

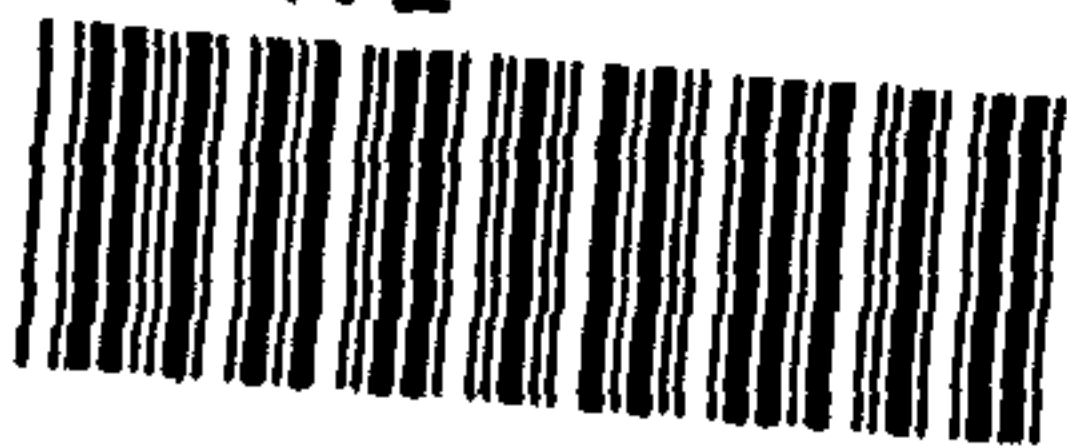
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PRISON SERVICE JOURNAL

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Comment

In this issue on Evil it had been intended to include an interview with Dennis Nilson, a serial killer whose ordinary demeanour and mundane background contrast so much with the murders he committed. As a case study it would have complemented the philosophical and psychological perspectives on Evil taken by the two articles published on this theme. A theme chosen because the interest in Evil and the use of the word in our language seems to be on the increase. Surprisingly so when organised religion appears to be in terminal decline.

The Journal interview was not published because coincidentally Central Television showed an interview with Nilson in a programme on the profiling of criminals which the Home Office sought to stop. For a similar interview to be published in the Journal would have been to jeopardise that case. The reasons the Home Office wanted to restrain the TV company from showing the interview was that permission had not been given for the interview to be held for that purpose and that to show it would be to offend relatives of the victims. Press Relations Branch can confirm that it did offend people when it was shown, from the large number of phone calls they received protesting at the showing. Those who saw the programme will agree that it was hard to see how it contributed to the programme's main purpose and did, therefore, allow the thought that it had been shown to create a sensation which, of course, the action of the Home Office in challenging the showing aided and abetted.

Unlike prison authorities in the USA the Home Office has tended not to allow notorious prisoners access to the media and although in the general trend towards openness that policy has been modified, there remains a residual reluctance to allow such prisoners to use the media even to pursue claims of injustice in the courts.

Although the interview was shown the legal case continues and accordingly the interview for this Journal is held back. The Journal has privileged access to prisoners and Prison Service matters through the ordinary course of the work of the editorial board and contributors. A balance has to be struck on the use of that privilege. The Journal is not subject to routine censorship, as at one time it was, but it is funded by the Prison Service and there is a tacit understanding that "responsibility" will be exercised by the editor. Once the outcome of the case is known the decision not to publish will be reviewed.

Traditionally it has been a function of the Service to provide a protective curtain between the public and prisoners as much for the benefit of prisoners as for any other reasons. In doing so it colludes with the public in the fantasy held that criminals, and in particular murderers, are distinctive in some way that is readily apparent. The reality is that it is the man next door or even a relative who is most likely to do us harm rather than the complete stranger. Openness, even when it causes pain, exposes evil and does not allow pretence and denial.

PRISON STAFFING ISSUES IN EUROPE

Richard Tilt

The author was Governor of HMP Gartree before a spell in Midland Regional Office and then headed the Industrial Relations section of Prison Service H.Q. Currently he is on secondment to the Police Division of the Home Office.

In this article he draws comparisons between our Service and those in France, Holland and Germany. He argues that we should be more concerned about staff mobility, training and industrial relations than pay as key issues for better working relationships.

Introduction

This article is based on a Churchill Fellowship I undertook in the winter of 1991-92 and is, for the most part, a synopsis of the full report prepared for the Churchill Memorial Trust. I was Head of Industrial Relations for the Prison Service for three years from 1989 and during that time became increasingly concerned about what might be done to improve the state of industrial relations in the Prison Service.

Few people would disagree that matters were most unsatisfactory with constant tension and not infrequent conflict between management and the Prison Officers' Association - the Woolf Enquiry into Strangeways articulated this, entreating all concerned to work for an improvement.

As a former Governor, I could well understand the frustration and difficulties encountered at local level which make the job of running an establishment such a difficult one. In searching for new ideas and insights to see if the mould of industrial relations could be broken I was interested to know what our European colleagues were doing, to see in the first place whether the problem was intractable for everyone or

whether there were better ways of proceeding. In other words, was there something about the history and approach of the Service in England and Wales that invited a negative response from the Prison Officers' Association or were the difficulties experienced simply the result of an unreasonable trade union? After three years of conducting disputes meetings at national level I was very unsure about the answer to this conundrum. Hence the application for the Fellowship which provided the opportunity to look in more detail at the prison systems in France, Germany and Holland.

Methodology

These three countries were selected as the ones most likely to provide useful comparators on the following basis:

France - a country with a similar sized overall population and prison population, known to have considerable industrial relations difficulties in the Prison Service.

Germany - a country with a similar sized overall population (prior to unification) and prison population, known to have relatively harmonious industrial relations in the Prison Service.

Holland - a rather smaller country with a proportionately significantly lower prison population.

I set myself the following objectives for the study:

◆ to examine the state of industrial relations in the three countries visited

◆ to examine the basic personnel procedures in relation particularly to:

- assessments of staffing numbers of prison officers

Table 1	Total Population	Total Prison Population	Prisoners per 100,000 Population
ENGLAND AND WALES	50m	48,000	96
FRANCE	57m	52,000	91
BAVARIA	11.5m	9,500	83
BADEN-WÜRTTEMBERG	10.0m	7,400	74
NORDRHEIN/WESTFALIA	17.5m	14,500	83
HOLLAND ¹	15.0m	7,800	52

¹ The population figure for Holland contains 400 inmates of special hospitals which are administered there by the Prison Service.

- working arrangements for prison officers

- pay and conditions of service for prison officers

- recruitment and training for prison officers

◆ to examine the procedure for handling industrial relations

◆ to draw out the underlying differences in the systems as they relate to the industrial relations climate.

In each country I arranged to spend some time first in the central HQ (in each case the Justice Ministry) followed by a number of visits to establishments and usually a final meeting in the Justice Ministry for discussion of the issues raised by the visits.

In all I visited about 30 penal establishments and in the case of France was invited at the end of the study to speak to a conference of Governors which provided a further opportunity to discuss impressions and test out ideas in their developed form. Table 1 provides an overview of the scale of the different systems I saw. Wherever money values have been used they have been calculated on the basis of OECD tables to produce equivalent purchasing power.

For the purpose of this article I will address simply the main issues that emerged around the four themes of

◆ use of staff resources

◆ pay

◆ training

◆ industrial relations

Use of staff resources

I was interested to see how the other systems assessed their staff resources requirement and how this translated into practice. Tables 2, 3 and 4 provide the summary data which requires little comment other than to point up the wide variance in staffing ratios between France at the one extreme and Holland at the other. Our own position is closer to Holland and the difference between ourselves and Holland is largely explained by the Dutch preference for running small establishments - they like establishments of 100 or less and are

worried that their recent building programme which contained establishments with 250 was a serious mistake. As far as method of determination is concerned only Holland is using a formula to calculate staffing numbers centrally with other countries, like ourselves, building up the numbers by an examination and aggregation of the work in each establishment.

Table 2	Prison Population	Prisoner Places	Total Staff ¹	Ratio
ENGLAND AND WALES	48,000	44,000	33,700	1.42
FRANCE	52,000	42,000	22,250	2.33
BAVARIA	9,500	9,900	4,200	2.27
BADEN-WÜRTTEMBERG	7,400	7,800	3,400	2.20
NORDRHEIN/WESTFALIA	14,500	16,000	8,000	1.80
HOLLAND	7,800	7,800	7,200	1.07

¹ The total staff figures do not include Headquarters or Regional Office staff.

Table 3	Total Establishments	Total HQ Staff ¹	Total Establishment Staff	Total Prisoners	Cost per Prisoner per day (Sterling) ²
ENGLAND AND WALES	125	1800	33,000	48,000	55
FRANCE	180	850	22,250	52,000	20
BAVARIA	30	30	4,200	9,500	29
BADEN-WÜRTTEMBERG	20	40	3,400	7,400	34
NORDRHEIN/WESTFALIA	39	180	8,000	14,500	38
HOLLAND ³	60	280	7,200	7,800	70

¹ The figures for Headquarters staff are not entirely comparable. All the systems except England and Wales have pay and superannuation matters dealt with by a central authority and require no Headquarters staff. The same is true generally of new building and refurbishment. Only very minor maintenance is managed by the other services other than England and Wales.

² The cost per day figures are the latest available for each system but cover a period ranging from mid 1990 to mid 1991.

³ The cost figure for Holland includes 400 inmates in special hospitals.

Table 4	Prisoner Population	Total Uniformed Staff¹	Ratio Prisoners/Uniformed Officer
ENGLAND AND WALES	48,000	24,750	1.94
FRANCE	52,000	17,200	3.02
BAVARIA	9,500	3,200	2.98
BADEN-WÜRTTEMBERG	7,400	2,500	2.99
NORDRHEIN/WESTFALIA	14,500	6,100	2.37
HOLLAND	7,800	4,600	1.70

1 Uniformed staff has been taken to mean the equivalent of the England and Wales grades of:
Principal Officer
Senior Officer
Officer
Prison Auxiliary
Night Patrol

including all specialists in these grades.

The differences in staffing ratios have, as one might expect, much to do with the basic level of supervision on a living unit or landing. The Dutch and ourselves usually employ two prison officers for this where the French and Germans use one. Not surprisingly the cost per prisoner per day reflects this significant difference. The German Land of Nordrhein/Westfalia falls midway between the two extremes.

This is however only one side of the picture. What is equally important is what level of service is provided with these levels of staff. It was most interesting to see that in both France and Germany no consideration at all was being given to measuring the output of staff resources in terms of regime delivery or anything else. In complete contrast the Dutch, like ourselves, are very interested in this and are beginning this year to measure performance in great detail based on a contractual process between the Governor and his line manager. It may of course be no coincidence that the two countries paying attention to outputs and performance measurement are the two with the most expensive systems to run.

But to return to what is achieved with a given staff resource one can only record subjective impressions in the absence of objective data (except in this country). In France the time spent out of cell by prisoners is certainly less. There is no tradition of communal association with other prisoners and the system runs very much on the basis that prisoners will spend all time in cells

unless at work, education or exercise. Whilst the range of these activities is similar to ours the availability is lower. To balance this apparent deprivation however one must remember that all prisoners have a TV set in cell and may use very much higher prison earnings and/or private cash to enhance their standard of living with cell possessions and food and drink. Regime delivery in Germany is at a slightly higher level than France but again there is no tradition or communal association although an interesting arrangement exists whereby friends can apply to spend a weekend day together locked up in one of their cells. Education and work is more widely available in Germany than France and vocational training is better. The experience in Holland is similar to ours although they have telescoped all activities into the normal working day by requiring prisoners to work no more than four hours a day and using two shifts in each workshop. Whilst there is always a range, in general I did not see better regime delivery in the countries visited than here.

The output from staff also depends crucially on levels of absence and especially sick absence. Table 5 shows the relative position across the countries with ourselves and France losing the smallest amount of time on both counts and our own sickness level of 5% coming out as the lowest even though it is higher than we allow for (3%) and we rightly continue to make strenuous efforts to reduce it.

Finally in any consideration of staffing levels one must have regard to the differing levels of physical security. In France and Germany watch towers with armed guards are the norm and in France particularly, greater regard had been had for physical security solutions and alarm systems. This approach will inevitably assist with lowering staffing levels.

Pay

Turning to another ingredient in the motivation of staff I compared relative levels of pay for prison officers. Table 6 provides a summary of this. It shows comparative figures and pay has been taken to mean the gross amount paid including allowances for the normal working week (which in itself differs slightly across Europe). The figures

do not contain any overtime working. They show very clearly that prison staff in this country are considerably better paid than their counterparts in the other countries and rather surprisingly perhaps, that German staff are the least well paid. Additional hours over the normal working week are worked in some measure in all the countries ranging from two hours per month per person in France through 12 hours per month in Germany to 16 per month in Holland. It is paid as overtime in France and Holland and can ultimately be in Germany although the normal practice is for it to be recompensed by time off. The German 'time off' system is very close to ours but in some German states the amount of time owed is as high as 100 hours per person whereas the average here is more usually about five or six. It is fascinating that the German level causes no great problem or concern whereas this has been a continuously contentious issue here since the introduction of the system in 1987.

Training

On the training front there are also marked differences as summarised in Table 7. Both the Germans and the Dutch place greater emphasis on training and devote more resources to it; in part that is a reflection of wider national policies in relation to producing a skilled workforce. While the Germans concentrate on specialised training the Dutch believe also in taking every opportunity to widen general education. The French are about to double the length of their initial training to eight months, without specifically enlarging the content, which will leave us with by far the shortest initial training.

Industrial Relations

The French service has suffered the same kind of disruption and difficulties as our service over the last ten years with various forms of industrial action and in fact at the height of tension in 1988 and 1989 actual strikes and blockading of establishments. The police were used widely at this time to clear blockading prison staff and to run 15 establishments for about a week. This despite the fact that industrial action for prison staff is prohibited by statute. There

Table 5	Non effective time ¹		
	Allowed	Actual	Sickness rate
ENGLAND AND WALES	20%	22%	5%
FRANCE	16/19%	21.5%	8%
BAVARIA	25%	28%	10%
BADEN-WÜRTTEMBERG	30%	30%	9%
NORDRHEIN/WESTFALIA	20%	35%	10%
HOLLAND	24%	32%	14%

1 Non-effective time is defined as the time taken to cover the absence of uniformed staff by reason of leave, sickness or training.

Table 6	Pay for Prison Officers per year - Pounds sterling			
	1	2	3	4
ENGLAND AND WALES	14,745	16,892	17,684	21,306
FRANCE	8,914	10,314	14,571	15,536
GERMANY	10,383	11,520	12,657	13,987
HOLLAND	10,591	12,910	14,608	16,429

- 1 First year officer
- 2 5 year officer
- 3 Top of scale officer
- 4 Principal officer

All these values are expressed in pounds sterling and have been converted on the basis of purchasing power parities.

Table 7	Prison Staff - Initial Training Time ¹
ENGLAND AND WALES	3 months
FRANCE	4 months
BAVARIA	2 years
BADEN-WÜRTTEMBERG	2 years
NORDRHEIN/WESTFALIA	2 years
HOLLAND ²	4 months

- 1 All the systems use about half of the initial training time for supervised practical experience in an establishment.
- 2 The initial training in Holland has a further 70 days spread over the first three years.

are a greater number of trade unions (ten) who represent prison staff and these are mostly large national organisations that represent workers across a wide range of work. The tradition in France is for most negotiations to take place at national level and there is very little industrial relations activity at local establishment level with formal meetings between Governors and local union representatives very much the exception.

By contrast in Germany and Holland a wholly different tradition exists of detailed

rights and responsibilities being assigned by statute to representative staff councils at local level (with equivalent machinery at regional and national level). Whilst staff join trade unions and the trade unions nominate members for election to the local staff council, by no means all representatives will be union sponsored. In fact in Germany I found usually about 50% of the staff council were union nominated. The staff council then has a constitutional position in the management of the establishment in the sense that there are many issues on which the Governor requires the agreement of the staff council before he proceeds, on others he must consult. The detail of this varies slightly from state to state in Germany and again in Holland.

While it would be too simplistic to say that this arrangement produces much more orderly and peaceful industrial relations one has to record that both Germany and Holland have been virtually free of industrial relations conflict and continue to be so although some of the management initiatives now being taken in Holland will put this system under considerable strain.

Summary

I wanted to see if I could understand why prison industrial relations were more harmonious in some countries than others. This article has been a very brief resume of my full report and I would be happy to supply copies of that on request (F1 Division, Home Office, Queen Anne's Gate, London) but in summary I pointed to four things that I thought might be significant in separating the Dutch and German sheep from the English, Welsh and French goats:

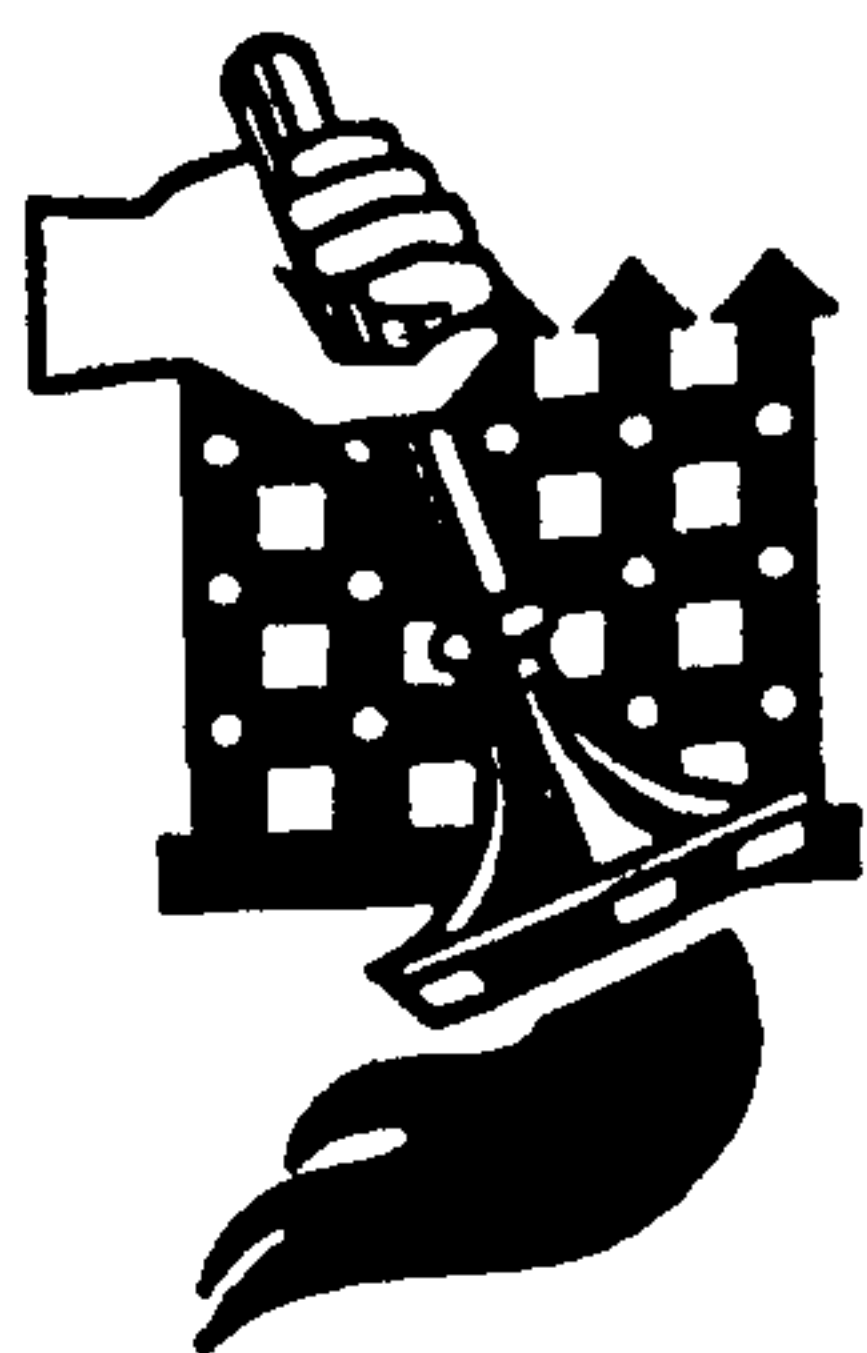
- ◆ staff mobility
- ◆ staff training
- ◆ industrial relations machinery
- ◆ arbitration

We and the French operate national recruiting and posting systems that inevitably place many new staff in areas of the country they do not want to be with acute housing and domestic problems. The Dutch and Germans do not, they recruit locally and staff move only on application for specific posts. The Dutch and Germans place greater emphasis on training and have consequently a better prepared and better motivated workforce. The industrial relations machinery in Holland and Germany provides for a much greater degree of involvement and influence for staff at local level than in France or here. Finally the availability of arbitration itself is seldom necessary but it provides the necessary reassurance to staff to work for the resolution of disputes at a lower level. In my last year as Head of Industrial Relations I chaired 53 national level disputes meetings. Whilst much of the work involved was aimed at a negotiated resolution of the dispute it is wholly understandable that union representatives would see it as far from independent.

These then are the four areas where I believe we need to review our policies. Conversely we may need to pay less attention to pay where we are in the lead and where the countries with the industrial relations difficulties are respectively at the top and the bottom of the pay league.

Incantations

"It is, to me, self-evident that we are born with a sense of good and evil. It is also self-evident that as we grow up each individual chooses whether to be good or bad." John Patten, Secretary of State for Education 1992



BONKING AND BOOZING

Physical Education in prisons has a proud record of achievement in giving meaning to regimes, positively influencing prisoners and staff and the author commend's this but there is another side

Dr David Wilson

I'd like to start by saying how pleased, and honoured I am to be asked to speak to you today - and given that I know one or two people in the audience, I should also say that any comments that I make are meant on a general level, and not on an individual basis.¹ Again, by way of introduction, I also wanted to let you know that as Head of Inmate Activities at HMP Woodhill, I am talking to you as someone who is committed to sport, and what sport can offer to an individual, or to a group of people, and as such I have often committed myself to the goals of the Physical Education Department of the prisons that I have found myself working in. Everything from playing in the institution's rugby or football teams, to canoeing down the Wye, and camping on Dartmoor: from signing PE daily occurrence books, to ensuring that Physical Education Officers are given the proper facility time, and relevant in-house, and external training courses.

The comments that I make are therefore based on my interest in Sport, and the reality of the work that I do as a governor: as HIA, my job encompasses not only the gym, but also Education, Chaplaincy, the Employment programme, and so on.

PE from an HIA's perspective, is not only desirable, but absolutely vital: it provides activity: it stirs interest in a group of people who, by and large, have rarely been interested in anything; it gets inmates out of cells and offers to them the opportunity to get qualified; it provides a bridge into the local community; and it contributes towards staff welfare, and fitness.

PEOs are in themselves a valuable resource: they have had to, by nature of their specialism, dedicate time and energy to gain the necessary level of fitness, and qualifications required for the job. This not only suggests a degree of motivation, but reflects a desire to see the Prison Service as a field on which to perform at a level beyond the landing, and the tea-room; a desire to seek and gain promotion, thus an interest in how, and in what direction the Prison Service should develop. As a manager, that is the profile of a member of staff I'd like in my team.

Positive Contact

Let me take out two of these points, and develop them a little further. Firstly, and for me probably the most important contribution that PE makes, you are at the centre of the prison's regime. As such you are often the first, and sometimes, sadly, the only positive point of contact between the inmate, and the prison, offering not only time out of cell - and all that that means to an inmate, especially if he is incarcerated in a local - but also the chance to develop himself further, to gain real qualifications, or simply to give him back, or establish, self-respect. I would not wish to underestimate this latter point, as a great deal of evidence about criminality suggests that people who commit crime are by and large the dispossessed and disadvantaged in our society, and have already been stripped of, or lack, the personality, background, or skills, which confer on us all status, or respect. Those of you who know me will know that I have always attempted to take

1. This paper was originally given as a talk to PESOs, from the London North Area, at Lilleshall on 30 April 1992. I am grateful for their comments and observations, as well as those of PE Governor 5 Vince Walker.

an interest in weight-training. Fewer will be aware that that interest stemmed from my time at Huntercombe when one of the inmates on my wing pointed out to me that I always did things that I was good at, but never engaged with the inmates when the skills-level, and knowledge was reversed. 'You don't lift weights, guv,' 'cause we're better at it than you,' and so they were. To see yourself at the apex of an hierarchy, as that lad did in the weight-training room, was a dramatic reversal of his life in the community.

Links with the Community

I think that there are other issues, related to the theme of PE's contribution to the prison's regime which are worth exploring. It is worth remembering, for example, that a regime is increasingly quantifiable. Regime monitoring has meant that almost every aspect of a prison's life is now subject to analysis, and scrutiny. PE can hold its head up in comparison with other regime activities, partly because your information is readily available, and this to me suggests the importance of simple management tasks such as the accurate completion of the PE Diary. Here, after all, is a means of assessing what it is that is done in the PE Department, and unlike other departments who had to devise regime monitoring systems, one which was already established and tested. Don't be embarrassed about asking the governor to sign this diary, because what the offer suggests to me is that you have something which you are proud of, and would like his interest in. Of course, he can't sign it if it is locked away in a drawer, or if you haven't bothered writing anything in it for the past three days!

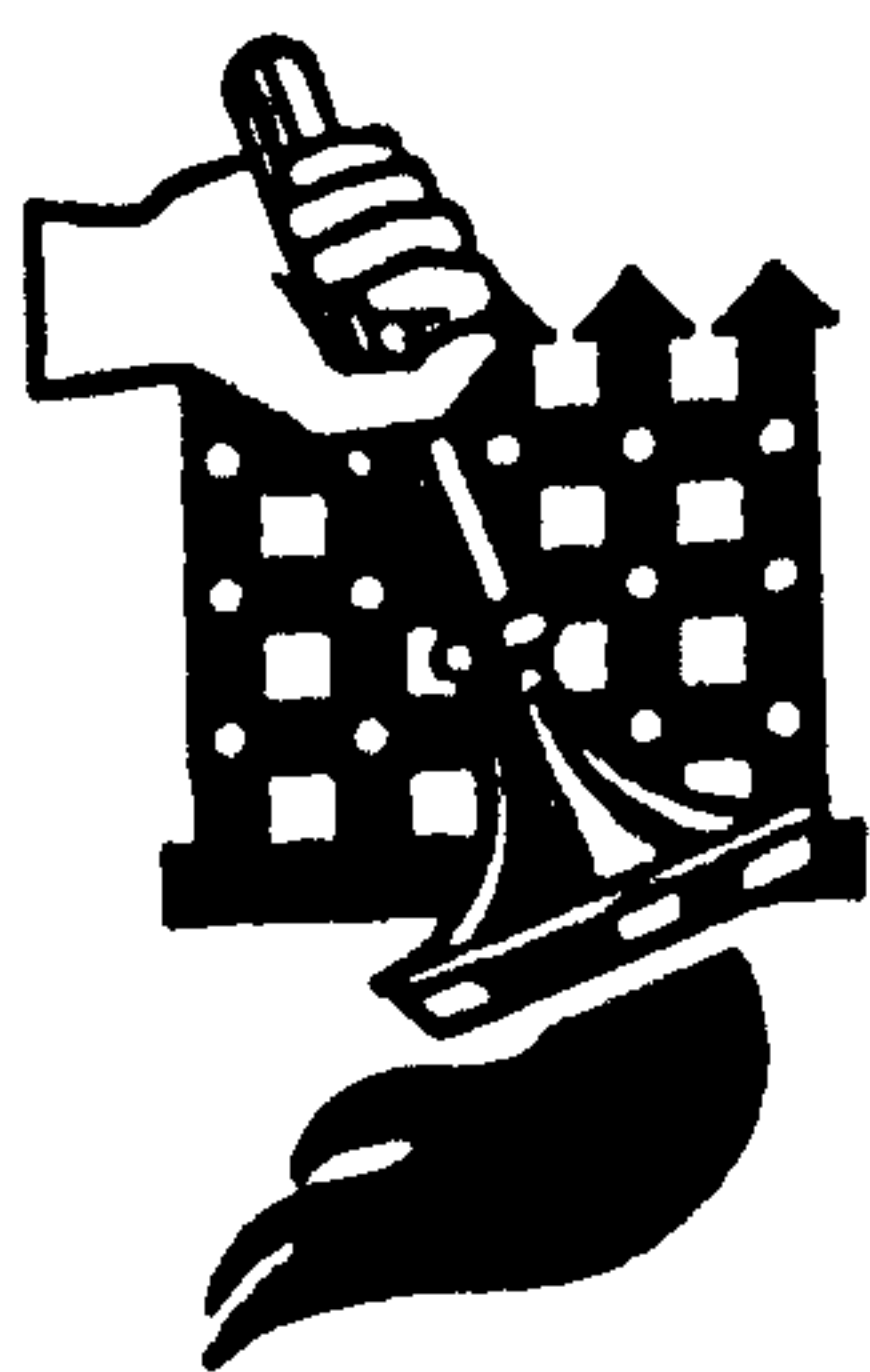
One final thought about regime, and PE's contribution to it, before I move on. The new Criminal Justice Act is unique in that it looks at a prison sentence as a whole - from arrest to post-custody arrangements. It sees the prisoner as someone who had a life before custody, and as someone who will again become a member of the public when he is discharged. PE should, and in the best departments, does, already take this fact on board. The first thing that a good PEO asks of a new reception is what sport he plays, or would like to play; and the last thing that a good PEO recommends to one of his

discharges is to become involved in sport in the community. (Indeed, this should also suggest that there has been a continuing relationship with sport during sentence between the community and the prison, but this is a point which deserves more time than I have today.) I would like briefly, and anecdotally, to reflect a tiny aspect of my time as HIA at Grendon to illustrate this point.

At Grendon, Martin Dickinson,² who has an interest in, if no ability at, rugby, developed a relationship with Bicester RFC which involved inmates training with the Bicester players, sometimes at the prison, and sometimes in the community, and the better inmate players playing for the Bicester side. This led, partly because Bicester had a good run in the Cup and got to Twickenham, to a great deal of Press interest, and more importantly created a desire to be included in a variety of their local sides by prisoners who were about to be discharged. It has also helped, I would argue, to create the pre-conditions which allowed HMP Littlehey to be included into the national league. Indeed, one of the players that Martin spent quite a considerable amount of time with, is currently Littlehey's star winger - or so he tells me! This to me goes far behind simple regime activity, and suggests something of the quality of the work that can be done, very much in line with what the new Criminal Justice Act was aiming at.

A Resource for Staff

I said I wanted to pull out two points to develop. The first was regime, and the second relates to staff, our most valuable, and yet ignored resource. I tried hard, and failed to get a staff 'happy hour' at Grendon, largely due to the knock-on effect of the reduction of hours, and perhaps also because of our work culture, but ultimately all prisons have to go in this direction, and it is to the PE Branch, and local PE departments that we have to look to to provide a lead. Consequently, I have been very impressed by the development of FiTech, and the co-ordination of the FiTech arrangements, but it is not simply these formal developments that should be encouraged, but other less ambitious approaches. I cannot help but reflect that PE staff taking an interest in the



2. Martin Dickenson is a PEO at HMPs Grendon and Springhill.

general welfare of the staff of the prison has innumerable advantages. I know of literally hundreds of examples, but I hope that one or two will suffice. I know, for example, of a discipline senior officer who was put on a personalised exercise programme to help him regain fitness after a heart attack, and who five years later ran the London marathon; and of the vital role that PE played in gelling staff together, and relieving the tension of difficult circumstances when Grendon was moved, first to The Mount, and latterly to Wellingborough whilst the prison was being re-wired.

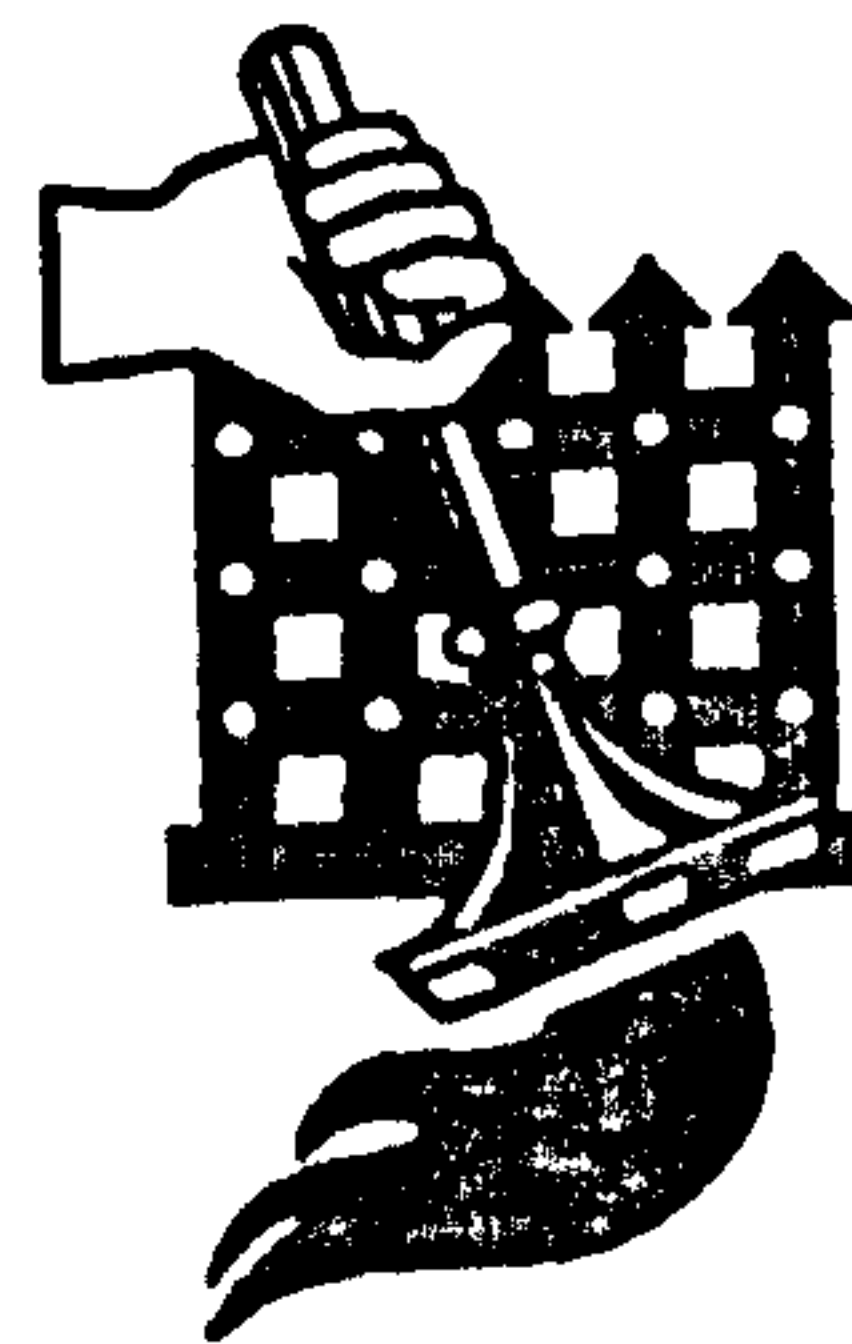
From everything that I've said I hope that it is obvious that I really am someone who is committed to the aims of the PE Branch. That doesn't mean to say that I am blinded by what is on offer, or that my support for the PE department is without question. Nor should it be, but you'd be surprised by the number of staff, of all grades, and all specialisms, who think that what they say is Gospel! But if my support to you as an HIA means anything, then it has to be questioning, and critical; it has to deal with the reality of the World in which we all live, rather than the dreams we have for the World we'd prefer. Let me give you some examples of issues that I currently have both with the PE Branch generally, and have had with PE Departments, or PEOs in the past.

The Governor's Contract

As most of you are aware, I am presently working at HMP Woodhill, the first of the 'new generation' prisons. I have been there since December of 1991, and a significant amount of my managerial time has been taken up with 'the contract'.³ Perhaps some of you will be aware that the end product of that contract process is a staffing figure, and appropriate shift cycles. I say 'perhaps', and 'some' because I seriously doubt that the PE Branch, and DPMS⁴ to name the other main culprit, have ever had anything to do with the contract. Indeed, I really don't know how the staffing levels for PE Departments are reached at all, but I do know that that staffing level isn't determined by the process outlined in CI 55/84,

matching resources to needs; staff to the work that has to be done. For me this is a serious issue, as it has several knock-on effects. For example if the contract process isn't followed how do you determine if the PE staff have too little or too much work? How do you determine if the scheme of Work is accurate? How do you make a bid for greater resources, or make a case to prevent PE staff being used on other tasks, or simply being re-deployed to other establishments? Interestingly, at Woodhill, Vince Walker - who happens to be a friend of mine - merely suggested a staffing level that he thought was appropriate on the basis, I believe, of the size of the establishment, and for comparisons with other prisons of similar role. As he is a friend I took his advice, which was - wait for it - a PO, 2 PESOs, and 8 PEOs. Sound familiar?

As I've said, this is an issue for me, and so Ian Clark⁵ and myself actually did go through the contract process for Woodhill, to see if these staffing figures were accurate, or if we'd need more, or less. If Ian was here I'm sure he'd tell you that secretly he agreed to do this as he wanted to show me that this staffing level wasn't enough to deliver the level of PE commitment that was being demanded by Corporate Objectives, and the Functional Responsibilities statements. And if he knew you really well, and you bought him a drink, he'd probably also admit that he especially wanted to show me that it was absolutely impossible to have evening PE on a Friday, and I was 'pulling his plonker' when I said we should have evening PE at weekends. (Why is it, as far as I'm aware, most PE departments shut down on the very days when most of the prisoners would actually want to do PE?) But, back to the contract process. So Ian and I sat down and went through the various stages of the contract, and applied that to Woodhill's PE needs. The result was extremely enlightening, and I'm also certain that Ian got a great deal out of completing the process. What this showed was that the staffing level needed to deliver a six day a week (minus Wednesdays when we have evening visits) PE commitment, including evenings was a PEPO, 3 PESOs, and 7

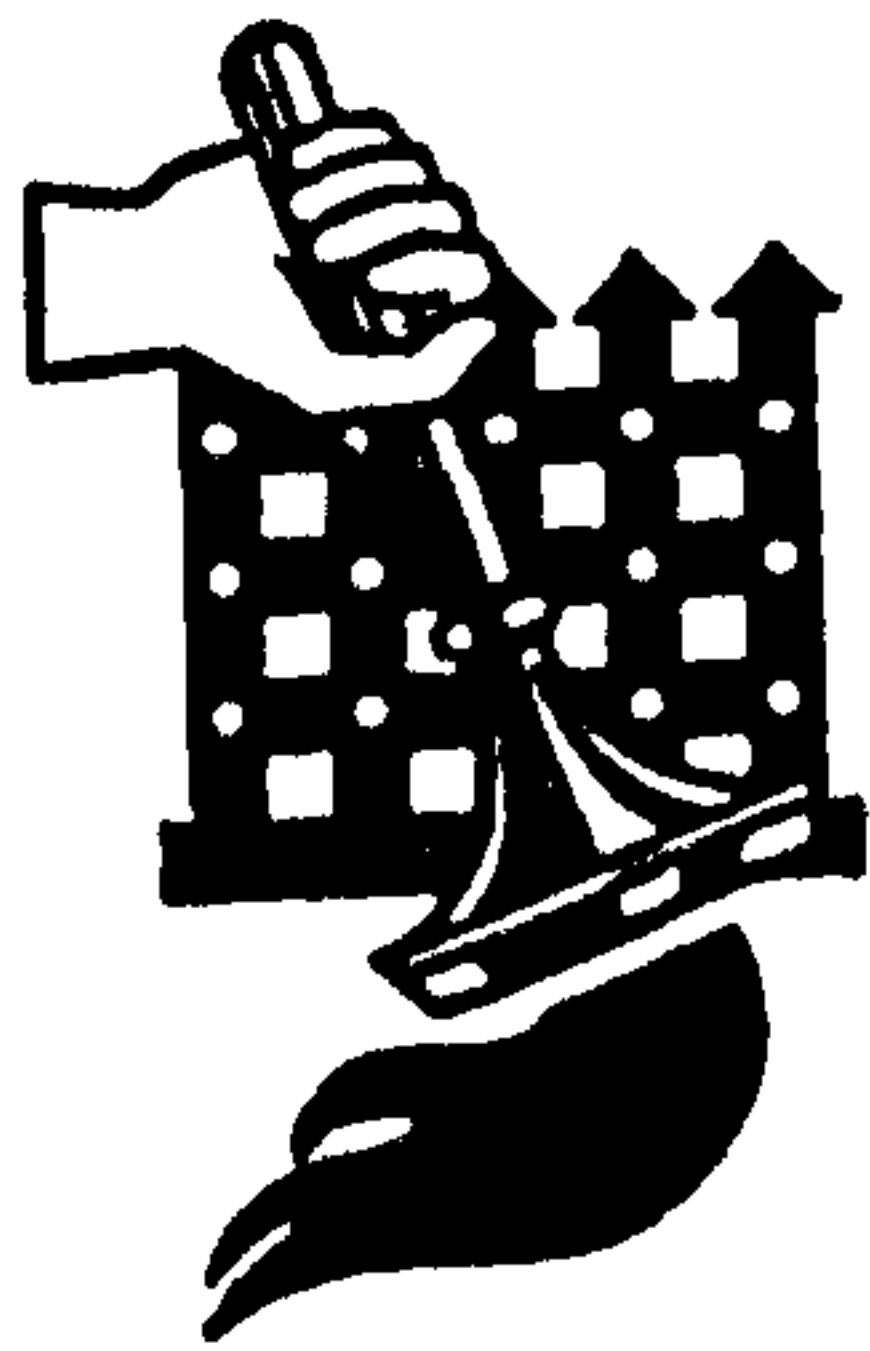


3. The genesis of the Contract is to be found in Circular Instruction 55/1984, and has been the subject of numerous Notices to Staff, and is fully covered in a variety of Briefings.
4. Directorate of Prison Medical Services now renamed as Directorate of Health Care.
5. Ian Clark is PEPO at HMP Woodhill.

PEOs. We then moved some of the PESOs work down to the PEO level, and created our staffing profile. I'm certain that many of you will want to ask questions about this, and so I'd be happy to return to this later, but suffice to say that I think the experience of going through the contract process, and the knowledge that I have gained from it, has put me, and Ian in an extraordinarily strong position.

The Dark Side

Of the other issues related to PE Departments, or PEOs that as an HIA I've had to deal with, let me mention those which have occurred more than once, and which imply something of the culture of PE staff. First and foremost is "drink". PEOs are by and large young, fit men, who play team sports, which in the community are sponsored by breweries, and where a 'good bevvie' is seen as normal, and indeed required. It should therefore be no surprise that I have had to counsel several PE staff about alcoholism, and whilst for obvious reasons I don't want today to dwell on this point, it should be something that you, as senior men within your department, should be aware of. Of course, this is a personal observation, and not intended as 'scientific' analysis, and I have absolutely no way of 'proving' that PEOs drink to a greater extent than say Governors, or Chaplains, but alcoholism is something that I am aware of as being an issue. Indeed, and whilst this is extremely speculative, I would suggest that this has something to do with the fact that sport and alcohol are obviously linked in sponsorship, and in fact next week Rangers and Airdrie fight it out in the final of the Tennants Scottish Cup! (Rangers must have a head start, as they are sponsored by McEwans.)



On a lighter note, but no less serious, is sex! This has without doubt been one of the most difficult issues I've ended up dealing with in relation to PEOs, in a managerial sense. Think of everything I've said about 'young, fit men who play team sports', and put your typical PEO in a new prison, let him flex his pecs a couple of times in the

discipline office, and I can assure you that there is going to be marital fallout. For all of you who are laughing, or about to criticise me for stereotyping, think of what I've just said in a couple of years when you're in charge of your own department, and the new PEO turns up with a gleam in his eye, a tan on his face, and time on his hands!

The Challenge

Finally, and on a more serious note, two other issues which as an HIA, I feel are worth raising. Firstly, please remember that as PEOs you are part of a function which often holds diverse specialisms, and you are expected to work as part of a team. This actually does mean, as far as I'm concerned, allowing the gym to be used for the Education Department's production of 'Macbeth', or the Chaplain's Christmas Carol Concert, and thus spending time cultivating professional relationships. These in turn will allow you to negotiate for things which you might find useful for your department: help for your staff who are sitting the promotion exam; getting the Farm manager to cut the grass on the cricket square, and so forth. Secondly, remember that Inmate Activities is about both those words - 'inmates' and 'activity'. It is not about 'a few inmates who like football, and weights', or 'happiness is door shaped', but appealing to the broadest section of people in the inmate population: sex offenders as well as 'blaggers'; the old, as well as the young. It is about you supervising activity, rather than activity happening around you, whilst you get your feet up and read the paper in the office. PE is more than 'occupying' inmates; it is about helping people realise their potential through, and in sport.

Sport has meant a great deal to me in my life, and it is obviously important to each and everyone of you. Translating that importance into interest in others is the challenge that you face, and from what I've seen of the work that you do, and from what I know of the people in this room, it is undoubtedly a challenge that you've met, and overcome.

Incantations

"When choosing between two evils, I always like to try the one I've never tried before." Mae West



PUB LAYOUT, DRINKING AND VIOLENCE

Can pubs have a positive effect in developing our sense of community and diminishing crime or will social change and commercial pressure produce more violent pubs?

Over the centuries many factors have influenced both the layout of public houses and the drinking patterns of those who use them. Drinking and violence have long been associated in the minds of commentators and legislators. Is there a clear relationship between pub layout, drinking and violence and are there any lessons to be drawn for brewers and magistrates?

The pub is an institution which is unique to the British Isles. There are certainly resonances in Australasia, Belgium and Germany, but in its pure form it is confined to these islands. There are at least three strands to the provenance of our present day pub. The Inn was an establishment providing food and accommodation for travellers and stabling for horses. The tavern originally sold wine but developed as a city centre meeting place where business was transacted and meals consumed. The alehouse was the local boozier which might have been part of a farmhouse or a cottage.

This simple distinction was clouded during the eighteenth century by the growth of cities and the emergence of urban alehouses, dram shops, where spirits could be consumed, and a myriad of illicit drinking places. Drinking had been perceived as a major problem during this period and considerable legislation had been enacted, culminating in the Beerhouse Act of 1830.¹ This Act, designed to curtail the

consumption of ardent spirits, probably had more impact on the lives of English people than any other single piece of legislation.

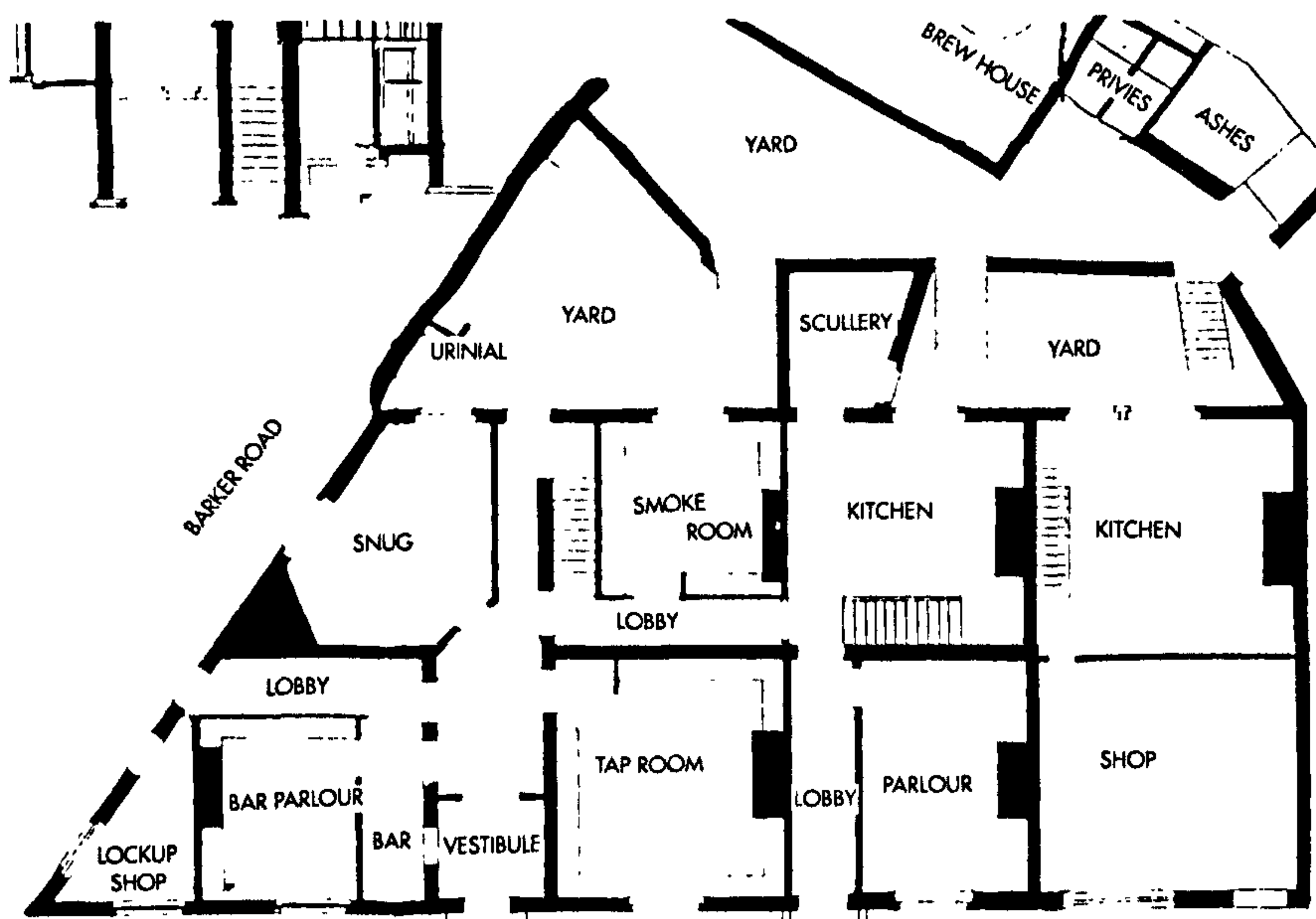
As Sidney and Beatrice Webb remark²

'So instantaneous and dramatic a transformation as occurred in October 1830 has seldom been effected by any Act of Parliament. The very day on which the statute came into operation, a perfect swarm of what, for some inexplicable reason were called "Tom and Jerry shops" or "tiddlywinks" were opened in every town and village. The excise offices were besieged by householders eager to pay the two guineas by which they acquired the privilege of retailing beer. In Liverpool alone there opened more than 50 additional beer-shops every day for several weeks. Within less than six months no fewer than 24,342 new beer-sellers had paid the excise fee and the number still continued to grow with great rapidity'.

'The situation and character of the new drink-shops were as harmful as their numbers. Hitherto the houses in which intoxicants had been allowed to be sold had been premises of a certain size and prominence of position, devoted exclusively to this trade, and situated in such a way as to be always under public supervision. Not only was beer now sold at every baker's and petty chandler's shop: regular drinking-

Roger Hall is a magistrate and licensing committee member currently researching Inner City Pub Culture at the University of Salford. He is also Pub Preservation Officer for the Campaign for Real Ale.

1. An Act to permit the general Sale of Beer and Cyder by Retail in England. 11 Geo. IV and 1 Gul IV 23 July 1830.
2. Webb, S and Webb B. *History of Liquor Licensing in England*, London 1903 pp 123-126.



Trap Inn, Rochdale Road, Oldham. 1890

places were opened in cellars and back premises in every alley in the town slums; in lonely cottages in the country by-lanes; often, indeed, in mere sheds behind the village street, by the roadside, or in the remote recesses of a wood.'

Many of the smaller premises which opened as a result of the Beerhouse Act were closed by subsequent legislation. Although a small number of single roomed premises survived, catering exclusively to male working class customers, most pubs were multi-roomed, catering for a cross-section of the population in terms of age, gender and social class. Floor plans of 19th Century premises clearly demonstrate the way in which pubs could cater for different clienteles by having a number of separate rooms. The designation of the rooms varied in different parts of the country, the word Vault, Parlour and Snug being typical Manchester descriptions.

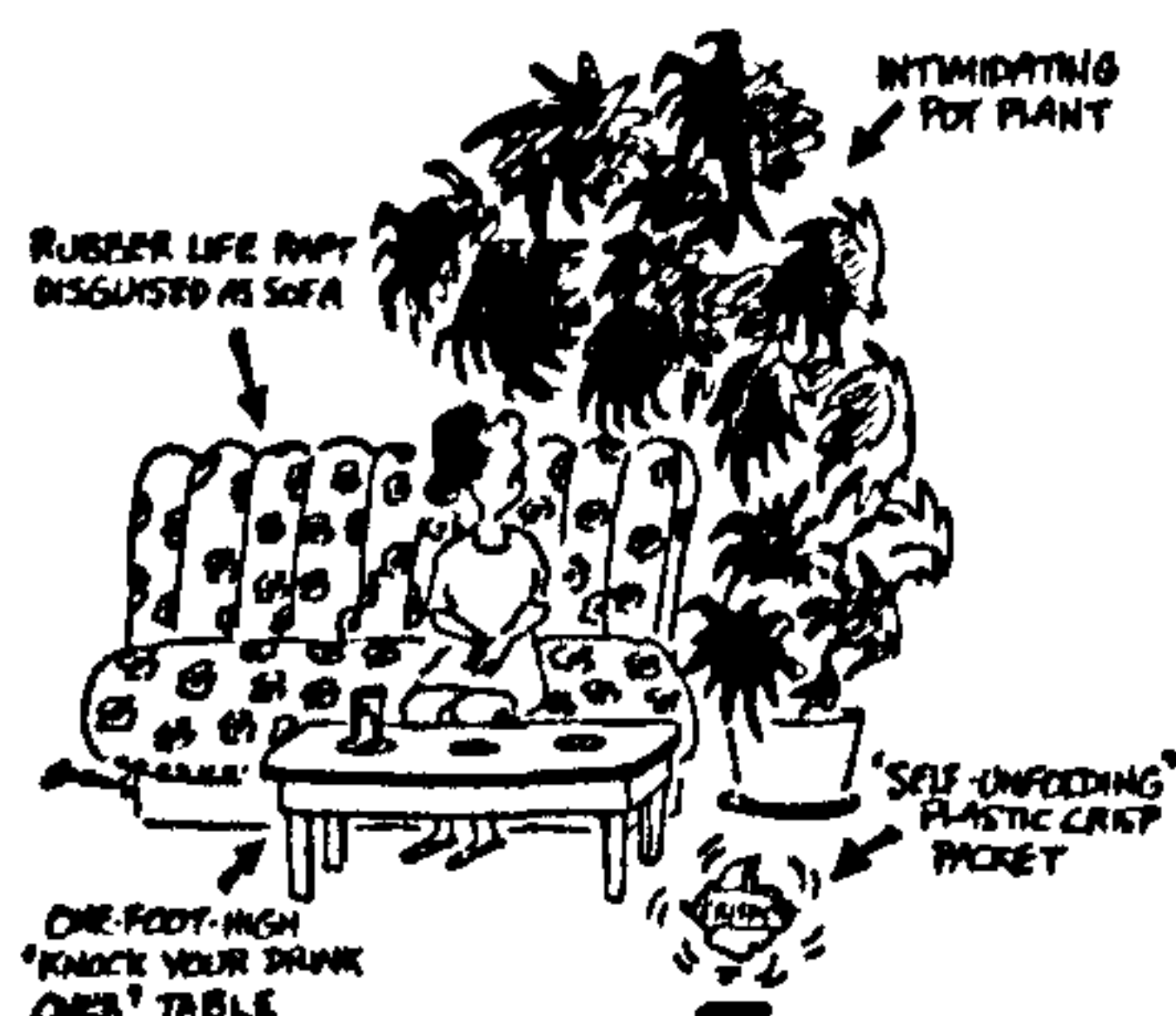
Influences on pub layout:

Over the centuries many factors have influenced both drinking patterns and the layout of pubs and it is likely that these factors will continue to influence future developments.

Transport has had both a direct and indirect influence on the number, the location and the functions of public houses. As Turnpike roads developed in the eighteenth century, packhorses gave way to waggons and stagecoaches which covered greater distances and had different requirements. Fewer, larger and better appointed Country Inns grew up in our cities and towns. Some of these were in turn threatened by the emergence of canals in the late 18th Century and Railways in the mid years of the 19th century. Roadside Inns were further marginalised as transportation switched from road to rail. They were not saved by the growth of motoring after the First World War, for which a new generation of roadhouses was built with different requirements and a layout which reflected its clientele. Postwar developments have included the building of Motorways, drink-driving legislation and the opening of motels with a different character again from the inns and roadhouses of the past. Air travel has lead to the internationalisation of lounges and the development of hotels with a cosmopolitan rather than traditional or national ambience.

Patterns of employment have influenced and will continue to influence pub layout. The Industrial revolution resulted in large scale enterprises with people in manual occupations which encouraged camaraderie and work-related drinking. Vaults or tap rooms catered for men in working clothes. Recent changes have included a decline in manual work, a reduction in the size of industrial premises, relocation of industry, improved transportation, increased labour mobility, all of which have signalled the demise or transformation of the workplace based pub.

Women's employment in traditionally male roles, changing social attitudes to women and equal opportunities have worked their way through to the pub. The male culture of drinking pints, buying rounds, telling jokes, leg-pulling and banter have been eroded, bastions of male seclusion have been invaded and differing expectations and tastes have transformed both layout and decor in many establishments.³



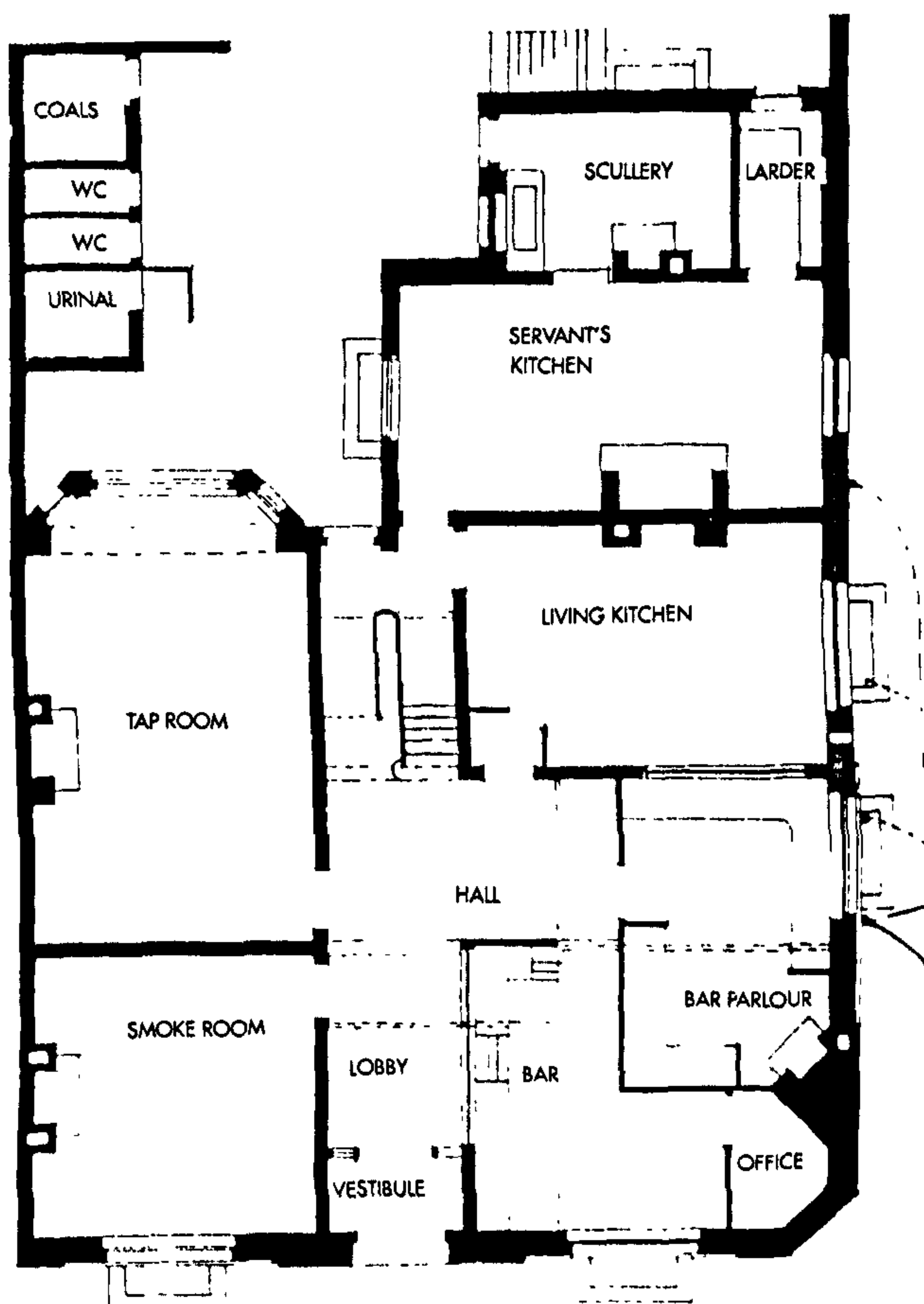
3. For a feminist viewpoint on the pub see Hey, Valerie. *Patriarchy and Pub Culture*, Tavistock 1986

Before the industrial revolution when the pace of life was determined, not by clock but by the seasons, leisure was part of working life. Since the industrial revolution leisure has become increasingly structured and separated from work. Pubs must now compete with many other attractions for our leisure time. Changing patterns of entertainment from singing to pub games have influenced the layout of pubs and will continue to do so.⁴

As might be expected, the brewing industry itself has been a powerful influence on pub layout. The gradual disappearance of home-brew pubs and the growth of large scale brewers through acquisitions and mergers has lead to high concentration of ownership. Public companies interested in short term profit maximisation to satisfy their corporate investors have rationalised by closing pubs and reducing choice. The tied house system has meant the application of return on capital criteria for each pub, leading to the introduction of food, gambling machines, talent nights and karaoke. Marketing concepts borrowed from elsewhere have led to market segmentation, differentiation, target marketing, niche marketing with the resulting new style pub-discos, steak bars, city taverns and other media-hype themes.

Technology may not have determined what's happened to our pubs, but it's certainly assisted the process of change. Two hundred years ago the size of rooms was constrained by such factors as natural light, fireplaces and the materials and methods of construction. Electric lighting, central heating and steel joists have given architects and designers a hitherto unknown freedom. Even the beer engine, an early 19th Century innovation, permitted the introduction of a central bar and the move from service by servants to a form of self-service.

If the late 18th and early 19th centuries were characterised by unbridled laissez-faire then the subsequent century has been one of intervention, planning and control as the new professions have held sway. Town planners have masterminded slum clearance and new suburban pubs have been subject to siting criteria of density, access and car-parking. They have been inevitably large

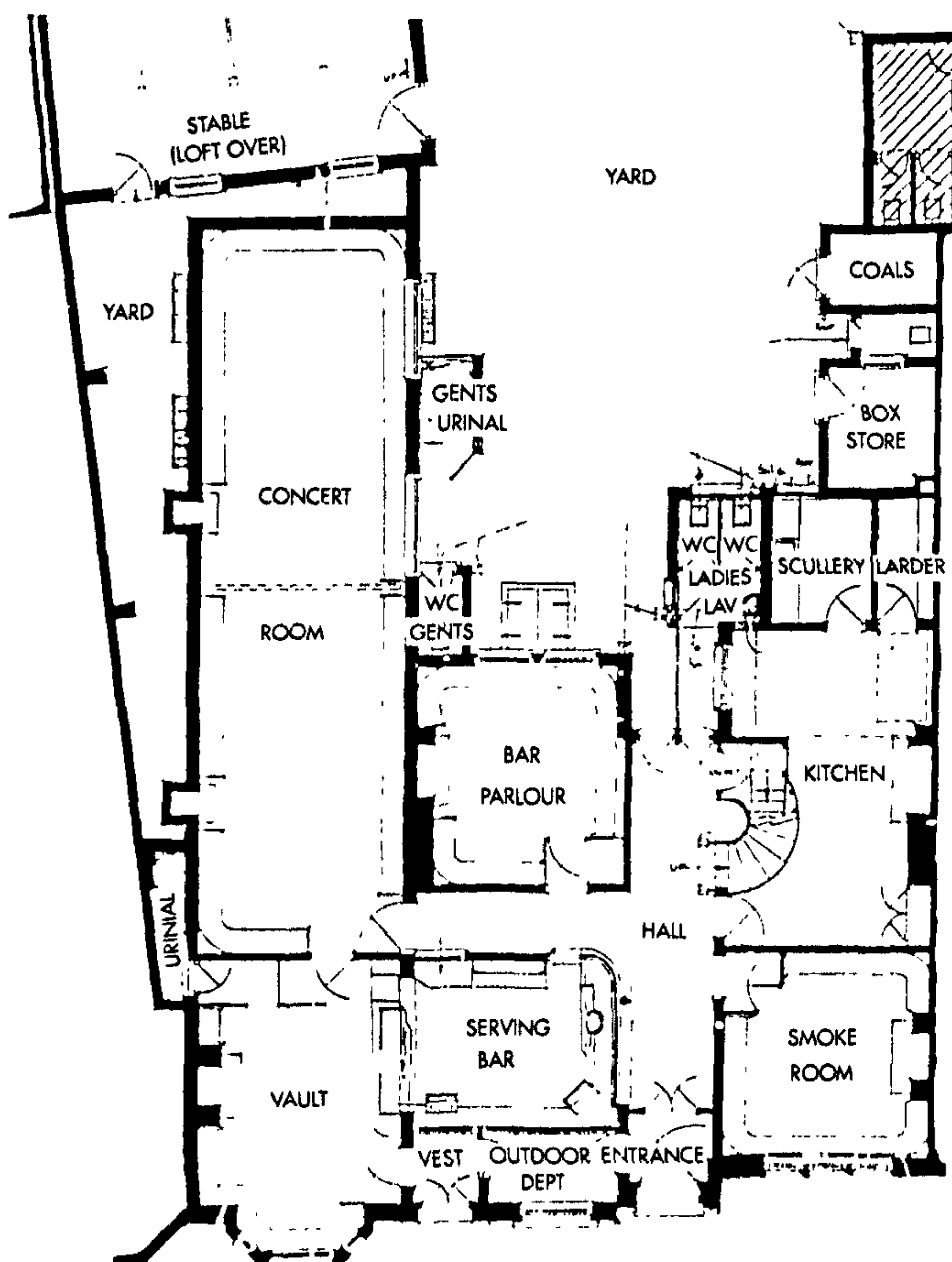


Top Waggon, Manchester Road,
Oldham. 1908

and more open plan to make them more economical than the street corner beerhouses they replaced. Environmental Health departments have also influenced layout in terms of toilet accommodation and food preparation. An increasingly professional police force has insisted on supervision from the bar, in the somewhat naive belief that if you can see criminal activities, drug-taking, gambling and prostitution then it won't happen. The Fire Service is concerned that altered buildings are capable of evacuating people quickly, resulting in wider doorways and corridors and the removal of hazards such as steps and rooms with a single means of escape. Paradoxically the regulations do not apply to unaltered premises. Changes in building regulations include such factors as ceiling heights, windows, ventilation, toilet location and insulation and have removed many traditional features when pubs have been altered.

The effect of these myriad influences has been the loss of individual rooms and an

4. Burns, T. *Leisure in Industrial Society* in M. Smith et al (eds) *Leisure and Society in Britain*. Allen Lane (1973).



Queens, Manchester Road, Oldham. 1941

inexorable trend towards larger, open-plan pubs aimed at particular markets. There had been some backlash against the disappearance of traditional pubs. Pressure groups such as Camra, The Victorian Society and Civic Societies have fought for individual pubs. The Monopolies and Mergers Commission has brought about fundamental changes in pub ownership the full impact of which has yet to be seen. Niche marketing has not always met with success as themes have failed. The conventional wisdom of town-planning has been challenged and highway schemes have been successfully opposed.

Many of the social changes which have influenced pub layout have also influenced drinking patterns. The separation of work from leisure and the structuring of leisure as we moved from a popular



"AVE, LAD, DOMINOES . . . BLACK THINGS WIT WHITE SPOTS ON!"

towards a mass culture has changed the nation's drinking habits. Foreign travel and the experience of exotic beers and wines, of bistros, wine bars and tavernas has, together with the lifestyle changes associated with the development of a middle class consciousness, emphasised drinking at home, at dinner parties, in restaurants and undermined the centrality of the pub. The decline of manual occupations, full-time working for women, family structures, changing demographic profiles and social attitudes to alcohol have also played a part in shifting our drinking culture away from the pub.

The actions of our brewers have also brought about fundamental changes in drinking patterns. The closure of village pubs and their sale with restrictive covenants is perhaps the starkest example. Yet, changes of layout diminish the community aspect of the pub. Thrift and sickness clubs have all but disappeared and sports and social clubs are becoming increasingly difficult to sustain in open plan pubs where private meetings are no longer possible. The opening up of pubs paradoxically increases segregation among clientele. Smaller tables, juke boxes, catering and theming combine to prevent the continual interaction characteristic of community pubs. A single pub can no longer cater for several markets. Anonymity and isolation remove the possibility of communal control through intergenerational and interclass effects.

Violence and the pub:

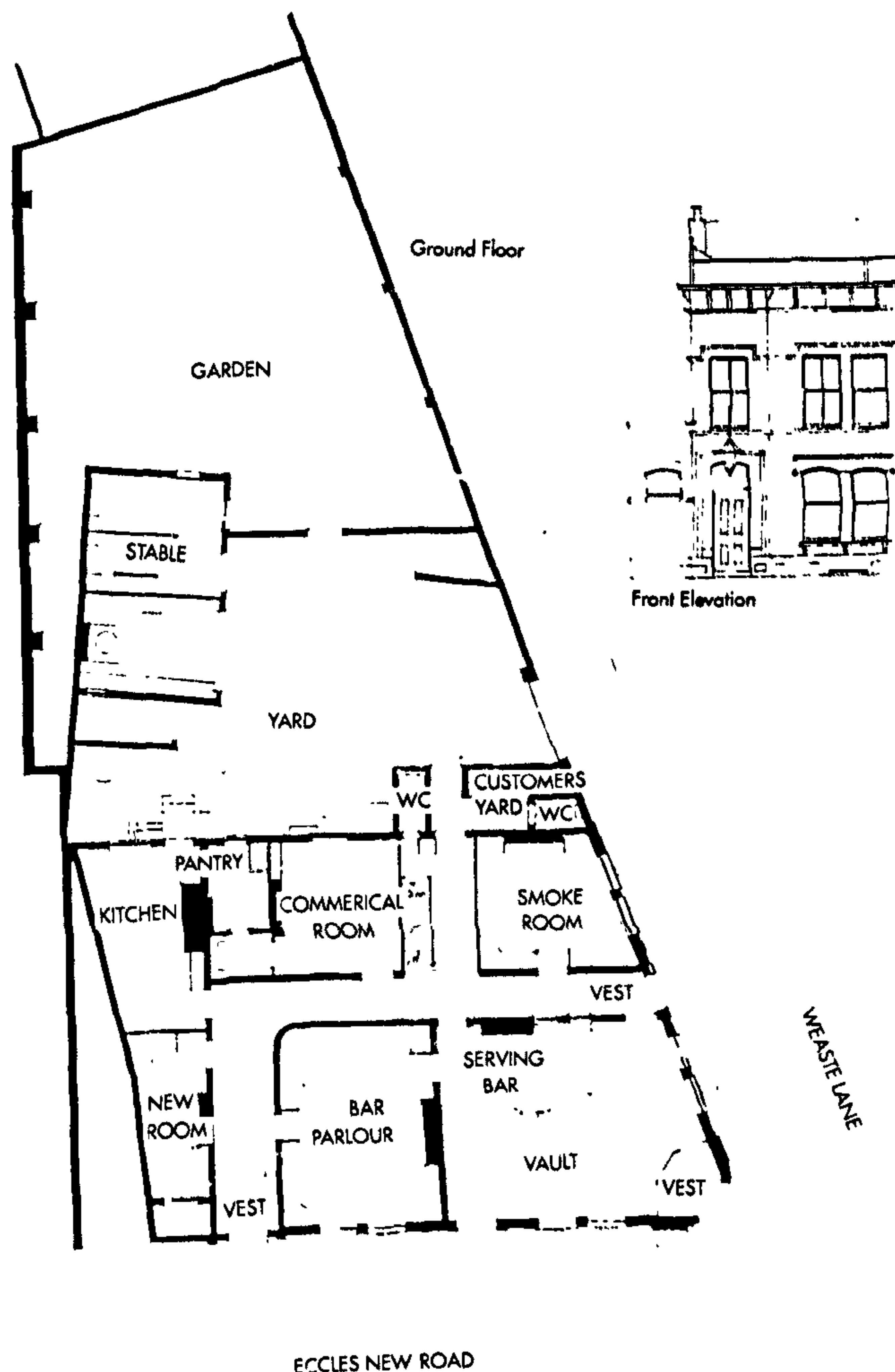
One of the major reasons for declining pub use among some sections of the population is fear of crime and violence. An early 17th Century Act described drunkenness as the cause of 'Bloodshed, Stabbing, Murder, Swearing, Fornication, Adultery and such like'.⁵ This conventional wisdom is seriously flawed and there are doubts about any simple causal relationship between alcohol and violence. Nevertheless, the history of licensing has been viewed in different ways by different commentators. The legal profession has seen legislation as a means of alleviating poverty and Marxists as a means of legitimising middle class hegemony over popular culture.

5. Wrightson, Keith. *Alehouses, Order and Reformation in Rural England, 1590-1660* in Yeo, Eileen and Stephen (eds) *Popular Culture and Class Conflict 1590-1914*, Harvester Press, 1981.

The question of whether society is becoming more violent is difficult to answer for several reasons. Different base years may give different results. We may be more violent than we were in 1955 but considerably less violent than in 1890. Definitions of violence change over time, together with the reporting of violence. Thus 'domestics' and child abuse may not have been included in statistics from the past, making comparisons difficult. If official statistics are unrevealing we are left with ethnographic research and oral testimony which does perhaps indicate that society is less violent, that there is less tolerance of violent acts and more concern when violence does break out.⁶ Violent incidents are given more exposure because of more media attention.

If there are doubts about the relationship between alcohol and violence and about the absolute levels of violence then the investigation of the link between pub layout and violence is also fraught with difficulties. The conventional wisdom is that surveillance from the bar will control violence, so knock all the walls down. My own experience as a punter is that the opposite is true - multi-roomed pubs have a better record on violence. Control can be exercised other than through surveillance from the bar. A licensee who collects glasses or empties ashtrays can actually interact with and listen to the customers. A cross-section of clientele in terms of age, class and gender exercises communal control. Violent incidents which do break out are contained within one room and do not spread by contagion to the entire pub.⁷

Little research has been done on violence in pubs, although there has been much discussion and speculation. The work carried out by MCM Research for the Portman Group goes some way to remedy this. The authors analyse the factors which do affect violence in pubs.⁸ The most



The Swan Inn, 390 Eccles New Road, Weaste.

important factors are the management style and the experience of managers, but other factors are also at work. Fights are more common in pubs with predominantly working class customers, in pubs where customers are mainly aged 18-30, in pubs with pool tables and in pubs with open plan designs. Location and proximity to night clubs can also influence violence.⁹

Open plan pubs tend to increase potential conflict through jostling, overcrowding, invasion of space, and the intrusion of noise. They also segment

6. For an overview of research on *Alcohol and Violence* see Marsh, Peter, Fox, Kibby and Kate. *Drinking and Public Disorder*. The book contains a detailed bibliography. A more detailed review of literature is contained in Evans, C.M. *Alcohol, Violence and Aggression*. *British Journal of Alcohol and Alcoholism* V15 1980 pp 104-117.
7. One of the earliest ethnographic studies of drinking behaviour was the work carried out by *Mass Observation in the 1930's*. Harrison, T.(ed) *The Pub and the People*. A Worktown Study. Seven Dials Press 1970. A more recent work covering the same period is Davies, Andrew. *Leisure, gender and poverty - working class culture in Salford and Manchester 1900-1939*. Open University Press 1992 Roberts' autobiographies - *The Classic Slum* (1973) and *A Ragged Schooling* (1976) are also valuable.
8. MCM Research. *Conflict and Violence in pubs* 1990.
9. Salford Safer Cities Project. *Survey of Eccles licensees*. Henry Fielding Centre 1991.

clientele, so that whilst open plan pubs catering to the middle class and middle aged will not be subject to violence, those pubs in a town centre near a night club, attracting young working class males may be potentially violent even with experienced management with appropriate interpersonal skills and control strategies.

Conclusions

Pubs do need to adapt and change as social conditions change. People are not entirely manipulated by the advertisers' hype. There are real changes in people's social lives which are reflected in their leisure activities. Foreign influences are here to stay and middle class values are dominant. But the traditional pub still has a role to play; it should not be swept away on a brewer's whim. High prices and the fear of violence are two factors which keep people out of pubs. Control of monopolies may help the former, whilst better selection and training of licensees by pub owners and better control by licensing benches may help the latter.

Pub layout does need to change. The tiny rooms appropriate to an 1840's beerhouse are no longer what is required, but space needs to be broken up by screens and dividers which, whilst maintaining supervision nevertheless allow privacy, prevent jostling and contain violent incidents rather than allowing them to spread by contagion. Pubs, perhaps, need to serve several publics as they have done in the past, so alcoves free from noise may be essential.

Pubs can survive the pressures of social change as they have over the centuries. What they cannot do is to survive an onslaught by the brewers, which ignores the significant community role of pubs and turns them into profit centres. Brewers must be restrained from destroying an institution of which they are mere custodians. Licensing benches must be more proactive in deciding what kind of pubs they want in their community.

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F-WING

A SPECIAL TREATMENT UNIT FOR SEXUAL OFFENDERS.

Todd Hogue,
Head of Psychology,
HMP Dartmoor

Recent Prison Service initiatives have focused on implementing treatment programmes for sexual offenders and improving the quality of an individual's job within the Prison Service. The purpose of this article is to describe the development of a special Treatment Unit for Sexual Offenders located at Dartmoor. Two recent Prison Service initiatives are relevant to development of the Unit. The first is the initiative organised by DIP2 to provide a coordinated treatment strategy for sexual offenders. The second is the Better Jobs Initiative aimed at enhancing job satisfaction for those working in the Prison Service. Although the initial conception and planning for the Unit predated both Sex Offender Treatment and Better Jobs initiatives, it is a good example of a local project being facilitated by central initiatives.

During recent years there have been a number of individuals within the Prison Service providing specialised treatment for sexual offenders. For example Derek Perkins when he was at Winson Green Prison¹. During March 1990 a training seminar was held for Prison Psychologists to examine the use of different treatment techniques with sexual offenders. It became clear to me at that point that what the Prison System needed was a more specialised approach to treating sexual offenders. Although both Grendon and the Annex at Wormwood Scrubs accept a large number of sexual offenders the programme did not address sexual offending as a separate specialised issue.

There had been substantial advances in sexual offender theories and treatment methods during recent years and the time seemed right to be actively applying this knowledge to British offenders². One of the more promising ways forward within a prison setting was through the formation of relatively small specialised treatment units specifically for sexual offenders. This approach had recently been adopted by New Zealand with the formation of the Kia Mara Unit, which was set up specifically to treat child offenders. A logical way

forward was through the development of a similar specialised treatment unit.

A Special Treatment Unit

Dartmoor had been running offence focused groups for sexual offenders since 1989. These had been organised through the Probation Department with a multi-discipline input from both the Chaplain and Prison Officers. Groups were run on a weekly basis, using a similar structure to that indicated in the current 'Core' Programme. Although an evaluation³ indicated the expected clinical changes, there were a number of problems running the programmes as an add-on to the regime. It seemed quite clear that there was a need to extend the breadth of the programme whilst integrating it more into the regime of the prison.

On returning from the training seminar, I spent a number of days discussing the problem with Peter McLean, then the Head of Inmate Activities. The more we talked about it the more viable the formation of a specialised treatment for sexual offenders became. At that time Dartmoor had a Vulnerable Prisoners Unit (VPU) holding 153 prisoners, most of whom were sexual offenders. Adjoining the VPU was F-wing, which held 50 main stream prisoners. It was quickly evident that there was the potential to convert F-wing into a specialised unit. This would allow us to extend the range of treatment input and to integrate treatment into a proper treatment ethos.

In August 1990, I put forward a proposal to the Governor and Area Manager, to turn F-wing into a special treatment unit for sexual offenders. The proposal outlined what the Unit would consist of, its location and the type of treatment that would be provided. This initial proposal has acted as general guidance for development of the Unit.

¹ Perkins, D. (1987). A psychological treatment programme for sex offenders. In B. J. McGurk, D. M. Thornton, & M. Williams (eds), *Applying Psychology to Imprisonment: Theory and Practice*. London: HMSO

² Marshall, W. L., Laws, D. R. & Barbaree, H. E. (Eds.). *Handbook of sexual assault: Issues, theories, and treatment of the offenders*. New York: Plenum Press.

³ Hogue, T. E. (1991). Evaluation of offence focused groups at HMP Dartmoor. In S. Boddie (Ed.). *Prison Service Psychology Conference: Conference Proceedings*. (pp. 57-62). Scarborough, Yorkshire, England: HMSO.

The Initial Proposal

It was proposed that a small non-segregated unit was developed with a specific sex offender treatment ethos. The Unit, would offer treatment using a multi-disciplinary team approach including specialists and specially trained prison officers. It was intended to encourage links between the prison and the academic community in the development and support of the programme.

The emphasis in the Unit was to be on the evaluation of all assessment and treatment techniques being used. The intention was to develop a structured programme of a preset duration, likely in the 6-9 month range. This programme would use a cognitive-behavioural orientation, based heavily on established methodologies. All treatment was to be based on a modular format - not as a psychotherapeutic community.

Allocation to treatment on the Unit would be considered as the work allocation of the inmate and indicated as such on regime monitoring. The long term emphasis was to be on the follow-up of participants upon release into the community through probation and police sources.

Where to locate the Unit

To develop this kind of programme it was proposed that the Unit was formed in F-wing at Dartmoor. F-wing is a small wing with a limited number of cells (now 41) making it acceptable for the development of a specific treatment regime. Because F-wing is attached to the VPU it would be possible for assessment for the Unit to be done on the VPU. In the same way, the category B status would allow the Unit to include life sentence prisoners and more serious offenders, often those most in need of assessment and treatment.

The intention was that by developing a 'Centre of Excellence' the Unit would act as an information resource to other prisons. In addition, it was hoped to make links with the Regional Secure Unit, the two local academic units and Probation Services within the Southwest.

What Type of Treatment to Provide

The original proposal was to provide treatment in both group and individual formats. Where appropriate it was intended to provide as much of the treatment input using a multi-disciplinary approach. It was proposed to include the following types of treatment.

GROUP WORK: The main intention was to run as much treatment as possible within a group format. The initial proposal outlined a number of areas that it was thought treatment inputs could be provided. These included the following:

1. **Modifying Cognitions:** This group would focus specifically on changing offence related cognitions and modifying the underlying cognitive processes. Accepting responsibility for offending and acknowledgement of the effects of offending would be a main part of this process.

2. **Relapse Prevention:** Based on an addiction model, groups would focus on providing the necessary skills to maintain changes in behaviour on release.

3. **Sex Education Information:** This would concentrate on providing factual information about sexual relations and sexual behaviour.

4. **Social Skills and Social Competence:** This would focus on providing social skills and competence as they specifically relate to sexual offending.

5. **Relaxation and Aggression Control:** The intention would be to provide better control over one's behaviour. This would include relaxation training and its application in the control of anger.

INDIVIDUAL INPUT: Individual input would be provided for a number of different issues. These would include:

1. **Psychophysiological Assessment:** This would include the use of physiological measuring equipment to assess sexual interest. This would be used both in assessment and in evaluation of treatment.

2. **Modification of Sexual Arousal:** For those individuals showing deviant arousal (eg, little girls) the intention is to change this to appropriate arousal (eg, adult women).

3. **Individual Support and Counselling:** This would include supplementary work to extend the group work input and to provide an appropriate level of support for those in treatment.

UNIT ETHOS: In addition to the above inputs the intention was to provide an ethos within the Unit that would facilitate change in those participating in the programme. To this end the aim was to provide a regime that is supportive and placed treatment needs as the priority for those involved on the Unit. Support would include a good personal officer scheme and a more open and flexible regime than that run in the rest of the prison.

Progress of the Proposal

The proposal of a Special Unit was put forward after considerable local discussion in August 1990. This was well received by both local management, the Area Manager, and Headquarters. The Unit proposal was presented to a working group co-ordinated by the Institute of Psychiatry looking at providing treatment

programmes in prison in September. This coincided with the change of organisation at Headquarters level, so that there was now a specific Division of Inmate Programmes whose main function was to co-ordinate and provide programmes throughout the service.

By December 1990 there was general agreement at a local and area level that the Unit proposal was an acceptable way forward for Dartmoor. The conference organised by the Directorate of Inmate Programmes in January 1990 provided a link between the local initiative and national support⁴.

The treatment strategy that was proposed mapped quite closely onto the initial proposals for a Special Treatment Unit. It was obvious that the Core and Extended Programme modules matched well with the treatment areas outlined in the initial Unit proposals. It was clear that the best way forward was to take advantage of the programme development work being done by DIP2 and to use this as a foundation for the programme run in the Unit.

At the same time the intention remained to extend the treatment input within a specialised Unit that maximised the amount of treatment input provided. The assessment, core and extended treatment programmes could all be incorporated within the concept of running a Special Treatment Unit.

What this meant was working towards a model where pre-treatment assessment was done on G-wing, adjoining the Unit. Once assessment was complete, acceptable candidates would be moved into the Unit to complete their treatment programme. The core programme would work as the foundation of treatment on the Unit, with all inmates undertaking this input. All of the extended treatment modules would provide a more tailored treatment package relating to the needs of each inmate.

Progress of the Unit

Overall progress of the Unit has been quite favourable. The initial acceptance, in outline, by Headquarters led eventually to an agreement to change the role of F-wing and provide a Special Unit. By February 1992 the wing role was reduced and a redecoration scheme implemented to change the Unit from containing ordinary offenders to being an extension of the VPU. Part of this scheme allowed for the provision of group and individual interview rooms to be located on the wing. The eventual intention was to provide much of the treatment input within the wing, thereby facilitating a treatment ethos while minimising the amount of time lost due to inmate movements.

Although there have been some difficulties due to the major refurbishment scheme at Dartmoor, the Unit is now up and running. Initial selection to the Unit included all the inmates on the current core programmes, those proposed for the next programme and a number of inmates who have been involved in treatment were selected. Eventually the intention is to do all assessments for the Unit while the inmates are on G-wing. In this way inmates will come onto the Unit with a treatment plan. In the first instance this was not possible, so a middle ground was chosen.

Participation on the next core programme will be selected from those inmates located on the wing. Inmates having completed the core programme will then complete those modules of the extended programme that are appropriate for their treatment needs. In the first instance the intention is to try and maintain a number of inmates who have been through the treatment programme, acting as orderlies, etc, to facilitate the development of a treatment ethos on the Unit.

Since January we have completed two pilot core programme groups and are in the middle of completing the third group. This brings to eight the number of treatment groups run at Dartmoor over the last two and a half years. What we have tried to develop is a regime that maximises treatment impact. This has been done by placing all treatment participants in the same Unit and also by running the treatment programme in a way that maximises the treatment input.

Special Unit in Action

The intention of the Unit has always been to integrate treatment into the general running of the Unit. In this way treatment is not to be seen as an add on to the regime but rather as the main focus of the regime. To obtain this focus, provision of staff to the Core groups had been seen as a non-flexible priority task. However, locating the groups on the wing has relieved some of the associated problems of moving inmates and staff off the wing to run treatment groups.

A problem often associated with running programmes in prison is that of removing participants from normal work locations. To reduce this problem it was decided that all participants were to work in the Craft and Design area while on the treatment programme. This is an education facility which provides a range of basic education, computer studies and craft/design courses. An additional benefit of an educational allocation is that participants do not have to meet workshop targets when they are not in treatment groups. As all persons on treatment are in the same location this allows them to

⁴ Directorate of Inmate Programmes. (1991). *Treatment Programmes for Sex Offenders in Custody: A Strategy*. London: HM Prison Service.

continue to discuss issues raised during the groups while in their education time.

To ensure as little disruption as possible to the wing regime and education staff a routine that provided no overlap between the two groups was developed. This initially provided for two two and a half hour treatment sessions per week. Two two and a half hour self-help sessions were also allocated in the afternoons following the treatment sessions to allow participants to complete homework assignments and to discuss the formal input made during the morning. A weekly two and a half hour session was allotted as inmate support. This was a general support session, run by the Chaplaincy, designed to help participants cope with the pressures of the group treatment. Although the afternoon sessions were initially intended to be unstructured, allowing facilitators time to prepare and debrief, they quickly developed into continuation sessions from the morning input. This meant that inmates on the programme obtained an average of twelve and a half hours per week input - their working week. The programme for the spring groups was organised as outlined below.

F-WING TREATMENT PLAN					
	Mon	Tues	Wed	Thur	Fri
AM	Group A	Group A	Group A	Group B	Group B
	Support	Input	Input	Input	Input
PM	Group A	Group A	Group A	Group B	Group B
	Support	Continue	Continue	Continue	Continue

This general format has worked very well and it is intended to continue this format for the autumn programme. During the summer, we are running a single core group while we begin to develop some of the extended treatment modules.

Unit Evaluation

One of the initial aims of the Unit was to provide research and evaluation into the Unit's effectiveness. This has been taken on board from the start. Dartmoor had previously done evaluations of the effectiveness of the offence-focused work. With the formation of the Unit, this has been extended to include a broader range of measures on both the participants and group functioning as a whole. As the official evaluation package becomes available we are integrating this into the ongoing work. The intention is to follow up all those participating in the Unit through the programme and onto release.

We have developed links with the Probation Service, the University of Plymouth and the local Regional Secure Unit. This has led to a sharing of information and expertise that has benefited all those involved. It is intended to strengthen these links during the next year.

Staff Fulfilment

At the beginning of this article I mentioned that a Special Unit at Dartmoor matched with two initiatives from Headquarters. The first is quite obviously the Sex Offender Treatment Initiative launched by DIP2. The second is the Better Jobs Initiative.

I would be lying if I said that all staff were 100% behind creation of the Unit and running a treatment programme for sexual offenders. However, a large number of staff have found that this has extended and improved their jobs. Certainly all the staff actually running the treatment groups feel that this has made theirs a better job. Most of the other staff on the Unit feel same way, and are keen to become more involved as the Unit develops.

At the same time, provision of the sex offender treatment programmes and development of the Unit has aroused interest throughout the prison. I have been approached by a number of officers keen and interested to become involved in treatment work with inmates. Dartmoor as a whole is changing. During the last year psychologists and prison officers have co-led eight anger management courses. An officer instigated idea has led to the development of an Intensive Therapy Unit for those inmates unable to cope in normal location. During August, officers on the main wings are piloting a 'core programme' aimed at offences of greed.

Surely, the interest, enthusiasm and enjoyment shown by these officers is what the Better Jobs is really about.

A Final Comment

Throughout this article the intention has been to focus on issues surrounding the development of a Special Treatment Unit for Sexual Offenders. However, it is important not to lose track of the main purpose of the Unit, to stop future victimisation.

The real intention of all the work on the Unit is to stop the victimisation of women and children. This comes through the participants accepting responsibility for their offending and coming to understand the full impact that their behaviour has on the victims. Moreover, the programme gets the offender to understand what they will need to do to avoid putting themselves in situations which would facilitate and initiate future offending.

Whether one agrees or disagrees with the type, location or general provision of treatment, the important thing to remember is the victims. The aim of treatment is to reduce the number of future victims. This should be personally important to all of us, as the potential victims are our children, spouses and friends.



In this section we would have used an interview between Dr D Wilson, and Dennis Nilson. However, we have been asked not to do so, because of the outstanding appeal by the Home Office against Central Television. We have chosen to exercise "self-censorship", although we will reserve the right to use the interview in another edition. We would also like to make it quite clear that the interview conducted between Dr Wilson and Mr Nilson was a serious, and challenging piece about murder, which would have contributed greatly to informed debate on this matter.

Editorial Board

Bits and Pieces of



Dr David Wilson

This paper was originally delivered as a talk to the students at Bicester Community College and of the Criminology Department of Keele University. I am grateful to those students who asked questions and raised suggestions. I am also indebted to Dr Richard Sparks, of the University of Keele, who read an earlier draft of this paper.

'Apartment 213 contained seven skulls, and four heads, three in the standing freezer, and one in a box on the bottom shelf of the refrigerator. In the freezer compartment of the refrigerator there were assorted body parts. In a blue fifty-seven-gallon barrel there were headless torsos, hands, and assorted limbs. There were also more than a hundred photographs of people taken at various stages of dismemberment, most so disgusting that even seasoned police officials could not look at them without feeling faint.'²

Why do people do appalling things to each other? How do we explain wanton destruction of life? Should our search for explanations begin with psychology, psychiatry, genetics, or a range of environmental, and social factors? To many people such a search is merely an elaborate charade, aimed at finding excuses to forgive those whom only God can forgive. The Nazis who ran concentration camps, Pol Pot in Cambodia, serial killers and rapists, The Moors Murderers and others like them, for this group of people, the argument runs, who inflict pain and suffering without apparent reason, we don't have to look too far or too deeply for an explanation - they are Evil.

This seems to have been the view of a Milwaukee Court who, in February of this year, sentenced Jeffrey Dahmer, the serial killer, and occupant of Apartment 213 mentioned above, to fifteen consecutive life sentences for the murders of seventeen young men. Despite his own explanation of mental illness, like Peter Sutcliffe and Dennis Nilsen before him, the judicial process preferred to see him sane, ascribe responsibility for his crimes, and thus find

him 'guilty'. The fact that Sutcliffe and Ian Brady, one of Moors Murderers, are now diagnosed as paranoid schizophrenics does not seem to have affected the judicial judgements about them, and nor would it seem do many people care. The moral and legal problems associated with judging people who do appalling things to other human beings are presented as rather arcane philosophical musings, interesting, and academic, but with little role to play in the pragmatic matter of protecting the public through incarceration.³ However, pragmatism often leads to corners being cut, and a shorthand being used which aims to label, rather than to understand. One such label is Evil.

What follows is not intended to be a definitive analysis of Evil. Rather it is a series of observations, and thoughts about how others have used this word, and in what circumstances they have applied it to people, or events. Thus, my talk moves rapidly from individual examples of people who have been described as evil, to historical or contemporary movements or circumstances. Inevitably this results in a patchwork, or

² Quote taken from an article by Brian Masters in 'Vanity Fair', June 1992.

³ See Michael Bavidge, *Mad or Bad?*, Bristol, 1989.

collage, as opposed to something seamless, and I am conscious that the use of the word, and its application differs dramatically in effect when applied to the Holocaust as, for example, when it is applied to someone who physically or sexually abuses a child. However, it is precisely because the label has been applied so randomly that makes such connections interesting, if only to either question the validity of the label itself, or broaden our understanding of Evil.

The word Evil is, of course, associated with our dualistic Christian notions of Heaven and Hell, God and the Devil, and for thousands of years many people have been prepared to explain the wickedness of others in theological terms. Evil in this context is an independent force, operating with a mind of its own, seeking out converts with similar zeal to the 'Powers of Good'.⁴ (We are all familiar with the phrase 'the Devil has the best tunes', which implies something of the supposed glamour and magnetism of this 'Dark Side'). Yet in the course of my job, as when I have had to work with notorious murderers and serial killers, people who have often already been labelled as 'Evil' by those who have never met them, I have never once felt that this description, applied in this way, was accurate, meaningful or important.⁵ Perhaps in the same way that hand-to-hand combat, where one's opponent or victim is seen, is usually less terrible and destructive than using weapons which kill over hundreds of miles, so closeness to people who do wicked things allows one to grasp a complexity which distance denies. For Evil is not something which is separate and dynamic in itself, but rather something which is part of us all.

Some might complain that whilst all this is good and well, it does little to explain destructive and wicked acts, and cruel, unthinking violence. If Evil is part of us all, why does this shadow manifest itself in only a few, and in what circumstances? Can it really be possible that the most mild

mannered amongst us, given the right mix of factors, could turn into a monster, bent on death and destruction? Serial killers themselves find the answer to this question bewildering.

As Dennis Nilsen put it, 'no one wants to believe ever that I am just an ordinary man come to an extraordinary and overwhelming conclusion'.⁶ The steps that led him to that conclusion have been followed meticulously by Brian Masters, from Nilsen's lonely, unloved Scottish childhood, through his eleven years in the Army Catering Corps (where he learned his butchering skills), to his brief spell as a policeman, and finally to his days in the Kentish Town Jobcentre, and his nights in various gay bars. Masters concludes that Nilsen killed for company, 'to have someone to talk to, someone to care for', and that Nilsen was 'not a stranger amongst us (but rather) an extreme instance of human possibility'.⁷ What is it that makes this possible?

As psychiatrist Anthony Storr has observed, human beings are very destructive towards each other.⁸ Here I would not wish to enter into the debates about the acceptable use of aggression, whether aggression is innate or learned behaviour, nor to deny that aggression can sometimes be a positive act. What interests me instead is at what point aggression becomes translated into destructive violence.

It has been calculated that between 1820 and 1945 59,000,000 people died in Europe as a result of war, murder, or other acts of violence, and in particular in Auschwitz alone, at the height of the Second World War, 6,000 Jews, Poles, Russians, Gypsies, homosexuals and others were exterminated each day.⁹ Closer to home, the NSPCC calculates that about 200 children each year die in



⁴ See Mary Midgley, *Wickedness: A Philosophical Essay*, London 1984.

⁵ My interest in this subject was focussed by a Radio debate in which I participated in the 'Open Mind' series on Radio 4, in June 1990. The other contributors were Dr Paul Bowden and Professor Terrence Morris.

⁶ Brian Masters, *Killing for Company: The case of Dennis Nilsen*, New York, 1985 p.26.

⁷ Ibid, p. 279.

⁸ See Anthony Storr, *Human Destructiveness: The Roots of Genocide and Human Cruelty*, London (2nd Edition), 1991. Much of the argument which now follows is based on Storr's insights and conclusions.

⁹ Ibid pp 101-102; 107.



Britain at the hands of their parents, or step-parents, and Childline has been established to deal with the over-whelming reality of child abuse. The growing awareness of those who work with sex offenders that there is a cycle of abuse, in which those who are abused as children go on themselves to abuse when mature, suggests something of the enormous importance of childhood in the development of individual personality and behaviour.¹⁰ Childhood is for far too many a baptism of fire, burning psychological scars deep into the unconscious. I have already alluded to Nilsen's unhappy childhood growing up in Fraserburgh, and similarly Peter Sutcliffe, who nearly died during labour, was a sickly, sensitive and lonely boy, who was regularly bullied at school. Nilsen's and Sutcliffe's childhood experiences are not uncommon, and instances of the horrific treatment of children who, unlike them, never survive beyond infancy are numerous and disturbing. I hope that two examples will suffice. In 1989, for example, The Independent reported the trial in Bristol of David Hammond, who killed his daughter by beating her with his fists, then a ruler, plastic tubing and a kettle flex, before picking her up by the hair, and throwing her into the bath. In the same year Danny Palmer killed his seven-month-old stepson by beating him about the head with a rounders bat, causing extensive bleeding to the baby's eyes, and lacerations to his mouth. The post-mortem also revealed that both the baby's arms had been broken just above the wrist.¹¹ Does all this perhaps put some perspective on the 'Moors Murderers', Ian Brady and Myra Hindley, who bizarrely taped the screams, and pleas of their young victims to 'mummy and daddy', a transcript of which controversially formed the concluding chapter of Gordon Burn's novel 'Alma Cogan'?¹²

Children, who by their very nature, are helpless and dependent, are thus ironically

also the centre of their household. The reality of their inability to fend for themselves automatically places total responsibility for their well-being onto others, establishing new domestic hierarchies, and priorities. Some insecure adults find this threatening to their self-esteem, or may feel themselves replaced in their partner's affections, and if they themselves have been badly treated or abused as children, or made to feel worthless, the recipe for disaster becomes all the more apparent. What this serves to underscore is the importance of adopting a positive, rather than a punitive approach to children, and providing the necessary support to those parents who require help, in the form of child benefit allowances, creche facilities, and nursery care. The link between childhood experience and adult behaviour is complex, especially since many of the most disadvantaged, or abused children go on to make outstanding contributions to our society, never dreaming of treating their own offspring cruelly, but it is nonetheless surely true to argue that children who are loved, and cared for in a stable environment, are going to be themselves in a better position to love and care for others in the years to come.

Given the recent press coverage of Jeffrey Dahmer, it is perhaps worthwhile to reflect on his childhood and personality, especially given the seemingly similar patterns of development that we are now aware of between Dahmer and Dennis Nilsen.¹³ Dahmer was brought up in a middle-class household, where his parents spent most of their time arguing. His childhood was characterised by isolation and neglect. He had no close friends, and gradually withdrew into a fantasy world of his own making. When he was twelve his parents divorced, and his mother left home with his younger brother David, leaving him to be looked after by his father. He eventually enrolled in Ohio State University, but dropped out after one semester, and thereafter enlisted in the Army. Colleagues from his Army days remember that he was a 'different man' when he had been drinking, and Dahmer drank constantly, which eventually led to his dismissal. From the Army he gained

¹⁰ Ibid pp 102-105.

¹¹ These examples are used by Storr, op cit pp 102-103.

¹² Gordon Burn, *Alma Cogan*, London, 1991.

¹³ This argument was developed by Masters, more fully in his article in 'Vanity Fair'.

employment in the Ambrosia Chocolate Company, where he worked until his arrest, and spent his evenings in Milwaukee's gay bars.

There is much in all this which is common to Dennis Nilsen. Both drank to excess, had had careers in the Army, were homosexual and personable enough to 'pick up' their victims. Of greater interest was their similar childhood experiences, characterised by isolation and loneliness and being abandoned by those whom they loved. In Nilsen's case his beloved grandfather died, and in Dahmer's his parents' divorce resulted in his mother leaving home. Dahmer was later to claim that it was his dislike of being left alone that led to him kill his first victim, a hitch-hiker to whom he had offered a lift. Both used to take photographs of their victims, partly as a masturbatory device, keep body parts in their house and would seem to have existed in a fantasy world, partly formed by alcohol abuse, in which the power, control and status denied to them in reality was theirs for the moment.

Man is aggressive, but he is also obedient. In this context, the work of Stanley Milgram is well known and can be summarised briefly.¹⁴ A volunteer enters a psychological laboratory and is asked to carry out a series of acts that increasingly come to conflict with his conscience. The point of the experiment is to determine how far the volunteer will go before refusing to carry out the actions required of him by the experimenter. The volunteers in Milgram's experiment are told that they are taking part in an exercise to determine the effect of punishment on learning, and are shown a 'learner' - who in reality is an actor - who has been required to learn a list of word pairs, and who has been told that he will receive an electric shock for each mistake he makes. The volunteer is then seated in front of an electrical generator, which he is told will give 'shocks' to the 'learner' of 15 to 450 volts, which are also marked 'slight shock' to 'Danger - Severe Shock'. The actor, playing learner, then begins to moan, scream or plead for mercy as the supposed shocks take their toll. Whilst many of the

participants were visibly uneasy about inflicting what they believed to be pain on another human being, a sizeable proportion of the volunteers finished the experiment all the way up to 450 volts. As the psychiatrist Anthony Storr has concluded, 'a psychologist conducting laboratory experiments at a respected university has a certain authority (but) it is far less than a commanding officer exercises in wartime, backed by the power to institute courtmartial and order punishments'¹⁵ Perhaps here is the beginnings of an understanding of the horrors of the gas chambers.

For the 'Final Solution' - the name given by the Nazis to the plan to destroy the whole of the Jewish population - to have worked to the extent that it did, required an enormous bureaucratic, and administrative machinery. Whilst there was undoubtedly a number of sadists working in the camps, the majority of those responsible for the delivery of the 'Final Solution' were 'ordinary' people, civil servants, obeying the commands of others, complying with the values of the state, rather than asserting any individual morality. Here I am impressed by the description that Hannah Arendt gives to Karl Adolf Eichmann, who was ultimately responsible for the Final Solution, and was after the war tried for his crimes, as 'the banality of evil'.¹⁶ Eichmann was no monster, he was ordinary. This is of course an extremely difficult issue to generalise about, as is the continued fascination for fascism in our own day, but there was undoubtedly a cocktail of factors in making it possible for Germans first to support Hitler, and then to work in the concentration camps. The reality of defeat in the First World War, the promises of an inspiring leader, the certainties of his philosophy and early success, all contributed to the acceptance of Fascism by the mass of the population. If the price to be paid was the extermination of the Jews, many were willing to pay it, and aided in that process



¹⁴ Stanley Milgram, *Obedience to Authority*, New York, 1974.

¹⁵ Storr, op cit, p. 109.

¹⁶ Hannah Arendt, *Eichmann in Jerusalem: A report on the Banality of Evil*, New York, 1963.



by a skilful propaganda campaign, aimed at making the Jews appear less than human, thus distancing them from the rest of the Third Reich, and therefore simpler to dispose of. Similarly, in the camps themselves, as Primo Levi has vividly and movingly described, it was easier to send half-starved, dirty, ill, and broken people into the gas chambers, than those who were still visible and functioning as part of the wider family of Man.¹⁷

What was true for the Third Reich is just as true for other regimes, democratic and totalitarian, which seek to depersonalise their enemy as a means of, and prelude to, subjugation. President Reagan's description of the old Soviet Union as the 'Evil Empire', a phrase which seemed to owe more to American cinema than to American diplomacy, is simply a more obvious example of this process. Indeed events at My Lai in 1968, during the Vietnam War, are the darker side of a similar process used against the VietCong, resulting in Lt. Calley giving orders to kill 500 Vietnamese civilians, who were lined up by a ditch and then machine-gunned to their deaths.¹⁸ Similar processes aimed at putting psychological distance between competitors were evident during the Gulf War, and earlier were an integral part of the politics of South Africa. The stereotyping of black people and women in this country and elsewhere eventually gives rise to ideologies which treat these two groups of people as less than whole, so that, for example, we are asked, quite literally to value women only for their breasts and vaginas, and similarly to fear black men because of their supposed physical endowments. The pre-occupation of pornography is not to present women as a whole, but rather as a sum of relevant, and less important parts. The effect that

pornography has on the reality of violence towards women is not clear, but there is a logic which leads inevitably to a connection.¹⁹ There is, however, greater historical certainty about the results of stereotyping black people.

Historians of the American antebellum South have been able to piece together a distinct 'Southern ideology', which was a vital precursor to the development of secession, and eventual civil war.²⁰ A significant element of this ideology was a spurious scientific assessment of black inferiority, so as to justify slavery. Black people's brains were smaller, Southern anthropologists and doctors declared, and they suffer congenitally from numerous psychological afflictions which rendered them incapable of voluntary application to work. There was heated scientific controversy as to whether blacks belonged to a different animal species than Europeans, or to a lesser sub-species. These beliefs became formalised in law, as did the rights of whites to take measures to control what was in several states the majority of the population. Blacks may have been viewed as inferior, but they were also to be feared, as they suffered from a disease known as 'dysesthesia Aethiopica', which meant that they had a natural propensity to wickedness and knavery, and were inherently bestial and lascivious. It was the duty of the slaveholder to control this threat, whilst at the same time put a naturally lazy people to productive labour. Blacks who were 'uppity', or who attempted to thwart social convention, were quickly brought back into line by terror or vigilante action, and the North Carolina Supreme Court ruled that if a free black man was impudent to a white man, the latter, 'to whom insolence has been given, has a right to stop it in any extra judicial way'. The lynch mob was the inevitable result, both prior to and after the Civil War.

De-personalising as a means of subjugation or gaining acquiescence is a

17 Primo Levi's books are rich, and very rewarding. See, *If this be Man*, and *The Period Table* in particular. Also, in respect of the appeal of facism - even today - see Susan Sontag, 'Fascinating Fascism', in *Under the Sign of Saturn*, London 1983, pp 73-105.

18 For an account of the My Lai massacre, see Subniv Bahta, Jean-Claude Bragard, *Evil*, London 1988, pp 97-124.

19 Kate Millet, *Sexual Politics*, London, 1977. Also see Susanne Kappeler, *The Pornography of Representation*, Oxford 1986.

20 There is a great deal of literature which deals with slavery and antebellum Southern Society and the coming of the American Civil War. See, for example, Bruce Collins, *The Origins of America's Civil War*, London 1951.

common device employed by 'total institutions'.²¹ On reception into prison, for example, the first thing which will happen to you is that your personal clothing will be taken from you, and you will be provided with a uniform. You will be asked to bathe, symbolically washing away the 'outside World', given a number, symbolic of the new 'inside World' you have joined, and informed of a set of rules which place you at the bottom of a hierarchy in which you have no control and little or no power. Individual personality becomes subsumed by a group identity, and a system of life is established dependent not upon personal preference, but on the needs of the organisation. When the needs of the organisation take priority over the needs of the individual, abuse is inevitable, allowing custodians to justify ill-treatment as a consequence of the need for 'efficiency', 'economy', or other similar rationalisations.

As has, I hope, been obvious from the examples above, cruelty and destruction come from deep within the imagination of Man. The ability to see others as less than human, to rank them according to perceived status, creed, sex or colour, stems from a conscious capacity to analyse and think. The development of ideologies, the choosing of options or courses of action on the basis of that analysis, is the necessary prelude to violent behaviour. Imagination, Man's greatest asset, is also his Achilles heel. To see another as evil requires an imaginative capacity not found in animals, and it is Man's capacity for abstract thought, his

ability to give meaning and purpose to his life, incorporating the knowledge of his own ultimate death, which elevates him beyond the animal world. It is his discontent with the way the World is which gives him mastery of it, but that mastery has to be tempered by Reason. But Reason is often the first casualty when tempers fly, or tongues or fists are loosened by alcohol, when elections have to be won, or when one group or individual wants to feel more important or valued by asserting superiority over another. Of course imagination cannot be controlled, but it can be shaped and moulded given the proper circumstances. Significantly, both Dennis Nilsen and Jeffrey Dahmer inhabited a fantasy World of their own making, and in another context sex therapists have drawn attention to the power of fantasy as a prelude to sexual assault. These fantasies invariably place the protagonist in a position of power and importance. Thus in this respect we could end cruelty and wickedness tomorrow by beginning to value all who live in our World, regardless of their size, their sex, their colour, their religion, or political affiliation. Undoubtedly this aspiration is a forlorn hope, but if we start by recognising that no one is 'Evil', separately, totally, dynamically, and that instead the roots of wickedness are in us all, we may at least begin to grasp the way forward.



²¹ Erving Goffman, *Asylums*, New York 1961.

INCANTATIONS

"... In thy sight can no man be clean from his sin; no, not an infant of a day old upon the earth ... I myself have seen and observed a little baby to be already jealous; and before it could speak, what an angry and bitter look it would cast at another child that sucked its milk away."

St Augustine C400

Why do **GOOD** people do **BAD** things?

Evil from a psychiatrist's point of view.



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Text of a talk given to Prison
Chaplains at Wakefield.

The first point I want to make is about terminology. In everyday psychiatric practice, we do not use the word 'evil' either as a noun or as an adjective. We do not speak of evil as an abstract entity; nor do we use it as a qualifying adjective - an 'evil man', or an 'evil action'. I suppose that the point of this is to avoid hasty moral judgements, to avoid labelling people or actions in relation to an external moral code.

Psychiatrists and psychologists speak instead of aggression, hostility, destructiveness. Properly these refer to damaging behaviours, actions that can be observed. The intention is to use words objectively, descriptively, without implying any moral judgement.

If a patient behaves in a consistently hostile or aggressive manner, we may then say that he is a hostile or aggressive *person*. But we must be careful. This is appropriate only if he exhibits lifelong aggressiveness or hostile traits. There are people with serious *mental illness* who behave in a hostile or aggressive way, and commit destructive acts. This can occur in schizophrenia, or mania, or paranoid psychosis, or in organic brain diseases such as epilepsy. But because we recognise that these behaviours are part of an illness process, we do not speak of a hostile or aggressive *person*.

By extension from hostile or aggressive or destructive *behaviours* we are accustomed to infer hostile or aggressive or destructive *urges, thoughts, or cognitions*. These are abstract entities, not observable or testable. To validate them, we rely on the patient's own account of his inner experience.

Sometimes psychiatrists are called upon to make judgements about these hostile or destructive urges, about the patient's motivation, whether that person is responsible for their actions. This occurs most often in forensic psychiatry, where the court wishes to obtain a psychiatric opinion about *mens rea*, mental capacity. This can only be a matter of opinion, and usually it is not difficult to find another psychiatrist who will flatly disagree with his first colleague's opinion.

So to summarise so far: psychiatry is on firmest ground when it focusses its attention on *behaviours*, actions that can be observed. Hostile or destructive behaviours can denote many different things. Such behaviours *may* be a symptom of mental illness; or they can occur in response to severe stress.

However, if these behaviours are an enduring characteristic, and occur in the absence of mental illness, then we might regard that *person* as hostile, aggressive or destructive.

I think it is time to introduce a case history.

Case 1:

An 80 year old man, of Latvian origin, lived alone and spoke little English. He had no criminal record and no significant previous psychiatric history. He developed an itch on his face and formed the belief that he was being poisoned by an elderly lady who lived next door, who out of kindness would occasionally bake cakes and biscuits for him.

So he went out and bought a kitchen knife, returned to his previous place of work to sharpen it on industrial machinery, and then stabbed the old lady to death. Afterwards he went home and stabbed himself, and was found by police in a pool of his own blood.

Subsequently this man made a good response to standard antipsychotic drug treatment of his paranoid psychosis, and was discharged to an old folks' home. He now says that he is sorry for what he did to the old lady, but still expresses residual belief that she was poisoning him and that she was mixed up with witchcraft.

Now this old man certainly had a mental illness, which was diagnosed on the basis of the paranoid delusions (the false belief that he was being poisoned by the old lady). Tragically he acted on these delusions, and in self-defence murdered his neighbour.

No-one would want to say that this old man was intrinsically evil or wicked. Nobody supposes that he would deliberately, when in his right mind, kill another human being, least of all a kindly old soul who baked him cakes. Yet most of us would regard the *result* of his illness (in theological terms) as a terrible evil, the murder of the old lady.

Natural evil versus moral evil

This sad story highlights the two meanings of the word 'evil'. If we wish to talk in terms of 'evil' in this case, we need to make a distinction between the act of murder, an act which destroyed the life of an innocent old lady; and any destructive or evil *intention*, which was clearly absent in this otherwise benign old man.

If we wish, we can speak of any destructive action, whatever the cause, as 'evil' in an objective sense. It is evil because it is destructive. In the same way, we can also regard mental illness with all its destructive consequences, as an 'evil'. This corresponds to the traditional category of 'natural evil', used by theologians to refer to events such as earthquakes or plague. All illness, including all mental illness, can be regarded as 'evil' because it destroys human life and well-being.

In contrast to this 'natural evil', we can speak of 'moral evil'. This concept of moral evil implies a responsible human being exercising choice. It is about sins of commission and omission; it refers to human motivation, to moral intention and its consequences.

It seems to me to be important, in the sphere of mental illness, that we do not confuse these two meanings. Both have to do with destructiveness. One deals with the objective act and its effects; the other with human will and motivation, and responsibility.

Let me give you another example.

Case 2:

A 36 year old man used to attend a drug addiction centre where he received methadone (a synthetic opiate). He was referred for a psychiatric opinion by one of the centre's staff after he was voicing persecutory ideas, once barricaded himself in a room, and generally 'did not seem his usual self'.

The man had a dreadful family background, having been tortured and beaten by both his parents (his father was sent to prison for this). He had a drifting lifestyle and had travelled widely. He always had difficulty making relationships, and said he was known as 'the pixie' by his acquaintances on account of his appearance. (Not a bad description, with his pointed ears and peculiar face.)

At psychiatric interview, he showed some strange behaviour, with mannerisms such as glancing out of the corners of his eyes. His speech was disjointed and pedantic, and at times he appeared thought-disordered. He came with a satchel of papers and said he wanted to refer to his notes and record the interview. There was no evidence of any delusions or hallucinations. The man was not thought to be suffering from any mental illness and no psychiatric treatment was offered at that point.





Two months later he was assessed by another psychiatrist after he had made an unprovoked attack on a female GP, an Asian lady. He hit her about the face, knocked her out of the chair, and kicked her while she was on the floor. This second psychiatrist made a provisional diagnosis of paranoid schizophrenia and admitted him to hospital. He soon had to be transferred to a secure ward after attacking nursing staff, and only settled down in seclusion, with large doses of a tranquillizing drug.

When we made further enquiries, we discovered that he had a long forensic history, including convictions for theft, burglary, carrying an offensive weapon, and possession of drugs; he went to prison for nine months for stabbing a retired policeman; and he was also suspected of torturing animals.

A few weeks later, he tried to incite a riot among his fellow patients on the secure ward, and made serious threats to several nurses to kill them and their families. The reason he gave was the alleged brutal treatment of patients by the nursing staff: which was quite false. The next morning the police were called and he was taken into police custody to be charged.

This man presented a diagnostic puzzle. Aspects of his behaviour and thinking processes suggested a schizophrenic illness. He certainly had a very odd personality, and he could be aggressive and dangerous: how much of this stemmed from his childhood and adolescence, and how much was the result of a life lived with drugs and deception and crime, is difficult to say.

Mad or bad

The shorthand that we use when faced with these difficult diagnostic problems is 'Mad or bad?' That is, can his manifestly antisocial and destructive behaviour be attributed to mental illness, as with the 80 year old man I discussed earlier? Or should he be held fully responsible for his own behaviour, notwithstanding the family and environmental factors that have contributed to his being the way he is?

The answer to the question 'Mad or bad' is important for two reasons. Firstly, it may determine which line of management is likely to be successful. If the patient has a treatable mental illness, then the path is clear: he gets admitted to a psychiatric hospital or is treated in a psychiatric out-patient clinic. And even if the condition is not amenable to medical treatment, like brain damage after a stroke, we may still want to manage that person in a medical setting.

Secondly, there is the question of guilt and moral responsibility. If a person is deemed to be responsible for his actions, then he has to be punished in some way, both to underline the seriousness of the offence and perhaps to discourage him and others from doing it again. If a person is not responsible for his actions, punishment becomes morally inappropriate; he needs to be cared for.

These two issues - the issue of the most effective treatment, and the issue of guilt - often get tangled up in our minds. Our therapeutic response and our moral response get mixed up, perhaps because both are based in part on an emotional response to the person and what he has done. But ethically and practically it is important that we attempt to disentangle the two.

In the case I have been discussing, it is probable that this man did not have any diagnosable psychiatric condition. However if he was mentally ill, I am doubtful whether this could altogether account for this criminal behaviour over many years.

Furthermore, it is possible that his drug-taking over these years damaged his brain, making him more paranoid and impairing his thought processes. Such symptoms might respond to psychiatric treatment. Ethically, it is important to make an accurate diagnosis and to offer him medical treatment, even though his mental condition might be regarded as self-inflicted.

As for his general way of life, there is little realistic prospect of his changing his lifestyle now. That would need a miracle.

Possibilities of change?

My last remark 'it would need a miracle' brings me to the serious question: whether

there is any specifically Christian solution to cases such as the one I have just described. Some Christian psychiatrists I know are quite pessimistic about the possibility of spiritual healing of mental illness or of major personality change; as a result they tend to keep their faith rather separate from their work. Others do see some possibility of healing and change through Christian means.

Apart from the life of prayer and sacrament, and the everyday work of the Holy Spirit, there are more dramatic events for which claims are sometimes made, namely conversion experiences and exorcisms. I propose to discuss these under separate headings, since they imply rather different understandings of the processes involved in any change.

Conversion experiences come in various kinds; I suppose that the archetypal Christian conversion was that of St Paul on the road to Damascus. Conversion experiences are characterised by a sense that life has taken on a whole new meaning and purpose, a new direction; there is often a great emotional upheaval with euphoria which may persist for days or weeks. What matters pastorally and theologically is what happens next, when the euphoria subsides. Has it made any difference to the person's life? Or rather, since deeper change is inevitably gradual, is it *making* any difference?

Let me give you another case history.

Case 3:

A man was serving a life sentence after he had discharged a shotgun into a parked car which happened to contain a naked couple making love. One lover died and the other was severely injured. The man subsequently claimed that he believed that the car was empty, and has stuck by that story: though he has offered no rational explanation as to why he was letting off a shotgun into an empty car!

In prison this man had a conversion experience under quite dramatic circumstances: he was about to murder a prison officer, by first luring him into his cell, when he suddenly felt that God was

preventing him from doing it. He now appears to be a changed man and to be growing in the Christian faith. However he still protests his innocence with regard to the original killing and claims that he had no knowledge of the couple in the car.

How are we to rate his conversion experience? Traditionally conversion is founded upon 'conviction of sin' as well as a turning to God or Christ. There appears to be something missing if this man is unable to confess the murder, and to face up to what he has done. Yet at another level, we have to assume that his conversion was real and genuine. Speaking as a psychiatrist some scepticism seems in order. It is early days, and there may be a lot of his personality still to be converted. Meanwhile, I for one would not trust this man with a shotgun.

Exorcism

When we move on to discuss exorcism, we encounter quite a different conceptual world. Conversion implies that the person being converted is the active agent: conversion is an act of will. The closest New Testament term is metanoia, a change of mind, a reorientation of the conscious self. By contrast, exorcism is something that is done to you: the person is a passive recipient, as it were.

Exorcism also implies that there is some thing to be exorcised, namely evil spirits. This is a difficult and controversial subject, and I should like to approach it indirectly.

One of my major research interests is transcultural psychiatry, that is, the practice of psychiatry across different cultures. For several years, I have been closely associated with the Transcultural Psychiatry Unit in Bradford, and have visited India and Pakistan regularly to conduct research into the different patterns of mental illness.

Psychiatric patients of Pakistani origin in Bradford frequently describe their experience in terms of 'jinns'. Belief in jinns is widespread in the



Are there evil spirits?

villages of Pakistan. They are mischievous spirits which are responsible for much human misfortune: so a jinn may cause a physical illness, or an episode of mental illness. A patient who experiences auditory hallucinations may attribute the voice or voices to jinns; rather as an English patient might believe that a radio or a satellite was causing them to hear voices.

Belief in jinns, belief that jinns may cause human misfortune or influence a person's behaviour, is not itself a delusion or a sign of mental illness: for such beliefs are in keeping with the person's cultural background. However hearing voices when nobody is around, and the belief that jinns are talking to you is a symptom of mental illness. It is the abnormal *form* of the belief, not the *content* of the belief, which leads the psychiatrist to diagnose mental illness.

Now I think that there are parallels between belief in jinns and the idea of 'daemons' current in Palestine at the time of Jesus. (In fact the idea of jinns in the Quran may be partly derived from the New Testament.) 'Daemons' in first-century Judaism were not the same as the medieval concept of evil spirits from hell: Dante's *Inferno* and all that. Instead, they were more like nasties in the air - rather as we might talk about 'bugs' - which were held responsible for all sorts of difficulties, illnesses and other misfortune.

How is this relevant to a discussion of exorcism? Some English patients who are mentally ill, who are experiencing delusions and hallucinations, may believe that an evil spirit is causing these symptoms. They may believe that someone is performing witchcraft and putting a spell on them, giving them these unusual and frightening experiences.

In my view, it would be quite wrong to offer these patients exorcism to get rid of the voices. What they need is skilled psychiatric treatment, including antipsychotic drugs. I am not prepared to endorse the patient's view that these experiences are the work of daemons or evil spirits.

But what I am *not* clear about (and I want to be frank with you about this) is whether there are any such cases in which a psychiatric explanation is inadequate; and where the facts require the acknowledgement that something like an evil spirit has taken hold of that person. I just don't know. I myself do not have any first-hand experience of a case which fell outside what is familiar to psychiatrists treating schizophrenia or other severe mental illness.

It is possible, of course, that the form of the illness could be schizophrenia, but that the cause of it lies in the realm of evil spirits: but such a view falls outside the scope of psychiatry as a scientific discipline. In my view, psychiatry cannot answer the question whether evil spirits exist, any more than it can answer the question as to whether God exists.

And that is perhaps an appropriate point to end on. Because I don't think that psychiatry has all the answers about evil and its causes. It has no monopoly on the understanding of the roots of human destructiveness. Evil remains a mystery.



For those asking about 'ACR', 'DCR' etc. - please see.

R 3/6

CRIMINAL JUSTICE ACT 1991

D. E. J. Pike,
Governor,
DSP2 Division.

Part II of the Criminal Justice Act 1991 came into effect on 1 October 1992. This brought changes to the arrangements for the early release of prisoners, based on recommendations of the Carlisle Committee and the White Paper, 'Crime, Justice and Protecting the Public'.

The new scheme, which affects all prisoners sentenced on or after 1 October 1992, abolishes remission altogether and changes the way in which the grant of parole operates. Under the scheme, all prisoners are eligible for 'early release'. For those serving less than four years (short-term prisoners) release is automatic when half the sentence has been served. Those serving four years or more (long-term prisoners) will be subject to the new parole scheme under which the Parole Board will see all cases.

The number of prisoners for whom release will be automatic, rather than discretionary, will increase dramatically. Instead of the current 23,000 prisoners considered annually for release on parole, it is estimated that only 4,200 will be considered for discretionary release each year.

The scheme for short-term prisoners' release will be administered entirely at local level by the prison establishments. Prison Service Headquarters will be involved only in cases where the prisoner is to be deported, or released early on compassionate grounds. Discretionary release on parole at the half-way point of sentence for long-term prisoners will be dependent on a positive recommendation by the Parole Board and acceptance of that recommendation by the Home Secretary. Section 50(1) of the CJA 1991 provides for the Home Secretary to transfer his power to release a long-term prisoner on parole to the Parole Board. By way of The Parole Board (Transfer of Functions) Order 1992 (Statutory Instrument No 1829) made on 18 July 1992, this transfer of power is restricted to all long-term prisoners serving less than seven years.

New Early Release Arrangements

There are three new early release schemes. All prisoners will spend at least half their sentence in custody and will serve the remainder of their sentence in the community under supervision and/or 'at risk'. Time on remand will count towards the sentence. For those in the automatic schemes, release at half-way can only be delayed if additional days are awarded (ADAs) to be served in prison for misconduct. ADAs will delay all parole eligibility, release and supervision dates (except the sentence expiry date) for those in the new parole scheme.

All adult prisoners serving 12 months and more and all young offenders will receive compulsory supervision on release.

The schemes are illustrated in the following diagram:

	1/2	2/3	3/4	
under 12 mos	CUSTODY	AT RISK		AUR
12 mos to under 4 years	CUSTODY	SUPERVISION	AT RISK	ACR
4 years and over	CUSTODY	PAROLE WINDOW	SUPERVISION AT RISK	DCR
	1/2	2/3	3/4	

Automatic Unconditional Release (AUR)

This will apply to those serving sentences of *less than 12 months*. Release will be automatic at the half-way point of sentence. There is supervision but the 'at risk' provision will apply for the second half of the sentence.

Automatic Conditional Release (ACR)

This will apply to those serving *12 months to under four years*. Release will be automatic at the half-way point. But there will be compulsory supervision to the three-quarters point of sentence (or, at the discretion of the court, to the very end of the sentence for some sex offenders). The 'at risk' liability will apply.

Discretionary Conditional Release (DCR)

This will apply to prisoners serving four years or more. Prisoners will become *eligible* for parole at the half-way point of sentence. If parole is not granted, release on licence at the two-thirds point will be automatic. Licences will run to the three-quarters point or to the end of sentence for some sex offenders. The 'at risk' liability will apply.

Criteria for Release (Long-Term Prisoners)

The CJA 1991 sets out, for the first time, the criteria for the discretionary release of long-term prisoners before the automatic release point at two-thirds.

Section 32(6) says that in giving directions to the Parole Board, on the discharge of its functions, the Home Secretary must have particular regard to:

- a) the need to protect the public from serious harm from offenders;
- b) the prevention of further offences;
- c) the rehabilitation of the offender.

The directions issued by the Home Secretary to the Parole Board emphasise the balance to be struck between the primary concern of risk to the public and the benefit to be gained both for the public and the offender of a longer period of supervised release, which may assist rehabilitation and so lessen the risk of re-offending.

The directions also indicate the factors which should generally be taken into account when the Board is making a parole recommendation. These broadly encompass:

- a) the offender's background, including any previous convictions and their pattern, and responses to any previous periods of supervision;
- b) the nature and circumstances of the original offence;
- c) where available, the sentencing judge's comments and probation and medical reports prepared for the court;
- d) any risk to the victim or possibility of retaliation by the victim, the victim's family or local community;
- e) any risk to other persons, including persons outside the jurisdiction;
- f) any available statistical indicators as to the likelihood of re-offending;
- g) attitude and behaviour in custody including offences against prison discipline;
- h) attitude to other inmates and positive contributions made to prison life;
- i) remorse, insight into offending behaviour, attitude to the victim and steps taken, within available resources, to achieve any treatment or training objectives set out in the sentence plan;
- j) realism of the release plan and resettlement prospects, including home circumstances and the likelihood of co-operation with supervision, relationship with the home probation officer, attitude of the victim and local community, extent to which the release plan continues rehabilitative work started in the prison and the extent to which it lessens or removes the occurrence of circumstances which led to the original offence;

k) any medical or psychiatric considerations;

l) any other information, including representations by or on behalf of the offender, which may have a bearing on risk assessment.

New Parole Procedure (Long-Term Prisoners)

The Parole Eligibility Date (PED) for long-term prisoners is set at the half-way point of sentence. Any time spent in custody on remand will count towards this date. Six months before a prisoner's PED, s/he will be invited to opt in or out of the parole procedure. Prisoners who decide not to take part in the process will be given one further opportunity to change their mind. A Parole Board member will visit the prison and interview the prisoner. The member will write a report to the Board but will not make any recommendations. The prisoner will be given a copy of the member's report and invited to comment on it.

A parole dossier will be completed at the prison. Seventeen weeks before the PED, this will be made available to the prisoner who will also be permitted to have a copy of the dossier at his/her own expense. The presumption is that all material which is to go to the Board will be seen by the prisoner. There is a mechanism for non-disclosure of material which it is felt that the prisoner should not see and any proposal to withhold material must be referred to the chairman of the Parole Board. The dossier, the member's report, the prisoner's comments and representations are forwarded to the Parole Board Secretariat. The panel which considers the case will not include the member who interviewed and reported on the prisoner.

The prisoner should receive the decision whether s/he is to be granted parole three weeks before PED. Reasons for the decision will be given.

Existing Prisoners

The new schemes apply only to prisoners sentenced on or after 1 October 1992. Schedule 12 of the CJA 1991 provides that all those sentenced before 1 October 1992, whether serving their sentence in custody or released on parole, continue to be subject to the old release and review provisions under which they began their sentence, ie, eligibility for release on parole after one-third of the sentence or six months (whichever is greater) have been served; and automatic unconditional release at the two-thirds stage for those serving more than 12 months and at the one-half point for those serving 12 months and less. Such prisoners will not be liable to compulsory supervision, nor vulnerable to the risk of return if a further offence is committed before the expiry of the whole sentence.

Terminology

New terminology was introduced with the implementation of Part II of the Criminal Justice Act 1991 on 1 October 1992.

For Existing Prisoners:

EDR will be known as ARD or NPD
(if serving over 12 months)

LDR will be known as SED

PED will remain the same

For CJA and Existing Prisoners:

APPROVED PAROLE DATE - APD
(the date on which release on parole takes place)

AUTOMATIC RELEASE DATE - ARD
(the date when automatic release takes place)

PAROLE ELIGIBILITY DATE - PED
(the date from which parole may be granted)

SENTENCE EXPIRY DATE - SED
(the last day of the sentence)

For CJA Prisoners:

CONDITIONAL RELEASE DATE - CRD
(the date when automatic release on licence takes place)

NON PAROLE RELEASE DATE - NPD
(the two-thirds point when those not granted parole are released on licence)

LICENCE EXPIRY DATE - LED
(the date the licence expires)

POST RECALL RELEASE DATE - PRRD
(the date of release following a revocation of a parole licence)

Discretionary Lifer Panels (DLP)

New arrangements for the review and release of discretionary lifers (that is non murderers) were introduced on 1 October 1992. Under the new arrangements, the decision on whether prisoners should be released after they have served 'the relevant part' (previously known as the tariff) of their sentences will be taken by the Parole Board rather than the Home Secretary.

Discretionary lifers will receive a certificate giving the length of the relevant part and the date of expiry. Panels of the Parole Board - known as 'Discretionary Lifer Panels' - will hold a hearing once the relevant part has

expired and decide whether it is safe for the prisoner to be released. The panels, which will be chaired by a judge, will consist of three Parole Board members. The prisoner will have the right to attend the hearing, to be represented, to see papers submitted to the panel by the Prison Service, submit representations, and to challenge at the hearing what has been written by prison staff. The panel's decision and the reasons for it will be recorded in writing and given to the prisoner within seven days of the hearing.

After Release

Long-term prisoners released on a parole licence and who breach the conditions of their licence may be recalled to prison by the Parole Board to serve the rest of their licence period. This can be done even if a further offence is not committed.

A new summary offence of 'failure to comply with the conditions of a licence' was created by section 38(1) of the Criminal Justice Act 1991 for short-term prisoners released on an Automatic Conditional Release (ACR) licence. This offence is punishable by a unit fine not exceeding level 3 on the standard scale and/or suspension of the licence and recall to prison for a period up to six months, or the remaining part of the licence, whichever is the lesser. The recall period will not be regarded as a new sentence, but as activation of the remainder of the original sentence. Therefore, it will not itself attract an early release entitlement.

Those serving under 12 months will not be released on licence (unless released on compassionate grounds), and so will not be liable to conviction under section 38 of the CJA, 1991. But Young Offenders who are under 22 years of age on release will be subject to a minimum period of three months supervision (unless attaining their 22nd birthday) and may be liable to a similar charge under section 65 if they fail to comply with their supervision requirements.

Further Offences - 'At Risk' Liability

Whether release is conditional or unconditional, section 40 of the CJA 1991 provides that all released prisoners - both short-term and long-term - are at risk of return to prison if they commit an imprisonable offence during the period between release and the end of their sentence, whether or not the conviction takes place before the expiry of the sentence.

The offender may be returned to prison to serve all or part of the amount of the sentence which was outstanding when the fresh offence was committed, regardless of whether the court passes any other sentence. The court

can order the return period to be served consecutively or concurrently with any fresh sentence imposed. The maximum period for which a magistrates' court may return the offender to prison is six months, but an offender convicted of an indictable offence may be committed to the Crown Court for sentence under the Powers of the Criminal Courts Act 1973, section 43.

Young Offenders

Young offenders are subject to the same early release arrangements as adults. However, section 65 of the CJA 1991 makes special additional arrangements for all young offenders under 22 years of age released from custody. They will be subject to at least three months supervision by probation or social services, subject to supervision not going beyond the offender's 22nd birthday.

If an ACR licence period is less than three months, supervision will continue after the licence expires until three months from the date of release. Section 65(6) of the CJA 1991 creates a new summary offence of failure to comply, without reasonable excuse, with a supervision requirement imposed under section 65(5). The young offender will be liable on conviction to a fine on level 3 of the standard scale or a custodial sentence of not more than 30 days. If a custodial sentence is imposed for failure to comply with a supervision requirement, the offender will not be liable to supervision on release from the sentence for that offence.

Under the old scheme, those given determinate sentences under section 53(2) of the Children and Young Persons Act 1933 were in an anomalous position in that they had no statutory formal entitlement to parole, and time spent on remand did not count towards sentence. Section 43(1) of the CJA 1991 gives such persons the same rights to release as other young offenders.

Fine Defaulters and Contemnors

Section 45(3) of the CJA provides that prisoners committed to custody for fine default or contempt will not be subject to compulsory supervision, nor vulnerable to the 'at risk' liability upon release from prison. Such prisoners serving a term of less than 12 months will be released unconditionally at the one-half point of sentence, and those serving a sentence of 12 months or more will be released unconditionally after serving two-thirds of their sentence.

Sex Offenders

The policy considerations set out in section 32(6) - the need to protect the public from serious harm, the

prevention of further offences and securing rehabilitation - are given particular emphasis for those sentenced to imprisonment for a sexual offence. Section 44 of the CJA 1991 provides that, where any part of a sentence is imposed for a sexual offence, the sentencing court may order that an offender released on licence is to remain on licence until the sentence expiry date.

The purpose of a section 44 order is to maximise the period of supervision which sex offenders receive, thus enhancing the protection of the public and the rehabilitation of the offender. If recalled for a breach of licence conditions, a sex offender who is subject to a section 44 order would remain in prison for the whole of the remainder of the sentence, unlike other offenders who would be released automatically at the three-quarters point.

Deportees

Prisoners subject to deportation or removal from the United Kingdom are dealt with differently. Short-term deportees will be released automatically, for deportation, at the one-half point of their sentence. Long-term deportees may be released by the Home Secretary at any time between the one-half and two-thirds points of their sentence without reference to the Parole Board. Deportees will be released (to be deported) on licence, but they will be exempt from having a condition of supervision.

Compassionate Release

Section 36 of the CJA 1991 gives the Home Secretary the power to release a prisoner on licence, at any time, if he is satisfied that exceptional circumstances exist which justify the prisoner's release on compassionate grounds. Before releasing a long-term or life prisoner the Home Secretary will consult the Parole Board, unless the circumstances are such as to render such consultation impracticable. For those serving less than 12 months, supervision will be to the one-half point; for those serving 12 months or more, it will continue to the three-quarters point (or the sentence expiry date in the case of a sex offender subject to a section 44 order).

THE PREPARATION OF INMATES FOR RELEASE

- SO IN PRACTICE WHAT DO WE DO?

In a comparison of Throughcare workers in three IoW security prisons, the author found that the resources were there but under-used. The article draws out best practice in this vital function of our work.

This article is based on part of a wider study of the preparation of inmates for release. The main focus of the study was the working practices related to this task at three Category C male training prisons. These prisons were chosen because they did not have the problems of large remand populations or over-crowding and unlike category A and B prisons were discharging large numbers of inmates each year. They were therefore better placed than many prisons to undertake this type of work and had a greater need to do so.

To understand these working practices there were structured interviews with key staff at each prison, including the Governor, the head of inmate activities, wing principal officers, the senior probation officer, all the seconded probation officers, the education officer and small number of prison officers, including pre-release course instructors. The three assistant chief probation officers who were responsible for the seconded staff were also interviewed. This totalled fifty-eight formal staff interviews together with a number of informal interviews.

In studying the working practices at the three prisons we will look at certain key aspects of the process.

Shared working

The term 'shared working' is generally taken to mean the sharing of the prisoner throughcare task by prison officers and probation officers. It is largely through the implementation of shared working that officers become involved in throughcare tasks and in which the role of seconded

probation officers is defined more clearly. The existence of such schemes is therefore significant to a discussion of working practices related to the preparation of inmates for release.

Prison A had operated a shared working scheme since it opened in 1988 and the roles and responsibilities of staff were clearly outlined in a Governor's Order. The issue of that order some months before the prison opened suggests that it was seen as an important element of the whole regime rather than an after-thought. The shared working arrangement was based on a personal officer scheme. The Governor's order makes it clear that the personal officer was not only responsible, in the first instance, for dealing with day-to-day personal problems that an inmate may have but was also in effect the 'key worker' for all that followed including involvement in sentence planning and contact with home probation officers. Although seconded probation officers did have a responsibility to do 'individual work with inmates after appropriate referral via group (personal) officers or other staff', their primary responsibility was 'to act as a source of information/advice to the group officers and wing managers on social work matters'.

Prison B also had a shared working scheme in operation since it opened in 1985 but this scheme was based on the use of a prison officer on each wing acting as a 'welfare officer' who worked with the wing probation officer in dealing with inmates' applications. A prison officer was allocated to this task on a daily or sometimes twice daily basis and all prison officers were

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expected to act in this role. The prison had also developed a personal officer scheme in relation to sentence planning but his role differed from the personal officers in prison A in that he was not seen as the initial contact in terms of an inmate's day-to-day personal problems. The successful operation of the scheme varied according to the wing but it was clear that some of the probation officers were still quite heavily involved in inmates' day-to-day personal problems. In both Prisons A and B the seconded probation officers were wing based and had a personal office and telephone and were seen as key members of the wing team.

In early days of its development (it was opened in 1977) Prison C was reputed to have had an effective shared working scheme. However with the rapid growth of the establishment and without clear Governor instructions on the issue, the scheme fell into decline, hastened, it would seem, by the onset of Fresh Start. Although some shared working practices continued they only operated in an informal way, on certain wings at certain times. In January 1991 a shared working scheme, similar to the scheme operated by Prison B was introduced into two wings, and at the time of the study was in the early stages of development.

It would certainly appear that in recent years most seconded probation officers in Prison C had been quite heavily involved in inmates' day-to-day personal problems. Ironically, probation officers were not adequately equipped to undertake this task as they were without a telephone or personal offices on most wings.

Each wing had an identified probation officer but most officers spent a significant part of their working day away from their wing in Probation Department offices situated outside the main gate making telephone calls, writing parole reports and undertaking the significant amount of paperwork which exists within prisons. Each of the wing probation officers had responsibility for a wing housing 120-150 inmates but due to the fact that Prison C had a much higher proportion of shorter sentence prisoners the turnover was considerable. Each of the three prisons had one senior probation officer and one probation officer to approximately 100 inmates. Prison C used two probation officers as relief officers to cover for

colleagues during leave and sickness.

The implications of shared working arrangements on the preparation of inmates for release soon became obvious. Without clear guidance from the Governor of a prison about a prison officer's role it is difficult for such staff to feel that they have a responsibility in helping to prepare inmates for release. The situation at Prison A was helped considerably by the fact that a Good Practice Guidance was issued by the Local Chief Probation officer simultaneously to the Governor's order and was entirely compatible with it.

Induction

Induction procedures are important in the preparation of inmates for release for a number of reasons. Firstly they provide an opportunity to identify any immediate areas of need, eg, housing benefit on rented accommodation. Secondly they can be the forum for assessment of resettlement needs and the start of sentence planning, and thirdly they are a means of familiarising an inmate with the institution so that he is aware of policies and facilities. Prison A and Prison B allocated inmates straight onto their wings but their induction was handled by staff from one particular wing and took the form of a five day set programme. Most of the inmates at those prisons arrived on one particular day and were dealt with as a group. Although there were some individual interviews the group was addressed by the Governor or his deputy, the senior probation officer and other key members of staff. The group was given a tour of the prison including the workshops.

In Prison A it was a prison officer acting as the induction officer who interviewed inmates and identified areas of immediate need and issues relating to resettlement. A sentence plans initial assessment was completed and passed with the rest of the file to the inmates' wing personal officer. However there were no clear guidelines as to how personal officers would take up areas of immediate need. Probation officers in Prison A did not normally interview new inmates unless asked to do so by wing staff.

In Prison B the senior probation officer or his deputy issued a 'Probation Department Induction Form' during the induction programme to each inmate which

the inmate could complete himself. At the end of that first week each inmate was interviewed jointly by his wing probation officer and the wing welfare officer of the day and the contents of the form were discussed, and, if necessary, completed. That form included reference to any 'immediate problems or worries' and to 'plans for your release' and provided an obvious opportunity for such issues to be discussed at an early stage. This joint assessment was seen as a major input into the sentence planning process which commenced the following day.

In Prison C all new inmates were receive onto an Induction Wing but whilst there was some group input, with 25/30 new receptions arriving each week and on different days, they were dealt with less as an identifiable group. Whilst they were told about workshop and training facilities they were not shown these, partly as they took place in different parts of the prison. However, every inmate was given an information pack about education and training facilities and normal prison routines. It is interesting that although Prison C received more than twice the number of inmates as the other two prisons, a probation officer endeavoured to interview each inmate personally within twenty-four hours of his arrival. A quite thorough assessment, of immediate needs and problem areas was completed and some initial advice and information was given. However due to the number of new inmates received it was inevitably seen by probation officers as a hurried affair and an ineffective way of imparting information. It was also surprising to see that a prison officer also completed an assessment form which covered very similar areas.

If the induction programmes are to be judged on the status of the members of staff making a contribution to the programme then it is clear that Prisons A and B gave induction a much higher priority than did Prison C. Prison B's induction programme seemed particularly well planned and effective in terms of its ability to identify immediate problems and assess resettlement needs.

Sentence Planning

The concept of sentence planning acknowledges the individual needs of

inmates and seeks to enable inmates to make the most constructive use of their time in prison particularly with regard to learning skills which could aid their resettlement.

Sentence Planning was introduced to one wing of Prison A in pilot form in 1990 and was then extended somewhat informally to other wings but it was accepted that it was not operating consistently or effectively at the time of the study and was being reviewed. The scheme commenced at the induction stage when the induction officer was then expected to interview the inmate, obtain progress reports from various departments and prepare his own progress report within three months. The intention was that there would be a periodic review but these reviews were generally not taking place except for inmates who were serving sentence of seven years or more who were included in a 'long term review board' scheme. At the time of the study employment allocation did not appear to be synchronised with sentence planning to any great extent.

In Prison B a more integrated form of sentence planning had commenced just prior to the field work and included all inmates irrespective of length of sentence. The process started during the induction week. Following each inmate's interview with the wing probation officer and welfare officer and the completion of the induction form, the inmate attended the Tuesday afternoon induction board. That board was chaired by the Head of Inmate Activities and included the industrial manager, the senior probation officer, a member from the education department, the chaplain and the principal officer for physical education. It was at that Board that the initial employment allocation was made on the basis of the contents of the sentence plan and the vacancies. The initial sentence plan was completed by the HIA and was signed by the inmate under the words:

'I understand that I should make every effort to comply with my sentence plan and that my progress will be measured accordingly'.

The scheme involved the review of sentence plans every six months by the wing principal officer, the wing probation officers and if possible the personal officer and it was intended that the inmate would be present.

Prison C did not have a formalised sentence planning scheme although the HIA did have a card system for keeping track of which inmates were waiting for what courses.

Employment, Training and Education

Initial employment allocations to employment, training and education courses were made following induction at each of the three prisons. It was only in Prison B, where there was an effective sentence planning scheme and that long term resettlement needs are likely to have influenced employment allocation. Otherwise employment allocation seemed to be related to vacancies, interest and apparent suitability.

TABLE 1

	PRISON A	PRISON B	PRISON C
VTC & CIT	72 (13%)	128 (22%)	120 (15%)
WORKSHOP	160 (30%)	104 (18%)	130 (16%)
EDUCATION	102 (19%)	108 (19%)	165 (20%)
TOTAL	334 (62%)	340 (59%)	415 (51%)

(The percentage figures in brackets indicates the figure as a percentage of the establishment CNA)

Table 1 shows the employment breakdown at the three prisons at the time of the study and it is noticeable that Prison B had proportionately more training places in Construction Industry Training and Vocational Training courses than the other two prisons. It is therefore not surprising that waiting lists were much shorter in Prison B and inmates from the four main wings stood a good chance of being accepted for a training course. This also clearly had implications for sentence planning. All the inmates from the Vulnerable Prisoners Unit were employed in the tailors workshop.

The workshop and training facilities in all three prisons were modern and training courses led to recognised paper qualifications. The interviews with workshop instructors indicate that they had very positive views about their work with inmates and the part they played in preparing inmates for release.

As can be seen from Table 1 about 20% of inmates in each of the three prisons were involved in full time education classes. The questionnaires which were completed by

teaching staff indicated that they felt very positive about their work with inmates and interviews with inmates showed that they valued the educational classes. Teaching staff were concerned about their success rate in attracting inmates with learning difficulties. They also felt that education was often seen by the prison as just another activity for inmates as opposed to a service offered to meet the considerable educational needs of a large group of offenders.

There is little doubt that much of the remaining work undertaken was necessary to keep the institution running smoothly. It may be that some of this work would have provided inmates with skills which would help them gain employment on release, eg, kitchen work; but much of the cleaning and orderly work is likely to be of little benefit. The value of whatever work is undertaken will depend on the needs of the individual inmate and how closely the working practices relate to a similar job in the community. This clearly has implication for employment allocations and working practices within prisons. Whilst unemployment was not a problem for two of the prisons in this study it remained a problem for the third and no doubt many other prisons in the system. It is quite clear that unemployment is much more than simply a lost opportunity for an inmate to acquire skills that might help in his resettlement. It can reinforce low self esteem and lead to lethargy and vulnerability to unhelpful influences.

Problem Focussed Groups and Courses

As part of the process of preparing inmates for release, problem areas were identified at each of the prisons during induction and various groups and courses were run in order to address the particular problem for selected individuals. These groups are outlined in Table 2 and commonly involved issues such as alcohol and drug abuse.

Some general points need to be made about the operation of these potentially important groups. Firstly it says much that such groups are not included in regime monitoring and the Governor of each establishment gains no credit for such activities. On the contrary difficulties sometimes apparently arose in taking inmates out of the activities which are monitored, eg, workshops and education classes. This may

also explain the fact that in Prison B and C prison officers were rarely involved in such groups and suitable rooms and other facilities for such courses were often lacking. Secondly, partly due to the lack of any overall guidance from the Home Office there was a tendency on the part of staff running such groups to offer 'what they knew' in terms of courses rather than offering what was needed. To counter this tendency there is a need to constantly monitor the resettlement needs of inmates and it is interesting that Prison C holds such information on a probation department computer from information provided on induction. Thirdly, whilst a considerable amount of effort goes into establishing courses to tackle inmates problems it is of concern that without an effective sentence planning scheme the courses tend to be offered in isolation rather than as a coordinated package for an inmate. The effectiveness of these courses may therefore be limited if other important resettlement needs are ignored.

A noticeable omission from these courses is anything related to accommodation. Homelessness would appear to be incompatible with successful resettlement and yet we know from various research over the years that it is a major problem for many inmates. Probation officers reported that it was an issue that inmates regularly saw them about. In most cases it was a problem that was referred to the home probation officer as he/she was more likely to have contacts in the local community. It was however a problem that home probation officers often felt unable to help with and in many cases the inmate was released with a higher rate discharge grant to find his own accommodation.

Prison C was the only one of the three prisons to have an accommodation strategy and although it was not used throughout the prison it is worthy of comment. The strategy started during induction when those inmates who were likely to be homeless on release were identified. On their allocation to a permanent wing the wing probation officer was notified and interviewed the inmate and discussed accommodation in a structured way. The purpose of this structured interview was to help the inmate to start thinking realistically about accommodation, check whether he was likely to be 'vulnerable' under the terms of the

TABLE 2**Prison A**

Course/Group	Courses in last year	Staffed
Alcoholic Anon 2 separate groups 1 Tuesday evening 1 Sunday morning (A wg)	Ongoing	AA
Alcohol Education Prog 6x ¹ / ₂ days (over 6 wks) (E wg)	1	Probation/Prison Off
Drug Prog 6x ¹ / ₂ days (over 6 wks) (B wg)	1	Outside Agency
Achievement Group 6x ¹ / ₂ days (over 6 wks) (Dwg)	3	Probation/Prison Off
Human Growth + Dev 6x ¹ / ₂ days (over 6 wks) (A wg)	1	Outside Health Ed+ Prison Off
Offending Behaviour (for Sex Offenders) (A wg) 6x ¹ / ₂ days to be extended	Ongoing	Probation/Psychol Prison Off
Long Term Support Group (each wing) 1 evening/month	To start April	Prison Off/Probation
Pre-Release Course 5 day block	4	Prison Off
Self-Esteem Enhancement 6x ¹ / ₂ days (over 6 wks) for those on FTE		Education
Life Skills Part of Basic Adult Education (FTE)	Ongoing	Education

Prison B

Course/Group	Courses in last year	Staffed
Alcoholic Anon 1 evening/week	Ongoing	AA
Alcohol Education 1 day	4	Probation
Drug Awareness 3 day block	4	Probation+ Outside Clinic
Drug Forum 1 evening/fortnight	Ongoing	Probation
Offending Behaviour (Cwg)	1	Probation
Transactional Analysis Course 6x ¹ / ₂ days	3	Probation
Lifer Support Group	Ongoing	Probation
Life Skills Part of Basic Adult Education FTE	Ongoing	Education
Offending Behaviour (for Sex Offenders) (E wg) 4 modules x 6x ¹ / ₂ days	3	Probation/Prison Off Outside Psychol
Pre-Release Course 8 day block	To start April	Prison Off

Prison C

Course/Group	Courses in last year	Staffed
Alcohol Education Prog 4 day block	5	Probation/Medical Off
Drug Prog 3 day block	1	Probation/Prison Off
Anger Control 3 day block	4	Psychol+Probation Education
Gambling Problems 2x ¹ / ₂ day	2	Probation+ Outside Psychol
Offending Behaviour 1x1 ¹ / ₂ days on induction	Weekly since Jan 1991	Prison Off+ Probation
Long Term Support Group 1 evening/month	Ongoing since Oct 1990	Probation+ Volunteers
Lifer Support Group 1 evening/month	Ongoing	Probation+Volunteers
Life Skills Part of Basic Adult Education (FTE)	Ongoing	Education

Housing Act and provide some key addresses, eg, home probation officer, local Council. At a later stage other information was sometimes provided, eg, addresses of Housing Associations and hostels.

There seemed to be no reason why much of this work could not have been undertaken in a group to be handled by trained staff or a professional housing advisor from an outside agency. The issue of accommodation was also sometimes handled in a pre-release course but it was acknowledged that it was not a problem that should be left until the last month of sentence.

Offending Behaviours

In their study of Young Offender Throughcare, Bottomley and Liebling¹ commented:

It seems odd that the one thing that has brought a person into custody - his criminal behaviour - should be almost deliberately ignored from the moment he comes in to the day of his discharge.

This was a sentiment which was echoed during the course of this study for although any work undertaken with an offender can be argued to have been related to offending behaviour there was little evidence to suggest that this issue was dealt with in a concerted way by staff other than those working with sex offenders in prisons A and B. Both Prison A and Prison B had a large number of inmates convicted of sexual offences. 40% of the inmates in Prison A had at least one conviction for a sexual offence. One wing was almost entirely sex offenders as were about 25% of inmates on the other wings. There was no segregation of these inmates who shared workshop and other facilities with all other inmates.

Prison B had a large number of sex offenders but rather less than Prison A. In Prison B the vast majority were accommodated in one wing known as the Vulnerable Prisoners Unit or VPU and were segregated from other inmates. Both prisons had a programme of group work and individual work for all inmates on the two main wings.

Prison C did have a one day offending

behaviour course on induction but this was very much an introduction and whilst useful did not seem to be followed up. In view of the probation service's routine involvement in such courses in the community it was surprising that they were not more actively involved with such groups in prison especially as the research indicates that it is an issue which concerns inmates.

Pre-Release Courses

Prison officer led pre-release courses can be seen to have been the Prison Service's main response to the preparation of inmates for release. It is interesting that whilst both Prison A and Prison B had purpose built pre-release units they were not used as such. Originally such units were envisaged as an accommodation unit through which all inmates would be discharged and during which time they would undertake a pre-release course to prepare them for release. Instead the units were used in both prisons to hold selected inmates during the final part of their sentence and staff tended to hold the view that this was a more appropriate use of the units.

Prison A had run regular five day pre-release courses from the pre-release unit during the year prior to the field work. A typical course covered such issues as communications, alcohol, parole and there would be inputs from NACRO, APEX and the Citizen's Advice Bureau. The instructor explained that with a course of this length it was not possible to plan it around the needs of the particular inmate group and saw it more as a 'confidence booster' just prior to release. The pre-release course instructor also ran a one day course on finding employment.

Prison B had not run pre-release courses for several years but was about to recommence them at the time of the field work at the prison and dates for the first course had been fixed. Five prison staff had been specifically trained to enable the re-establishment of the courses. The instructors had not drawn up the programme at the time of the field work but had decided on an eight day course which would be planned around the needs of individual group members.

¹ Bottomley, K. & Liebling, A. (1987), *Young Offender Throughcare*, Hull: Centre for Criminology and Criminal Justice.

Prison C had been involved in pre-release courses as early as 1979² and these had initially been run by probation officers. From 1981 they involved prison officers and became a well established feature of the prison. However pre-release courses were not operating at the time of the field work and had not been held on a regular basis for several years. In the three years prior to the field work three prison officers had been trained as pre-release course instructors but the prison had then not found it possible to release them from their other duties to run pre-release courses.

However, a recently trained officer had put his training to use and had played a major part in the development of a one day offending behaviour course which ran for a time on the induction unit.

Such courses have not been without their critics³ and bear little resemblance of the eight week courses run by Priestly and others in the mid 1970's⁴. It would seem that there has been a tendency for some such courses to exist in isolation with little consideration being given to the special needs of each inmate and the help that he may or may not have been receiving from other agencies. Some staff interviewed suggested that it would be more appropriate to operate the course in a modular form providing short courses on particular issues through an inmate's sentence.

Pre-Release Interviews

A personal interview with each inmate prior to release to discuss resettlement plans might be thought of as simple good practice. Prison staff, including seconded probation officers, were therefore asked whether they routinely carried out such interviews. No probation officer in any of the three prisons studied did so as a matter of routine although they did have such interviews with some inmates on an ad hoc basis. No other member of staff in any of the three prisons appears to have such a responsibility except a Governor on the day prior to release by which time it would have been too late for a constructive discussion about release plans.

Liaison with Home Probation Officers

This study does not consider the work undertaken by home probation officers in the preparation of inmates for release but focuses instead on the work of staff working within prisons. Although it is clear that home probation officers have a significant role in this process such work was given a low priority in the 'Statement of National Objective and Priorities of the Probation Service'⁵ and some working practices reflect this priority. However although there were many examples of good individual practice little effort seemed to be made to involve home probation officers and none of the prisons seem to routinely advise home probation officers of significant occurrences during sentence. It was particularly surprising that the effective sentence planning scheme which operated in Prison B seemed to ignore the existence of home probation officers until sending the file following an inmate's release.

Conclusion

A study of the three prisons indicated that valuable resources existed in each of the three prisons in terms of training and education facilities and staff expertise, to enable a major contribution to be made to preparing inmates for release. However, it was only in Prison B that these resources were being coordinated, through their recently established sentenced planning scheme, to enable effective preparation for release work to take place. Prison probation officers at the three prisons were often heavily involved in individual work with inmates and were responsible for many initiatives in helping to prepare inmates for release. However particularly in Prison C they seemed to be restricted by the lack of effective shared working arrangements and by a lack of clarity about their precise role. More generally there seems to be a need for a much clearer vision about preparation for release work incorporating guidance as to the facilities which should be offered to inmates and how the various staff members within a prison should be involved in the process.

² Tunney, E. & Farebrother, J. (1981), *An Analysis of Pre-Release Courses at Highpoint Prison*, Prison Service Journal.

³ Jones, H. (1990), *Preparing Prisoners for Release*, in Monitoring, London: NACRO.

⁴ Priestly, P. (1978), *Release Courses: A New Venture for Prison Officers*, Prison Service Journal.

⁵ Home Office, (1984), *Statement of National Objective and Priorities for the Probation Service*, London: HMSO.

TRIPARTITE SEMINAR

THE MANAGEMENT OF MENTALLY DISORDERED OFFENDERS AT PSC NEWBOLD REVEL

14-17 DECEMBER 1992

This seminar is held annually and is run by one of the participant services, police, probation or prison service. This year the conference was hosted by the Prison Service at Newbold Revel.

Introduction

The aims of the Seminar were:

To understand the challenges for other Services in dealing with mentally disordered offenders.

To identify and promote examples of inter-agency working with mentally disordered offenders.

To assist each participant to formulate a personal plan for promoting inter-agency working with mentally disordered Offenders at their own workplace.

Joe Pilling, The Director General of the Prison Service, opened the Conference and introduced Dr John Reed, Senior Principal Medical Officer at the Department of Health.

The Reed Report

In his introduction Dr John Reed explained that he would talk about the background to Mental Illness policy, and Ministers' current policy for Mentally Disordered Offenders, (MDOs), but essentially the work of the Review Committee.

The Chief Medical Officers Report of 1987 drew attention to many of the anxieties about the way Mental Health services were developing. There were major difficulties about ensuring that those people discharged from hospital received the same level of care as in hospital. There was concern about the

health of people living on the streets; surveys showed that 40% at least having suffered a major psychiatric illness. There was a large number of people in prison who should be treated in the Health Service.

The Review Committee for the Mentally Disordered Offenders was established in 1990. The final report was sent to the ministers in July 1992 with the Committee making 276 recommendations.

Ministerial policy. The Ministerial policy is that MDOs needing care and treatment should receive it from the Health and Social Services rather than from custodial care. Current research studies show this objective is not being achieved.

Main findings of the Review. MDOs must always be considered as individuals. Their needs are so complex and multifaceted that no single agency can meet all of them. Joint working is central to delivering an effective service. The Review Committee believed diversion at the earliest possible stage was of central importance;

however, the report stressed there was little point in diversion if there were no beds. There must be an increased range and volume of services. As many MDOs' needs go on for a very long time, continuation of care is essential. Finally if new strategies and

"Joint working is central to delivering an effective service"

facilities are to be developed proper research must be undertaken and outcomes accurately monitored.

The Review felt very strongly that the financial incentives urgently need to be changed. Today a mentally disordered person in prison or Special Hospital costs the local health purchaser nothing. It comes

"Diversion at the earliest possible stage is of central importance"

from a different pocket so there is every incentive for local services not to take those people for whom they should be responsible.

The best guarantor of effective implementation over the years is that Mental Illness is one of the 5 key areas in the White Paper "Health of a Nation". As "Health of a Nation" is the single biggest health initiative since the development of the National Health Service in 1948, Ministers will monitor progress closely over the years.

The Police Response.

The three disposal options open to the individual policeman are: caution, arrest, or the use of Section 136 of the Mental Health Act 1983. This section provides the power to remove a person found in a place to which the public has access and who appears to be suffering from a mental disorder to a place of safety and be detained for up to 72 hours. The police constable has to make a decision on the spot, based on his own judgement, often without other information and regularly in trying circumstances.

In Suffolk multi agency work has highlighted that the Police are not fully integrated into the "circle of confidentiality." More thought

"Sharing information makes for better decisions"

is needed to break current organisational/ cultural ethics and codes of conduct so that agencies are more prepared to share client based confidential information. This

reluctance to share information formally provides a stumbling block to sound decision making to either prevent the judicial process starting or to deal with it in the best interests of the client.

Diversion from the Courts.

C3 division of the Home Office has a caseload of 3,200 restricted patients. The number of prisoners transferred to hospital has risen from 180 in 1987 and should reach at least 600 in 1992. The division is also responsible for, jointly with the Department of Health, the Government's policy that MDOs should be diverted from the criminal justice system wherever possible.

C3 initiated a study to evaluate the duty psychiatric scheme at two London Magistrates' Courts. The study indicated a patient took an average time of less than one week between arrest and admission to hospital compared with the 50 days taken in another remand study. The study concluded that national coverage of duty psychiatric schemes has the potential for reducing the custodial remands for psychiatric reports by some 5000 a year and there is a potential for saving some 450 remand places a year.

The Birmingham Magistrates Court scheme began in 1991 through the foresight and determination of practitioners from different agencies who recognised a need for a diversion scheme. In the first year Community Psychiatric Nurses interviewed 519 people and identified 258 people with a mental health problem.

Managing the MDOs in the Community.

The Home Office Circular 66/90 tasked the Chief Probation Officers to liaise with other agencies and to act as part of a network of agencies providing accommodation, care and treatment. In some areas the Circular says it might be sensible for the Probation Service to take the lead in co-ordinating this network of agencies, whereas in other areas voluntary or social services may take the lead. The question arises who takes the lead? Is there a blue print for inter agency work that can be developed?

“Public perceptions about risk should be based on accurate information and not prejudice.”

Many Offenders do not present a major risk to themselves or to the public, although there is always a fear of risk to the public and to probation officers. Managers need to think about the supervision of probation officers, and understand the difficulties surrounding MDOs as many probation officers have little training in managing this group.

Many cases need daily contact. The case load measurement of MDOs bears the same rating as less intense cases. Only hospital orders rate a higher measurement. This drains the energy and resources and leads to stress.

Crime is a significant Public Health issue.

The effect that crime has on the public, particularly those grouped loosely under the a Mental Illness Disorder label is significant. MDOs represent an area of concern for Health Authorities. The requirements in legislation for a Health Authority to respond to the hospitalisation of MDOs in custody are such that the Home Secretary can intervene and order that a hospital receives an individual. If a hospital can only respond to these needs by an Extra Contractual Referral this can become very expensive.

The development of the internal market and the purchaser/provider split is turning the

“Understand the internal market and know whom to influence”

Health world upside down. The Criminal Justice Agencies need to understand this development and learn whom to influence. The contracting process is where the right resource and skills can be purchased for management of offenders in the community. The importance of ensuring that MDOs are accepted as a patient/client group with special needs cannot be

underestimated. Health and Social Service managers need to learn about this group.

Caring for MDOs in Secure Conditions.

The Policy of the Prison Service is to divert MDOs into the care of the Departments of

H&SS. At the end October 1992 there were: 107 waiting to go to NHS; 563 diagnosed as MDOs, being considered for transfer; and 1963 needing mental health care.

Belmarsh. The Governor decided to employ three full-time junior Psychiatric Consultants. The Consultants gain valuable experience working with MDOs; and because of their contacts within the NHS the patients are transferred quickly into the NHS. All patients leave Belmarsh in the first week, urgent cases go in the first two days, compared to other Remand Prisons in London of between 9 to 23 weeks.

Parkhurst. The Health Care Centre in Parkhurst serves the Isle of Wight group of prisons but also provides a national service for the sentenced Mentally Disordered Offender in England and Wales. Parkhurst is also the main centre for receiving back into custody those patients whose treatment has been completed.

Littlehey. Littlehey is a Category C establishment, however, the lower the category the less comprehensive are the medical services. Illness is processed through the usual channel of GP, Psychiatrist, and Hospital, but beds are difficult to find in RSUs or NHS. Delay in admission, recovery in prison or relapse after discharge combine to discourage referral especially for short termers.

Concerns of the Delegates.

Below are some of the concerns raised during the Conference, often as a question with no clear answer.

■ **Multi-Agency Approach.** The delegates strongly supported the multi agency approach, but voiced concern about the lack of leadership from the Home Office and the Departments of Health and Social Services. It was not sufficient just to publish a Circular Instruction, Government Departments must set an example of multi agency work. Delegates suggested a start to this approach might be the joint issue of the revised Circular Instruction 66/90 expected in March/April 1993. Senior Managers in CJ Agencies must recognise the need to develop a corporate approach with clear

statements about commitments and responsibilities.

■ *Diversion.* The principle of diversion at the earliest appropriate time was wholly supported. A recommendation was made that the development should be co-ordinated from the centre modelled on the Bail Information scheme. Many schemes have been set up through the commitment and drive of a few practitioners. What happens when they leave? To ensure continuation

and growth the scheme must become part of the fabric of the Criminal Justice Agencies.

■ *Exchange of Information.*

There needs to be a recognised

formal method of sharing information. Exchange of information is sanctioned under section 9 of the Children's Act, why not for mentally disordered offenders? Trust must be developed at practitioner and senior management levels.

■ *Accommodation.* Diversion will not succeed unless there is available accommodation. It is necessary to encourage and promote development of accommodation in the private sector through charitable trusts and the Home Office funded offender beds.

■ *Stigma.* One of the main problems was the stigma with which people perceive MDOs. They suffer triple stigma, firstly as mentally ill, secondly as an offender and

finally for some the stigma of detention in a Special Hospital. This is further reinforced because many insurance companies will not insure them. The view of themselves makes rehabilitation difficult.

■ *Training.* Action Plans for multi disciplinary training, cultural change to reduce stigma, use of regional conferences to develop links, disseminate best practice, form local protocols and work exchange.

■ *Evaluation.* There is a need to demonstrate that the work is value for money. Evaluation makes a stronger case for extra funds if the work is successful. So far there is no data base of the needs required.

Conclusion.

The first two aims of the Seminar were achieved, the third will be measured in the success of inter-agency working in the future. The Seminar provided delegates with opportunities to hear the challenges for the management of MDOs. There are many obstacles ahead; but through dynamic leadership from Central Government, the Departments of Health and Social Services could be encouraged to become fully integrated in the management of MDOs. There are barriers to be broken down, prejudices to be put aside so information and trust can develop between agencies. Probably the most important outcome from the Seminar was the quality of the working relationships that formed making the syndicate work stimulating, informative, rewarding, and above all enjoyable.

"Culture changes through contamination"

"In the community, care must be needs led, not service led."

Incantations

"Some of your hurts you have cured
And the sharpest you still have survived,
But what torments of grief you endured
From evils which never arrived!"
Emerson (American Philosopher)

Reviews

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UNLAWFUL ENTRY (18)

Jonathon Kaplan, 1992. UK

'Unlawful Entry' is a slick and well-put-together psychological thriller. What makes it stand out from the crowd is the way in which it so successfully combines several different themes. On the one hand, it has much of 'Pacific Heights' about it - the perfect all-American couple unwittingly allow a plausible society (or in this case authority) figure into their lives, whereupon said person sets about destroying the safety and predictability of their world whilst they look on somewhat helplessly. On the other hand it has overtones of the much-vaunted 'Fatal Attraction', demonstrating the violent, if not fatal, outcome when 'A' becomes obsessively attracted to 'B', stopping at nothing to obtain the object of their affection.

Kurt Russell and Madeleine Stowe play the glossy couple who have everything (except children) most adeptly. Ray Liotta plays the hunky cop assigned to investigate when their house is burgled with equal aplomb. It is clear from the outset that the streetwise cop is unhealthily attracted to the beautiful and apparently vulnerable young wife - rapidly he makes himself indispensable by ensuring the installation of a highly sophisticated intruder alarm on his day off, and setting himself up as her unofficial protector. It is clear, however, that something is seriously wrong when he takes her husband Michael (Kurt Russell) out on patrol one night and, surprise, surprise, winds up at the ramshackle home of the original intruder. He invites Michael to exact brutal revenge and, when he declines, sets about doing so himself in no uncertain terms.

Slowly, Pete inveigles his way more and more deeply into the couple's hitherto unsullied life, becoming, as he does so, increasingly unhinged and obsessed with Carolyn (Madeleine Stowe). He eventually sets up Michael and lands him in jail, with an impossibly high bail tag on his head, thus enabling him to set about taking Carolyn for himself whilst husband is well and truly out of the way. The denouement is a predictable one, however, with Michael getting out of jail just in time to rescue his wife, trapped in their home with the demented Pete who is about to kill her, having discovered that his obsessive love is not reciprocated. Carolyn turns out to be less vulnerable than we think, thus - 'get out of my f***** house, you psychopathic sicko!' Michael turns out to be more of a man than we think, suddenly finding his own killer instinct in the final scene, and shooting Pete stone dead, thereby becoming the perfect and complete man which Carolyn covertly wants, and what indeed attracted her to in Pete.

A clever and highly watchable film which held my attention for the full two hours, and indeed had me rivetted to the edge of my seat on occasion. Good acting all round - especially Ray Liotta who was excellent as the psychopathic cop. Perhaps surprisingly, the element not fully explored was the source of his increasingly unhinged behaviour. An unhappy childhood? The deep-seated 'chip on the shoulder' jealousy of a 'have not' for a 'have'? or was it just obsessional love for an unobtainable woman? It left us pondering, but then perhaps we didn't really need to know. Well worth skipping the video for.

KATE CAWLEY

SINGLE WHITE FEMALE (18)

Barbet Schroeder, 1992, US.

Single White Female, is based on the novel S.W.F. SEEKS SAME, written by John Lutz and published by Signet novels. It is one of the many films currently being screened using the powerful attraction of fear, sex and grotesque violence to lure huge audiences back to the cinema.

The film focuses on the lives of two women living as flatmates. Allie, played by Bridget Fonda, finds the relationship with her lover, Sam, is thrown into turmoil with the news of his infidelity. This prompts Allie to advertise for a flatmate. The quest for a suitable companion brings forth Hetty, played by Jennifer Jason Leigh. A shy and unassuming woman on the surface, but with the ability to change her personality and character, with devastating results.

The story tells of Allie, trying to avoid further heartache. Hetty, a twin, whose sister died at the age of nine, attempts to recreate with Allie the bond that is said to exist between twins. The friendship is threatened, when Sam reappears to resume the affair with Allie. The rejection felt by Hetty stirs up a loathsome creature within her. Violent and sexual manipulation are weapons

readily used, culminating in a strangely brutal climax to the film.

A storyline is indeed an important factor in any film, but extreme violence, sex, fear and socially unacceptable behaviour are often essential ingredients. Film makers must be aware of the social, religious and criminal factors that arouse public interest to ensure their success.

It is therefore interesting to consider why the public pay to be filled with fear, or to witness extreme aggression, when in reality they regard it with disgust and outrage. Perhaps it might be suggested that, sub-consciously we all feel, to some degree, the same need to exercise our aggression in this way. It may also be suggested that we use films as an outlet to discharge personal aggressive feelings, within a controlled environment.

'Single White Female', shows women in a domineering fashion. They control relationships, outwit the male characters in business, and are seen as the aggressors in many violent scenes. Although few films have women portrayed in this way, it addresses the social changes affecting the stereotyped view of women's role in society. The male characters are almost secondary, they are used and abused in the way women are so often portrayed, giving the film an unusual slant.

The traumatic experience that affected Hetty, the death of her twin, is the main theme of the film. This also identifies a current social issue, effects of childhood trauma in later life. It is now quite common to hear of child abusers and sex offenders telling of how they were abused as children. This shows the obvious need for the early identification and treatment of trauma, and also the need for careful consideration when dealing with the punishment of offenders.

**A. MCGRATTAN,
HMP WOODHILL.**

UNFORGIVEN (18)

Clint Eastwood, 1992, US.

Acclaimed by the critics as one of the best Westerns to emerge from Hollywood for many years, Clint Eastwood's "Unforgiven" is certainly a film not to be missed. Its dark rainy scenes both at the beginning and end are unusual for a movie of this genre.

Clint Eastwood plays the part of Will Munny, a reformed gunfighter who gave up his wicked ways when he married and turned pig farmer in Kansas. His wife has since died, leaving him to bring up two young children.

But the lure of money and the chance to give his offspring a better life proves too much when the Schofield Kid (James Gertz) comes to call. His part of a cocky, know it all, done it all, is well played, as is his first 'real' kill and his (and our) witnessing of the inaccuracies of the weaponry of the day, even in the hands of a pro (Munny). A touch of reality not to be ignored. The Kid persuades Munny to join him on a bounty-hunt - their prey two cowhands who have brutally attacked a prostitute in Big Whiskey, Wyoming. Her fellow prostitutes are angered by the paltry fine - just six ponies - imposed by the town's sheriff, Little Bob Daggett (Gene Hackman). They decide to take the law into their own hands by offering a reward to whoever's prepared to wreak revenge on their behalf.

As the Kid, Munny and his old partner, Ned Logan (Morgan Freedman) set off for Big Whiskey, the "once a criminal, always a criminal" theme springs to mind, despite the obvious doubts of both Munny and Logan as to the wisdom of their involvement in the escapade.

"Unforgiven" is not a film for the faint-hearted. Violence abounds throughout from the opening attack on the prostitute to the bloody beating and humiliation of another bounty-hunter, English Bob (Richard Harris) by sheriff Daggett to the final cold-blooded gunning down of the culprits.

But this is not gratuitous violence. From every blow and bloody bullet we learn just how painful and destructive acts of violence can be. And what does it achieve in the end? Is justice really done? It's one thing to be full of bravado, but when it comes to shooting one's fellow man at close range we are left to reflect with Munny on the pointlessness of it all.

There are powerful performances all round, but especially from Eastwood himself and from Hackman as the mean, but somehow homely sheriff.

As you can see by this year's Oscar winners - if you're going to see one film this year, then this has to be it.

PETE DENLY

Letters

Dear Sir,

I have regularly read the PSJ since 1986 and I would like to compliment the editorial board on such an excellent publication. Indeed, it is my opinion, that the PSJ has improved over the last couple of years, as each issue seems more tightly organised around a theme.

The main reason for my writing is to discover if there is any procedure for submitting articles, etc, to the PSJ, and if so, is it possible to know in advance what the up and coming themes for future editions are likely to focus on? I have however, enclosed a piece of work which may be of some interest, if not of use to you.

The piece deals with the way in which the classification, "psychopathy" has developed under the influences of state, legal, and professional interests, and how these interests may have affected understanding of the definition itself. My interest in this area stems from my work in the Prison Service.

I am a Senior Officer at HMP Frankland, (en route to HMYOI Castington) where my daily work made me more aware of the issues of mentally disordered offenders. Having previously served at HMP Brixton the problem was not new, but somehow more personal as the demands of dispersal prison life force one to recognise the frailties of the human condition; this was exacerbated by the fact that

most of those prisoners were of a similar age to myself (I am 29).

This professional interest led me to take an academic route; with assistance from the Department, and especially Frankland, I studied psychology and sociology at the University of Sunderland, achieving my B.A. in June. The situation of the mentally disordered offender has always been of special interest, so much so that it is the focus of a dissertation currently under way to upgrade my degree to honours standard.

Thank you for your time, and if I may make one suggestion, how about a PSJ issue on the Psychological aspects of imprisonment, not only the practical side but also the suffering.

**A. Marriner, S.O.,
HMP Frankland.**

[Articles are welcome and need to be sent to the Secretary. Submitted articles are assessed by one of the editorial board and presented to the board for discussion. If changes are recommended they are discussed with the author. Future themes are planned on Crime, Future of the Service, Education and the Public's View of Penal Policy - editor]

Dear Sir,

I read with interest Alison Gomme's article on the management of HIV disease in the correctional setting (Prison Service Journal No.

87) and would like to pass on my congratulations for a well researched and non-hysterical paper apart from the use of the word 'disease' - surely 'illness' to describe HIV is less emotive. There is, however, a factual error in the section on HIV Disease - History: I quote '... established routes of transmission; [include] the exchange of intimate body fluids during unprotected sexual activity with an infected person (vaginal intercourse, anal intercourse and oral sex) ...'. To date there is absolutely no firm evidence that unprotected oral sex can result in transmission of HIV and studies have shown that the risks associated with oral sex are so low as to be negligible. Current thinking is that the acids in the digestive tract may well destroy all traces of HIV in intimate body fluids swallowed during oral sex.

Particular care should be taken during oral sex if the gums are bleeding or mouth sores are present, and of course condoms may be used. There is no risk in contracting HIV from saliva - but saliva should not be used as a lubricant.

I feel I must also take issue with the negative stereotyping Ms Gomme indulges in the Reject section sub-titled 'Condoms and Bleach'; I find the phrase 'aggressive predatory homosexual' extremely offensive. It is quite remarkable how homosexuals are seen as

'predatory and aggressive' but I have yet to notice these words being attached to the word heterosexual. I take it that one can presume that as 'aggressive predatory homosexuals' are rare enough to merit comment the fact this phrase is not applied to heterosexuals infers that all heterosexuals are both aggressive and predatory. This use of language is emotional, ill-considered and offensive and quite outside the spirit of equal opportunities with the stereotype that it reinforces. Assuming that we are talking about very few inmates in the entire prison population I must state that I find this inclusion unnecessary.

Perhaps one way to decrease the supposed threat of the 'aggressive predatory homosexual' is to allow conjugal visits for all prisoners and not just those who are married. However this is a separate argument and outside the scope of this letter.

Finally I would like to stress once again the importance of verifying facts before publishing articles. There is already a plethora of incorrect and untrue 'facts' surrounding HIV and AIDS in conjunction with the myths and stereotypes that surround the issues, compounded by the tabloid media in

particular. Anyone considering such an article or who would like more information or advice on HIV/AIDS issues might like to contact the Terrence Higgins Trust (tel 071 831 0330) or the National AIDS helpline (tel 0800 521 361) for current details.

Nick Jones, Training Officer, Home Office, Central Training Branch.

Dear Sir,

Whilst looking for some scrap paper in my office today, my 'hand' fell on the Prison Service Journal, Issue 88 at page 76. After I had used it to jot down some information, (which I can't tell you about) I read this anonymous letter.

We've never given anyone a 'cheesy grin' or got hands like a 'wet fish' and I'm certainly not a Grand Wizard.

With an attitude like the author has exhibited, it is obvious he does not wish to be taken seriously, but if he wishes to shake my hand, I will offer it as a professional Crown Servant, and also try to persuade him that my promotion was based on merit, but I reckon I've got more chance of meeting the Pope's wife.

In my spare time I attend some marvellous social evenings, limited by design, rewarded by the good it produces, and enjoyed by all the select company.

I remain fraternally yours.

**C. Bolton,
Senior Officer,
HMP Littlehey.**

Dear Sir,

I write in response to the anonymous comments under the heading 'Lookout' Issue No. 88.

I wonder how this misguided ill-informed person obtained his knowledge regarding Freemasonry. I can only assume that his uncharitable comments are prompted by his inability to become a member of this very worthy and charitable fraternity, or perhaps by his inability to gain promotion on merit. Surely this scrambling for fingers which he described with such distate is just a figment of his imagination, or perhaps belongs to some other fraternal organisation as it has no part in Freemasonry.

Finally, I'm sure that with a little hard work he will eventually obtain the promotion he obviously feels has passed him by.

P. Chandler

Incantations

"The evil that men do lives after them,
The good is oft interred with their bones."

Shakespeare

Scene

from here

WHITHER THE BOV

A PERSONAL VIEW

John Appleton

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

John Appleton chaired the Board of Visitors at HMP Gartree and was a member of the Prior Committee on the role of Boards of Visitors.

Now that the dust is settling after the loss of adjudications last April, it is high time Boards took a hard look at themselves to decide where they should be going in the post-Woolf era. Some are understandably hurt and angry, seeing the loss of the power to punish or reward prisoners by taking away or restoring remission as a slight on their competence and integrity, while others see it as a clarification of role and an opportunity to concentrate on their watchdog role.

Should they be given more power, as suggested in a previous issue of this journal, as in Holland for example, where under certain circumstances, they can over-rule the Governor? Or have they still too much, and should perhaps stop authorising the use of segregation of prisoners under Rule 43? They are at something of a cross-roads; which way should they go?

Back to Basics

Prison Rule 94.1, defining the role of Boards, reads:

*'The Board of Visitors of a Prison shall satisfy themselves as to the state of the prison premises, the administration of the prison and the treatment of prisoners.'*¹

This makes it clear that their responsibility is to the establishment as a whole, and although the safeguarding of prisoners' rights has always been, and must remain, central to their function, it is not the totality of the job. Boards are not, and should not be allowed to become, simply an in-house prisoners' rights pressure group.

This view was echoed by the European Court in their landmark judgement in the case of Campbell and Fell when, commenting on Boards' non-adjudicatory role, it said that their function was:

*'... to hold the ring between the parties concerned, independently of both of them.'*²

This immediately throws the spotlight on the crucial need not only to *be* independent, but to be *seen* to be so by 'the parties concerned', and it is here that Boards' dual role has in the past made them vulnerable to criticism. Although it should help, I think it far too simplistic to assume that loss of the adjudication function will, of itself, sweep away prisoners' suspicions on this score because there is a deeper reason - Boards are appointed, trained, administered and funded by the Home Office, and their perceived lack of independence will not change fundamentally while this remains the position.

The President

The appointment of a President, as proposed by Woolf³, would be the best way of distancing Boards from the Home Office, provided that he/she is a real person with real responsibilities and not just a figurehead; that would achieve nothing and be a waste of everyone's time.

The President should be:

- A person of public distinction and achievement.
- No stranger to the ways of Whitehall and tough enough to secure adequate funding and resources for Boards.
- Someone who understands the importance attached to the involvement of lay people in the administration of justice in this country.
- A person experienced and at ease with the media.

1 Prison Rules 1964

2 Campbell and Fell: European Court 1985

3 'Prison Disturbances - April 1990: Report of an Inquiry' (The Woolf Report) HMSO, 1991

- A Crown Appointment - as in the case of the Chief Inspector of Prisons, and for the same reasons.

The job would be no sinecure; the President should:

- Take over the recruitment, appointment, training, administration and funding of Boards, and make the organisational improvements indicated by Woolf.

- Monitor Boards' activities to ensure greater effectiveness and consistency of performance across establishments.

- Keep under review the extent of Boards' role to make sure it evolves to keep pace with changes in the system.

- Make sure that Boards are properly consulted about such changes and that their views are taken into account.

- Keep under review the experience of other watchdog bodies in this country and overseas to see if any of their practices could usefully be adopted here.

- Develop closer links with the media to ensure the public is better informed about Boards' work, and encourage Boards to do the same.

- Work closely with the Co-ordinating Committee, particularly on training, and seek to enhance its status: provide its secretariat, facilities for meetings, and any other administrative back-up needed.

- Recruit and employ his/her own staff and take over the work at present done by the BoV section at Prison Service HQ.

- Negotiate adequate funding to cover the costs of the President's office together with a central grant for Boards' training, travel and subsistence which he/she will administer.

In sum, the President should become the 'enabler' of Boards - making sure they have the resources, facilities and training necessary for the efficient discharge of their duties. What he must *not* do is come between them and their job. It is important that in the everyday performance of their duties they continue their direct contact with Ministers and their officials, and do not work through the President. *To do otherwise*

would be seriously to diminish their status.

Then, and only then, do I think that Boards' independence will be plain for all to see.

Developing the Watchdog Role - Greater Involvement

The traditional aspects remain as important as ever, and comprehensive guidance on how best to tackle them is given in the handbooks produced by AMBoV and the Home Office. But the emphasis is changing, and needs to change further if the essence of Woolf is to become a reality. Sentence planning, for example, will become a much more important part of prison life than hitherto, and Board Members can not only make a useful contribution but also get to know more about the background of, and prospects for, the individuals concerned by taking part. This is obviously only one way of becoming involved more closely with prisoners, a process which should start as soon as possible after their reception preferably on an individual basis, but in groups if sheer weight of numbers makes this impractical.

Allocating Board members to particular areas of the establishment (in addition to, not instead of their overall responsibilities) is already practised by many Boards and is a most useful way of finding out what goes on. It has the added benefit that the members themselves become better known to prisoners and staff which is the basis on which trust can be built: from that trust can come the credibility which Board members learned long ago has to be earned the hard way, and without which they might just as well stay at home.

Nowhere is this more important than on the Wings where Board members can help in the informal resolution of some of the myriad minor problems which crop up every day, the great majority of which are 'managed out' by the skill and patience of staff. This has always seemed to me to lie at the core of Boards' function, to act as a neutral third party, an impartial arbitrator, although I am aware that it is an unfashionable idea which some would no doubt say had passed its sell-by date. Of course not all problems can be resolved at this level and recourse to the formal

complaints procedure will be necessary. Boards must monitor these with great care to make sure they are dealt with at the appropriate level, within the time-limits laid down, and that the answers given are reasonable.

Complaints Adjudicator

Boards will have to think through carefully their relationship with the new ICAP - not yet appointed at the time of writing and now apparently to be known as Prisons' Ombudsman. They will have to be on their guard to make sure that the change of name does not become an excuse to change the nature of the job, and that, the two-way arrangement proposed by Woolf, and broadly accepted in the White Paper 'Custody, Care and Justice'⁴ is not watered down since it means that Boards will have right of access to him/her and he/she will in turn be able to require them to investigate a complaint. This is a good basis to work on as Boards will be part of the grievance procedure at all levels, formal and informal. It needs to be made crystal clear, however, that their responsibility is in no way limited to reporting to the Ombudsman: they must retain their right of access to Ministers so that, if necessary, urgent matters of concern can be taken up direct with the Secretary of State.

Standards

Another new area in which Boards must ensure they are involved is the setting up, implementation and subsequent monitoring of standards for prisons. There is a marked difference of approach on this between Woolf and the White Paper, but neither gives adequate recognition to the potential role for Boards - the most White Paper manages to say is:

*'Once the standards were achieved, continuance might be monitored by the Board of Visitors ...'*⁴

This is just not good enough: Boards must ensure they are involved up to their necks - in the drawing up and setting of standards now, in pressing for their early introduction, and then monitoring

compliance with them as part of their day-to-day duties.

There is some encouraging news on this front - work on drawing up the draft code is going well and is likely to receive a boost from the new Director General who is reported to want a framework in place as soon as possible. Also, the Board at Wolds is finding that its ability to monitor management performance, particularly delivery of regimes, is much enhanced by the fact that the required standards are written into the contract.

Segregation, Restraints and Special Cells

At present, continued segregation of prisoners, either for their own protection (OP) or in the interests of good order and discipline (GOAD), beyond the initial period authorised by the Governor, has to be confirmed formally by the Board after three days under provisions of Rule 43, and the use of restraints and/or special cells after 24 hours. Woolf proposes to split R.43 which will in future apply only to GOAD, with the BoV retaining only authorisation of Vulnerable Prisoners - the equivalent of OPs. Continued segregation of Disruptive Prisoners (as Woolf terms GOADs) would be authorised by the Area Manager because *'Whatever is the true position, when a Board Member gives such authority, prisoners do not see him as acting to safeguard their interests, but as the arm of management. This is not consistent with or helpful to the Boards' watching role.'*³

The White Paper disagrees, arguing that Boards should continue to authorise segregation of disruptive prisoners as well, *'since Area Managers cannot always be expected to be in a position to visit the prisoner at the time or shortly after sanctioning the prisoner's continued removal from association. The Board of Visitors is best placed to satisfy itself it is necessary for segregation to continue.'*³

I take Woolf's point, but the possibility of Boards' being viewed as part of management has to be weighed against the undoubted advantage of placing this very sensitive part of the prison officer's job under the immediate scrutiny of people outside the

4 'Custody, Care and Justice', HMSO, 1991

system, whereas to involve the Area Manager keeps the matter firmly in-house, quite apart from potential delays. The argument that a complaint by the prisoner could be taken up through the complaints procedure is a non-starter, since it would be dealt with by the same Area Manager who authorised the continued segregation in the first place. Speed of response is also very important in these situations, and I am clear that the continued involvement of the Board is the better course to follow. It has always been a difficult part of Boards' job, but while they are prepared to continue to do it, I think they should carry on: their involvement may be crucial in these often highly sensitive situations, both as a safeguard for prisoners who have come to the end of the road and for staff against whom complaints may subsequently be made. For their part, Boards must ensure that there is always a member available at short notice, and that agreement to a request to extend segregation is only given if he/she is convinced of the need to do so. In my view, any Board member prepared to rubber-stamp a management request without first investigating the circumstances and alternatives available should be taken out and shot.

Looking Ahead

I do not think that Boards feel the need for greater powers and I agree with them: the idea of being able to over-rule the Governor, for example, immediately raises the question of accountability. What happens if, as a result, the prison goes up in flames or someone is killed? This level of responsibility is right and proper for a professional, paid to carry it, but not, it seems to me, for those who give their time and talents voluntarily. No - Boards do not need more powers, but some certainly need to use those they already have more effectively, and the keys to that are better training and greater involvement.

There are however some warning lights flashing; the consultation paper produced last autumn by the Home Office working party⁵ set up to consider the appointment of a President for Boards set out three options varying between close administrative

ties between Prison Service Headquarters and the President, and something approaching the much greater separation I have proposed. The wording is carefully - and properly - neutral, but it does not take a clairvoyant to see that the former is much more likely to find favour with Ministers and officials, particularly since "It is by far the easiest to operate and provides the most open lines of communication."

More difficult to understand is the reaction of the Co-ordinating Committee, which voted against making any appointment; it may be that their thinking was coloured by the fact that the paper also contained a proposal to replace them with a Consultative Committee with the President as Chairman - something with which I too would disagree - but by turning their backs on the appointment of a President, they are sending a highly negative signal to Ministers. This could well give the impression that Boards in general are not enthusiastic about this - the most positive of Woolf's proposals for Boards - and so give Ministers the excuse quietly to drop the whole idea.

Michael Cavadino, writing in this journal⁶, has drawn attention to the emphasis given by Woolf to the need to add 'Justice' to the traditional elements of 'Security' and 'Control' in order to have a stable prison system - 'Justice' in this context meaning that prisoners must feel they are being fairly treated - and the failure of the Prison Service to convince them of this was a major factor behind the riots of April 1990. How to bring this about, which will require a sea-change in Home Office and Prison Service attitudes and practices, is the central theme of Woolf's proposals, widely seen as signposting the way forward for our penal system. I believe that Boards have a valuable part to play, but only if they make clear now their determination to remain at the heart of the system and demonstrate their willingness to accept change.

Failing this, my worry is that they will wake up one day in the not-too-far-distant future to find that they have been shunted to one side and reduced to the status of glorified community liaison officers: the choice is their's.

⁵ Home Office Working Party (WPBOV (92) 12) 1992

⁶ Cavadino M, 'Explaining the Prison Crisis', PSJ No.87, 1992

Lookout

HOW TO BE HEAD HUNTED BY GROUP 4.

1. Adopt a bluff, 'I've been saying this for years', 'no nonsense' approach.
2. Get a job in the Remands/Contracts Unit.
3. Talk a good game.
4. Pretend that you've always thought that the POA was the barrier to fundamental change in the Prison Service, whilst at the same time denying all knowledge of your own POA membership involvement.
5. Admire the work done by Group 4 at Harmondsworth, without really knowing what the work done by Group 4 at Harmondsworth actually was, or indeed where Harmondsworth is!
6. Wear a blue tie and blazer and flannels.
7. Say that the Wolds is actually running really well, and claim that Tim Harrower's interview in the PSJ was malicious nonsense.
8. Deny that you're being head-hunted by Group 4.

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