felt totally humiliated. I don't know if it was my imagination but they seemed to be exchanging knowing glances.

This incident started a rumour amongst the inmates

that I had AIDS. I received several threatening notes, telling me to get out of the unit. My lack of experience in the Federal system made me vulnerable and I became worried for my safety. The dormitory situation was open and I worried about going to sleep and being unable to protect myself. The unit manager would not move me to another unit or institution, but eventually it all died down, partly, I think, because I stuck my ground, so I suppose he was right. It was however a very stressful and upsetting situation to be in at a time when I was sensitive about my H.I.V status.

AIDS video

Inmate orientation on arrival at the institution did include a film about AIDS. It showed an inmate with AIDS voicing deep regret about it, he was terribly emaciated and I found it upsetting. My initial impression and following talks with other inmates was that it was little more than a scare tactic, designed to frighten inmates from 'unsafe' practices in prison, but offering little in other respects and possibly making people even more frightened.

The level of ignorance among the inmate population was high, many disbelieving governmental and medical claims that it cannot be passed on during ordinary casual contact.

The psychology department seemed a little beleaguered by all the new intakes they had to process with such a transitory population and more geared to crisis intervention than any kind of long term or supportive treatment. They were also caught up with drug treatment programmes. On the occasions I did visit I found the attitude to be one of disinterest, I felt the receptionist was a lot more receptive than the psychologists. I remember being told that it could be a lot worse, which to me seemed an amazingly facile statement. It did help to have someone to listen to me, but I couldn't develop any confidence in going there, appointments took days or even weeks.

The Chaplain had been abrupt so I didn't see him as a source of support either. It was a very lonely time really until I became friendly enough to trust another inmate. Our chats helped enormously, but after a few months he got transferred.

As I began to require more medical attention, I became fearful that I might be transferred to Springfield. One ward is an AIDS hospice. I knew that

would be a terribly depressing environment to be in, one where it would be very difficult to try and maintain a positive attitude. Shortly before my transfer to the U.K came through I was told they were about to send me there.

Living a lie

My experience as a P.W.A in the Federal system was characterized more by my fear of discrimination than that which actually occurred. Any incidents were infrequent. Lack of appropriate medical care for financial/logistical reasons and misunderstanding was more a factor than active discrimination.

I was careful to be as discreet as possible, I'm sure things might have been different if I hadn't but secrecy lends its own pressures. It seemed ridiculous to have to go in the 'closet' over a health condition which could not be transmitted via casual contact. 'Living a lie' was not only frustrating but made dealing with the issue much harder and created another set of problems. Confidentiality posed problems and I do feel that better support would have helped, as would prompt medical treatment, but not that discrimination was systematic.

I have wanted to avoid this becoming a litany of my woes. I can understand people's fears, however irrational, and it is difficult to condense three years into a few pages and portray it accurately. I have concentrated on the problems I encountered. Interspersed throughout it were some happy and carefree times, good medical attention and I was on occasions touched by the sensitivity and kindness displayed towards me. This has been a cathartic thing for me to do which evokes some of these past hurts and probably flavours my descriptions. In the end it's all relative, but it's true to say I have come to terms with having AIDS as much as I can. I am eager to live my life without dwelling on it. I hope and believe I have not developed any neurotic behaviour in response to any emotional scars.

I want to live with AIDS not die with it. I feel I am in a system now which allows me to do that.

Reviews

FILMS

DEATH WARRANT - director Deran Sarafian

There has been a spate of recent American films which has used the prison both as a plot device, and as a means of testing, or affirming the main character's machismo. Tom Sellick ended up inside in "An Innocent Man", and Sylvester Stallone faced up to a ludicrously evil Donald Sutherland, playing the Prison Warden, in "Lock-Up". (I would have thought that it was hardly necessary to affirm Stallone's machismo, but there you are.) Just as in the films of the Forties, and Fifties, the Wild West allowed men to be men, and in the Sixties, Seventies, and Eighties, space, Vietnam, or the police precinct performed a similar function, so the prison is fast becoming a cinematic locus for the Nineties. After all, the prison offers all the angles: good guys/bad guys; potential violence; cultural stereotyping (for Indians read Puerto Ricans); serial-killers-a-plenty; homoeroticism; and sadistic guards to boo and hiss. It also allows, as in Nick Nolte's "Weeds", or Robert Redford's "Brubaker" simple prurience to masquerade as social concern.

I do not pretend to understand the motives behind the making of Death Warrant, other than as a simple vehicle for Jean-Claude Van Damme - he of kickboxing and Belgian fame - to star in, and the latest in his increasingly long list of films which allows him to

attempt new things: acting, and on-screen kissing of a member of the opposite sex. The acting comes in the form of a Canadian accent, which isn't too difficult really as he plays a French Canadian, and the kissing comes at least an hour into the film so as not to offend his die-hard, "I only watch him for the kickboxing", fans. The result is a glorious mess, with the usual corrupt officials, and politicians, screwing the prisoners for all they can get, (and in this case it is their bodies to sell for medical transplants); serial killers - "The Sandman" - for Van Damme to fight and overcome; the obligatory attempted sodomy scene; and lots of stereotyping of just about every conceivable nationality. Van Damme glides effortlessly through it all, winning the respect of the prison population by killing "The Sandman", and despite the fact that they discover he is actually an undercover cop. Confused? You should be, as the plot has little or no internal logic, and develops characters merely as a prelude for Van Damme kicking them.

If from all this you imagine I disliked the film, you'd be quite wrong, but it is all a question of attitude. This film should not be treated as drama, but as comedy, much in the same way that we treat "Prisoner - Cell Block H". It's humour is often unconscious, but it is definitely there, not so much in the flimsy sets that shake when the "guards" lock the doors, but in its pretension to be something other than a Van Damme vehicle which needs to have a death every five minutes, and a glimpse of his pecs every ten. It was never like that in "Porridge".

CAPE FEAR - director, Martin Scorsese

Cape Fear begins simply enough: Max Cady, played by Robert De Niro, is released from prison, having served a 14 year jail sentence for rape, and, having taught himself law whilst inside, returns to take revenge on his defence attorney, played by Nick Nolte. It is only later that we learn why Cady feels betrayed by his lawyer, but by then no one really cares, as they are too busy being scared senseless, burying their heads into the popcorn during the frightening bits. And, if you'll take my advice, buy a big box of popcorn! This movie is the thinking man's "A Nightmare on Elm Street": clever - using literary references, particularly of Thomas Wolfe, as a means of taking the narrative forward; conscious of its genre - for example having both Robert Mitchum, and Gregory Peck, who played the De Niro and Nolte roles in the original, return in the sequel; beautifully acted, with Juliette Lewis, as Nolte's daughter, particularly convincing as a girl experiencing the trauma of puberty; evil, and funny, and sexy, and above all scary, all at once.

What all this adds up to is a wonderful film. However, it does have its problems. In particular, in attempting to be all things to all people, it can appear both too knowing, or overstretched. Thus, for example, the horror can sometimes get in the way of a plot that also wants to work at a different, psychological level, making pertinent comments about the legal process, marriage, fidelity, and families. What holds it all together is the skill of the actors, and the horror of what we see on the screen. And we do see horror: a woman is brutally raped, which the various references to Henry Miller does nothing to soften; people are murdered; and there are various beatings, and muggings, all executed in the realistic style that Scorsese is well known for through such films as "Raging Bull", and "Wise Guys". The message the film wants to convey to its audience, what ever that is, is thus blurred in a torrent of blood, and guts, and cinematacal pyrotechnics that is, if you are still watching at all!

Dr David Wilson

Scene
from here

REVIEW OF CATEGORY 'A' SECURITY

Impressions

*Ron Hadfield QPM CBIM
Chief Constable
West Midlands Police
who with Gordon Lakes
visited most establishments
who hold prisoners in the
highest security category to
advise the Home Secretary
following the escape from
Brixton of prisoners charged
with terrorist offences.*

In July last year, the Home Secretary asked Gordon Lakes, the former Deputy Director General and myself to conduct an audit into the custody of Category 'A' prisoners. The task took approximately three and a half months and was, I think, the first occasion that a policeman had been invited to examine security issues in the Prison Service.

I do not wish to regurgitate the Report's findings, but instead would like to share one or two of my thoughts with you.

Service... reeling from change

What did strike me very early on in the inquiry and was reinforced throughout, was that the Prison Service as a whole was still reeling from change. "Fresh Start" was introduced in 1987 and this was followed some three years later by the re-organisation above establishment level, as a result of the PA Consulting Groups Review. Such major change was naturally going to take time to implement and it was apparent that difficulties still existed, both at administrative and operational levels. Structural alterations, particularly in relation to the provision of integral sanitation, was taking place in almost every establishment I visited and Governors were clearly facing additional security headaches. The Service was, and I suspect may still be, under great strain, but it was particularly gratifying to hear and to see how willing and determined those involved were to 'get on with the job in hand'.

My visits to establishments were the first time that I had had the opportunity of making an in-depth examination of such facilities and to see and observe those who

work within their walls. Some buildings, as you must be well aware, are Dickensian in style but others are more modern and the visitor with little understanding of prison needs could be forgiven if he was confused when confronted with some recreation and sporting facilities which are far superior to many found in inner-city areas. The question of regime can be a puzzling one initially for the outsider, but its significance very quickly becomes apparent. The dilemma, of course, is balancing this with security and remembering that the latter should always be kept uppermost in mind.

Work of Prison Officer and Policeman

There were striking similarities between the qualities of the operational Prison Officer and the Police Officer who patrols the streets in this country, and in their training programme. We share the need for them to have a high level of inter-personal skills, particularly good verbal communication and the ability to listen, a high degree of patience, empathy, powers of observation, self confidence, the ability to deal with stress and have that all-important sense of humour. Both have initial training programmes with a bias upon skills training. Upon completion of the Course, and, with support, officers go straight to the 'sharp end' to gain experience. We put our young people directly into this testing environment, and rightly so, and how refreshing it is to see them respond so effectively.

Your challenges, whilst different, are in many ways as daunting. The Officers operate in a restricted atmosphere and in constant contact or in confrontation with the same audience. The question of security and safety must always remain paramount in

CT

a Prison Officer's mind and that must influence how they behave, together with an awareness that they need to resist conditioning from the prisoner who is seeking to gain the upper hand.

Misdirected criticism

At the 'shop floor level' I found that the men on the landings felt underused and undervalued, a perception which is quickly related to and less easy to placate. The focus of our enquiry was security and it was clear that it was in the field of security that many of these staff felt vulnerable. There were anxieties concerning the handling and treatment of offenders, there were anxieties about fixed and sensible procedures which were being breached, and there were anxieties about the vulnerability of their colleagues. The over-riding impression was one of concern for the Service and a frustration because they were feeling the brunt of some criticisms for previous prison breaches or disturbances. A criticism they felt to be misdirected.

The complexity of the task

I was not surprised to find many students of human nature and weakness. Many people with degrees in the human frailties and doctorates in the criminal mind. The understanding of the motivation and needs of the criminal and the interned was good to see. Most people do not see the inside of a prison. Those who do know the extent of that punishment and after a few years know the effect on the internees. The extent of caring, of understanding, of compassion was matched also by the recognition of the need for standards, for some discipline and for a rewards and punishments system.

I cannot ignore the difference of style and training between our two Services when I saw endless cases of dangerous, violent criminals being handled easily and efficiently by trained staff. I compare the attitude of some of those internees to that which they would show to most Police Officers. We know the chemistry of why that is so, but it does not reduce the admiration I have for the Prison Officers who know how to handle these dangerous people when they are in prison.

The danger I saw, therefore, above all others was the trap of misjudging the capabilities of the prisoners. The trap of believing that security can be reduced in exchange for privileges. The trap of believing that some of the extensive and sophisticated security measures could be reduced to provide a more humane regime.

A budget ... and get on with it

I also spent time with many Governors. I met them at Headquarters and in the prisons. Frustration, not unnaturally, exists in their ranks also. Amongst those in prisons I found a remarkable empathy with their Prison Officer colleagues. It was quite encouraging to find the same problem identified by senior and junior ranks. The solutions offered varied slightly on occasions but the over-riding wish seemed to be "if you want me to govern then please give me a budget and let me get on with it!" A familiar cry not unheard in the police! It would probably be unproductive to go into the relationships between Governors, Area Managers and Headquarters, save to say one thing - a comment which was included in our Report - I would strongly suggest that the Head of DOC 1 - the operations and security division - should have some operational prison experience.

The objective of my enquiry with Mr Lakes was to review security. I came away with a clear picture of the periods in time and in daily routine when security is vulnerable. I learned a great deal about physical security and technical assistance. I saw details of many successful escapes. I was not surprised to find that the quality of information and intelligence gathered by the staff played the largest part in predicting attempts, monitoring the temperature of the establishment, and in helping staff to maintain peace and calm. Most of that information and intelligence came from the landings. It came from trained Prison Officers with a secure and credible security system.

I appreciate the opportunity to share these brief thoughts with you and to thank the officers of all ranks who helped in the inquiry we conducted.

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Lookout

THE PRISON SERVICE could recently be divided into two camps: those who loved “Underbelly”; and those who thought of it as about as welcome as a Prison Inspector. The former category revelled in the gross caricatures of staff, civil servants, and politicians. My own personal favourite was the fat slob of an S.O., cup of coffee in one hand, and a fag in the other, telling a NEPO that we could have done better than Woolf by using just two words — “top ‘em”. (More of him, please, Ann Robinson) The latter group, rather than revelling in these caricatures, found them distasteful, and not at all in keeping with our new corporate, fresh started image. They’re probably right, and perhaps we all are still a little close to Strangeways yet to reflect and joke. However, I think there was a third group, if you can call one person a group, and that’s Ray Campbell. One time ARD (South East), and sometime Governor of Huntercombe; good old Ray, OBE, was “Underbelly’s” “prison advisor”. I always wondered what happened to Governors when they retired, and now I know. What sort of programme will Mike Selby advise on?.

UNIVERSITY OF CAMBRIDGE

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The closing date for applications is 30 September 1992, and the address for applications and enquiries is:

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