

Reviews

BOOKS

P RISON RULES: A WORKING GUIDE.

Prison Rules: A Working Guide, was first published in 1986 by the Prison Reform Trust, and is currently in its third edition.

Stephen Shaw, the director of the trust describes its contents as, 'an invaluable aid to all those involved with penal systems, and a unique self-help guide for prisoners and their relatives'.

The aim of the guide is to penetrate and open up the closed world of prison rules and regulations, discuss, evaluate and compare them to those of the European Commission's European Prison Rules. In doing so it attempts to address the key issues of recognising prisoners rights and entitlements, together with the need for openness in terms of information. These issues were most recently highlighted in the Woolf Report as, 'key steps along the road to a more just and humane prison system.'

Ultimately the Prison Reform Trust is looking towards the total review and re-structure of the English Prison Rules. They favour the principles set out in the European Prison Rules, formally the European Minimum Standard Rules (EMSRs). Although these rules are not binding in law they aim at serving as guidelines for the governments of member states in their internal legislation and practice.

The editor, Nancy Loucks, presents a strong case for the urgent review of this country's prison policies. She is quick to state the overwhelming support for this cause; numerous case histories, reports, reviews and personal comments bear it out. No revision or consolidation of the rules has taken place since their introduction in 1964. Now overtaken by case law, penal philosophy and with rules that are sometimes vague and misleading, the call for reform would seem appropriate.

Within the guide's three parts, the reader is able to follow a logical path defining the impetus behind the call for reform. In part one the legal status of the Prison Rules is examined. With rules that were not designed to be justiciable, the guide details several case histories in which prisoners have attempted to sue for breach of statutory duty. In fact the courts have not yet allowed a prisoner to sue in such a case. The Prison Reform Trust argue that this situation arises out of the inherent discretion that the Prison Rules afford. With Standing Orders, the means by which this

discretion is measured, being treated by the Government and courts as management instructions for official purposes, it is hardly surprising that the legal status of the rules has become questionable.

Part two of the book is directed at the restricted access to information. In this section frequent attacks are made on the huge bulk of material, undifferentiated by degree of importance, needed to satisfy the system. Governors' comments on this subject include, 'A management system out of control', 'Circular instructions written in gobbledygook', 'If the medium is the message, it is no wonder the message is not getting through'. With governors responsible for receiving, assessing, summarising and deciding on further distribution of information, the importance of comments like these certainly undermine the effectiveness of the present system.

Reference is made to the lack of formal ongoing training, specifically aimed at understanding the content of rules and regulations. It is suggested that without this awareness, prisoners are unlikely to receive their full rights and entitlements, and litigation from prisoners becomes more likely. The Prison Service is also condemned for its lack of effective filing and indexing of information. The editor proved this point, being unable to locate a complete set of circular instructions, even after having tried the Prison Service College.

The final part is filled with 101 Prison Rules and the equivalent European rules, each is compared and commented on. This section is a most useful reference to rules and regulations and gives a clear contrast to those of the European Commission. It is without doubt that many of the European Prison Rules diminish the exercise of discretion through more detailed and specific composition.

In conclusion *Prison Rules: A Working Guide* looks toward the government for clear and decisive structural changes in its prison policies. With barriers rapidly fading throughout the European community, common values and standards acceptable to all should be promoted. It would therefore seem reasonable that the member states of the European Commission should undertake the implementation of minimum standards ■

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