

J PRISON SERVICE JOURNAL

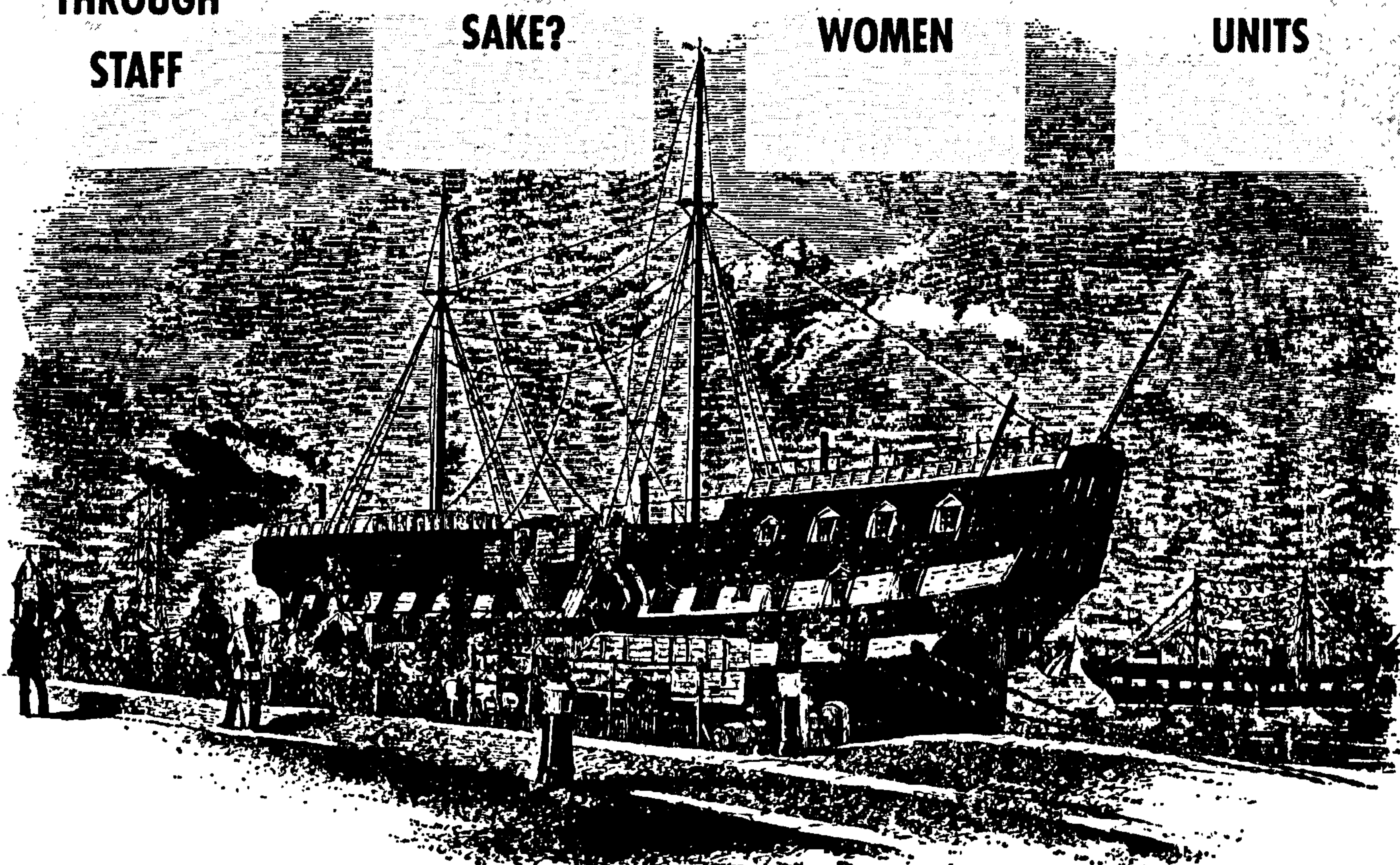
MARCH 1994 ISSUE NO. 92

**INVOLVEMENT,
COMMITMENT,
CONSULTATION,
CHANGE
THROUGH
STAFF**

**ART
FOR
WHOSE
SAKE?**

**PRISON
AND THE
PERFECT
WOMEN**

**KEITH
BOTTOMLEY
ON SPECIAL
UNITS**



OVERCROWDING

Brendan O'Friel - Nothing Changes

PRT - The Waiting Crisis

Weiler - Doubling and Trebling - The Beginning

PRISON SERVICE JOURNAL

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Comment

OVERCROWDING

CRIMINAL JUSTICE CRISIS

In this Issue the main theme is overcrowding. In 1971 in a previous Issue of the Journal, Brendan O'Friel addressed the repetitive problem of overcrowding and it is instructive and chastening to re-visit that concern which remains over 20 years later unresolved. In another article Terry Weiler has researched the way in which the multi-occupation of cells has crept in without debate to become accepted as normal. The present pressures will make the ending of the degradation of slopping out so much more difficult to achieve. The Prison Reform Trust in their piece make that point forcefully.

The announcement of new accommodation to be made available by way of moth-balled prisons being re-opened and new prisons being built can be seen in the light of those articles as only a stop-gap measure, a reaction to pressure not a thought through policy. Such reactions to unforeseen pressure underline a lack of cohesion about the activities of the different agencies in what is described as the criminal justice system but which has little system

about it. The need for common objectives and sense of purpose was brought out in the conference at Shrigley Hall which is reported elsewhere in the Journal. It was one of a continuing series of such conferences in which that theme of needing an overarching policy linking all agencies constantly emerges. Action taken in one part of the system needs to be assessed in the light of its effects upon the rest of the system not to prevent that action but in order to manage the necessary changes rather than for agencies simply having to cope: for example the opening of new courts has implications for staffing in the Prison Service and nowadays may mean a new contract with a private organisation; a change of role for a prison affects the Probation and Police Services in their staffing commitment. The lack of coherence gives the impression of criminal justice in crisis and that does no service to the public the system aims to help. It is not simply a Prison Service problem but needs to be addressed by all agencies contributing to the problem and affected by it.

Scene
from here

WHAT IS SPECIAL ABOUT SPECIAL UNITS?

A. Keith Bottomley,

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

A. Keith Bottomley is Professor of Criminology and Director of the Centre for Criminology and Criminal Justice, University of Hull

It is now some 10 years ago that the Home Secretary of the day set up the Control Review Committee (CRC) to review the maintenance of control in the prison system [England and Wales] ... with particular reference to the dispersal system, and to make recommendations' (Home Office, 1984, para 1). This review was conducted against the backcloth of more than a decade of a security-focussed reference to the dispersal system, which had experienced no escapes but a series of sporadic and occasionally quite serious incidents of the breakdown of order. One of the CRC's main recommendations was that a number of small units should be established for the better management of those prisoners who persistently present serious control problems in long-term prisons and are unable to cope with normal location in the dispersal system. These units were intended to provide relief for the mainstream long-term prisons, but would offer a variety of regimes – from the very supportive and open to the much more structured and controlled. It was initially suggested by the CRC that five or six units should be established, distributed throughout the country, and only set up more 'if the need is demonstrated' (Home Office, 1984, para 54). The Research and Advisory Group on the Long-Term Prison System (RAG) later modified this to four or five units, to cater for up to 100 'troublesome' prisoners at any one time (Home Office, 1987, paras 87-93).

CRC Units

The first CRC 'Special Unit', as they quickly if rather unfortunately became known, was opened at Parkhurst, 'C' Wing, in December, 1985, followed by other units at Lincoln (1987 - closed in 1992), Hull

(1988) and, most recently, at Woodhill (1993). Thus, there have never been more than three units in operation at any one time, with no more than 35 prisoners in total in the units. From the outset, it was intended that the Prison Service should be completely open about their operation. A programme of internal and external monitoring and evaluation was built in to each unit, which has produced a variety of descriptive, evaluative and psychiatric studies of the early years of each of the first three units (see Bottomley & Hay, 1991; Walmsley 1991).

As part of his wide ranging review of the underlying problems of the prison system in England and Wales, Lord Justice Woolf addressed the contribution that the CRC Unit might make towards the maintenance of order in long-term prisons. He concluded that although it is evident that Special Units do not provide an easy or complete answer to the problem of dealing with the 'intransigently disruptive prisoner', there is nevertheless a need for some form of Special Unit in the prison system as it is today, being reserved for that small minority of particularly disruptive prisoners who cannot be safely accommodated in any other way (Home Office, 1991, paras 12-290-1). The major priority should however lie in improving the general conditions for long-term prisoners, thereby hopefully reducing the need for such special provision.

General Assessment

In view of the continuing concern within the prison service, and by policy makers, about order within the dispersal system and the role of CRC Special Units in that respect, I have been commissioned by the Home Office Research and Planning Unit to

undertake a general assessment, which will try to establish whether the existence of the special units has had a beneficial effect on the management of 'control problem' prisoners. Among the other questions that I have been invited to address are whether the worst 'control problem' prisoners are being referred to and successfully managed within the special units; whether staff in dispersals feel the benefit of and recognise the value of the special units; whether dispersal prisons are experiencing fewer control incidents than might have been expected, if the special units had not been established; and what effect the units appear to have on the prisoners after they have left and moved back into the mainstream. I would very much welcome any views that readers of the *Prison Service Journal* may have on these or related issues.

At this preliminary stage in my enquiries, involving discussions with dispersal prison staff, visits to the CRC Units and talking to prisoners and former prisoners of the units, I am finding that many more questions are being raised in this debate than clear answers emerging. Why has there not been greater demand for CRC Special Unit places? Are the criteria for admission to the special units appropriate? Do the units offer the opportunity of meaningful progression for long-term prisoners? Are they well integrated with the rest of the dispersal system? What lessons, if any, may be learned from the special units for possible introduction into dispersal prisons, or for the creation of a range of 'small regimes' within dispersals?

Unit Selection Procedure

Although, at the time of writing, there are prisoners waiting for vacant places in the CRC Units, there have been other times during the last five or six years when the units have been short of suitable prisoners and have almost had to solicit for customers from dispersal governors. Why is this, when the initial estimates of the likely demand for places (up to 100) were almost three times that of the average number of prisoners that have been held in the units at any one time? One possibility is that the number of 'troublesome' prisoners in dispersal prisons has declined significantly since the early 1980s. Certainly, compared to the 1970s, when most serious control incidents

occurred in dispersals, the late 1980s saw an apparent relocation of trouble, including collective disturbances, into a much wider range of Category B and C prisons – as reflected most dramatically by the widespread disturbances in April 1990.

However, an alternative explanation that is often heard from governors and staff of dispersals is that the rather lengthy and cumbersome referral process for consideration by the Special Units Selection Committee (SUSC) often means that other, more immediate, options for dealing with trouble or preventing serious incidents are preferred, eg, use of C1 37/90, segregation (GOAD), or transfer within the dispersal system. The very thoroughness of the SUSC process does not lend itself very well to dealing with many of the typical control problems in dispersals. In many such cases 'interim' disciplinary and handling measures have to be taken which, if successful, may mean that there is no real need for transfer to a special unit if, or when, a favourable decision is made by SUSC. It will be interesting to see whether the opening of the new assessment unit at Woodhill, to which prospective SUSC referrals are to be transferred, encourages the greater use of such referrals by dispersal governors, with early transfer to Woodhill being an attractive part of the new procedure.

Admission Criteria

A further possible factor in explaining the less than expected use of the CRC Units is that the admission criteria are such that certain undoubtedly 'difficult' and potentially disruptive or manipulative prisoners do not meet them – as they tend to have avoided the sort of overtly aggressive behaviour and consequent disciplinary responses that are required before consideration by SUSC. Thus, the absence of candidates for the special units may reflect the changing nature of order and control in dispersals in recent years, from inter-personal violence among prisoners or between prisoners and staff, to a more subtle and arguably more insidious form of subversion of staff authority and control that is more difficult to identify, and where the main perpetrators fall outside the current scope of the CRC Unit criteria.

Integration or Marginalisation?

The CRC Special Units undoubtedly provide dispersal prisons with a 'breathing space' from the disruptive behaviour of a significant group of prisoners. The prisoners themselves are provided with facilities and opportunities for personal development that contrast sharply with conditions during their often lengthy periods in segregation that precede transfer to a unit. However, one of the major issues surrounding the role of such units is their integration or marginalisation vis-a-vis the rest of the dispersal system. Very similar problems in relation to the mainstream are faced by equivalent small units in Scotland, such as Barlinnie Special Unit and Shotts Unit. Far more attention has been paid to the detailed aspects of unit regimes and management than to length of stay, the role of the units in a prisoner's 'career' or sentence plan, and 'meaningful progression' from the units – as viewed both by management and prisoners.

The RAG Report, in 1987, concluded that it was not possible at that time to specify how long prisoners should remain in the units. It was expected that some would be fit to return to normal location after a matter of months, whereas other prisoners may need to remain in one or other of the special units for several years (Home Office, 1987, para 54). It would appear that no one has yet directly faced the crucial question posed by RAG, of 'whether the units' role should be to provide a *long-term alternative* (in which case more units might need to be created) or a *short-term alternative* (in which case prisoners whose behaviour has not changed in the units might be moved out in order to make way for newcomers), (Home Office, 1987, para 55 – emphasis added). Underlying this strategic choice are unresolved questions not only about the *perceived purposes* of the CRC Units but also the *assumed explanations* of disruptive behaviour, which may or may not be 'curable' in the longer term by a period in a changed environment. It may well be the case that some of the current confusion – if such exists – about the role of the special units reflects an uneasy compromise or indecision on such key questions, which are a fundamental element in prisoners' attitudes and response to the units and 'moving on'.

Lessons to be Learned

A final set of questions in any assessment of the achievements and future value of CRC Units revolves around the possible contribution that the experience of handling difficult prisoners in these small, and often innovative, regimes may make to regime development in dispersal prisons or, indeed, in other long-term prisons. The units have not been entirely trouble free during their early years, and the difficulties faced by staff, together with the high levels of stress generated by working in CRC Units should never be underestimated – with the apparent absence of control incidents and the generally low level of disciplinary measures being due, at least in part, to very different styles of coping with actual or potential trouble. Having said that, there is little doubt that the level of overt aggression and recourse to violence by prisoners in the units is much lower than in their previous prisons. It would, therefore, be helpful to be able to identify the features of the units that contribute to this success, and might usefully and practicably be transferred to other parts of the long-term prison system, thereby helping to prevent disruptive behaviour before it occurs.

At this stage, despite quite extensive evaluation of each unit, it seems that there can only be informed speculation as to which features of the units may be responsible for their achievements, and which might be considered for incorporation into dispersal regimes. Some features of unit regimes – such as the very high staff-prisoner ratio – are probably to be ruled out on grounds of cost. Others, such as the development of smaller living units within larger prisons or wings, are now being tried in some dispersals and Category 'B' prisons.

Most prisoners clearly value the facilities and opportunities for personal development (or 'doing their own thing') in the units and the generally far more positive relationships between prisoners and staff, compared to their previous experiences. The notion of 'opportunity and responsibility' – espoused by the Scottish Prison Service (SPS, 1990) – may point a way forward for the sort of lessons to be drawn from the special units. However, in any enthusiasm for disseminating these and other elements of 'good practice', it will be necessary to

maintain a proper balance between the perceived needs and expressed demands of prisoners and the constraints upon meeting those needs in a fair and controlled way.

References

Bottomley, A. K. and Hay, W. (Eds) 1991) *Special Units for Difficult Prisoners*, Hull: Centre for Criminology and Criminal Justice, University of Hull.
Home Office (1984) *Managing the Long-Term Prison System*. The Report of the Control Review Committee. London : HMSO.

Home Office (1987) *Special Units for Long-Term Prisoners; Regimes, Management and Research*. A Report by the Research and Advisory Group on the Long-Term Prison System. London. HMSO.

Home Office (1991) *Prison Disturbances April 1990*. Report of an Inquiry by the Rt Hon. Lord Justice Woolf. London. HMSO.

Scottish Prison Service (1990) *Opportunity and Responsibility: Developing new approaches to the management of the long-term prison system in Scotland*. Edinburgh: SPS.

Walmsley, R. (1991) *Managing Difficult Prisoners: the Parkhurst Special Unit*. Home Office Research Study No. 122. London. HMSO.

MANAGING CHANGE

Introduction

The following three articles discuss the need for staff at all levels to be involved in managing change. Change for our Service has meant mostly reorganising structures. We have gone from Commission to Department to Agency and from a centralised bureaucracy to regionalisation to Areas in the way we organise ourselves. Currently the structure of headquarters is being juggled once more and a massive Pay and Grading review is underway. It is unfair to ask how far all these changes have affected the relationship between the officer and the prisoner. And it would be untrue to say that as with many large organisations the Service is obsessed with structural change as opposed to real change. Time and energy has been spent in considering our reason for being and in improving communications but the following articles are useful in reminding us that even if we have the best of all structures nothing will change unless we carry our staff with us. The articles not only proclaim that, they offer ways of doing so.

CULTURAL CHANGE AND THE PRISON SERVICE

"A Case for Staff Involvement"

*Bob Lewis is an officer
instructor at HMP Usk.*

The Prison Service is without doubt embarked on the most significant cultural change in its recent history. No, this is not yet another article on the merits and de-merits of privatisation, market testing or even agency status, although it is true, however, that these are the factors in our cultural change.

The basis of this article is to explore the way the service is managing this change and its effect upon staff. I hope to show that there is a clear case for staff at all levels to become more involved and to develop a shared sense of responsibility and ownership of the decisions made.

Change is part and parcel of our every day existence; it is a fact of life. Organisations have to develop, they simply cannot afford to stagnate. Virtually every public sector organisation is undergoing review and major change at the present time. The ability to manage change is the key to success. Many organisations develop imaginative and creative improvements.

The Service may be moving away from the public sector and its values. It is having to adopt a new commercial philosophy. The new emphasis is on cost effectiveness and 'value for money'. Managers are expected to be resourceful and produce more for less. Market forces demand improved performance and delivery.

There are new demands being placed upon the service; new legislation, competition and information technology. It is obvious that we, as an organisation, have to move with the times. The question is; can the Prison Service implement change whilst recognising the organisational difficulties that may arise? Can we assume that senior management have taken into consideration staff responses? Have they a clear understanding of the way staff will re-act and of the factors that determine such reactions?

Resistance

The majority of staff in the service have either heard or uttered statements such as 'in the old days' - 'it's not the service I joined' - 'too much is changing too quickly'. Are staff simply resistant to change or is resistance linked to imposition rather than to change itself? By allowing staff at all levels to become more involved with these changes, it will help remove much of that same resistance.

With the advent of agency status, market testing and possibly privatisation thrust upon us, what are the implications for staff? More importantly, how will they respond?

Negotiations with staff representative bodies has been widespread. A veritable mountain of printed information has been disseminated, yet still some complain.

I recently carried out a small survey to determine the 'make-up' of the local management team. Of the six forms returned – 100 per cent felt that communications needed improving. Communication lines within the service have tended to be vertical. It fosters 'in-line' management that inhibits lateral communication. There is clear need for a different 'service-wide' management philosophy – a different approach. A wider survey revealed that staff believe that important issues are being decided without proper and useful communication. Even after decisions have been made, it was felt that it took too long for information to be received and was presented as a 'fait accompli'. Important changes must be preceded by effective communication. Unfortunately, the current system does not allow for contributions of the kind I am advocating. Staff become frustrated simply because it is not just information they want, but active input and involvement.

Involvement

As a general principle, a high level of involvement is a necessary strategy. There are a number of stages to this principle, ranging from simple dissemination of information to active participation or high involvement. Peters in *'Thriving on Chaos'* puts the case forward:

"Involve all personnel at all levels in all functions in virtually anything"

He goes on to say that:

"Truly involved people can do anything".

I suggest the service embrace the following hypothesis as expounded by Peters – (Prison Service senior management should),

"be guided by the axiom: there are no limits to the ability to contribute on the part of a properly selected, well trained, appropriately supported and above all committed person".

Stewart in *'Managing Change Through Training and Development'* advocates:

"The setting up of organisation-wide and department/section based task groups with multi-functional and multi-level membership".

This initiative, if fostered on a national scale by the Prison Service will go some considerable way towards minimising resistance by achieving greater flexibility thus empowering more people.

The County Surveyors Department of Hampshire County Council are experiencing similar cultural change. Lisney & Allen in their article

'Taking a Snapshot of Cultural Change' suggest that managers involve their operational staff in workshops and ideas sessions to generate change at the sharp end. That idea runs parallel with the development of staff in high involvement areas.

The best current example of group and individual involvement, is that of the 'Manchester in-house bid team', where there was a positive involvement of all staff at all levels. Similar teams, or local working groups could consider major changes which affect their own establishments throughout the Prison Service.

Lisney & Allen go on to say that the only obstacle to this staff high involvement strategy is:

"a senior management which currently treats the personnel function as a low-key and arms-length contractor".

Whilst I don't necessarily agree with that sentiment as regards the Prison Service, I, do believe that there would be added benefit to a significant increase in staff participation. In other words the development of a stronger sense of ownership amongst all grades.

Open or Closed

If change is to be successful and resistance reduced, it is absolutely vital that there is a commitment by staff at all levels. Ownership of the decision is the key. It will improve understanding of the service's prime objectives and promote a release of creativity from amongst the workforce itself.

Historically, decision making in the service has always taken place at the top. Staff feel that decisions are made without proper consideration of their views. I would not, at this stage, advocate that there should be a reversal of that policy. However, greater consideration and consultation at all levels will go some way to easing reservations and resistance currently being displayed.

Management theorists suggest that there are both 'open' and 'closed' changes which affect staff and the organisation. Closed change is that where learning is minimal because the change is foreseen or planned. Learning is achieved in advance.

By contrast, 'open change' involves significant learning. To be realistic I can't decide which of these factors apply to the Service. Although these changes have been clearly planned and to a degree foreseen, uncertainty of the outcome of the changes has generated a climate of chagrin and resistance. We know that changes will occur but we don't know the outcomes. That may make our situation one of 'open change'.

Unfortunately, people confronted with 'open change' are quite likely to be unclear as to what their objectives are. This can lead to insecurity and confusion. People placed in this position often go through a range of negative emotions, including anger, denial, frustration and ultimately resignation. At this point in time, I suspect that prison staff are at the anger and frustration stage. In response, they are turning to Trade Unions and staff associations.

This is fast developing into a paper battle with a constant flow of information and counter information. Staff representatives are

currently being accused of exploiting all this confusion. They clearly have considerable influence over their members and are having some success at countering management strategy. As a result, staff have not, as yet been won over by either side. No doubt there will be clear winners and losers but attitudes at all levels will have to be reviewed.

Devolution

We are told that our changes will be centred on organisation, personnel and prisoners. The most significant of these, from a staff perspective, is the devolution of authority down to Governors. This partial autonomy may well be long overdue. Will the service now allow managers to manage? Unfortunately, this has led to accusations by the POA of 'double-talk'. There are strong suspicions that:

"the assurances given by Prison Service management do not accord with views expressed by Governors at local level".

Whether this is true or not, the implications for the service as a whole will be considerable. Staff need to be re-assured and involved if they are to be totally supportive.

Conclusions

Major changes are taking place. New demands placed upon the organisation and staff have to be met. The Service's values and parameters are constantly changing. Senior managers will have to come to terms with resistance to change and respond accordingly. That could be achieved by considering the differences between our present communications network and the need for realistic and meaningful consultation.

If carried out constructively this would lead to the setting up of workshops with multi-level and multi-discipline membership, including operational staff. Consequently there would be a higher degree of staff ownership of decisions made. There needs to be a general change in attitudes. Staff need encouragement, a sense of responsibility and commitment.

I believe the service has many such committed and dedicated people in its ranks just waiting to be given the opportunity to demonstrate their true worth.

References:

1. The Managers Handbook, Ernst and Young
2. Handbook of Management, Gower
3. Management Theory and Practice, Cole/DP Pubs
4. The New Managers Handbook, Armstrong/Kogan Page
5. Managing Change Through Training and Development, Stewart/Kogan Page
6. Taking a snapshot of Cultural Change, Lisney & Allen/Personnel Management & Management Today
7. All change at work " The Human Dimension, Wilkinson/Institute of Personnel Management
8. We are an Agency, Prison Service Staff Information Package.
9. Thriving on Chaos, Peters/Macmillan
10. Gatelodge Extra No. 3.

INVOLVEMENT COMMITMENT

The Staff Consultation Process at HMP Full Sutton

John Fisher: Head of Psychological Services HMP Full Sutton York

John Staples: Governor HMP Full Sutton York

Introduction

By the Autumn of 1991, HMP Full Sutton had already developed something of a reputation as a 'difficult' prison. There was a feeling that the prison was out of staff's control – a factor reflected in the often inconsistent enforcement of basic routines and a high staff sickness level. There was a sense of helplessness amongst staff, together with a cynical view of management as distant and preoccupied.

Factors leading to this state of affairs included a high proportion of grassroots staff new to the Prison Service, many newly promoted middle managers and changes at senior management level – the situation being exacerbated by the high turnover of staff. These staff faced challenging prisoners, confident of their power after Strangeways and its aftermath, in a generally poorly-designed prison that was still in the process of expansion.

There was a clear need for management to get to grips with Full Sutton and its problems. Changes in the Prison Service tend to be implemented in a 'top down' directive fashion. Such an approach leads to little 'ownership' or cultural change, particularly at the lower levels of the organisation – often what is achieved is (grudging) compliance. We

wanted a different approach to organisational change. In addition, at Full Sutton there was a distinct lack of any cohesive establishment identity and communications outside of individual groups and functions were poor. To solve Full Sutton's problems, senior management felt they had to enhance staff involvement and integration with the organisation as a whole: only with the collective ideas and commitment of staff could we move forward.

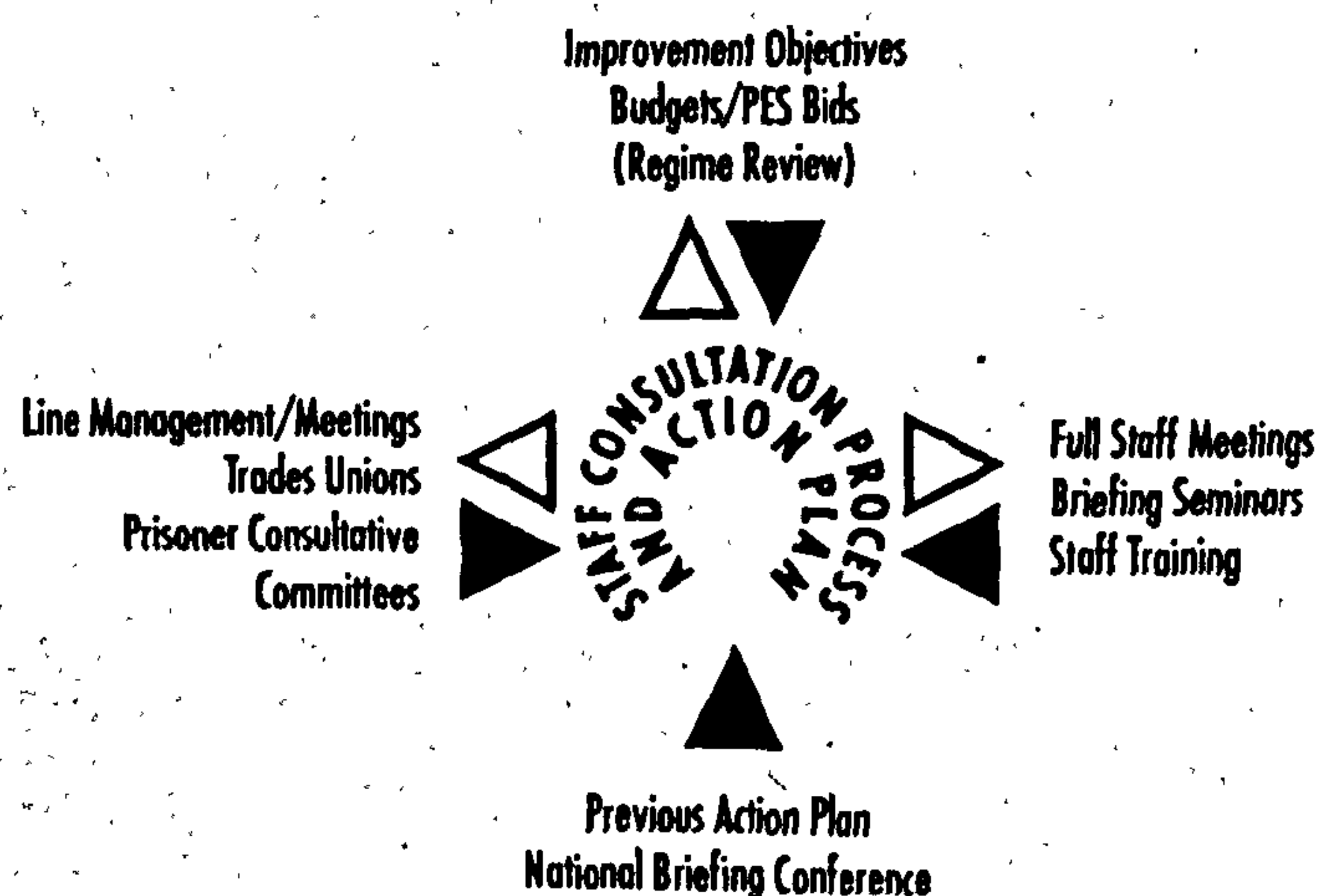
In the 1970s, when dispersal prisons had been troubled by prolonged and persistent acts of indiscipline, one tack used was to draw out of each dispersal a cross-section of staff to facilitate the solutions of these problems. More recently, in 1990, HMP Long Lartin conducted a large staff consultation exercise under the 'Better Jobs' umbrella to improve the quality of jobs and overcome low staff morale. We decided to adapt the Long Lartin consultation model to include broader, regime-wide topic areas and an even higher level of staff participation. In doing this we had a number of related objectives:

- i) the broadest possible *involvement of staff* in decision-making about establishment-wide issues: recognition of staff's valuable ideas-generating abilities and prison knowledge;
- ii) development of a *shared purpose and strategy*: coherent overall aims which staff can understand and relate to their own work, acknowledging the right of staff to know what is required;
- iii) the fostering of a sense of *establishment teamwork*: staff should be able to appreciate the interdependence of their role with those of other staff, particularly those outside their own groups or functions;
- iv) the achievement of *real change*: perceptible solutions to establishment problems.

The Process

At Full Sutton the consultation process took the following form. Staff met in about 30 small groups, each with about 10 members. The membership was constructed on the basis of staff in each group coming from roughly the same level of

Process Integration



the organisation but drawn from across widely different work areas. We wanted to prevent any (mutually) inhibiting effects of mixing senior and more junior staff, and at the same time to encourage cross-fertilisation and avoid parochial concerns best dealt with elsewhere. Thus, a wing officer, a works officer, a probation officer and a typist might all be members of the same group.

Each group had a nominated leader, briefed by the Governor, whose task was to introduce the topics, facilitate discussion and appoint a 'scribe' who was to later report back the main themes that emerged. All staff were given a note outlining a small number of areas of concern/objectives from the Governor to provide a basis, though not a limit, to discussion. Staff were asked not just for their observations, but also to include suggestions for possible ways forward. Prisoners too were issued with a note explaining the purpose of the exercise.

The exercise was spread over two mornings early in December 1991 whilst the prisoners were locked up, individual members of staff attending on just one of the two days. This way, it was possible to directly involve about half of all the staff. Those not able to take part were invited to make written submissions to the Governor – and a number did.

At one of two sessions, on the days immediately following the exercise, each group's discussions were fed back orally to the Governor. The written summaries of themes were also handed in. Oral feedback, written summaries and individual submissions were then collated and an overall summary produced of the emergent issues. Despite some prior scepticism about the process and its likely consequences, staff generally did contribute their views. Many of the comments were critical of both management and colleagues and of post-Fresh Start structures. However, there were also many practical suggestions for action.

The issues raised were then discussed at an extraordinary and extended Senior Management Meeting to develop a response. This resulted in an institutional Action Plan defining specific target areas for improvement along with dates and those responsible. The Action Plan was issued to all staff. The Governor also met groups of staff, this time

with their line managers within functional areas, to explain and discuss the outcome of the exercise, and the implications of the Action Plan for their work specifically.

Six months later in June 1992, the consultation process was repeated. The format used was very similar except that this time the topics for discussion included a review of the previous Action Plan as well as the Governor's Improvement Objectives for the coming year. Also, group leaders themselves were asked to report back to the initial feedback sessions, rather than scribes, to maintain continuity.

This was translated into a new Action Plan, incorporating those elements of the previous Action Plan that were still pending. Also, this time, there was a response to those issues raised by the exercise that senior management had agreed not to pursue.

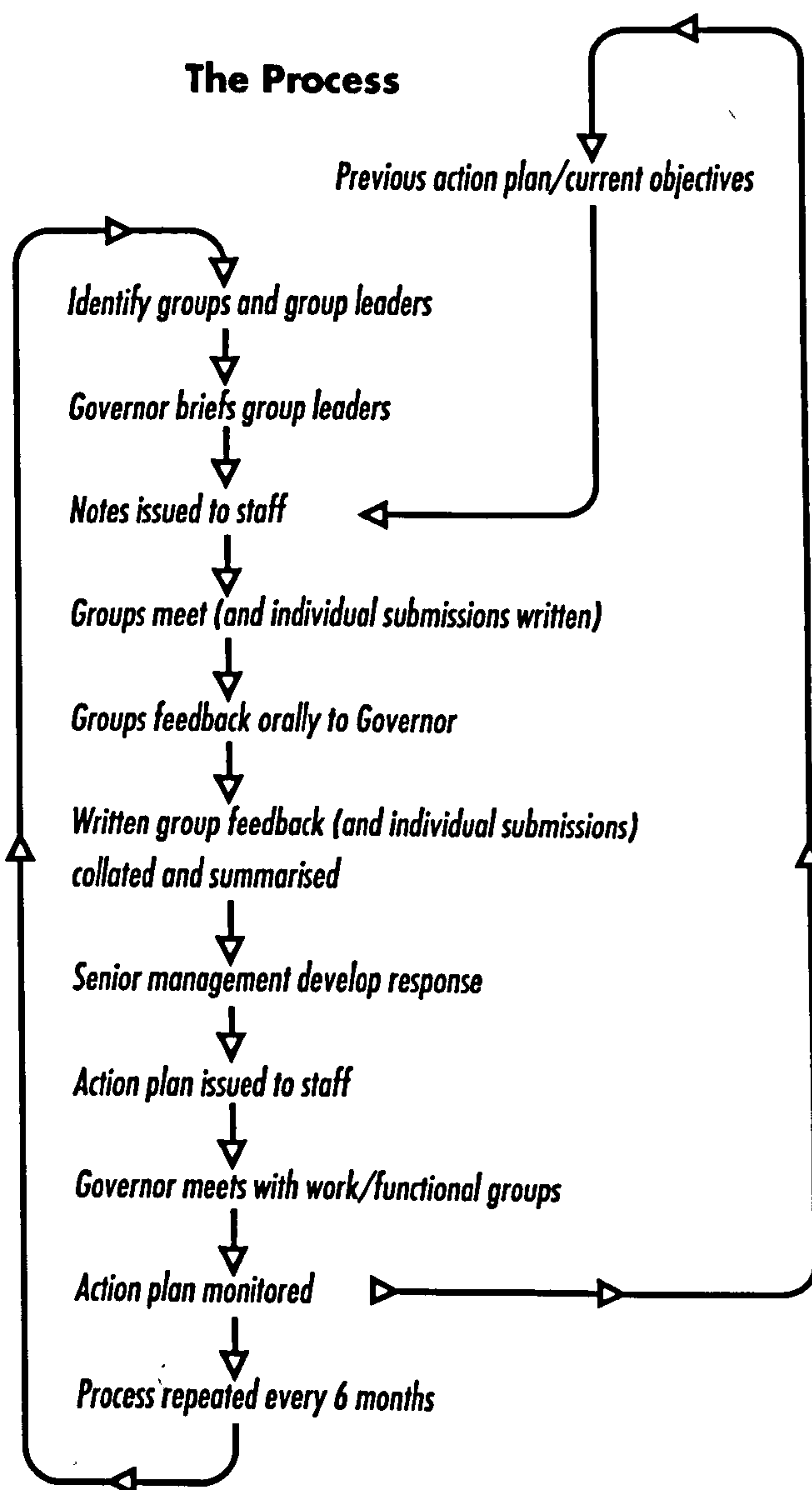
It was decided to have a rolling programme of such consultation exercises/Action Plans every six months. As a consequence the process was repeated yet again in December 1992. One change this time was for Group Managers (rather than the Personnel Department, as before) to nominate group leaders. Also, for the first time, the note to prisoners included an invitation for them to make suggestions via the staff attending the groups. An ideal in the longer term would be to formally involve prisoners as well as staff in the consultation process.

As the staff consultation process has evolved we have wanted to achieve a better integration with other management planning processes – so they all come together through the one establishment Action Plan. With this goal in mind, the publication

of the Action Plan for the third exercise was deferred until April 1993. As an interim measure, the overall summary of emergent issues was published for all staff and the Governor met with staff in work groups to discuss this.

This delay in producing the Action Plan allowed the outcome of the exercise to inform the setting of the establishment Improvement Objectives and for these to be incorporated into the Action Plan. In a similar fashion, the delay enabled the staff consultation to inform our Regime Review process that was occurring at this time and for the outcome of this

The Process



too to be incorporated into the Action Plan.

National Briefing Conferences, since their inception in February 1992, have become the main vehicle for communicating Prisons' Board priorities. The delay between consultation and Action Plan allowed material from the National Briefing to be considered for the Action Plan. We are also looking for a way of formally linking Budgets and PES bids with the consultation process.

At a more local level, the consultation process cannot of course stand alone but has to mesh in with other existing communication and operational systems: line management and its meeting structure, full staff meetings, briefing seminars, staff training, Whitley and the Trades Unions, and our Prisoner Consultative Committees. The consultation process is illustrated schematically in the diagrams.

A Taster of Issues

In all four consultation exercises held so far, the main themes could be classified under the headings of Management; Security and Control; Staffing; Staff Training; Communications; Accommodation; and Facilities for Prisoners.

An example of a well-supported suggestion from the first exercise was the introduction of a phased re-assertion of control in key areas. Staff had expressed real concern about intimidation and the inability to 'hold the line' with prisoners. All staff and management needed to unite together in regaining lost ground – even if this meant 'riding the storm' for a while. In particular there was the issue of the need to lock away prisoners who refused to go to work.

On 27 January 1992 after much preparation, contingency planning and dire threats from prisoners, staff began locking up prisoners on the wings: an event that took on much symbolic significance. It has to be said that at the next consultation exercise six months later staff feedback suggested that there had been some slippage in maintaining the lock-up rule. As a consequence of that exercise, a number of additional management and control elements were planned, all with the aim of furthering a more assertive and effective regime.

Another idea from the second exercise was the notion of reviewing the present use of the wings. It was proposed that we develop a 'horses for courses' approach, with one or more wings holding a particular type of prisoner, with architecture, staffing and regime to match. As a result, we have moved 'ordinary' dispersal prisoners into our more recently built and open-galleried accommodation, moved VPU's into other accommodation that offers better facilities for the Sex Offender Programme, and set up a lifer wing.

It is interesting to note the changing emphasis amongst the topics raised on the consultation exercises. The biggest

change has been a move away from a preoccupation with security and control to other areas.

Evaluation

In terms of evaluation, a crucial issue is the credibility of the consultation process in terms of its ability to deliver results. Whenever words are not seen to be reflected in action, cynicism can quickly spread, leading to a progressive collapse of commitment. Ongoing monitoring of the Action Plan targets helps to maintain impetus and, even if senior managers are deluded into self-congratulation, staff on the ground will hopefully bring them down to earth with their feedback at the next consultation exercise; as long as this does not happen too often and as long as there have been genuine attempts to implement plans.

In all the exercises, at the group feedback and subsequent Governor feedback sessions, there have been comments about the consultation process itself. Generally, the consultation exercises were found enjoyable and productive, not least because of the opportunity to meet other grades of staff. Staff wanted repeats of the process – with the proviso that prompt, visible and constructive action was seen to result from such exercises. Senior Managers found the process very useful in terms of keeping in touch with 'grassroots' opinions and to encourage a sense of institutional coherence and commitment.

Middle Managers seem to have accepted the exercises as complementary to (rather than bypassing) their line management, understanding the need for a broader, cross-functioned view in which to set the work of their staff. Similarly, the trade unions gave their agreement to this very direct dialogue with their members and, although perhaps not overly enthusiastic in their support, the feedback that has been received has been positive.

A recent issue has been the role of the BOV in the consultation process. Locally we have decided that to maintain their impartiality they should not be involved in the discussions leading to the Action Plan, although they do have a full role in monitoring its implementation.

This year, as a more formal attempt at evaluation, we are to sample a cross section of staff to obtain their perceptions of the process in terms of the quality of delivery and the achievement of the original objectives of involvement, shared purpose and strategy, teamwork and real change.

Note:

Earlier versions of this paper were presented to the Prison Service Conference in November 1992 and to the BOV Dispersal Prison Conference in April 1993.

MANAGING CHANGE

The 'Diagonal Slice' Approach AT DARTMOOR

*Miss Suzy Dymond-White, is
a prison officer at HMP
Dartmoor.*

It is often the case that change is greeted with trepidation, alongside the feelings of inquisitiveness, and, facing a new challenge there is the natural human reaction to 'fear the unknown'

It was with this in mind that John Powls, Governor of HMP Dartmoor approached a Regime Review for the establishment.

Following visits from the Chief Inspector of Prisons, it became obvious that Dartmoor had to make substantial changes and improvements in order to avoid closure.

In short, if Dartmoor is to meet the new performance measures set out by the Prison Service, it needs to achieve efficient, effective and integrated work systems.

Given the magnitude of the task and the limited timescale, the necessary change could successfully be achieved only with the involvement of the workforce. Contributions from staff in the shaping of the establishment's future will almost definitely strengthen their confidence and loyalty.

It was also decided that outside facilitation of the process was necessary and that it must be impartial, not just brought in to impose ready made solutions or as a way of getting the workforce to accept management policy.

ACAS Involvement

It was at this point that the Advisory, Conciliation and Arbitration Service (ACAS) was approached. ACAS Representative, Robert Johnson and South Western Regional Director, Jim Muldoon, helped develop a plan of action for the change process.

The first stage of the process consisted of 'Diagonal Slice' workshops. This simply means

that employees from all levels, disciplines and departments within the prison were approached. The subject of the workshops were to air points of view on the current regime, looking at both positive and negative aspects and what could realistically be hoped for in the future.

ACAS felt that it was essential to determine whether the entire project was feasible and most importantly that both staff and management were willing to take part and make a valuable contribution.

An initial workshop was held in April of this year, for members of the Whitley Committee, to give a taste of the process. Following the positive feedback from this initial group a further six workshops were held in May. Between 12 and 20 people attended each event giving approximately one-third of the prison's employees a chance to attend.

The Governor attended all of these workshops, giving staff a chance to discuss matters with him in an informal, yet structured setting. Each workshop was led by Robert Johnson and a colleague from ACAS who began by explaining the format of the day. The scene was then set by the Governor who explained the Key Performance Indicators that he had agreed with the Prison Service and an idea of what changes would need to occur in order to meet them. He also gave an overview of the current situation in the Prison Service.

The Process

The day began to unfold with the members of the group being asked to think of any barriers they felt would prevent the prison reaching its objectives. Taking turns, individuals identified one barrier at a time which was recorded on a flip chart. It was acceptable to 'pass' if the person couldn't think of a barrier and the

chance was there to contribute on the next round. Continuing around the room until no more barriers could be identified. This produced a list, on average, of fifty barriers many of which were variations on similar themes.

The group then broke into pairs and proceeded to make a priority list of what they saw as the three main barriers. Each barrier was then listed and scored until a prioritised list of main barriers for the whole group had been obtained.

The next session of the day was aimed at the positive, and following a similar format the group identified the strengths of the prison and its staff and the good things about working at Dartmoor. Successful change normally builds upon the strengths already within an organisation and it was good to see that, generally, more strengths than barriers were identified.

Each workshop was closed by giving participants, in turn, the opportunity to say what they had got out of the day, what they would tell their colleagues and what they would personally do about some of the issues raised.

Feedback

All the comments I heard were, very much of a positive nature and phrases like "I didn't know your department was experiencing the same fears" and "I actually feel part of the organisation now", reflect accurately the general feeling following the workshops.

Each participant was promised and quickly received, a personal copy of the material charted.

From the initial group a 'Steering Group' was formed. Their task was to develop the jointly agreed recommendations for the proposed structure. The steering group would have the power to commission joint project teams with the challenge of examining relevant issues in greater detail. Each stage was to involve management and the workforce together on a joint basis.

Four project teams were set up to examine the following areas:

1. Structure of Regime.
2. Communications.
3. Prisoners and Security.
4. Training

A target date set.

The initial meeting of the steering group was convened to examine the material and start to discuss the next move in deciding the way forward. With further guidance from the ACAS facilitators the steering group began to examine effective group working techniques and consensus decision making principles. At this stage many areas of concern could be voiced and solutions found or uncertainties addressed. Concern was apparent in areas such as whether the groups would have sufficient resources of time and finance and access to necessary information.

This proved to be an invaluable session in problem solving and the two leaders of each project team who attended now felt ready to establish a working group and go forward to deal with their specific area.

Where Now?

Staff are currently working on their various projects and involving more of the workforce to enable them to produce a written report with recommendations. The pool of enthusiasm and ideas from staff appears to be bottomless.

The result of the process is not yet known but already its implementation is paying vast dividends at Dartmoor. Staff feel included, as if their opinions are not only heard, but valued and acted upon. Interdepartmental communications have improved tremendously and with continuing effort and interest from the workforce there is a feeling that the future of Dartmoor is something we do have a say in and that the Chief Inspector's recommendations can realistically be aimed for.

If other establishments feel that ACAS may help them face the vast changes of the foreseeable future then the word from the staff at HMP Dartmoor is 'Give it a try, you'll be amazed what dividends it pays'.

Note:

This article has been written with the help of and with special thanks to Robert Johnson, Senior Industrial Relations Officer, ACAS.

Reviews

THE FUGITIVE (12)

Andrew Davis. (USA 1993)

If you're an action movie fan then The Fugitive, starring Harrison Ford and Tommy Lee Jones, is for you. You certainly will not catch yourself falling asleep in the cinema.

Dr. Richard Kimble (Harrison Ford) is a respected doctor with an impeccable reputation. He is also the innocent fugitive running for his life after being wrongly sentenced to death for the murder of his wife, Helen. Dr. Kimble is closely tailed by the hard-faced Sergeant, played by Tommy Lee Jones, who possesses a dry sense of humour and claims not to care whether Dr. Kimble is innocent or guilty. However he gradually finds himself drawn into an intricate web of treachery and deception and finds himself believing in Dr. Kimble's innocence.

Dr. Kimble sets out to find the man who cold bloodedly murdered his wife. During his search he manages to save the life of a young boy by changing the diagnosis with a quick scribble. We already know that Dr. Kimble is the good guy, so we do not need convincing of the injustice being served upon the good doctor. Sorry but this was a touch corny!

If you were hoping for an injection of romance you will be sorely disappointed. Dr. Kimble does not transform into Dr. Love. His unkempt look, whilst on the run, shows more of a likeness to a character from cardboard city! The only hint of romance was with poor Mrs. Helen Kimble, which lasted for just a few minutes at the start of the film, before her unfortunate and gory exit.

The Fugitive's intended unexpected grand finale is sadly predictable despite the fact that it keeps you on the edge of your seat. Those who enjoy knowing the outcome will not be disappointed.

However, no expense was spared on the special effects. When the train crashed into the prison vehicle it lasted little more than 90 seconds but cost a staggering £1.5 million. This being more than the entire budget of reputable recent British films.

As you can imagine the special effects were brilliantly executed throughout the film. Harrison Ford and Tommy Lee Jones were superbly cast and made their characters come alive.

This film will undoubtedly keep you riveted throughout. It certainly does possess high entertainment value.

Officer S. Drake
HMP Woodhill

TRUE ROMANCE (18)

Tony Scott (USA 1993)

It would be fair to say that the title is misleading, the 18 Certificate is not, but what else would you expect from the pen of Quentin Tarantino – the director of Reservoir Dogs. The possible effects of which have caused such concern that the censors have postponed release to video. The conclusions currently being drawn, in the light of the recent Merseyside murder trial, highlighting the accessibility of violent videos to children, may permanently preclude the release of such films to video.

Personally I think this is an overreaction, but I do agree that the safeguards which currently exist are inadequate. I don't know what the answer is but puritanical censorship is not the answer.

You would not expect True Romance, directed by Tony Scott (Top Gun), from a

script by Quentin Tarantino, and starring Christian Slater and the unknown Patricia Arquette, to be the 'most talked about movie of the year', but it probably is!

Christian Slater plays Clarence Worley who works in a comic shop until he falls for Arquette's prostitute, Alabama, kills her pimp and accidentally steals a suitcase of cocaine. Pursued across country by the FBI and Mafia, and offered dangerous advice by a ghostly Elvis (who strangely enough only appears in bathrooms as did the real Elvis in his final appearance) they alight in Hollywood and attempt to sell their 'goods' to a camp movie producer. The violence is all pervasive culminating in a predictably Tarantino shoot-out, but despite its 'only happens in the movies plot' the film does work.

The direction is slick, the soundtrack quirky, the writing witty and quickfire. But what sticks in the mind most are the cameo performances by Gary Oldman, Brad Pitt, Christopher Walken, Dennis Hopper, Val Kilmer, Saul Rubinek and Chris Penn. They

play respectively a white pimp who likes to think he's black, a dope-head, a Sicilian legal advisor (mobster), Clarence's dad, a ghostly Elvis, a larger than life movie producer and an FBI agent.

All these characters are exquisitely drawn and the interplay is delightful. These performances are really what make the film outstanding. However many of the sub-plots have been described as racist or unnecessarily violent which to be frank they are! In particular Tarantino includes another torture scene and at least three brutal fist-

fight (one involving Alabama). But the humour and pace of the film are irresistible.

It will be a big, big cult movie and can be taken as the arrival of Patricia Arquette and the coming of age of Christian Slater. It is unmissable, but don't go if you're easily shocked.

A P Marsland
HMP Full Sutton

P.S. Is it my imagination or is Christian Slater turning into Jack Nicholson?

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Jerusalem, Israel, 13-16 June, 1994

Under the Auspices of:

PRISONER REHABILITATION AUTHORITY, ISRAEL
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First Announcement and Call for Papers

Dear Colleague,

One of the most serious problems facing professionals involved in crime prevention and the rehabilitation of criminals is the high rate of recidivism. Many approaches have been developed to confront this problem with varying degrees of success. Since the creation of the 'penitentiary' two hundred years ago, rehabilitation has taken on new meaning. Over the past several decades, religion has become recognized as a significant force in rehabilitation.

Professionals dealing with prevention and rehabilitation from the psychological, sociological, pastoral or academic approach have been invited to participate in sessions and workshops to discuss their research and experience in using religion as an effective tool. Due to Israel's extensive work in this field, as well as its place in the history of the three major religions, we find it appropriate to serve as the hosts for this first International Conference dealing with 'Crime Prevention and Rehabilitation through Religion.'

We look forward to sharing this experience with you in Jerusalem.

Sincerely,

A Hoffman, Co-Chairman
Director General
Prisoner Rehabilitation
Authority

M Amir, Co-Chairman
Professor of Criminology
Hebrew University

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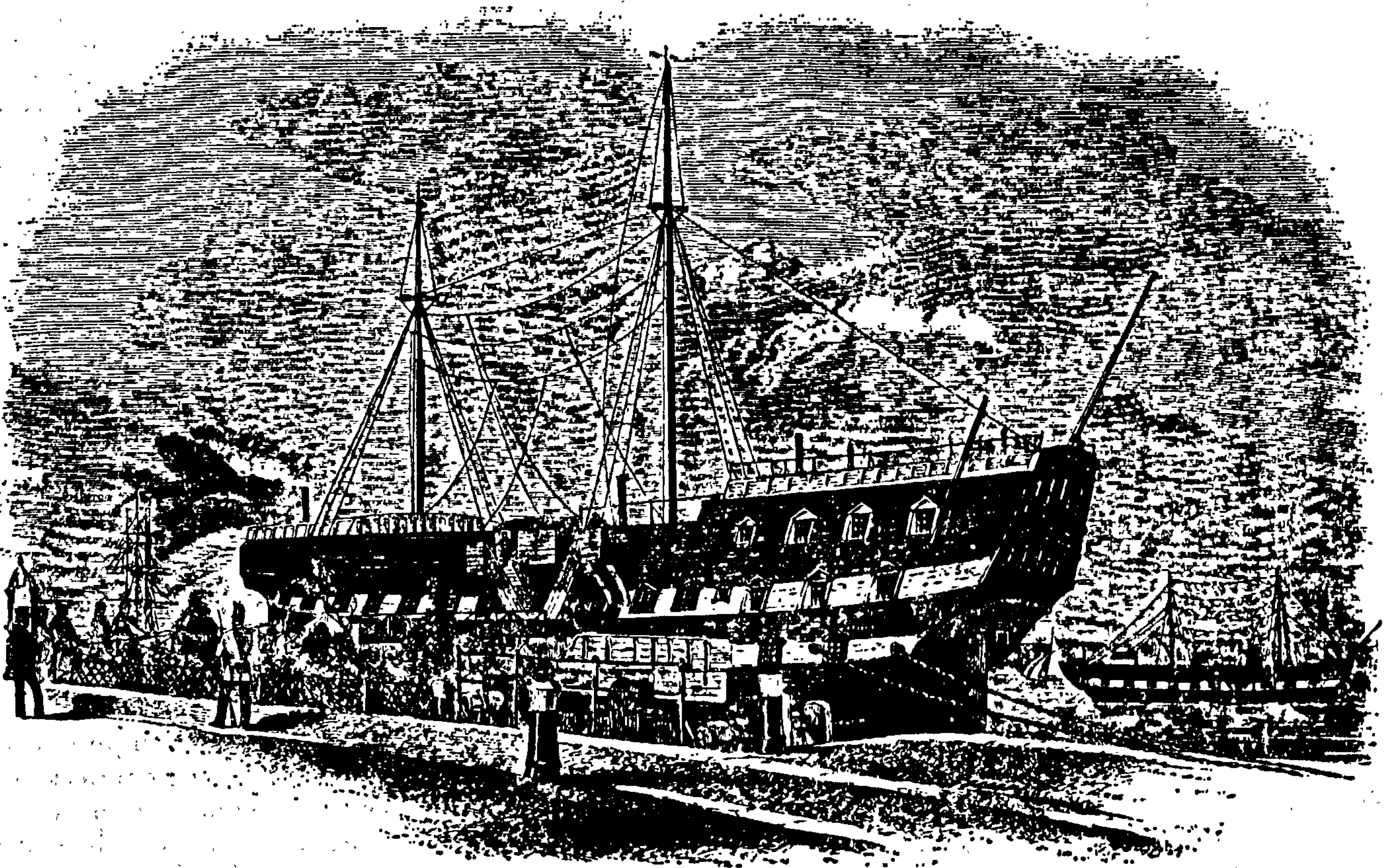
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THE "WARRIOR" HULK WITH THE "SULPHUR" WASHING-SHIP IN THE DISTANCE.

(The criminal prisons of London and scenes of prison life: Henry Mayhew and John Binny)

OVERCROWDING

OVERCROWDING

Unanswered Questions

At the time of writing Brendan O'Friel is governor of HMP Risley whose regime has been dramatically affected by the population crisis and had been governor of HMP Manchester at the time of the riot in 1990. He is chairman of the Prison Governors' Association in England and Wales.

Re-reading my article "Overcrowding - Past, Present and Future" written in 1971 I was struck by the number of issues that are still outstanding, 22 years later.

For those interested in the beginning of prison overcrowding after the second World War, I would refer to Terry Weiler's recent Report "Coping with a Crisis: The Introduction of Three and Two in a Cell" published in 1992 and a version of which is published in this issue of the Journal. This report reinforces the lack of public interest in overcrowding at that time.

Effects of Overcrowding

The effects of overcrowding remain very poorly researched. Perhaps the best recent research is the analysis of the 1,200 letters received by the Woolf Inquiry from serving prisoners, published in Annex 2E of the Woolf Report. This quotation is from a prisoner about the conditions he endured in one of our Victorian Prisons in 1990.

"When I discovered that three men had to share a cell of only 8 x 12 ft. or thereabouts I was astounded. A remand prisoner has no work, therefore he has to stay in a cramped stuffy cell with two other men, who he probably hates the sight of, for 24 hours a day. Many cells have only one chair or two chairs, or maybe no tables, so that the inmates are forced to eat sitting on the bed. Try sitting on the lower bed of a double bunk and eating a meal. You, too, would become frustrated and angry. Meal time over, he has to lie on the bed. Just for a change he could maybe sit on the bed. If he walks up and down the floor he is told to sit down or be put down. He has a head full of worries and problems about the forthcoming court case. One of the other inmates has a radio on full blast driving him crazy. He needs to use the toilet but the staff

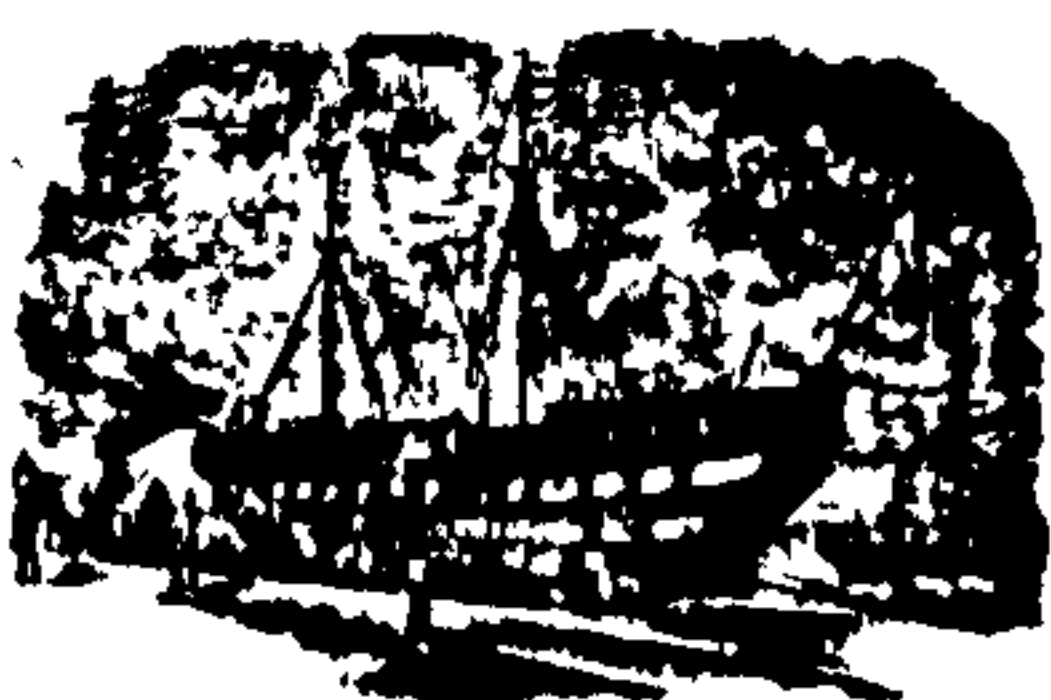
won't let him, and he daren't use the bucket or he gets beaten by the others. Wouldn't anyone get depressed?"

Contamination

In addition to the physical degradation of overcrowding there is the problem of contamination. References can be found to this as early as John Howard's "State of the Prisons". Alex Paterson wrote about Dartmoor in 1908 "It will be difficult to exaggerate the depravity and degradation of life to which those men sank in those days. Their language cannot be printed, their habits cannot be described. Any man who came from a decent home was appalled to discover that men could fall to such depths of immoral beastliness and the average man was inevitably dragged down by the conduct and example of the men around him whose company he could not escape."

This was echoed in November 1991 when a prisoner at Risley addressed a Conference of the National Association of Prison Visitors. He said "The prison environment exposes each individual prisoner to a high degree of criminal influence, we prisoners have a common interest and share a common identity. We are criminals and we talk about crime in the way that you might talk about your work, quite openly without embarrassment."

Except for total segregation, the only way of combating contamination in prison is to run positive regimes. But positive regimes are destroyed by prison overcrowding. Overcrowding diverts management and staff time and effort into basic survival. Conditions tend to deteriorate and in that climate negative criminal subcultures start to dominate. There is an urgent need to research the effects of overcrowding and its relation to contamination.



Definition of Overcrowding

Another question remaining unresolved, is what constitutes overcrowding. There is also the related question of whether prisoners can be compelled to share cells under any circumstances? Is it legitimate to certificate cells for use under the Prisons Act for more than one person? If so, what conditions have to apply, for example to the provision of lavatories? Is it safe to put groups of prisoners together in non-cellular accommodation. The Chief Inspector's recent Report into the Disturbance at Wymott Prison raises this very point in Section 4.02 of the report.

Then there is the question of services and facilities. While there may be sleeping accommodation for prisoners available, is it right to accommodate prisoners if there are not adequate support services? Should not support services have to be certificated as well as the current process for certifying cells under the Prisons Act?

Ending Overcrowding

If our prison system is to function without overcrowding, it needs one of three mechanisms to enable it to do so:

- (a) A considerable surplus of accommodation that can be brought into use when numbers rise.

- (b) Some machinery whereby selected prisoners can be released by administrative action to balance the inflow of prisoners from the Court.

- (c) A limit on the places provided within the prison system by which the Courts have to abide.

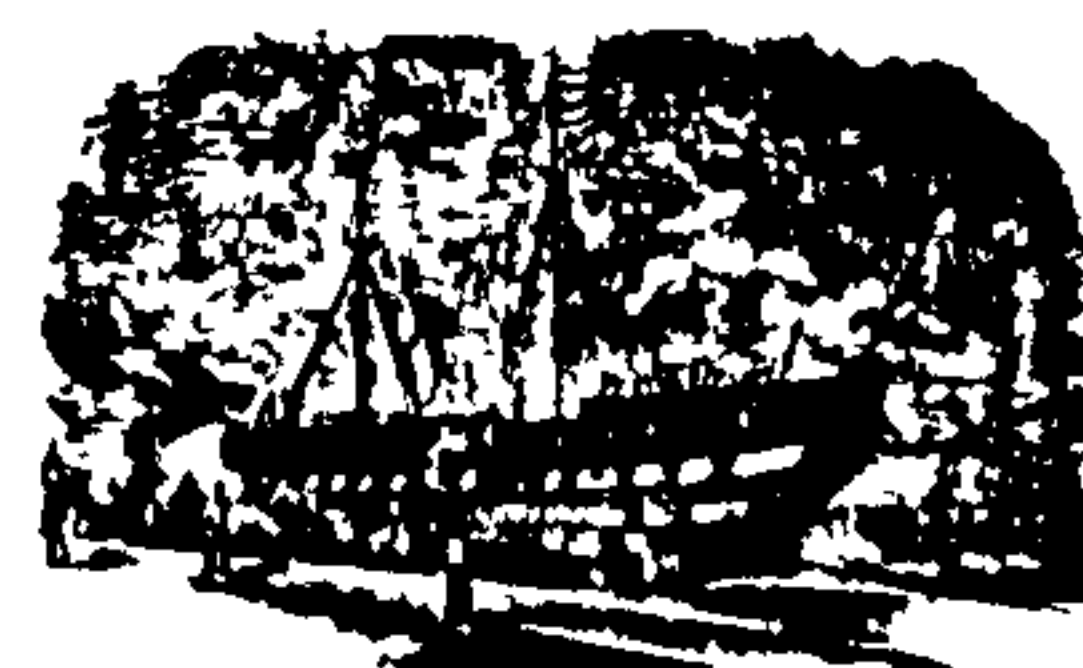
None of these options are easy or palatable. However, the Prison Service is now the only public service which is trying to provide a demand led uncapped resource. It is doubtful whether the Service can continue to operate in this way for much longer particularly in the light of the changed expectations of staff and prisoners.

If overcrowding is not to last as long as the prison hulks of the eighteenth and nineteenth century a new initiative is required to bring the tasks and resources of the Prison Service into balance.

Here is an opportunity for a Politician to get into the history books ...

Alternatively, I may be asked to write another piece as a retired Governor when this article is again republished around 2015 ...

F.B. O'Friel
November 1993



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SOLITARY . . . SEPARATION

*As he went through Cold-Bath Fields he saw a solitary cell
And the Devil was pleased for it gave him a hint
For improving his prisons in Hell.*

"The Devil's Thoughts"—SAMUEL TAYLOR COLERIDGE, 1772-1834

TOGETHER . . . "ASSOCIATION"

*Come, let's away to prison ...
We two alone will sing like birds i' the cage ...*

"King Lear"—WILLIAM SHAKESPEARE, 1564-1616

OVERCROWDING

PAST, PRESENT AND FUTURE

An Assessment by F. B. O'Friel

This Article was first published in the Journal in 1971.

IN 1922, Sir Evelyn Ruggles Brise wrote in the preface to his book 'The English Prison System' about the separate system:

The prison cell, as with the monks of old, was the method of redemption... if by its positive effect the cell worked on the redemption of the soul, its negative result was claimed to be equally efficacious in preventing contamination by means of segregation. Pressed severely to its logical conclusion, cellular seclusion becomes a refinement of cruelty while on the other hand promiscuity, resulting from unregulated association was admitted in this, as in other countries, to be the nursery of crime. The course of prison welfare has been in the direction of finding a compromise between these two opposite principles.

The final blow to the separate system in this country came when prisoners were placed three to a cell. Staff control of contamination was lost. Paragraph 9 of the 1969 Annual Report of the Prison Department states:

At the end of June 1970, the total population was 39,887 of whom

over 13,000 were sleeping two or three in a cell.

The search for a compromise between Ruggles Brise's two opposite principles is clearly over for a time and the Prison Service has reverted to something akin to eighteenth century contamination through unregulated association. One of the best descriptions I have read of current contamination is the article "Three'd Up..." by R. F. Bates, in March 1970 number of the Prison Officers' Association Magazine. Yet strangely enough, no research appears to have been done or to be contemplated, into the effects of contamination and in particular whether it is related to the falling success rates of penal treatment.

The first time that the practice of placing prisoners more than one to a cell is officially reported in the 1947 Report of the Commissioners of Prisons on page 24:

In our reports for 1945 and 1946, we may have given the impression that these were years of some difficulty; having experienced 1947, we begin to think of them as the 'good old times'. In 1946, we talked of overcrowding as a serious problem with a daily average

population of some 15,800 little knowing that in 1947 it would reach 17,100 and that in the first few months of 1948 it would have passed 19,500 and appear to be moving inexorably to 20,000.

EFFECTS OF OVERCROWDING

One result of the overcrowding was that in almost every prison from time to time and in many all the time, it became necessary to sleep three men in a cell.

The 1948 Report of the Commissioners indicates how the problem continued to develop:

With a population level higher than that in 1947, the effects of overcrowding mentioned in our report for that year continued and there is little fresh to say on the subject. During the year, some 2,000 men on average were sleeping three in a cell in local prisons.

The impression given by the reports is that the practice of 'threeing up' was not seen as a policy change but as a temporary expedient. As such it was not to be publicised or questioned. Looked at with the benefit of hindsight, the decision in 1947, however it was reached, was one that will dominate the Prison Service for

at least half a century.

A judicial decision in the last few years in West Rhine Westphalia, a province of West Germany, stating it was illegal to place prisoners more than one in a cell resulted in emergency measures of several types to prevent illegality occurring. If one industrialised European country can act in this way without disaster, it suggests that threeing up prisoners was and is not the only solution open to a penal system when faced with severe overcrowding.

This in turn raises the question of how the English Penal System found itself in crisis in 1947. In order to understand the crisis it is necessary to consider the movement of the prison population over the last 100 years and to examine the availability of accommodation to match the requirements of that population.

Prison population in the nineteenth and twentieth centuries

As the prison population rose throughout 1970, passing the 40,000 mark in July, pre-war entrants to the Service must have reflected wryly on the population of about 11,000 experienced in the late 30's. In 30 years the prison population has grown by about 350 per cent, a growth rate of about 10 per cent a year.

The temptation to draw comparisons with the pre-war period is strong. In the August 1970 edition of the Prison Officers' Association Magazine, comment on the overcrowding crisis was concluded in the following terms:

And it seems inevitable now "unless fundamental changes in sentencing policy are introduced by law" that the adult prison population will reach 40,000 in the same period, giving a total of not less than 50,000 incarcerated in our penal establishments before 1980 and that is a very conservative estimate indeed which will almost certainly prove to be a considerable understatement of the position since already we have 40,000 in custody as compared to about 10,000 before the war.

The assumption that prison population movements must be measured against a base line of the inter-war years is highly

questionable. Useful statistics are available on the prison population from the previous century and enable a judgement to be made based on a period of well over 100 years.

At the beginning of the nineteenth century, any assessment of the number of prisoners in England was vastly complicated by the system of transportation and the hulk system. Transportation to Australia started in 1784 and continued until 1867. From 1816-46, transportation was at 3,000 a year; the final figure was 134,308 convicts transported to Australia. Parallel to transportation was the hulk system, a temporary expedient adopted in 1776. In his book 'Punishment and Prevention of Crime', Du Cane estimates that 3,000 to 4,000 convicts were held in the hulks.

The end of transportation produced the great era of prison building of the mid-nineteenth century; Pentonville in 1842 and a further 54 new prisons on the same model by 1848 with a total of 11,000 separate cells.

In 1850, the convict prisons came under the directors of the convict prisons. These, together with the local prisons were regularly reported on and accurate figures of their population are available.

The following tables indicate the total prison population compared with the national population over the last 100 years:

Year	Daily Average Population	Population England and Wales
1871	28,500	23 million
1878	30,600	25 million
1888	21,000	28 million
1898	17,600	31 million
1904	20,757	33 million
1911	19,797	36 million
1921	12,500	37 million
1931	11,500	39 million
1951	21,780	43 million
1961	29,025	46 million
1966	33,086	47 million
1970	40,000	50 million

Another aspect of the prison population is the change in the annual rate of receptions. Du Cane reports that the local prisons in the first six years of the Prison Commission averaged 193,485

receptions a year.

In 1904-5, committals to custody were marginally under 200,000. Not until the outbreak of World War I did the annual reception figure move below 140,000. So from the year 1878-1914, receptions were running at between 140,000 and 200,000. Since 1914 the figures have not exceeded 100,000. The worst figure so far recorded being 98,118 in 1967. It is, of course, highly probable that 100,000 receptions will be exceeded in 1970 but these figures will not be available until well into 1971. Hence, even in this crisis year, we will receive into custody no more than three-quarters of the number the Prison Service was dealing with in the 36 years from 1878 to 1914.

The difference between the 24 years' period and today is that the vast majority of receptions then were serving under three months. About 127,000 of the 167,000 received into custody in 1913 were serving under three months. Only 23,000 of the 98,000 received in 1967 were serving under three months. So the nature of the task facing the Service has changed. Nevertheless, it is a salutary thought that our predecessors coped with receptions and discharges on a scale well beyond anything we have yet experienced in this generation of prison staff.

The interesting and crucial period for the Prison Service was clearly the years 1918-39. In that time, the daily average population was between 9,000 and 13,000, well below anything experienced in the second half of the nineteenth century, the first decade of the twentieth and, of course, the period of 1945 onwards.

Our successors may be wise enough to identify this as a freak in the growth of the prison population in the twentieth century. Perhaps the fantastic casualties of the First World War decreased the potential criminal population. Perhaps the explosion of violence and energy between 1914 and 1918 removed the need for criminality to a large extent for a generation. Whatever the cause the prison population fell and stayed at a very low level, no more than 60 per cent of what it was in 1913, until the end of the Second World War.

Prison accommodation in the nineteenth and twentieth centuries

At the time of the nationalisation of the prisons, in fact on vesting day, 2 April 1878, there were 20,442 prisoners in local prisons. Add to this the total of 8,843 males and 1,251 females reported to be held by the directors of the convict prisons in 1878 and there was a total in custody of over 30,000. How were these accommodated?

The convict prisons consisted of:

Borstal
Brixton
Chatham
Dartmoor
Parkhurst
Portland
Woking
Wormwood Scrubs
Fulham - for females
Woking - for females

with a total accommodation of over 10,000.

The Prison Commission inherited 113 local prisons from the local authorities. At that point in time, there existed in England and Wales more establishments than the department controls at present although the total will be exceeded in the next few years.

Room for 37,000

The total accommodation reported to be available in the first Report of the Commissioners of Prisons was 27,213. Add this total to the accommodation in the convict prisons and the somewhat unpalatable truth emerges that there was accommodation for over 37,000 prisoners in England and Wales in 1878.

The Commission immediately brought into operation a drastic closure plan to remove many small local prisons from operational use. Appendix number 11 of the 1885-6 report lists 52 prisons closed in England and Wales between 1878 and 1886. Du Cane reports that the effect of the Prison Act of 1877 by 1885 was -

1. To reduce the number of prisons from 113 to 59 while the gross amount of prison accommodation was reduced from 27,392 to 23,089.

2. To greatly reduce the number of staff. The total cost under local

authority control rose from £179,791 in 1857 to £239,247 in 1878. Under the Commission and the closure programme, the wages bill of senior staff was reduced from £95,000 to £55,000.

More closures

The programme of closures continued through the remaining years of the nineteenth century and the prisons at Kirkdale, Kendal and York were closed. In 1902, Newgate was closed and this marks the end of the first phase of prison closures.

The second phase of prison closures followed the drastic drop in the prison population at the beginning of the First World War and sustained in the inter-war years.

An examination of the annual reports of the Commissioners of Prisons for this period reveals that the drop in the population was followed by a policy of prison closure. In the annual reports a special appendix was published giving details of the prisons closed since 1900 - an interesting contrast to Appendix 2 of current annual reports (Opening and Development of New Establishments). In the 1925-6 Annual Report, Appendix No. 5 reads as follows:

The following local prisons have been wholly closed since 1900:

			Total accommodation
Bodmin	June 1916	122 cells	
Cambridge	June 1916	121 cells	
Canterbury	Mar. 1922		
Carlisle	Mar. 1922	168 cells	
Carnarvon	Mar. 1922	78 cells	
Chelmsford	July 1915		
Derby	Nov. 1916	369 cells	
Devizes	Sept. 1914	198 cells	
Hereford	Mar. 1915	105 cells	
Ipswich	July 1925	166 cells	
Knutsford	Oct. 1915	613 cells	
Lancaster	June 1916		
Lewes	Nov. 1916		
Newgate	Dec. 1902	143 cells	
Newcastle	April 1925	377 cells	
Northallerton	Mar. 1922		
Northampton	Mar. 1922	215 cells	
Reading	Nov. 1915		
Ruthin	Nov. 1916	84 cells	
St. Albans	Nov. 1915	119 cells	

Stafford Feb. 1916
Usk Mar. 1916
Worcester Mar. 1922 393 cells

Leaving aside Newgate, the closure of which was clearly quite separate, 15 local prisons were closed in this period and entirely lost to the Service as accommodation. In March 1930, Plymouth too was closed, making a total of 16 establishments lost to the Service, since the outbreak of the First World War.

Eight of the above list were reopened at a later date and are currently in use. There are now 43 of the nineteenth century prisons left in commission, including Rochester, Portland and Usk. So, of the 59 establishments open in 1914, 24 had been closed by 1931 and 16 lost entirely for prison use.

The only new establishments opened between the wars were the three experimental open borstals at Lowdham, North Sea Camp and Hollesley Bay. Thus open places for some 500 borstal boys replaced the 24 establishments closed. Even comparing the new places created with the 16 old locals lost for good, the Service must have made a net loss of well over 2,500 places.

Re-opening the closed and opening up the new 'opens'

When the prison population began to rise towards the end of the Second World War, the Prison Commission took two different courses to accommodate prisoners. Every prison in the country left standing from the closure programme of the inter-war years was reopened and a large programme for the conversion of other accommodation [an American army hospital, an Elizabethan house, a Land Army hostel, a nobleman's country seat, an RAF airfield, a Victorian fort]* was undertaken to provide open or semi-secure establishments. Finally, with the opening of Everthorpe in 1957, came the beginning of the new generation of secure prison building.

The following table sets out the prison population and available accommodation:

	Prison year	Prison accommodation	Prison population
1878	37,000		30,000
1885	32,000		25,000
1905	25,000		21,000

1912	27,000	18,000
1925	21,000	10,000
1935	16,000 (several hundred open)	11,000
1946	14,000 (several hundred open)	15,800
1953	21,000 (4,500 places open)	23,567
1968	32,474 (11,000 non-cellular)	32,461

Conclusions

We have experienced an era from 1870-1930 when the prison population declined. This has been matched by a programme of closures which reduced cellular accommodation to about one-third of what it had been at the time of the setting up of the Prison Commission. Even today, we have no more operational establishments than the Prison Commissioners took over on 1 April

1878. In the same century the population of England and Wales has doubled.

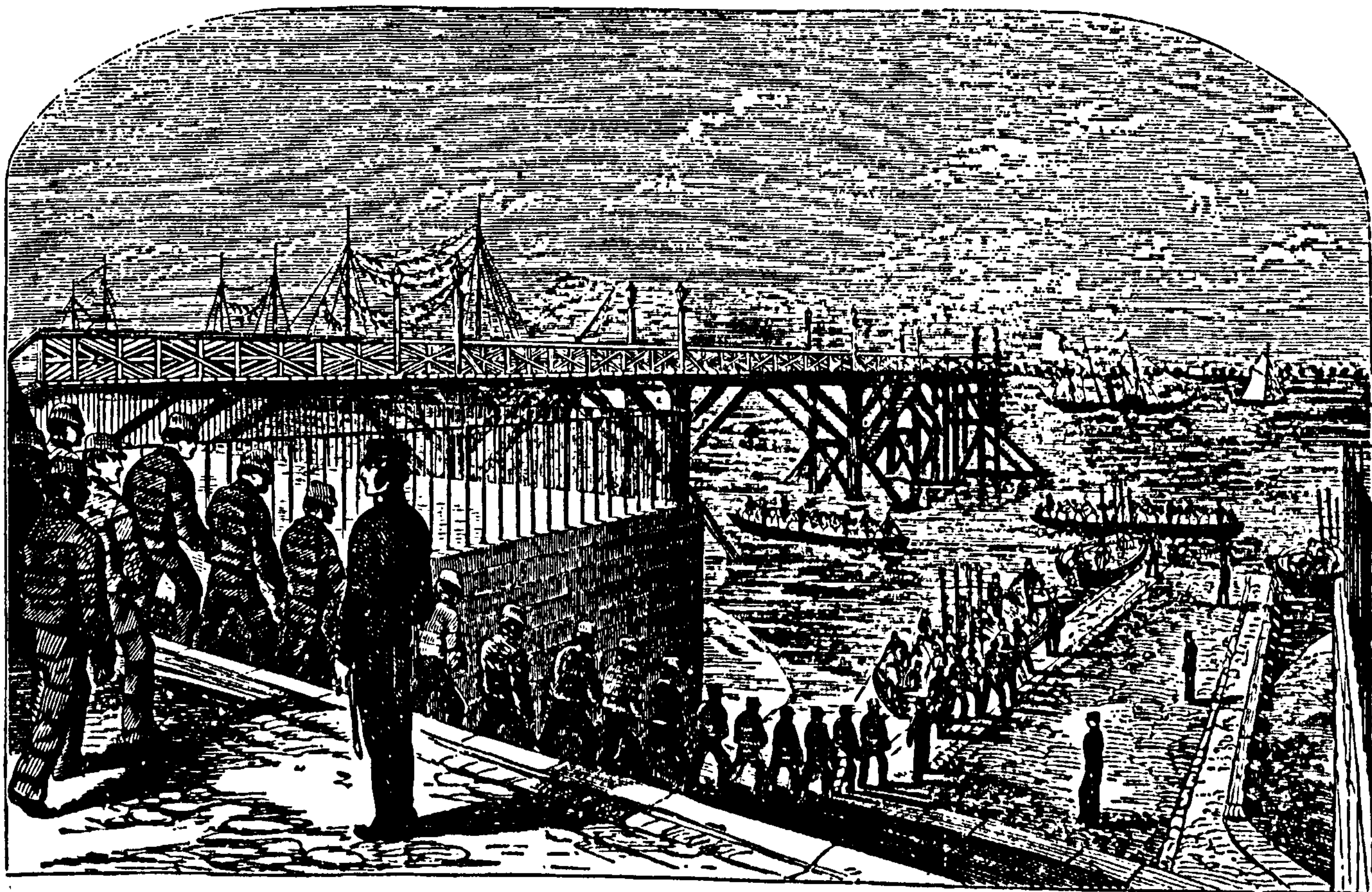
The rise in the prison population immediately after the Second World War resulted in an unpublicised decision of expediency to allow the practice of placing more than one prisoner to a cell. This has now reached unbelievable proportions where some 13,000 prisoners are compelled to share cells. It is not possible to forecast when overcrowding will be eliminated unless an unrealistically optimistic view of population trends is adopted. It is a salutary thought that the expedient of the hulks, adopted as a temporary measure in 1776 lasted between 80 and 90 years.

Perhaps what is required now is an open debate on whether overcrowding should continue. At no stage has the multiple occupation of cells been tested

in public debate and discussion, nor has it been subjected to research. Moreover, discussion on the size of the accommodation necessary for our prison population should be conducted against a realistic background of historical information rather than the persistent references to the low point of 11,000 in custody in the inter-war years. The fact that the Prison Service today has less cellular accommodation than was available for 40 years before World War I should give the public the accurate backcloth to our present frantic efforts to find more sites and to build new establishments.

Footnotes

* *The English Prison and Borstal System*, L.W.Fox p.99.



THE CONVICTS RETURNING TO THE HULKS FROM THEIR LABOUR IN THE ARSENAL.

(The criminal prisons of London and scenes of prison life: Henry Mayhew and John Binny)

Coping with a Crisis

The introduction of three and two in a cell

T.G Weiler formally Assistant Secretary of State, Home Office; member of Prisons Board 1962-66 and 1971-80

When I joined the Prison Commission in 1962, three in a cell was so firmly grafted on to the prison system, that there seemed to be no need to explain to a newcomer the circumstances of its introduction. During the next few years I was a member of the Prisons Board during the lengthy consideration given to the possibility of introducing two in a cell and the seeking of Ministerial authority for it. By the later 1970's I found that for young members of the service the advent both of three in a cell and two in a cell was lost in the mists of antiquity. They were unable to suggest the possible dates of their introduction, and it was not, indeed, always appreciated that they were two separate operations nearly twenty years apart.

With my first-hand knowledge of the introduction of two in a cell I felt a natural interest in the comparable introduction of three in a cell. I assumed that this event, the beginning of great misfortunes for the prison system, must have been the subject of prolonged consideration by the Prisons Board, a Ministerial statement, considerable Parliamentary and press interest and elaborate instructions to the service. I also thought that it would be a source of satisfaction to identify the personal contribution of senior members of the Prison Commission both to the general issue and to its detailed planning.

In the event my quest proved to be

rather an ignis fatuus. There was no formal consideration by the Prisons Board, no Ministerial statement, no Parliamentary or press interest, and no comprehensive instructions to the prison service. Nor could I even establish the precise date on which the first location of three men in a cell took place. There was certainly no appreciation that this regrettable deterioration in prison conditions would be a long-term one. As one retired colleague who was serving as an officer under training at the time commented three in a cell was not welcomed but accepted quickly, and then, like Topsy, 'just grow'd'. Notwithstanding these frustrations and limitations, I hope I have drawn together the facts that are available about three in a cell and presented them in a coherent narrative; it has certainly given me great pleasure to be able to present a comprehensive picture (dates and all) of the introduction of two in a cell. The exercise has also, as I imagine all research does, lured me down some fascinating byeways, some of which like the history of Wellingore and the need to locate two women in a cell during the War may have added footnotes to prison service history.

On the completion of my task I was left with two thoughts. First, my study of the post-war years gave me an enormous respect for the Prison Commission and their headquarters staff. None of them had any experience of coping with, or reacting to, overcrowding but this did not prevent them planning shrewdly, positively, effectively –



and promptly – for the expansion of the prison system. The confidence and resilience they displayed were well matched by the prison service in the field. Second, I had come to realise that when I came to the Prison Commission in 1962, three in a cell was only fifteen years old, well within the experience and recollection of the professional colleagues who taught me so much about the prison service and its traditions. Now three in a cell is 45 years old, its introduction as remote from (and forgotten by) those serving now as the Edwardian years of the prison service would have been for those serving when three in a cell came in. In so far as my own interest dates back to 1962 I am conscious of my own venerability.

The post-war population explosion - 1946 - 1956

When the Prison Commissioners looked back in 1956 on the first ten years after World War II, they had every reason to conclude that the prison service in England and Wales had been subjected to pressures which were unpredictable, unprecedented and alarming; and that their efforts to cope with those pressures had been both commendable and, as so often with those swimming against an inexorable tide, unrecognised!

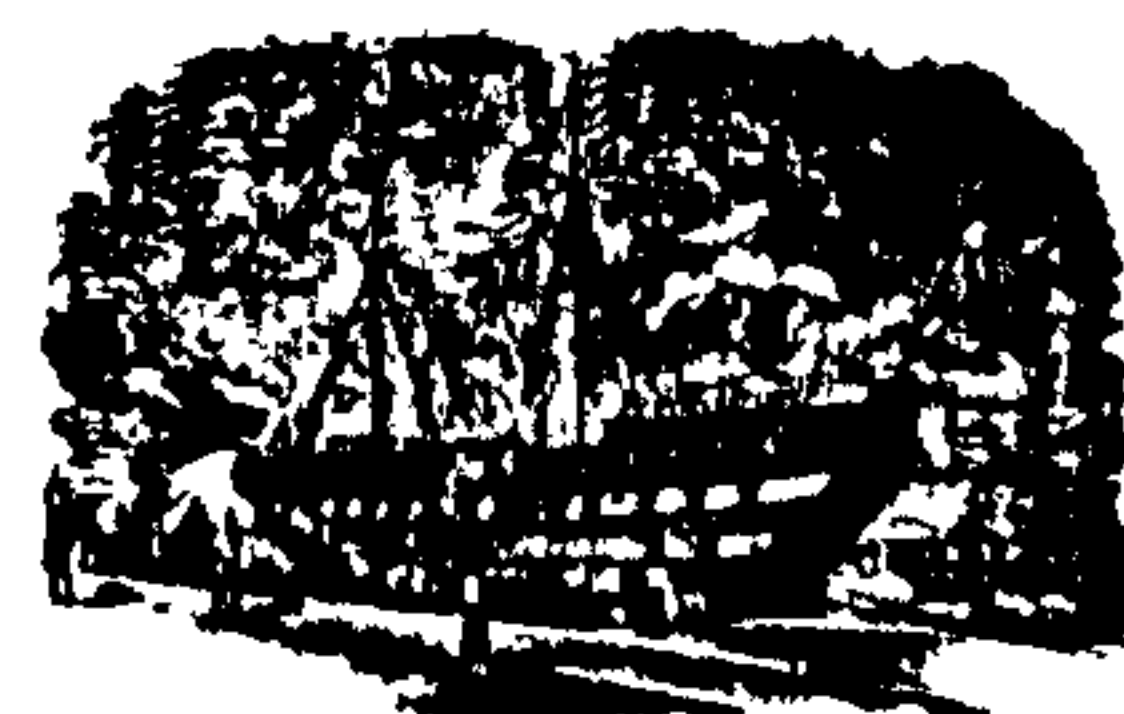
As they began to administer the return to peace-time conditions, none of the senior members of the Commission, or their staff at headquarters and in the field, had had to cope with serious overcrowding or the consequences thereof. As they themselves commented in the first of their two war-time reports, past experience had been that the prison population was relatively stable in peace-time, and that tendencies to rise and fall were so gradual that adjustments were easily made. Experience during and after World War I had been encouraging. A local prison population of 13,580 (which had already fallen from a peak figure of 21,000 in 1905) had fallen to 9,185 by March 1915, and to 7,424 by 1916 and the convict population had remained stable. At the end of the war the daily average population stood at just over 9,000 (including 1,600 females) and though numbers then began to rise, reaching

Figure I
Daily Average Population 1936-55

Year	M	F	Total
1936	9,939	674	10,613
1937	9,894	668	10,562
1938	0,388	698	11,086
1939	9,662	664	10,362
1940	8,443	934	19,377
1941	9,667	967	10,634
1942	11,223	1,014	12,400
1943	11,430	1,201	12,790
1944	11,438	1,477	12,915
1945	13,180	1,528	14,708
1946	14,556	1,233	15,789
1947	15,986	1,081	17,067
1948	18,621	1,144	19,765
1949	18,783	1,096	19,879
1950	19,367	1,107	20,474
1951	20,687	1,093	21,780
1952	22,558	1,112	23,670
1953	22,430	1,137	25,567
1954	21,229	1,084	22,313
1955	20,032	978	20,010

a figure of just over 12,000 in 1921/22, they then began to fall and held steady between 10,500 and 11,150 over the next nine years. In the early 1930's they rose to a peak of nearly 13,000 in 1933, but then fell to 10,500 in 1937 and 11,086 in 1938. The Commissioners' ability to cope with fluctuations of this order is underlined by the fact that during the inter-war years it was possible to close fourteen establishments some of which fortunately remained available to return to the system (see Appendix I).

The course of events in World War II proved to be quite different from those of World War I. There had been a small increase in the daily average population during 1939 and at the outbreak of war it stood at 11,400. This was immediately reduced to 5,750 by a once and for all early release measure. Up to May 1940 the local prison population on which the Commissioners' attention had, understandably, been focused, held reasonably steady. But then it, and the overall population, began to rise steadily. By 1942 the daily average male population (at 11,092) had passed the 1938 figure, and it continued to



rise slightly to stand at 11,403 in 1944. It would indeed have been higher - the Commissioners estimated 13,008 - but for the Defence Regulation (SR&O 1940 No.1217). This was made on 10 July 1940 and took effect from 12 August. It increased remission from one-sixth to the level, familiar in post-war years, of one-third for those serving terms of imprisonment; and from one-quarter to one-third for those undergoing penal servitude (women convicts already qualifying for one-third). It had also been noted that, as early as 1941/42, longer sentences, as well as increased convictions, were contributing to the growth. A further complication was that in the later years of the war the number of young persons sentenced to borstal training had begun to rise sharply. Their detention in adult establishments, because of the absence of borstal accommodation, had attracted Parliamentary criticism as well as reducing the accommodation available for adults. In the latter months of 1944 the upward trend appeared to be accelerating with the figures rising above 14,000.

First recorded discussion on rising population by Prisons Board

As 1945 opened there were no indications of any let-up in the short-term. The increase in the population continued (and was to reach 14,800 in June, levelling off at 14,708 for the year, the highest figure since 1914/15). At its March 1945 meeting the Prisons Board held its first recorded discussion on measures to deal with the rise - the provision of huts, clearance of stores and the use of Dartmoor for star military prisoners. At its April 1945 meeting the Board noted a slight decrease in the time borstal trainees were spending in local prisons. (They also had to deal with a major crisis in respect of accommodation for women) Obviously one of the key questions confronting the Commissioners was whether they were facing a short or long-term problem. In an April 1945 memorandum on the development of the prison system for adults submitted to the Home Secretary's Advisory Council on the Treatment of Offenders (appointed in 1944), the Commissioners commented that in the absence of statistical guidance on why recent increases had taken place and with their

inability to assess the effects, during the period of demobilisation and for some years later, of unknown and unpredictable social and economic factors, they felt they could not do other than base their forward planning on the 1944 figures. Cautious though this appreciation was, they must have received encouragement from the discussion of the level of the prison population at the first post-war governors conference in July 1945. Sir Lionel Fox asked governors to comment on any particular difficulties which were being experienced and references were made to difficulties over the classification of prisoners; the retention of borstal boys in local prisons; and to the onward transfer of convict prisoners. Sir Lionel then asked whether there was a crisis then or imminent, and governors agreed that there was in fact no crisis or any suggestion that prisoners were in a state of ill-discipline.

A war depleted service

Even if the prison population had remained reasonably stable the prison service would have had a lot of ground to make up. Even with the re-opening of Stafford (closed since 1916) in September 1939, the prison estate in 1946 consisted only of 28 local prisons (affording some 11,000 cells), four convict prisons and eight separate borstals. It is perhaps worth recording that when the highest recorded daily population (prior to 1952) since the introduction of the 1877 Act, viz 21,423, occurred in 1905, it cannot have sent any particular frissons down the then Commissioners' spines as the cellular accommodation available in their 62 establishments was 22,136 - 17,945 for men and 4,191 for women. And accommodation was only one of the factors. The prison service staff had been depleted by the demands of the armed services and essential industries; the service was not at first exempted from the post-war restraints on civil service manpower and the arrangements for the direction of labour, and had to compete with the outside competition from the full economy afterwards. The works staff had been reduced to a maintenance only level and all senior works staff were away in the forces. Demands for capital had to compete with all the other pressures on the immediate post-war economy and the reconstruction programme, and as the reply to a Parliamentary Question in May 1946 pointed out, the development of a prison



building programme depended on the availability of labour and materials.

A relentless climb

In fact, far from remaining reasonably stable, the numbers began what can now be seen as a relentless climb, though in the absence of the sophisticated population projections available to prison service planners since 1969, there was an inevitable optimism that numbers would level off. In a discussion of forward planning at the annual governors conference in July 1946, Sir Lionel Fox referred to plans for additional establishments and commented that so far as he could judge and provided the population did not rise, the accommodation pressures would be very much eased. Even when the fact that a continued increase was likely came to be accepted, the size of the likely annual increase remained uncertain. Without rehearsing the full story (see figure 1), the July 1947 daily average population of 17,300 was the highest since 1913 and the Commissioners ruefully commented that they were looking back to 1945 and 1946 as 'the good old times'. 20,000 was reached by July 1948 (the highest figure since 1911); and 24,000 in May 1952 (following an increase of 1,000 in three months) was noted as the highest figure since the Commissioners took over responsibility for prisons in 1877. This peak period was followed by three better years, with the figure of 20,400 at the end of 1955 the lowest since 1950. But the rise began again in 1956 and was to continue.

Reasons for the rise

During this period the various adverse predictive factors did not go unnoticed. The trend towards longer sentences, first noted in 1941/42 continued. The increase in borstal numbers was noted as early as 1945. The first signs that receptions were also increasing were noted in 1947. The Criminal Justice Act 1948 required the provision of new forms of treatment for persistent offenders by way of 'corrective training' and 'preventive detention'; and by 1951 it was necessary to provide accommodation for remand centres and detention centres as well as borstals for young offenders.

Managing the rise – a crash programme

The Commissioners' response to this challenge deserves the respect of the strategic planners and tactical managers of a later generation. Apart from making the maximum use of existing accommodation, their action fell broadly under the following heads:-

- a) They brought back into use a number of prisons which had earlier been closed. The re-opening of Stafford at the outbreak of the war has already been mentioned. But Pentonville (closed since May 1941 as a result of enemy action); Northallerton (closed since 1922); Reading (closed since 1915); and Canterbury (closed since 1922) were re-opened in 1946. Preston (handed over to the local authority in 1931 under the terms of the Prisons Act 1877) and Portsmouth (which had been made available to the Admiralty on the outbreak of World War II) were recovered and re-opened in 1948. Hull evacuated in July 1940 as a precaution and subsequently damaged in air raids) was re-opened as an adult prison in 1949. Lancaster (closed since 1916) was re-opened with a working party of prisoners in October 1954 and was ready for full occupation in January 1957. Shepton Mallet, in successive use by the US forces and the Army, was not recovered until a later period.
- b) They adopted a crash programme of converting service camps, country houses and disused forts to provide open prisons and borstals and soon learned the painful lessons of how difficult it was to overcome local suspicions and hostility and how long planning clearance could take. Nevertheless, Askham Grange, East Sutton Park, Gaynes Hall, Gringley, Hewell Grange, Huntercombe, Latchmere House, and Leyhill were all opened in 1946; Aldington (as a camp for Maidstone) in 1947; Sudbury in 1948; Eastchurch, Haldon Camp and The Verne in 1949; and Hatfield and Pollington in 1950. 'Falfield' was added to Leyhill as a regional prison in 1951. Campsfield House, the first junior detention centre, and the ill-fated Hill Hall were opened in 1952; Grendon Hall



(later renamed Spring Hill), Bela River, Wellingore (see Appendix 2) open prisons and Dover (as an adult prison) were opened in 1953; Blantyre House in 1954; and Ashwell and Buckley Hall (as a borstal) in 1955.

c) Changes of use were made as considered appropriate. Some examples to illustrate this are:-

(i) Parts of Chelmsford which had been used for borstal boys whose licenses had been revoked, reverted to adult use in 1948, as did those parts of Holloway which had been used as a borstal in 1950;

(ii) Camp Hill which had been closed as a borstal and opened as a convict prison in September 1939, reverted to a borstal in October 1946 and became a corrective training prison in 1950/51;

(iii) Nottingham changed from a borstal (when it had been known as Sherwood) to a corrective training prison and Hull became a borstal instead of an adult prison in 1950;

(iv) Reading (re-opened as a prison in 1946 became a borstal in 1951.

d) A substantial building programme - the subsequent first fruits of which were Everthorpe (1958), Hindley (1961) (both of which were designed and intended for use as adult prisons), Grendon (1962) and Swinfen Hall (1963) - was launched in 1950.

As the result of the expansion described above, the Commissioners were by 1956 operating 70 establishments as against 40 in 1946. But they had long before this come up against the inexorable fact that it is difficult for any crash programme to keep pace with, let alone overtake, a constant increase in the prison population and that given the restraints imposed by resources, security requirements and practical considerations, it becomes increasingly difficult to prevent matters deteriorating further, let alone improve them. Short of defaulting on the prison service's statutory obligation to accept all prisoners committed by the courts, the options open when breaking point on available accommodation

is being reached are few. But one of them is cell occupancy. The Prison Rules have always provided for the possibility of prisoners having to sleep three in a cell. From the outset of the central administration of prisons in 1877, the Commissioners had made it clear that single cell occupancy must be regarded as the norm and in their second annual report they drew attention to the steps they had taken to obviate the need for prisoners to be placed three in a cell other than in a most exceptional emergency. It was this principle of single cell occupancy which had to yield to the continuing post-war rise in the prison population, and to do so as early as 1947.

Cell Occupancy - The Statutory Background

The Prisons Act 1865 (28 and 29 Victoria c 126) brought local prisons (though still a local responsibility) into a uniform framework which included detailed regulations for the general government of the prisons and the treatment of prisoners.

Schedule 1 Regulation 26 of the Act provided that 'Every such prisoner shall sleep in a cell by himself or, under special circumstances, in a separate bed in a cell containing not fewer than two other male prisoners ... Epileptic prisoners or prisoners labouring under diseases requiring assistance or supervision in the night may at any time, notwithstanding this Regulation, be placed by order of the surgeon with not fewer than two other male prisoners' The Act did not include any corresponding provision for women prisoners.

Section 17(1) of the Act provided that "In every prison separate cells shall be provided, equal in number to the average of the greatest number of prisoners, not being convicts under the sentence of penal servitude, who have been confined in such prisons at the same time during each of the past five years".

The above provisions continued to apply after the local prisons came under central administration in 1877.

The Gladstone Committee (1894-5) did not have to concern themselves with any general problem of overcrowding. The



prison population had been falling consistently since the advent of central administration (1877: 30,972; 1894: 18,333) and there was overall ample cellular accommodation to ensure compliance with Regulation 26 of the 1865 Act. One reason for this decrease in population appeared to be a reduction in the average length of sentences.

Challenge to established practices

There were, however, two detailed points about cellular accommodation with which the Committee did concern themselves. The first was that serious charges of overcrowding in the London prisons had been made and difficulties had also arisen in Birmingham, Cardiff and Manchester. The cellular accommodation required by Section 17(1) of the 1865 Act had been provided, but this had not been adequate to cope with occasions when unusually large drafts of prisoners were received. The problem was exacerbated by what had become an established practice for the initial period of nine months solitary confinement which convict prisoners then had to undergo to be served in certain local prisons before the prisoner went on to a convict prison. Section 17(1) specifically excluded such convict prisoners from the basis for calculating the provision of single cells.

Although they had expressed the problem in the above general terms, the Committee went on to explain that the difficulties had been limited to accommodation on reception when it had been necessary to locate prisoners (other than convicts) in association, though apparently only on the actual night of reception. The Committee considered that the margin of accommodation should be increased to allow for exceptional pressures, that Section 17(1) should be amended to include convict prisoners in the calculations, and that to facilitate transfers as a response to pressures in particular establishments authority for transfers should be delegated from the Secretary of State to the Commissioners.

Need for separating some prisoners

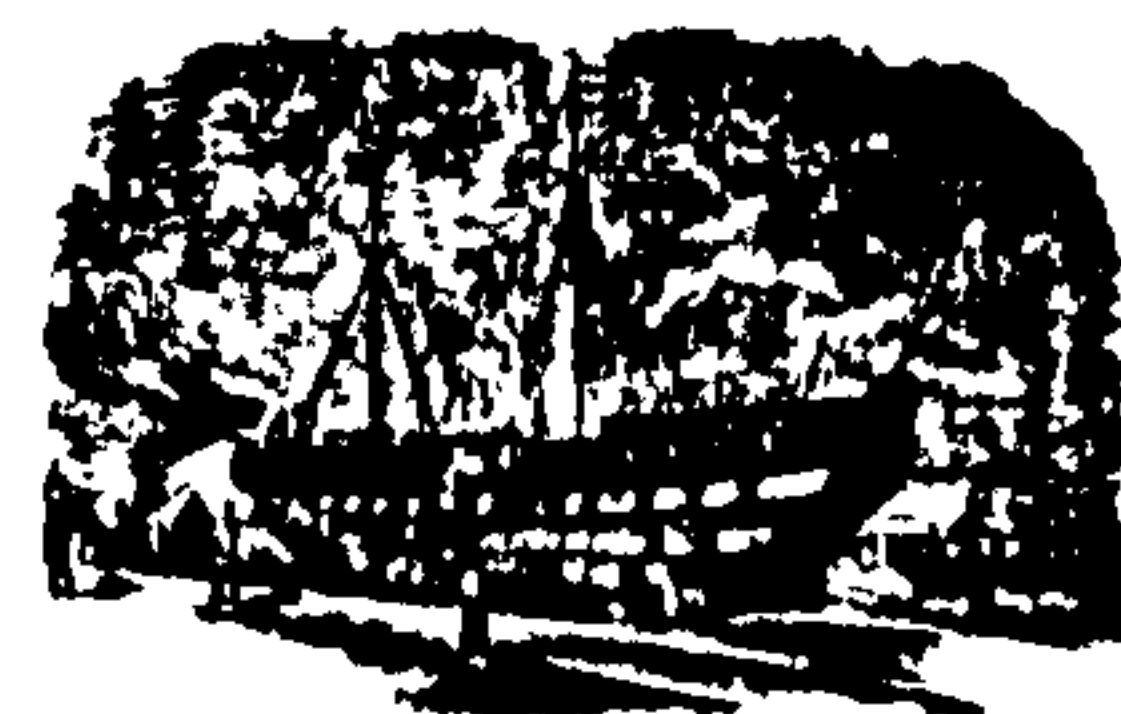
The second point concerned the operation of Regulation 26. The Committee commented⁶ that there had been some difference of opinion over this Regulation, but that all witnesses had agreed that where "association" (ie assignment to the same cell) was ordered on medical grounds, it was essential that adequate supervision should be secured. In the Committee's view the class of prisoners usually placed in association ought as far as possible to be kept separate under special treatment and medical observation. At a later point in their report they discussed the treatment of weak minded prisoners and recommended that they should be concentrated in a separate prison if possible, but otherwise in portions of a prison where they could be under special observation and treatment.

They further commented that the phrase "in special circumstances" in Regulation 26 seemed open to some misconstruction. They considered that association in sleeping cells should not be allowed in any circumstances except for medical reasons and on the express recommendation of the medical officer; and that this should be rigidly adhered to.

The Committee expressed their formal conclusions on the two areas discussed by a combined recommendation. This in fact covered three points:-

- a) There should be a larger margin of separate cell accommodation in the London and certain of the provincial prisons;
- b) A speedier method of authorising transfers should be adopted;
- c) Prisoners should never be associated on reception or during confinement except for medical reasons and on the express order of the medical officer.

Another of the recommendations which was relevant to the second of these points was that solitary confinement should in future so far as possible be served at convict and not local prisons. They recognised that it would still be necessary to assemble convict prisoners at a local prison



until there were sufficient numbers to justify an escort and "so far as possible" presumably allowed for this.

Brixton reclaimed

The Commissioners' official comments on the Committee's recommendations and the proposals they submitted to the Secretary of State were embodied in a printed memorandum. On the first part of the Recommendation they commented that they had dealt with the immediate problem in London prisons by limiting the number of convict prisoners to be held in Wormwood Scrubs. The position in provincial prisons was being and could be dealt with by administrative action (ie the authorisation of transfers when unusual pressures occurred).

They also commented that with Treasury authority they would like to recover Brixton prison from the War Office and make it a convict prison. The additional accommodation so accruing would make it unnecessary for convict prisoners to serve the initial period of their sentence in local prisons and so improve the margin of single cells available in local prisons.

On the second part of the Recommendation (see paragraph 10(b) above) they commented that no action was necessary as it was already the practice of the Commissioners to authorise transfers in anticipation of the Secretary of State's approval!

On the third part of the Recommendation they dealt separately with association during sentence and on reception. On the former they said that prisoners were not associated in sleeping cells except for medical reasons and on medical recommendation. At many prisons there were specially large cells for this purpose.

The Commissioners were unfavourable to the association of prisoners at any time except under supervision. They therefore proposed that in future all such cases should be treated in the prison hospital and the use of the larger cells in the main prison discontinued. Treasury authority would be required for the capital costs of extending prison hospitals to cope with the additional numbers and for the extra staff.

Reception procedures and accommodation

As to reception the Commissioners commented that the normal practice was to locate prisoners on arrival in a separate cell or box in accommodation detached from the main prison until they could be examined by the medical officer and passed by him for transfer to the main prison. With prisoners arriving at uncertain times and in uncertain numbers it was sometimes necessary to confine three or more prisoners in a cell temporarily until they could be seen by the medical officer. But detention in association was not allowed overnight. They proposed to remove the need for such temporary association by expanding the number of cells and boxes available. This would, however, require new construction and, at some prisons, new buildings. It might also be possible at smaller establishments to limit the initial medical examination to confirmation of freedom from infectious diseases and so accelerate transfer to the main prison, deferring the full examination (eg., for fitness for labour) until the next day.

Changes in rules offer 'Let Outs'

In view of the explicit disapproval which the Commissioners had expressed about association of prisoners, it is perhaps surprising that the Rule replacing Regulation 26 of the 1865 Act under the Local Prisons Rules 1899 (SR&O 1899 No.321) appeared to be cast in even wider terms. Rule 25 provided that "Every prisoner shall usually occupy a cell by himself by day and by night except as otherwise directed". If, for medical reasons or other special circumstances, it is necessary that prisoners should be associated, not fewer than three prisoners may be located in one room, in which each shall be supplied with a separate bed". The words I have underlined seem to add two 'let-outs' to the "special circumstances" allowed for under the 1865 Act. On the other hand, Rule 25, unlike Regulation 26, applied also to association by day and may therefore have required more discretion. Incidentally, the replacement of "male prisoners" by "prisoners" presumably extended the scope of the 1899 Rule to women prisoners, apparently without the application of the 1865 Rule.

Rule 25 held until the next

consolidation of the Prison Rules in 1933 (SR&O 1933 No.809). Rule 4, which replaced it, reverted to association at night, providing that "Every prisoner shall occupy a cell by himself at night, unless for medical or other special reasons it is necessary for prisoners to be associated. In such cases no fewer than three prisoners may be located in one room and each shall be supplied with a separate bed". Significantly this made no change from its predecessors.

It was the 1933 Rules which were operating when three-in a-cell arrangements were introduced in 1947. They were subsequently replaced by the Prison Rules 1949 (SR&O 1949 No. 1073). The corresponding provisions provided:

Rule 11(2) Where sleeping accommodation is in separate cells each prisoner shall occupy a cell by himself. Provided that where it is necessary for special reasons the Commissioners may authorise the accommodating of not more than three prisoners in a cell;

Rule 12 Every prisoner shall be provided with a separate bed and separate bedding adequate for warmth and health.

Two changes from the earlier provisions are perhaps significant. The limitation of Rule 11(2) to situations in which the sleeping accommodation was in separate cells no doubt took account of the fact that dormitory accommodation (eg., in open prisons) was a development which had not taken place even at the time of the 1933 Rules. Second, and more importantly, was the change from no fewer than three prisoners in the 1933 and, effectively, the earlier) Rules to not more than three prisoners.

The 1949 Rules were subsequently replaced by the Prison Rules 1964 (SR&O 1964 No. 388). These omitted any corresponding provision on cell occupancy and simply provided (in Rule 23) that the certification of cells should specify the maximum number of prisoners who might sleep or be confined at one time in the room or cell to which it was related and the number so specified should not be exceeded without the leave of the Secretary of State.

Provision was retained for each prisoner to be provided with a separate bed and adequate bedding (Rule 24).

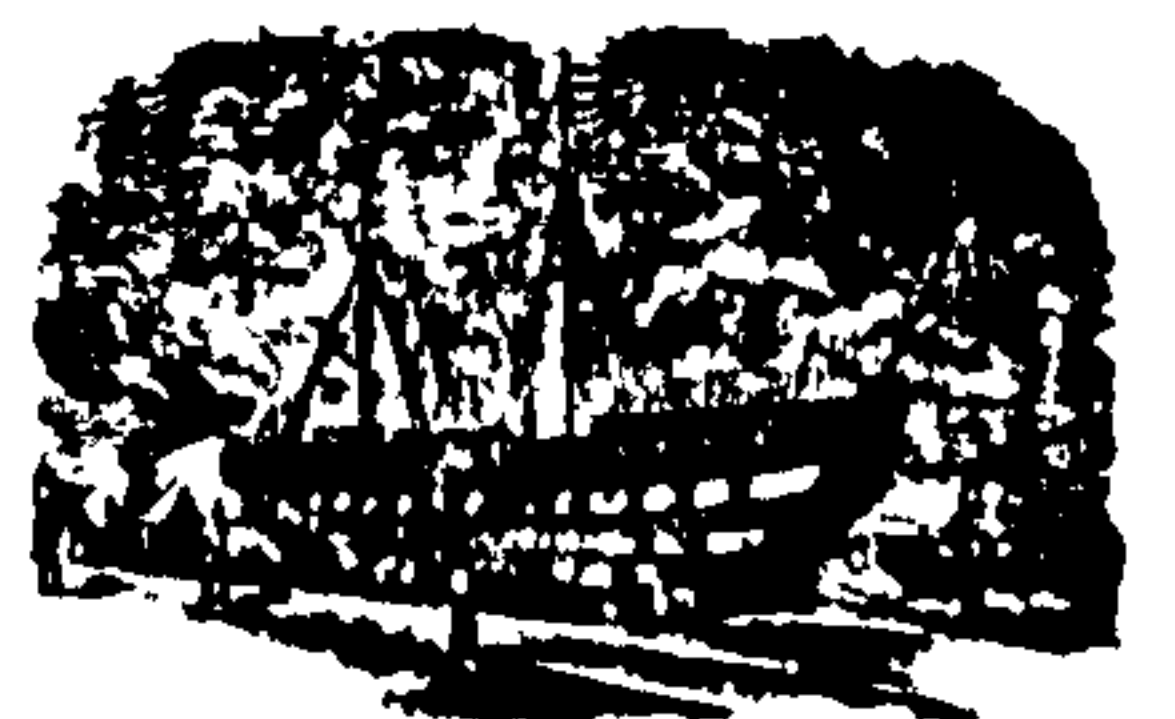
It may be worth adding for completeness that there has at no time been any statutory provision prescribing standard or minimum measurements for cells. Rule 2 of the 1899 Rules simply provided that a cell should not be used for separate confinement of a prisoner unless it was certified by one of Her Majesty's Inspectors [of Prisons] to be of such a size and to be lighted, warmed, ventilated and fitted up in such a manner as may be requisite for health, and furnished with the means of enabling the prisoner to communicate with an officer of the prison. Rule 3 of the 1933 Rules was in virtually identical terms to its predecessor but added provision for the certification of rooms and wards, ie accommodation suitable for multi-occupation. Rule 11(1) of the 1949 Rules made the same provision as its two predecessors but in application to all "sleeping accommodation", ie without separate provision for cells and wards. Corresponding provision was embodied in Section 14(2) of the Prison Act 1952, the rest of the section adding some requirements which did not bear on size.

The introduction of 3 in a cell

It is not clear when the possible need to locate three prisoners in a cell first came under consideration by the Commissioners. At meetings in July 1945 and January 1946 the Prisons Board decided that no general action was yet called for to cope with the population build up. But the February 1946 minutes record that they discussed Rule 4 and decided to take no action on the provision of "three in a cell". There is no record of any subsequent Prisons Board discussion of three in a cell until after it had been introduced.

Variations in cell size

It may be worth mentioning by way of preliminary that the comment so frequently made by journalists and critics of the prison system that three in a cell meant placing three men in a cell built for one is slightly misleading. There was no prescribed size of cell and there were in fact two



general types of cell in Victorian prisons. Most cells in local prisons were built on the Pentonville model of strictly separate confinement so that the prisoner would sleep and work in his cell and would be outside it only for exercise and chapel. (When I visited the accommodation for psychopathic prisoners at Groningen prison in Holland in 1965 the single cells were all fitted out with quite elaborate work benches or looms so that prisoners could work in their cells). Most of these local prison cells measured 13' x 7' x 9' = 819 cu. ft of air space³. In convict prisons in which the regime provided for the prisoners to work outside their cells the usual size of cells was 10' x 7' x 9' = 630 cu ft. It was only these larger cells which were considered for three in a cell. While this did not, of course, obviate the distasteful consequences of confining three men together without integral sanitation, the provision of outside workshops and facilities for communal dining and association could mitigate the effect of their daytime use.

It was for the same reason, viz. that prisoners would spend most of the day and evening out of their cells, that the cells in post - World War II prisons were limited in size and could not accordingly be used for multi-occupancy, thus restricting the relief they could provide to the overcrowded older prisons in which multi-occupancy remained concentrated. For example at Everthorpe which was the first establishment to emerge from the post-war building programme in 1958 and, though opened as a borstal, had been designed as an adult prison, the cells measured 10' x 7' x 8' = 560 cu.ft. Similarly the cell measurements in the current standard design (which includes provision of integral sanitation) are 11' 9.5" x 6' 11.5" x 7' 10.5" = 648 cu. ft. (Even in the post-war programme there were curious anomalies. The provision of cells at Thorp Arch Remand Centre which were large enough to take two prisoners and the provision of integral sanitation in the punishment block at Long Lartin (long before the planned provision of integral sanitation) appear to have been achieved without any prior discussion or express approval by the Prison Department. There is probably a monograph waiting to be written on prison cells!)

Continued use of Dartmoor

To return to the main narrative. As

the population continued to rise in 1947, the attention of the Home Secretary (the redoubtable Mr Chuter Ede) began to focus on it. His attention was first attracted as the result of problems in connection with the use and future of Dartmoor. There had earlier been considerable Parliamentary and public criticism of the need, in November 1945, to make "temporary" use of the hospital and D wing at Dartmoor (which was otherwise accommodating services prisoners) for borstal trainees. This lasted until April 1947. When it came to an end Mr. Ede had hoped to announce that the lease of Dartmoor, due to expire in 1949, would not be renewed. But in March 1947 the Commissioners produced irrefutable evidence that the accommodation could not be spared in the short-term. Mr Ede accepted this with some reluctance (and used the information to secure cabinet approval, in July 1947, for the construction of two new borstals and one new-prison to compensate for the eventual loss of 700 places at Dartmoor). The Commissioners had originally agreed to limit the population at Dartmoor to 150 in the first instance - this being the number necessary (with the services prisoners) to keep the establishment and the land in working order. But they had made it clear that this limitation would be on a without prejudice basis and by June 1947 they had come to the conclusion that the full use of Dartmoor for male adults could not be avoided. In his subsequent agreement that the figures could rise above 150 Mr Ede asked on 8 August 1947 for an early report on the causes of the increase in the prison population, and especially how far it was caused by longer sentences; whether there was any reason for supposing that the peak was in sight; and figures for individual establishments.

It would be interesting to know what the precise position was about three in a cell when Mr Ede asked for the report. When Sir Lionel Fox addressed the annual conference of the Prison Officers Association on 29 May 1947, the section of his speech dealing with the increase in the prison population contained no reference to, or prediction of, three in a cell. The report of the governors annual conference in June 1947 contains no reference to the possible/pending/actual introduction. Sir Lionel Fox's opening statement simply commented that the increases in population had occurred on the men's side and that the population of



women's prisons and borstal institutions remained reasonably stable. Similarly there was no reference to it in the discussion of staffing in the face of the rise in the prison population at the eighteenth meeting of the Prison Department Whitley Council held on 24 July. There is no reference in the Prison Board Minutes for 1947 to a decision to introduce three in a cell or any discussion of the need to do so. But it had certainly taken place by 21 August 1947 when a memorandum to all prisons (in a series equivalent to the later circular instructions) said that owing to the present high population it had been found necessary to keep prisoners three in a cell at a number of establishments. Before this was done governors must ensure that every possible vacant room certified for such purpose was utilised for sleeping prisoners. To this end all vacant accommodation in the hospital should be filled by cases from the observation landings in order that every available cell in the prison might be utilised. Any hospital wards or cells which were not required for sick or observation cases should also be used to sleep prisoners.

**"Gross overcrowding ...
getting worse"**

By 12 September 1947 Sir Lionel Fox was commenting, in the course of the comprehensive memorandum which he submitted in reply to Mr Ede's request for a report. "In fact in many prisons a condition of gross overcrowding, often involving the sleeping of three prisoners in one cell, has existed for some time and is gradually getting worse". have been unable to trace any indication that the need to introduce three in a cell had previously been submitted to Ministers either for decision or approval. Sir Lionel's submission appears to be the first occasion on which they were informed.

In the apparent absence of any central record it occurred to me that an event as significant as the first occasion of locating prisoners three in a cell would certainly have been recorded in the governor's journal for the establishments concerned. But the enquiries made on my behalf at Durham and Manchester established that the journals for this period had not been retained, and I understand that they would have fallen victim to the normal "weeding" process

applying to departmental records. I have been advised that some establishments may nevertheless have retained their journals. But as any partial record could not provide a firm basis for establishing the earliest date, I did not pursue this.

I had also hoped that the Prison Officers Magazine might have pinpointed an actual date for the introduction either by way of editorial comment or in its sections containing 'News and Jottings' from individual establishments. But this unfortunately did not prove to be the case. Editorial comment was understandably focused on staffing shortages and conditions of service, and the memorandum of 21 August was not selected for inclusion in the section devoted to reproducing official notices and correspondence. Similarly there was no reference in "news and Jottings" during 1947. The first reference of any kind was on the final page of the November 1947 issue in the form of a contribution from an officer (A.E.E.) "at a small prison" under the heading "Three in a Peter". He referred to the complications caused by trying to select three prisoners who would be reasonably acceptable to each other, as the result of the differences in their timetables for work and classes, their differing social and intellectual habits - and the shortage of staff. (He also included a sarcastic reference to an earlier article by a new recruit to the service on treating prisoners as individuals).

**"...sleeping three in a cell...
common"**

In December 1947 The Prisons Board discussed detailed proposals for the transfer to the male side of existing accommodation for women and borstal trainees and the recovery of establishments still occupied by the services against the background that the overcrowding of prisoners had reached an acute stage. Sleeping three in a cell was no longer an exceptional occurrence but was becoming common and continuous. In the absence of volunteers men were being directed to sleep three in a cell. Apart from the risk to health when prolonged, the situation was causing administrative difficulty and impeded classification and the proper operation of the Escape List procedure. Both security and discipline were threatened, though so far no serious



indiscipline had been brought to the notice of the Commissioners.

The comment on three in a cell in the 1947 Annual Report published in 20 July 1948, might appear to strike a less alarmist note than the December 1947 appreciation quoted above. Whether such an approach was felt desirable for public relations, or reflected the additional experience of the early months of 1948 can only be a matter of conjecture at this stage. At any rate para 3 of Chapter IV (Training of Prisoners) commented "one result of the overcrowding was that in almost every prison from time to time, and in many all the time, it became necessary to sleep men three in a cell. Effects were not as bad as might have been expected. Some prisoners, of course, disliked it but general reaction seems to have been to find the advantage of company outweighing the drawbacks of "crowding inn". Hygiene effects must be disagreeable but have not so far affected the general state of health. The staff and the general tempo and standards of administration have perhaps suffered most. When there are three times the normal number of prisoners on a landing to be locked up and unlocked, "slopped out", searched, served with meals speed must tend to take the place of care. It is a situation in which an officer can rarely feel satisfaction in his work and is particularly bad for the training of so many young officers." Paragraph 4 drew attention to the effect on prison industries as a result of overfull workshops and on administration generally, in particular the general problem of moving large groups of prisoners from one part of an establishment to another; the need for transfers of prisoners (and temporary detachment of staff) to less overcrowded establishments; the pressing into use as sleeping accommodation of rooms intended for education; and the inevitable abandonment of classification by wings and landings.

Paragraph 5 of Chapter VII (Health and Hygiene) of the 1947 report commented "The unprecedented rise in the population has necessitated the location of three men in a cell normally used for one for a proportion of inmates of a number of local prisons. The discomfort of this has been counteracted to a certain extent, by the advantage many of these find in association in small regular groups during the hours when they are usually alone, and few complaints have been received in consequence. While the hygiene

effects must be undesirable, precautions have been taken to minimise the risk to health and in fact the general health throughout prisons has been maintained and there has been no disproportionate increase in the sick rate and no epidemic disease has occurred".

There is one curious anomaly about the 1947 annual report. The 1927 annual report had introduced the practice of including, in the first of its appendices, extracts from the annual reports which governors, chaplains and medical officers were required to submit to headquarters. This continued in subsequent reports until World War II. This appendix was not published in the two wartime reports, this being formally recorded in their list of contents. The appendix returned in the 1945 and 1946 reports, but was omitted from the 1947 report (the Commissioners note submitting the report said that this was in deference to the government's request for paper economy in official publications). It was, however, replaced by an admittedly shorter appendix of extracts from the annual reports of Boards of Visitors. These were limited, no doubt bearing the need for economy in mind, to Bristol, Stafford and Wandsworth prisons and Lowdham Grange Borstal. The only reference to three in a cell was the comment by the Bristol committee, in expressing their concern about overcrowding, that many of the cells had three prisoners in them. The 1948 report resumed extracts from governors' annual reports still omitting extracts from medical officers and chaplains in deference to the need for paper economy. These returned in the 1949 report and the appendix was retained until the last of the Commissioners' reports in 1962.

***"...coping resolutely... with
crisis"***

Looking at the limited material which has emerged on the pattern of developments in 1947 and taking account of the apparent absence of any formal discussion or decision by the Prisons Board, of any submission to Ministers, or the issue of any general authority to the service, which the terms of the memorandum of 21 August cited above appear to confirm, it is difficult to avoid the conclusion that the introduction of three in a cell was regarded as something which had to happen once the population had passed the



point of containment in single cells, and was a reaction to developments rather than a pre-planned operation. One of the strengths of the service then, and for some time to come, lay in coping resolutely and administratively with crises rather than in forward planning. In the absence of general instructions, assistant commissioners were no doubt authorised to discuss the move to three in a cell with individual governors, and hence its piecemeal introduction. Another indication of the absence of preliminary preparation is that the issue of bunk beds did not take place until the following year and governors must presumably have been left to improvise on beds, furniture and the arrangement of cells. All this no doubt reflected the hope that the need was a temporary one which a small reduction in the daily average population would remove.

Smooth implementation at Wandsworth

The 1947 Report's comment that the change was implemented smoothly and without great resentment by prisoners has been confirmed by communications I have received from three retired governors who were serving at that time. One of them served as an auxiliary officer at Wandsworth from mid September until mid November 1947. (This was on detached duty from Maidstone while awaiting a vacancy at the Imperial Training School - as the subsequent Wakefield OTS was then known). It was during this period that prisoners started to be located three in a cell on A4 landing. He thinks that Wandsworth may have been the first of the London prisons to experience this, but may have been second to Wormwood Scrubs. He cannot recollect any noticeable reorganisation or special measures. Officers on location duties in the evening located short sentence prisoners on A4. Three bed boards were arranged U fashion. No great interest was aroused. He was not aware of any staff discussion, or canvassing of prisoners' opinions (but realises his own low place in the pecking order as an auxiliary officer). When he moved on to the Imperial Training School shortly afterwards there was no reference to three in a cell either by the instructors or his fellow students. He points out that Wandsworth at that stage, probably like the rest of the service, had a strong

middle management of Chief and Principal Officers and basic grade officers who were either pre-war members of the service or war time warrant officers or NCO'S. It was run on a confident authoritative philosophy with consultative committees and inmate participation light years away. In any case no one suspected that they were witnessing the start of something which would come to have a dominating influence on the prison service.

Another moved to Leeds as Deputy Governor early in 1948 when the 'threeing up' of some of the cells was just beginning (as was increasing the numbers in some of the larger rooms). His recollection is that the old timers on the staff were initially much concerned with what they foresaw as the potential danger of greatly increasing the number of prisoners on the landings both from a physical and moral point of view. This concern soon proved to be largely unfounded and they quickly accepted it as reasonable when it proved to be manageable. At that stage overcrowding was not acute enough to prevent a fairly careful selection of men suitable for three in a cell. In most instances the prisoners involved certainly welcomed the opportunity for company in the long hours of confinement in a local prison and behaved themselves sensibly. Faced with the alternative of depressing solitude for long hours most men readily accepted the physical disadvantages and in general, despite the inevitable squalid aspects of overcrowding, it caused surprisingly little difficulty or opposition from staff or prisoners. The peaceful introduction of three in a cell and the absence of incidents was confirmed by a third correspondent with particular reference to Pentonville. He attributed this to the care taken in selecting the prisoners to be placed together.

Parliamentary and Press Interest

Scrutiny of the very detailed Hansard indices for the immediate post-war sessions (1945/46, 1946/47, 1947/48) confirms that Parliament appears to have taken very little interest in adult prisons and prison conditions except for a) their impact on young offenders, and b) in the context of the new forms of treatment proposed in the Criminal Justice Bill (Session 1947-48) In the debate on the Second Reading, Mr (later Sir George) Benson (Chesterfield) for many



years chairman of the Executive Committee of the Howard League and one of the few members to take a continuing interest in prison conditions commented (not altogether accurately!) that the Prisons Vote had only once been put down for a Supply Day during the previous twenty years. Where interest was displayed it was usually in the form of conditions in individual prisons (raised by local members), conditions of service for staff (often raised by Mr W J Brown MP (Rugby) adviser to the Prison Officers Association) or points of day-to-day administration, rather than the increased strain on the system. Even less interest was displayed in the Lords.

Some general interest was displayed in the 1945/46 session with a Question (by Mr W J Brown) on conditions at Holloway and the need for a committee of inquiry into the state of the prisons generally and a Question at the beginning of December 1945 on overcrowding and the accommodation available. The Answers included a tabular statement of the population in local, convict and preventive detention prisons and borstal institutions; and the statement that Pentonville was being reopened. Another Question later that month provided an opportunity for delineating the proposed expansion of the borstal system. In May 1946 a Question on the reform of prison buildings received the firm reply that there was no fear that reconstruction projects would not be ready when labour and materials were available and included references to long plans for prisons specially designed for women and for psychopathic cases. There was a further Question on the prison population and the inadequacy of borstal accommodation in July 1946. There were no adjournment debates on prison topics.

In the 1946-47 session there were again no general or adjournment debates on the overall prison scene. There was an extended debate on Holloway in February 1947. This was largely concerned with the early hour of locking up (16.20hrs) and the absence of a hot drink after that time but also criticised the lack of education and recreation facilities and the restriction of privileges (including earnings) to those serving sentences of over three months. Colleagues of Charity Taylor will not be surprised that Dr Stephen Taylor (Barnet) made one intervention which suggests that

he was holding a watching brief! There were no Questions on overcrowding during the session. Such Questions as there were, were very low key (ranging from quarters and other conditions of service - Mr W J Brown being particularly active in this respect - to escapes; the provision of additional borstal accommodation, cheese for vegetarians - rationing being still very much in force - and sweet rations for prisoners in Holloway). The only Question in the Lords was on prisoners' earnings.

Not surprisingly interest in prisons during the 1947/48 session focused on the Criminal Justice Bill. The Second Reading included a number of references to unsatisfactory conditions in prisons (including first-hand comments from Mr Gallagher (Fife, West) (cf. also Mr Weitzman's (Stoke Newington) speech on the Third Reading). There was also a specific reference to the existence of three in a cell by Mr Ede on 26 February 1948 in the course of the Committee's discussion of an amendment to abolish corporal punishment in prisons. This was in terms of the numbers three in a cell at particular establishments viz Wandsworth 297; Winchester 207; Liverpool 114; Birmingham 111; and Bristol 111). But neither a Question on overcrowding and other unsatisfactory conditions on 8 July 1948 nor its reply contained any reference to this aspect. The House adjourned for the Summer Recess on 30 July before the publication of the 1947 annual report had drawn public attention to the introduction of three in a cell.

"...unannounced and without...publicity"

Similarly, there appears to have been no reference to it in the 1948-49 session, confirming the impression that it arrived unannounced and without attracting publicity. There was, however, a reference to it in the 1949/50 session when Mr Kenneth Younger (then Parliamentary Under Secretary), in answering criticisms about the slowness of introducing corrective training (in December 1949) mentioned as one of the causes of delay the fact that there were already 2,000 prisoners sleeping three in a cell. But this was over a year after the 1947 Annual Report had made the arrival of three in a cell public knowledge. There seems to have been no other significant reference to



prison conditions or overcrowding in that session.

It also seems unlikely that the press had picked up the introduction of three-in a cell before the publication of the 1947 Annual Report (July 1948). There is certainly nothing in the Times Indexes referring to it (or the general state of the prison scene) prior to this, and to judge from the treatment of the report in the Times, the Manchester Guardian and the Daily Telegraph there is nothing to suggest that they were aware of it before or that they regarded it as particularly epoch making or as a permanent feature. Perhaps understandably they seem to have accepted the Commissioners' low key approach. All three gave two half-columns to the report. In the Times, after sections commenting on the increase in populations and analysing the causes, the third section was headed "Three In One Cell". But it simply commented that the unprecedented rise in the prison population had necessitated placing three men in cells normally used for one, but that the director of medical services said that, while the hygienic effects must be undesirable, the general health throughout the prisons had been well maintained.

Its leading article on the same date under the heading 'An Overtaxed Service' commented on the upward curve in the prison population since 1944, the need for more crime prevention and the hope that the Criminal Justice Bill would reduce recidivism. It referred, without comment, to the need to sleep three men in a cell, endorsed the need for a larger staff and more and better buildings, and commended the service for its ability to make progress under such stressful conditions.

"...advantages... outweighing drawbacks..."

The Manchester Guardian's review of the report mentioned three in a cell as a fact of overcrowding with the advantages of company outweighing the drawbacks from the point of view of prisoners but as a bad situation for officers. Its leading article was commendatory about the progress made by, and the positive achievements of, the Commissioners but accepted that overcrowding and in particular "the

deplorable effects of three in a cell on staff and administration stood in the way of further improvement, and asserted that immediate remedies must be found.

The Daily Telegraph's review of the report also commented, in the context of the rise in the prison population, on the effect of three in a cell on administration. Its main leader, under the heading 'Prison Problems', mentioned three-in-a-cell as an effect of overcrowding without any particular comment, and paid tribute to the resource with which problems were being met and humane standards maintained. It concluded that what was needed was greater effort to prevent crime and that overcrowding "may be a direct result of the admitted inadequacies of the police forces".

I have not attempted to take a comparable sample of the weekly reviews but the Spectator included an article on the 1947 annual report. Under the heading 'The Crowded Prisons' it was generally sympathetic to the service's problems and its wish to make progress. After arguing rather oddly that the existing prisons were built for a substantially larger number of prisoners than the current population and that what made them inadequate was the absence of communal facilities (workshops, mess rooms, recreation rooms, classrooms etc), it stressed the impact of introducing three in a cell both by quoting from the report (particularly on the effect on the general life of the prison) and by the comment of the author (R. H Cecil) "You need to have been in a typical prison cell to realise what this means in terms of physical restraint, animal 'fug' and insanitary wretchedness .

There was no comment on the introduction of three in a cell in the Howard League's Annual Reports for 1947/48 and 1948/49, nor any discussion on the general rise in the prison population and its effect on prison conditions in the Reports from 1944/45 - 1951/52. But this was, no doubt, because the activities of the League were focused on other matters. That they were aware of the position is clear from successive reviews of the Commissioners' Annual Reports in the Howard Journal. In the 1949 Journal²⁴ Mr D E W Gibb's (a member of the Executive Committee) review of the 1948 Annual Report commented on the rise in the population (without quoting the figures for three in a cell) but drew attention



to the difference of views in the extracts from governors' annual reports on the effect of three in a cell as an illustration of the value of these reports and the animation they gave to the Report itself. In the 1950 Journal Sir Lionel Fox mentioned the 2000 sleeping three in a cell in an interesting article - 'Hopes and Achievement' - reviewing developments since the Commissioners submitted their 'Five Year Plan' to the Advisory Committee on the Treatment of Offenders in 1945. Sir George Benson also quoted the 2000 figure in his review of the 1949 Annual Report. The opening words of a 1953 resolution about conditions in Holloway submitted by the Executive Committee to the Prison Commissioners viz., "The Committee is aware of the great difficulties under which all our prisons are at present working..." no doubt reflected the League's appreciation of the effects of the increase in the prison population but there is nothing to suggest that they singled out three-in-a-cell as such as a matter for particular concern or foresaw the deterioration which would follow. Nor, as will be seen did the Commissioners' Annual Reports give them any pointer in this direction.

Three in a cell: 1948 - 1955

Presumably it was as 1948 ran on that the Commissioners and the service adjusted to the fact, or necessary hypothesis, that three in a cell was not going to be a short-term experience. On 6 February a memorandum to the service required the weekly accommodation return (Form 65) to be expanded to record how many of those shown as accommodated in cells, were accommodated three or more in a cell. At the Prisons Board meeting on 1 March the question was raised whether there would be any advantage in the current abnormal circumstances in seeking a dispensation of Rule 4-see chapter 2 para 18) to allow two prisoners to sleep in a cell instead of three. It was agreed to circularise governors on the advisability of having two men in a cell and then to discuss the matter at an ensuing conference which was to be convened to discuss trafficking. I have been unable to trace any follow-up to this discussion or record of the meeting.

Early in April 1948 a further memorandum to the service commented that

in some establishments where overcrowding had necessitated three prisoners in a cell, Rule 4 had been construed to imply that when, during the evening, one of the inmates of a cell so occupied was temporarily withdrawn for some reason, eg classes another inmate must be introduced to the cell to maintain the number at three. The memorandum advised that this practice was unnecessary and should cease forthwith always provided that Rule 4 was strictly adhered to at night, ie, that where it was necessary to accommodate more than one prisoner in a cell during sleeping hours there were not less than three. Towards the end of April, Sir Lionel Fox followed up his earlier report with a further submission to Mr Ede which included the comments "approximately 2000 prisoners are sleeping three in a cell, spread over the majority of local prisons... Although all these conditions [ie three in a cell and the other consequences of overcrowding] are undesirable and the accumulation must result in a situation of continual difficulty things had not reached the stage at which real anxiety was justified. On the whole, order, discipline and health continued to be maintained at adequate levels. The majority of men did not seem to resent sleeping three in a cell - indeed they liked it, with occasional exceptions". The minutes of the Board meeting in June record that, during his visits to establishments, Sir Lionel Fox had noted differences in the equipment of cells occupied by three prisoners. The need for a general instruction was discussed. In view of the provision of two-tier bunks - which was proceeding - no general instruction was regarded as necessary at that point but the Director of Prison Administration and his assistant directors were to give the point attention during their visits.

Looking back over the year paragraph 1 of Chapter IV of the 1948 annual report commented that during the year some 2000 men on average were sleeping three in a cell in local prisons, but that in convict and regional prisons [brought up to four in the course of that year] numbers had not been allowed to rise beyond capacity. The discomfort had been mitigated by the provision of tiered bunks and suitable furnishing in all cells used by three men. Prisoners on the whole still seemed to find that the advantages of company outweighed the drawbacks and one prisoner had petitioned complaining that he was not allowed to be one of three in the cell.



Nevertheless the situation was wholly undesirable and the Commissioners were making every effort to secure additional accommodation in order to relieve it.

"...get over... depression..."

The appendix containing extracts from the annual reports of governors included six extracts relating to overcrowding. Three of these referred to the effect on sanitary and bathing facilities, and one of these three also to the effect on the tempo of domestic routine, eg workshops, exercise yards, visits and the adverse effect on discipline. Of the other three one commented that tier bunks had been introduced in 37 cells and that while three in a cell represented a wretched state of affairs, the majority of prisoners preferred it. The second commented that it had been much more successful than he had expected - both with 'stars' and recidivists. It appeared to help them to get over their apparent depression which used to be noticeable. But careful selection had to be maintained. The third commented that locating three in a cell had been restricted to those prisoners who were out of their cell all day.

"...opportunities... for plotting..."

There were just two references to three in a cell in the Prison Officers Magazine issues during 1948. The first was in April in the News and Jottings from individual establishments. The Manchester correspondent commented that the number "three in a Peter" was increasing. At the 1948 annual conference of the Association, in the course of a discussion on a resolution about security there was a reference to the opportunities which three in a cell gave for plotting escape and ways of causing trouble.

Paragraph 1 of Chapter Four (Training of Prisoners) in the 1949 Annual Report commented that overcrowding had continued at about the 1948 level and that during the year some 2000 men continued to sleep three in a cell. Central and regional prisons continued to be sheltered from this. Paragraph 1 of Chapter Seven (Health and Hygiene) commented that concern at the effect of overcrowding was not borne out in

the sick rate and that it was significant that owing to careful selection of the occupants, complaints were negligible and the majority of prisoners preferred to share their cells with others in spite of the discomfort. The only comment on overcrowding in the extracts from governors' annual reports was that it had not caused any inconvenience at the particular [unnamed] establishment. When the numbers fell and three in a cell prisoners were located in single cells the governor had many applications from these prisoners to be again placed three in a cell. The prisoners had on the whole responded well and their behaviour had been excellent.

"...application...to share..."

The 1950 Annual Report recorded the numbers three in a cell as still about 2,000. There were two comments in the extracts from governors' annual reports. The first said that occasionally prisoners objected to sharing a cell with others, but that far oftener applications were to share a cell, the advantages from the prisoners' point of view far outweighing the disadvantages. The second said that though there were many objections to the necessity of putting three men in a cell there were some advantages. Many men liked to have companions and this had resulted in a marked effect on the discipline of the prison. It could be refreshing for men to talk freely together over a cigarette and, in that prison [unnamed], with the type of prisoner found there, the conversation had not always been on furthering crime.

After four years during which three in a cell had been stable at 2,000 the 1951 Annual Report promoted overcrowding to Chapter 1. Paragraph 2 explained that the rapid increase in population resulted in 4,500 men having to sleep three in a cell. Paragraph 4 added that, whatever the other consequent disadvantages, there had been no evidence of deterioration in health. This was confirmed in paragraph 10 of Chapter VII (Health and Hygiene). There was no comment in extracts from governors' annual reports, but the medical officer of a local prison commented, "Since we started three in a cell I myself have somewhat complacently, as probably have others, accepted the fact that prisoners liked it, but I have gone into the matter a little deeper and I think the fact that prisoners accept living in



such cramped conditions proves nothing more or less than that they accept it as a lesser evil than being locked up in solitary confinement from 4.30 until the next morning. In other words it has impressed on me for the first time in 26 years what a serious element in imprisonment enforced solitude is". The medical officer at another local prison, in commenting that the general health of the prisoners had been good with no epidemics or cases of infectious disease added that this was all the more satisfactory in view of the fact that more than one third of the prisoners were locked three in a cell. A careful selection was made for this purpose and careful watch was kept so that any case likely to cause infection, or to create a nuisance, was segregated.

The 1952 Annual Report recorded 5,638 sleeping three in a cell at the end of the year, all in local prisons. There was one comment in the extracts governors' annual reports which can confidently be attributed to Wandsworth. This was that in successive years the maximum population had risen from 1,555 through 1,607 to 1,750. The latter figure, with 750 three in a cell, had, in the governor's view, to be regarded as saturation point. In theory many more would be tripled to accommodate an even greater population but the existing feeding, sanitary and bathing facilities, currently serious overworked, could not possibly be extended without a complete rearrangement of normal daily routine. Despite the level of overcrowding discipline and order had not suffered but had steadily improved.

"...a normal and inevitable feature..."

The reduction in population in 1953, 1954 and 1955 saw the numbers three in a cell fall to 4,575, 3,200 and then 2,400. There had been a further fall to 2,100 by the end of 1956. It would, however, be misleading to break off at that point. The numbers were back at 4,000 by March 1958 and continued to rise to 6,000 in 1959, 7,000 in 1960 and 8,000 in 1961. The 1962 Annual Report, for the first time, did not record the numbers of those three in a cell. There had been no relevant comment in the extracts from governors' annual reports since 1952. It is not unreasonable to infer that the service and headquarters had come to accept

three in a cell as a normal and inevitable feature of post-war life.

Two in a cell - the background

Running through the successive changes in the Prison Rules governing cell occupation and implicit in the introduction of three in a cell was the concern of the prison service at all levels that locating two prisoners in a cell would increase the risk of homosexuality (with an adverse effect on prison discipline and on the perception of the general public). Obviously the risk could not be ignored. The prison population - male and female - was subject to compulsory celibacy and inevitably included active and passive homosexuals. A retired governor has commented that when he joined the service as an Assistant Governor II at Maidstone in 1947, a veteran chief officer was much concerned to impress on him the absolute necessity of preventing any two prisoners, at any time, from being alone together in any part of the prison! The scale of the problem and how best to deal with it were properly a matter of professional concern.

The Prisons Board had a discussion about homosexuality at its meeting on 31 March 1947. Sir Lionel Fox asked whether homosexuals should be segregated or kept out of certain types of establishments, eg., training centres, dormitory establishments or camps. The discussion was restricted to adult establishments, borstal institutions being discussed at a later meeting. It was pointed out that there were different types of homosexuals. Few were dangerously vicious and these were kept under special conditions. A small number were under treatment at Wormwood Scrubs and they were better kept under normal conditions and not segregated. There were many at Wandsworth serving short sentences for importuning and the best they could be offered was a cell to themselves. Others were bi-sexual and homosexual only in conditions of confinement. For the general run a large local prison was the safest place and any attempt at segregation would be undesirable. The most dangerous class was the passive homosexual unavoidably provocative, easily spotted and a bad influence: they were then harried and unhappy. The number was small and segregation might be desirable in the interests of the greater number. There were obvious objections to a special colony or



wing. Women homosexuals presented no special problem. It was agreed that homosexuals should generally be kept out of dormitory establishments and camps. Governors of training centres should be instructed to submit 'stars' of this type with substantial time to serve to Parkhurst. It would be desirable to segregate passive homosexuals but the means were not available. Segregation would most probably have to await the establishment of a psychiatric centre (then under consideration).

Possibly as a follow-up to the Board's discussion there was a session on homosexuality in prisons at the Governors Conference in June 1947. It was opened by Major Green (Wormwood Scrubs) who suggested there were two aspects preventing the spread of vice and the treatment of homosexuals. From the administrative point of view there were two categories - the active and the passive; and these in turn were subdivided into trainable and untrainable.

The active were of three kinds

- a. the curious - infantile sexualists, trainable and did not flaunt their weakness
- b. the convert - susceptible to public opinion in prison and trainable
- c. the oversexed - untrainable.

The passive were of two kinds

- a. exhibitionists - untrainable but needed sympathy
- b. professionals - untrainable but the prices in prison were not high enough - usually passive during their sentences.

Obvious cases could be identified on reception, less obvious on subsequent reports. He recommended that the untrainables should be separated from the trainable - on the basis either of their offence or subsequent observation. Exhibitionists should be given medical supervision. The oversexed should always be kept under supervision. The trainable should be kept on ordinary location and treated as normal prisoners but watched carefully.

Mr Cape said that during seventeen months as governor of Manchester he had not had a single case on report and no

special steps were taken to deal with male homosexuals. Lesbianism among the women prisoners was more of a problem. (Manchester then had a women's wing). Mr Ball said that Wandsworth had only six homosexuals in a population of 1200. Mr Richards said that he had had only one case at Birmingham, but women prisoners made attempts to send out indecent letters.

Sir Lionel Fox commented that the small numbers formally reported were not necessarily conclusive.

Mr Henderson (Leyhill) asked that homosexuals should be kept out of open establishments.

Major Guise Moore (Wakefield) thought it was the latent homosexuals who presented difficulty.

In rounding off the discussion Sir Lionel Fox commented that homosexuality was latent at all establishments and could best be kept in check at local prisons. In borstals the main problem was with boys identified as compliant and accessible. Allowance should be made for those who were just curious and experimenters as against the persistent.

Dr Methuen, the deputy chairman, advised governors to be alert for the first signs but not to exaggerate the problem. In local prisons any relevant information should be recorded for future information. In borstals individuals should be tackled. Firm disciplinary action should be taken with a chronic persistent offender who was a corrupter of youth.

There were a number of indications in this discussion of the same firm faith of governors that their establishment was immune to a general malaise (of whatever nature) as one finds in the armed forces with commanding officers of regiments and captains of ships. It is perhaps not unfair to follow it with one of the extracts from governors' annual reports which appeared in the 1949 Annual Report.

"An important factor which calls for the utmost vigilance of staff is the prevention of homosexual practice. A recent check of the records showed that 83 prisoners at this establishment [unnamed - possibly Parkhurst] have



been convicted of indecency and this number includes 57 homosexuals. The latter are not slow to form friendships with other men and a large number of reports for smashing up-cell furniture and refusing labour have been the direct result of a 'divorce' between the two parties concerned, when a homosexual has transferred his friendship elsewhere. The staff are fully alive to this and steps are taken to prevent any indecency or unseemly behaviour. It is, however, a serious problem which becomes more pronounced in an establishment where long sentence men are detained."

Seeking Governors' views

Against this background it is interesting that in March 1948 the Prisons Board discussed whether there would be any advantage "in present abnormal conditions" in seeking a dispensation [from the Home Secretary] in respect of Rule 4 of the 1933 Prison Rules to allow two prisoners to sleep in a cell instead of three. It was agreed to circularise governors generally on their views on the advisability of having two men in a cell and to discuss this at a meeting which was to be arranged to discuss trafficking. Unfortunately subsequent Board minutes contain no reference to the outcome of this meeting or the results of the canvas of governors. But it would appear that either governors reacted unfavourably to two in a cell, or the Commissioners themselves decided not to pursue the idea.

There the possibility of introducing two in a cell appears to have rested until October 1960. In that month the governor of Wandsworth (Brigadier Paton-Walsh) asked for authority to relieve overcrowding by accommodating two men in a cell instead of three. It appears from the subsequent headquarters minutes that he had in mind H and K wings which were regarded as training wings and in which prisoners were still being located one in a cell. He doubted whether the old assertion that two are a danger but three are not was valid and commented that the sexually ill-adjusted man was a risk in any communal grouping. He felt that the training wing situation would be excellent for such an innovation.

The Chief Director (Mr R D Fairn)

was in favour of a three months experiment. He doubted if the influence of a third man discouraged either escaping or homosexual practices, and pointed out that at Eastchurch, admittedly in unlocked accommodation, the Preventive Detention prisoners, men of 45 and over, had been housed two in a room. Two in a cell conditions would be more tolerable and would help to spread the load of overcrowding.

Disadvantages of three in a cell

This was discussed at a meeting chaired by Mr A W Peterson (who had recently succeeded Sir Lionel Fox as Chairman of the Commission) with the Director of Medical Services as well as the Chief Director and Director of Prison Administration (Mr J Holt). In favour it was argued that there was no obstacle in the prison rules; it was normal practice in Vienna to locate two in a cell; three in a cell had not discouraged escapes - and had, on occasions, seemed to encourage them - and there was no positive evidence that it discouraged homosexuality; bullying was intensified because two prisoners could - and did - set on the third.

The two main objections were first the limited use to which it could be put. There was no scope for it in local prisons because of the existing overcrowding. It would not be practicable at Dartmoor because of the small cells; there was strong objection to making Preventive Detention prisoners double up; the total population at Wakefield could not be increased and there could not be much object in doing it at Maidstone alone.

The second was the existence of a strong public opinion, based on policy statements by the Commissioners, that three in a cell discouraged homosexual practice while two in a cell would increase the risk. The DMS thought that the presence of a third man might often have an inhibiting effect on a prisoner tempted to homosexual activity merely as a relief and that there was therefore some foundation for the public view. The only real argument in favour of two was hygiene.

It was agreed that experience in open prisons with unlocked accommodation was not comparable. The possibility of restricting the change to short term prisoners (among



whom homosexual practices were said to be unlikely) was rejected.

Mr Peterson concluded that present circumstances with 7,000 located three in a cell was not an appropriate time to grasp the nettle. If a point was reached at which the number three in a cell fell to 2,000 or 3,000 it might be worth reconsidering as it would then be less easy to justify accommodating the smaller number in such uncomfortable conditions. The temporary housing of two men at Ford could continue but the governor of Wandsworth's request must be refused: "I think it must be assumed that "Ford" was a slip of the pen for "Eastchurch". There had been no reference to two in a cell anywhere but at Eastchurch in the discussion and there was no reference to Ford having two in a cell in later discussions. There the matter of two in a cell rested for the next three years.

Women already two in a cell

It is interesting that these discussions contained no direct reference to the fact that on two occasion during the war it had been necessary to locate women prisoners two in a cell. In September 1943 it was reported to the Prisons Board that as the result of overcrowding in the women's accommodation at Manchester, prisoners were sleeping two in a cell contrary to Rule 4. This was because the size of the beds precluded the provision of three of them in one cell. The Board agreed that urgent consideration should be given to the possibility of taking all or part of another wing into use for women, or of finding some rooms which could be used as an alternative to cells and possibly occupied with two-tier bunks. They also agreed that the fact it had been necessary to contravene Rule 4 must be reported to the Home Secretary.

I have been unable to trace any direct follow-up to this and the crisis was presumably a temporary one. But a further crisis arose in the early months of 1945. Miss Mellanby, the Assistant Commissioner responsible for women's establishments, reported that the level of the women's population had settled at a point well above danger level. The pre-war figure of 700 had risen to 1,152 by 1942, 1,332 in 1943, 1,410 in 1944 and 1,701 by April 1945. What made the matter particularly serious

was that the authority of the Home Secretary for departing from the requirements of Rule 4 - presumably obtained in the context of the 1943 crisis - had been on the assurance that no woman would be located two in a cell against her wishes and that very careful choice would be made in order that no objections on moral grounds might be justified.

By April 1945 it was no longer possible to honour these assurances. At Birmingham in particular there had been occasions when every single cell was doubled and all available dormitory accommodation used even if the women were unwilling or unsuitable. Aylesbury and Holloway had adequate accommodation but Birmingham, Cardiff, Durham, Exeter and Manchester - all establishments with women's wings - with cell accommodation for 665 had to accommodate 848. Shortage of staff was exacerbating the conditions. (In the extracts from governors' reports in the 1945 Annual Report the governor of Cardiff commented that the accommodation in the women's wing was strained to its utmost for the first four months, practically each cell having two women, and that it nearly became necessary to place three in a cell!

Having considered the position at its April 1945 meeting the Board decided that it would not be unreasonable to ask the Home Secretary to authorise action either by asking courts to keep down committals or by discharges to keep the population down to a level which would permit one prisoner to a cell (after allowing for the accommodation in wards and rooms). Sir Lionel Fox accordingly put forward to the Criminal Division of the Home Office a "drastic but simple proposal that when the population in a women's prison reached a prescribed maximum the governor should be authorised to discharge weekly a sufficient number of women to keep the population down to the prescribed level".

The Home Office delayed immediate action and by May 1945 numbers at Cardiff, Durham and Exeter had fallen to a point where no doubling was necessary and the doubling necessary at Birmingham and Manchester had been reduced to 28 and 18 respectively (see Fig II). The Criminal Division accordingly felt that, in view of the inevitable scope for misunderstanding and criticisms by the judiciary (and the public)



Figure II**Population in Women's Wings April/May 1945**

Establishment	Single cells	Dormitory	Total	Max held*	Pop May '45
BIRMINGHAM	98	22	120	237	148
CARDIFF	75	10	85	120	76
DURHAM	115	10	125	141	108
EXETER	34	25	60	64	52
MANCHESTER	245	30	275	286	293
Totals			665	848	677

* Up to April 1945

such drastic action as the Commission proposed must be deferred as long as possible. However they did suggest a scheme with practical limits aimed at preventing anomalies and reducing the scope for criticisms.

The Commissioners were not happy because the reduction in numbers had not significantly ameliorated conditions they regarded as indefensible. Nevertheless by August they were prepared to let matters rest and it appears that the women's population subsequently continued at a low enough level to be contained. There was no reference to this temporary crisis in the 1945 Annual Report - other than the extract from the governor of Cardiff's report. The Annual Report simply commented that the daily average population for women showed a rise from 698 in 1937 to 1,477 in 1944; that this rose to 1,528 in 1945; but that the number in 1946 was falling fairly rapidly and would probably be below the 1944 figure. In the memorandum which the Commissioners had submitted to the Advisory Council on the Treatment of Offenders in April 1945, - at the height of the crisis but presumably drafted a little earlier - they indicated that there were some grounds for supposing that the increase related to wartime conditions and that, if that was so, a return to more normal conditions might bring a return to something like the pre-war level.

In the light of the severity of this crisis - short lived though it was - and the strong measures which the Commission contemplated to cope with it, it is perhaps a little ironical that in their subsequent review of developments from 1946 to 1955, the Commissioners stated "there has never,

fortunately, been any overcrowding among women whose numbers have not increased in the same way as the men's". Presumably they felt justified in the hypothesis they had put to the Advisory Council that the increases had been caused by wartime conditions.

Two in a cell - the introduction

In February 1964 the governor of Chelmsford (Mr Norman Golding) asked for authority to put two men in a cell (as an alternative to three) commenting that this would make the distribution of prisoners much easier and would assist considerably with the numbers. He recommended that:-

- all the prisoners involved should be volunteers
- they should be carefully checked by the governor
- they should not include sex or GBH cases.

He also commented that he understood that two men were allowed to occupy side-wards at Grendon.

In sending this forward to the Chief Director (Mr R D Fairn), the Assistant Director responsible for Chelmsford (Mr G B Smith) commented that the point about the application was that some cells at Chelmsford were on the small side for three prisoners but would hold two comfortably.

Mr Peterson (then AUSS in charge of Prison Department) agreed that the suggestion should be referred to the next meeting of the Adult Offenders Committee with information about any experience with two in a cell and an indication of the implications for accommodation if this became the general practice.

The Adult Offenders Committee considered the matter at its meeting on 1 June 1964 on the basis of a note from its secretary (Mr T C Platt) outlining the governor's proposal (with the Assistant Director's comment on the existence of smaller cells) and reporting (after consultation with the governors concerned) that.



- a. Preventive Detention prisoners at Eastchurch open prison had been located two in a room for some years. The men appreciated it and there had been no problems.
- b. Drake Hall open prison located two men in a room and had experienced no problems but the doors to the rooms had been removed.
- c. Grendon psychiatric prison had some side wards which could hold two at a time but they had not yet been used for this purpose. The only prisoners accommodated in them were those receiving aversion treatment for alcoholism.

An Experiment at Chelmsford

The current three in a cell figure was 6,315. The Committee (without apparently giving any consideration to Mr Peterson's point about the wider implications for accommodation of such a change of policy) recommended that ministerial approval should be sought for an experiment at Chelmsford.

In his subsequent submission of 26 June 1964 to Mr E H Gwynn (then chairman of the Prisons Board) Mr Peterson rehearsed the traditional fear of increased homosexuality two men were located in a cell and the absence of any real positive evidence about this. He explained the existing exceptions at Eastchurch and Drake Hall, pointing out that such open establishments observation by night patrols was obviously easier than with locked cells but that no undesirable incidents had come to notice. Earlier consideration of a possible change would have been academic because the level of the population required men to be three in a cell to allow enough single cells for men who could not, for various reasons, be allowed to share a cell. Recent reductions in overcrowding were reaching a point where the number of three in a cell might be down to 3,000 (ie a surplus population of 2,000). This would make it worth considering the alternative of locating 4,000 two in cell.

Three in a cell was, of course, predominantly a local prison problem. If allowing two men to share a cell in closed

local prisons was not to be ruled out as wholly unacceptable, some limited experiments would be prudent. Some of the smaller prisons which had only a few men three in a cell would make this feasible. Chelmsford would be particularly suitable because many of its cells were too small for three prisoners but could take two. It would also enable the population of Chelmsford to be increased providing a modest relief for the London prisons, and enabling better use to be made of the workshop and training facilities at Chelmsford.

Mr Peterson accordingly sought authority for an experiment at Chelmsford and at two or three small local prisons. The men would be very carefully selected by the governor; all men convicted of sexual offences, or suspected of homosexual tendencies would be excluded. The staff, and in particular the night patrols, would be instructed to exercise careful surveillance and to report any suspicious incident. The proposal was endorsed by Mr Gwynn, Sir Charles Cunningham (PUSS) and Lord Derwent (Minister of State). The Home Secretary, Mr Henry Brooke, minuted on 6 July "I readily agree to this hopeful experiment".

In a subsequent minute on the file Mr Peterson recorded that the Board had agreed that an experiment should proceed at Hull (which also had cells too small for three but large enough for two) as well as Chelmsford and that the governor of Bristol should be asked whether it would be practicable to carry out an experiment there. The attention of the governors should be drawn to the conditions his submission had stipulated and they should be asked for a report in six months time. The choice of establishments was interesting in that Chelmsford and Hull were training prisons, ie, holding sentenced prisoners only, as well as having a proportion of smaller cells, whereas Bristol was a local prison (and no comment was made that it also had smaller cells).

Draft minutes to the three were prepared on the above lines but Mr Peterson decided that while Chelmsford should proceed, the assistant directors concerned should discuss the proposal with the governors of Hull and Bristol. If they felt able to go ahead, if necessary after consultation with their staff, they could be authorised to do so.



Selecting prisoners for the experiment

Subsequent developments suggest a certain amount of bureaucratic mismanagement or, at least, absence of communication. Authority was despatched to Chelmsford on 14 August, embodying the three conditions and adding that it was unnecessary for the prisoners to be volunteers (cf a. in the governor's own proposals above). The governor duly reported in February that he had begun interviewing men in September. B4 landing was suitably equipped and over several weeks sixty men were chosen as suitable to be included in the experiment. All the men were volunteers and were interviewed with the men they had proposed as a cell companion. No sex cases or perverts were selected and care was taken to ensure that the men were a reasonably balanced pair. For various reasons about one in ten was rejected as unsuitable. So far only two men had complained about their non-selection on the grounds that this implied that they were suspected of being homosexuals. In December the scheme had been further extended - on the same criteria - to include some seventy of the men admitted to the "new Training Wing". This had brought the number in double cells to 150. So far the scheme had worked well though the governor still felt that the men ought to be volunteers. The doubled cells were comfortable and, having selected their own companions, the men were reasonably content. While some concern had originally been felt and closer than usual supervision had been given to the doubled cells, there had been no problems and no cause to regret the experiment. The increased number in doubled cells had increased the availability of single cells. Approximately 100 men were still three in a cell but, as their turn came for consideration, they could be given the option of a single, or double, or remaining three in a cell.

The arrival of this report led to enquiries to the assistant directors concerned about what had happened at Hull and Bristol, about which nothing had been heard. Mr S C Clarke reported that Hull had been unable to proceed because of the effect the experiment would have had on overcrowding at Leeds. At first this might have seemed inconsistent with the position reported to the Prisons Board viz. that Hull, like

Chelmsford, had a number of cells which could take two but not three prisoners. But if these smaller cells were being reserved for prisoners who had, for various reasons, to be located singly so that all the larger cells could take three prisoners, the effect of putting two men in the smaller cells could have been to make it necessary to reserve the equivalent number of larger cells for single occupation with a net reduction in the relief which could be offered to Leeds. Mr G B Smith reported that Bristol had been asked to try out the experiment and would report at the end of April. It is not clear when these instructions were issued to Bristol, but I would suspect only after the reminder. At any rate the 1964 Annual Report, which was presumably in the course of preparation at this time, recorded only the "interesting experiment" launched at Chelmsford in September. It commented that no difficulty had so far been found and quoted the governor's report that it had "contributed to a lessening of tension" as they now had roughly "140 men in single cells, 160 in double cells and 100 men in treble cells". Incidentally this latter quotation does not come from the governor's formal report on the experiment and was presumably either extracted from his annual report or collected *ad hoc* in the course of the preparation of the 1964 Annual Report.

The Adult Offenders Committee reviewed the position at its meeting on 22 March 1965. The success of the experiment at Chelmsford (and the fact that most of the men were volunteers) was noted, as was the inability to launch it at Hull. It was explained that Bristol had "recently" started a similar experiment and it was hoped a report would be available by the end of April. It was the practice there to examine prisoners for a month or two before deciding to place them two in a cell. It was also commented that as Lewes (a local prison which had a separate training wing) was not overcrowded an experiment there would be unnecessary - this is of interest as the Prisons Board had not asked for Lewes to be considered for this purpose! The Director of Prison Administration (Mr Hugh Kenyon) expressed doubts about the feasibility of the scheme for local prisons where prisoners often arrived at night and had to be allocated to cells immediately.

Extending the practice to Hull

The Committee further considered the



position at the end of May. The governor of Hull had in the meantime been able to introduce the experiment at the end of March and reported after six weeks. He explained that 28 cells had been set aside for the purpose. It had made more space available in those cells. This made it easier to keep them clean and tidy and the two men responded better in this respect. The men seemed to be cleaner and the air was fresher. The maximum benefits were achieved only if two-tiered bunks were available. Careful selection was important and this was best left to one or two senior officers who, if successful, should be given a free run. The governor had had no complaints from any man involved. There had been an improvement in self-discipline which aided smooth running of the wing and improved the staff/inmate relationship. Finally there had been no evidence that homosexual practices were on the increase or that they existed at all as a result of the experiment. The assistant directors reported that the experiment had been successful both at Bristol and Hull and had the approval of the staff. What concerned the Committee was that if the scheme was introduced generally it would increase the number of places in establishments with all their population in single cells, but reduce the number of places in establishments where it replaced three in a cell. If governors were given discretion, two in a cell in some establishments might make it less possible to reduce overcrowding elsewhere. There would also be problems about placing prisoners two in a cell before they had been in the establishment for some time. It was however agreed to seek Ministerial approval for the principle of putting two men in a cell, leaving the application of the policy to be worked out in greater detail.

The Committee were then asked to reconsider the application of single cell establishments. They then decided in August 1965 that the wider introduction should not extend to "central prisons" but should be limited to local and any other overcrowded prisons. In these, all cells which were at least 13' x 7' x 9' (ie local, as against convict prison size see Chapter Three paragraph 2) could be made available for two men in a cell, subject to sufficient single cells being retained for special cases; and governors should have discretion to locate two men in a cell even while some prisoners remained three to a cell.

Introduction to Locals

On 29 November Sir Charles Cunningham sent forward a submission to the new Home Secretary (Sir Frank Soskice). It reported past practice and the success of the experiment at Bristol, Chelmsford and Hull and sought authority to introduce two in a cell in local prisons on the lines proposed by the Adult Offenders Committee. Ministerial approval was given on the same date.

Local prisons were so advised on 30 December and the formal Circular Instruction (No 7/1966) followed on 7 January 1966. This was held to be just too late for the 1965 Annual Report to include a reference to the general introduction! It accordingly limited itself to the extension of the experiment and recorded that the number sleeping two in a cell had increased from 178 to 364. There was a curious feature about the details which it provided about the extension. The discussions in the Adult Offenders Committee about the experiments - and the reference to them in the submission to Ministers - had been restricted to Bristol, Chelmsford and Hull. But the Report stated that the Chelmsford experiment described in the 1964 Report had been extended during the year to Bedford, Leicester, Norwich and Swansea - all local prisons - as well as Bristol and Hull! (Free enterprise on the part of the assistant directors concerned?)

The Circular Instruction gave governors of local prisons discretion to locate male prisoners two in a cell subject to the conditions that:-

- a. the men should be carefully selected by the governor
- b. all men convicted of sexual offences or suspected of homosexual tendencies should be excluded
- c. any cell used to accommodate two prisoners should measure at least 13' x 7' x 9'
- d. sufficient single cells should be retained for prisoners as at b. and for any other special cases.

Future accommodation returns should show separate figures for prisoners two and



three in a cell. The Governors of Chelmsford and Hull (to which the C.I. did not apply) were given authority to continue locating prisoners two in a cell.

The 1966 Annual Report simply recorded that the number sleeping two in a cell had increased from 364 to 1,494 and went on to comment - in the context of cell sharing - that experiments in allotting two prisoners in a cell begun in 1964 had been found satisfactory and extended. From then on two in a cell seems to have been accepted by staff and prisoners without any ripples and certainly made a significant contribution in subsequent years to reducing the discomfort of overcrowding.

Summary

World War II, in contrast to World War I, had seen a steady and accelerating rise in the prison population, despite an increase of the pre-war rate of remission in 1940. This increase continued in 1945, and subsequent years established that there was nothing short-term about it. By 1952 the numbers had risen above the previous highest figure during the Prison Commissioners' tenure viz. 21,243 in 1905. The Prison Commissioners had to adjust to this with only 40 establishments - 28 local prisons (affording some 11,000 cells); 4 convict prisons and 8 separate borstals. Prison service staff had been depleted by the demands of the armed forces and essential services, and recruitment had to compete with post-war manpower controls and competition from the full economy. Work on prison buildings had been restricted to essential maintenance during the war and the service's subsequent need for labour and materials had to compete with national pressures and the reconstruction programme.

The Commissioners responded vigorously and constructively to this challenge. They reopened a number of prisons which had previously been closed; they adopted a crash programme to provide open prisons; they made flexible changes in the use of establishments; and they secured authority for a substantial building programme. But while they hoped - incorrectly as events proved - that this combination would eventually enable them to cope with the population increases, it could not provide a short-term answer and it

was as early as 1947 that compliance with the service's statutory obligation to accept all prisoners committed by the courts made the maintenance of the long established principle of single cell occupancy impracticable.

The original Commissioners had made it one of their earliest targets to ensure that single cell accommodation should be the norm, and the Gladstone Committee endorsed this. The effect of the Prison rules operating in 1947 (and of their predecessors) was that every prisoner must occupy a cell by himself at night, and, if medical or other reasons made this impracticable, then no fewer than three prisoners could be located together. There was no provision authorising two prisoners to be located in a cell until the Prison Rules 1949 permitted the Commissioners, for special 'cases' to authorise the accommodation of "not more than three prisoners" in a cell.

The first introduction of three in a cell does not appear to have been the subject of a formal decision by the Prisons Board; or of a submission to Ministers (still less a Parliamentary statement); or of the issue of any general instruction to the prison service. It was restricted to the larger cells, mainly in local prisons, built for a prisoner to work and spend the day, as well as the night, alone (being outside only for exercise and chapel). It seems likely that it first became necessary in July or early August 1947 and that each local prison introduced it as single cell accommodation ceased to be sufficient. It was at first exceptional and careful selection was practicable but by the end of 1947 it was becoming common and continuous and it had become impossible to operate it on a voluntary basis. It created inevitable problems for administration and regimes but did not give rise to health hazards and was at this stage welcomed by most prisoners as an alternative to long hours of solitary confinement. The improvised arrangements no doubt reflected the hope that, however distasteful the need was, it was a temporary one which a small drop in the daily average population would remove.

There was little apparent Parliamentary interest (in either the Commons or the Lords) in prison conditions and the prison system in the first three post-war sessions until the debates on the Criminal Justice Bill in the 1947/48 session. There had been no Ministerial Statement at



the time of the introduction of three in a cell. An incidental reference by the Home Secretary in February 1948 in the course of a Committee discussion on an amendment to abolish corporal punishment in prisons was not followed up. Similarly the press appear first to have become aware of the development as a result of the references in 1947 Annual Report (published in July 1948), and accepted the Commissioners' low key approach. They do not, at this stage, appear to have been alert to the deterioration which might follow.

By 1948 the number three in a cell had risen to 2,000. The provision of two-tier bunks (in place of bedboards) began. After holding steady for four years the numbers increased to 4,500 in 1951 and 5,600 in 1952. Reflecting a drop in the prison population the numbers fell to 2,100 by the end of the next few years. They then began a steady rise reaching 8,000 in 1961. While the Annual Reports for earlier years continued to include comments on the effects of three in a cell from governors and medical officers in the extracts from annual reports from establishments, there were no such comments from 1952 onwards and the 1962 Annual Report ceased to record the numbers three in a cell. It would appear that by then three in a cell had come to be accepted as a normal and inevitable feature of post-war life.

Three in a cell as the only remedy for overcrowding continued into the 1960's. Although the Prison Rules had since 1949 permitted the location of two in a cell (see paragraph 3 above) there had been long standing concern that this would increase the risk of homosexuality with adverse effects on prison discipline and public opinion. The possibility of authorising a limited experiment with two in a cell was considered in 1960. But it was felt that, with the degree of overcrowding at that time, two in a cell could make only a marginal contribution and that there would be inevitable public misunderstanding, reinforced by statements by the Commissioners that three in a cell discouraged homosexual practices. Permission for the experiment was therefore refused. But it was agreed that it might be worth reconsidering if, in due course the number three in a cell had fallen considerably. Despite this long-standing objection to two in a cell, it had been

necessary in 1943 to obtain ex post facto Ministerial authority for locating two women in a cell in the women's wing at Manchester, and for three months in 1945 it was necessary to locate women two in a cell at five establishments and to disregard the earlier Ministerial stipulation that women would not be placed two in a cell against their wishes, and that careful selection should be made to avoid criticism on moral grounds. Neither of these crises was recorded in the relevant annual reports.

In fact the opportunity for reconsidering the possibility of introducing two in a cell came within five years. It was assisted by the discovery that two training prisons (Chelmsford and Hull) had cells too small to accommodate three men but large enough to hold two comfortably. In June 1964 Ministerial authority was sought and obtained for an experiment at Hull and two or three small local prisons. A six month experiment starting at different dates in the three establishments, was launched at Bristol, Chelmsford and Hull, and subsequently extended to four other local prisons. In November 1965 Ministerial authority was obtained for the general introduction of two in a cell in local prisons and the necessary instructions were issued in January 1966. Hull and Chelmsford, which were not local prisons, were authorised to continue locating men two in a cell. This general introduction seems to have been readily accepted by staff and prisoners, and made a significant contribution in subsequent years to reducing the discomfort of overcrowding.

APPENDIX 1

The Prison estate 1919-39

In chronological order the closures between World War I and II were (prisons subsequently returning to the system being underlined): 1922: Canterbury, Carlisle, Carmarthen, Carnarvon, Northallerton, Northampton, Worcester, Usk. 1925: Ipswich, Newcastle. 1930: Plymouth and Shepton Mallet. 1931: Portsmouth and Preston. In this group Usk was unusual as it re-opened (as a borstal) before World War II in February 1939.



Reading (closed in 1915) and Lancaster (closed in 1916) remained closed throughout the inter-war years as did Stafford, except for its temporary use as a collecting centre preparatory to the opening of North Sea Camp in 1935. Lewes (closed in 1916) remained out of use until September 1931 and Chelmsford (closed in 1915) until November 1931. Warwick, which had been closed since 1916, was sold in August 1933 and York, which had been in the hands of the War Office since 1901 and was relinquished by them in 1930, was sold to the Yorkshire County Committee in May 1934. The delay reflected negotiations of byzantine complexity resulting from (a) the interest of the Office of Works in portions of the buildings which were of historic interest; (b) the intention of the County Committee to sell the buildings and land (with various adjustments) to the City of York; and (c) the difficulty of establishing a realistic valuation.

APPENDIX 2

Wellingore

Wellingore seemed to me to merit an extended note because, alone among the establishments opened between 1946 and 1955, it was closed within two and a half years. The 1953 annual report recorded the opening of 'Wellingore Hostel' as a prison in June 1953 and the 1956 report, without any explanation or valedictory comment, its closure in January 1956.

This absence of information on the annual reports was reinforced by my inability to trace any papers in the Public Record Office about this establishment during its life time. I was therefore fortunate in the assistance I received from Mr Stan Mitchell, who retired as governor of Lincoln Prison. He first of all confirmed that Lincoln prison has not retained any records relating to Wellingore in its muniment room. But he also provided his own recollections as a prison officer serving at Lincoln prison during Wellingore's lifetime, consulted retired Lincoln colleagues and made contact with Mr Theaker, a member of the Wellingore Board of Visitors. The resulting information he was able to let me have, combined with the interest taken by the local press, has provided the basis for the narrative. The Prison Officers Magazine

provided much useful material also.

The prison was a former camp some twelve miles south of Lincoln, on the edge of the village of Wellingore and just to the west of Ermine Street. The preliminaries to its opening were no doubt replicated for most of the other establishments opened during this period, and will be familiar to those involved in planning applications in more recent times. In September 1952 Wellingore Parish Council were informed by Kesteven County Council (the planning authority) that the Prison Commission had proposed that the group of buildings and huttings originally constructed as an RAF communal site at Wellingore, and latterly used as a hostel for agricultural workers, should be used to accommodate prisoners as a temporary measure until such time as the prison population dropped or alternative premises could be provided. The Prison Commission had stressed the need to relieve overcrowding and the difficulty of finding suitable sites which were available. A population of 200 men, carefully selected as suitable for open conditions, was envisaged, and they would not be permitted to go beyond the camp boundary. But it was hoped that a proportion would be used under supervision on farms as had been successfully done elsewhere. It would be a temporary measure, and there would be no intention of extending it subsequently.

Not in our back yard!

Over 300 residents of Wellingore and surrounding villages attended a meeting on 2 October to brief the two delegates, the chairman of the parish council and the secretary of the local Farmers Union, who had been invited to attend a meeting of the Planning Committee the following week. Feeling was strong and there had been a plan to drop protest leaflets from an aeroplane but bad weather prevented this! The main areas of concern were the threat to the security of residents, in particular farmers wives; the consequent likelihood of skilled farm workers moving away; the availability of much more appropriate sites elsewhere (not surprisingly in other counties!) to which the huts at the hostel could be removed; the fact that Wellingore had been designated as a development area; little reliance could be placed on the suggestion that the arrangements would be



temporary; and the inability of the Prison Commission to control prisoners was notorious. Mr Godber, the local MP (Grantham and Sleaford) was present, and promised to fight the proposal. He also explained that he had had a letter from the Home Secretary telling him that if agreement could not be reached with the Kesteven Planning Committee, the Minister of Housing and Local Government would give the final decision. The Lincolnshire County Branch of the Farmers Union subsequently asked their Headquarters to take all possible steps to prevent the establishment of the prison.

The Kesteven Planning Committee clearly did not agree to the proposal because on 16 December a public inquiry was held in Wellingore Village Hall. It was conducted by Mr Shirley Knight (who visited the site after the meeting) on behalf of the Minister of Housing and Local Government. It was well attended "considering the stormy day". The Prison Commissioners' case was put by Mr R D Fairn (Director of Prison Administration), and Brigadier Bateman (Director of Works), supported by Mr W M Pierce (Ministry of Works). The proposal was opposed by Kesteven County Council, North Kesteven RDC, eight parish councils, the WI, the Lincolnshire Branch of the NFU and a number of individuals. Assurances were given that no prisoners convicted of crimes of violence or sexual offences (except incest) would be sent; they would be drawn mainly from Preston and the Prison Commission envisaged a four years life for the establishment while permanent open prison sites were being found. (Four years was given as the time needed to construct an open prison for 300 prisoners). The opposition reiterated the arguments made at the earlier parish council meeting, and also cited the risk of escaping prisoners stealing clothes and cars. Reference was also made to the fact that the requisitioning powers (under which the site was apparently held) would lapse at the end of 1955 thus limiting the potential use of the site. Another article commented that audience participation (by way of applause for speakers opposing the scheme and disapproval of some of the Prison Commission representatives' comments) brought smiles to the face of the MHLG inspector.

The opening

The next development was the announcement (in May 1953) that the Home Secretary, after consulting the Minister of Housing and Local Government and after consideration of the objectives made by local authorities and residents in the areas concerned, had decided that the Prison Commissioners should be authorised to proceed with the proposal. Up to 200 prisoners would be accommodated at the site. They would be selected from first offenders serving short sentences, civil prisoners - whose maximum sentence was three months, and those nearing the end of longer terms of imprisonment for offences not involving violence. The subsequent opening of the prison attracted no press comment.

It was, in fact, opened in June 1953 with Mr D Enders BEM as governor. It took prisoners suitable for open conditions from Lincoln, Leeds and Leicester. Its maximum capacity was 112 and its average population 90, most short sentence prisoners and debtors with a few prisoners serving up to 18 months to provide continuity on key jobs. The main employment consisted of outside parties on local farms. The staff available to the governor consisted of a Chief Officer II, a Principal Officer, 8 discipline officers and the usual specialists. Its rural location and distance from Lincoln ensured that it qualified for an inconvenience of locality allowance of 8 shillings a week.

Becoming Accepted

The subsequent life of the prison appears to have been uneventful. Its staff made regular contributions to the News and Jottings section of the Prison Officers Magazine and these confirm that early rapport was established with the local community by way of a darts match in one of the village pubs, and an invitation to participate in a Tramps Supper to which there was good response. The staff and their wives were, in their turn, invited by the WOs and sergeants to a dance at RAF Cranwell. Mr Enders left on promotion in May 1954 and was succeeded by Mr R G (Tiny) Townsend (one of the prison service's many 'characters'). There were several references to the difficulties which staff were experiencing in finding



accommodation. The traditional Christmas parties for staff children were organised, and it is perhaps a confirmation of the absence of alarums or excursions justifying the attention of the local press that the only reference I have found was to the conviction of a member of the administrative staff who had absconded with the funds collected for the 1954 Christmas party. Even this had a happy ending since the staff at Lincoln invited the Wellingore staff children to join their Christmas party.

The epitaph

In October 1955 the local press reported an announcement by a Home Office spokesman that Wellingore would close at the end of the year. It had been opened as a temporary measure and its usefulness had now apparently ended. The decision to close it is not recorded in the Prisons Board minutes. It may be that the requisitioning powers referred to in paragraph 5 above were due to expire. Another factor was certainly that the open prison at Ashwell had opened. References in News and Jottings to the opening of a new chapel by the Bishop of Lincoln and the arrival of a new Chief Officer during the summer might suggest that the decision was

a late one. Once the announcement had been made Lincolnshire farmers decided to prepare a scheme to set up a voluntary agricultural workers camp there. Staff began to receive their new postings - a number transferring to Ashwell - and to be replaced by officers on temporary duty. "The end was in sight". The final contribution to News and Jottings recorded the governor's wedding in Lincoln Cathedral; and the final closure on 31 December 1955. The local press reported that the site would re-open at the end of March 1956 as a hostel catering for holiday makers and others who wanted to work on the land.

The only official papers I have been able to trace relate to details of the sale of the establishment to the National Farmers Union for the purpose described above. They contain an interesting pendant. It appears that in 1957 negotiations were opened with the NFU about the sites possible re-acquisition by the Prison Commission. There would, however, have been financial complications and Sir Lionel Fox thought it preferable to wait and see whether the Commission could do better elsewhere before pursuing the idea. He commented, "Wellingore had some disadvantages" - not an inappropriate epitaph for such a misty establishment.



A fuller version of this report including acknowledgements and references may be obtained from:

**The Information Section
Home Office Research and Planning Unit
50 Queen Anne's gate
London SW1H 9AT**

Prison Overcrowding

a crisis waiting in the wings

Background

During the 1970s and 1980s the prison population in England and Wales rose steadily. In 1970, the average number of people in prison stood at 39,000. By 1980, the population had increased to 43,100, and in July 1987 hit a peak of 51,000. However, in subsequent years, the numbers first levelled off and then began a steady decline. During 1989, the average population fell by some 2,700 to 45,500. The following year, there was a further drop of 1,900 and in 1992, the year in which the 1991 Criminal Justice Act took effect, a massive fall of over 4,600. On 31 December 1992, the population stood at just 40,444.

The increases in population in the years before 1989 were matched by similar increases in the capacity of the prison estate. In 1970, the prison system had a capacity for just under 33,000. By 1980, 5,500 had been added, and the building programme of the 1980s added a further 4,400 by the end of the decade. By the end of 1992, the total Certified Normal Accommodation (CNA) had been increased to 45,660.

Overcrowding

The excess of population over accommodation created high levels of prison overcrowding in the 1970s and 1980s. In 1970, population exceeded accommodation by 6,000. Ten years later, this figure had fallen to 4,600. Despite the Government's massive building programme, the rise in numbers during the early and mid 1980s

drove the excess of population over available accommodation up to a figure of 7,000 in 1987.

The impact of the overcrowding of the 1970s and 1980s on the prison system has been well documented. Although there was some knock-on effect on training prisons, the main pressure was borne by local and remand prisons. This was not new. As long ago as 1952, the Parliamentary Select Committee on Estimates was decrying the "undesirable overcrowding in local prisons in England and Wales". However, by 1980, the population in local and remand prisons exceeded space by over 45 per cent. At the height of overcrowding in 1987, local and remand prisons were 52 per cent overcrowded.

The effect of the high levels of overcrowding experienced in local and remand prisons was graphically described in a statement to the Woolf Inquiry by the then Director General of the Prison Service:

"...the life and work of the Prison Service has, for the last 20 years, been distorted by the problems of overcrowding. That single factor has dominated prisoners' lives, it has produced often intolerable pressure on the staff, and as a consequence it has soured industrial relations. It has skewed managerial effort and it has diverted management effort away from positive developments. The removal of overcrowding is, in my view, an indispensable pre-condition of sustained and universal improvement in prison conditions." (Woolf para. 11.135)

However, the Woolf Inquiry coincided with a fall in the prison population. Together

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with the increase in the CNA, this first eliminated aggregate overcrowding and by August 1992 produced an excess of accommodation. By the end of 1992, there were 5,200 empty spaces in the prison system (although because these were not evenly distributed, some prisoners were still held two to a cell).

Recent trends in the Prison Population

Regrettably, since the beginning of 1993, there has been an unprecedentedly steep increase in the prison population. In the first eight months of 1993, the number of people in prison increased by no less than 5,270, a rise of 13 per cent. The following table details the monthly rise, and compares it to the average monthly change over the period 1988-92:

Table 1

Monthly change in the prison population

	Average change	
	1988-92	1993
January	+1044	+996
February	+692	+1415
March	+124	+368
April	-130	+116
May	-220	+659
June	+66	+301
July	+176	+926
August	-98	+489
Total	+1654	+5270

(Source: Home Office statistics. August figures are provisional)

As Table 1 shows, the 1993 increase is not explicable merely in seasonal terms. Although 31 December traditionally represents a low-point in the prison population, a pattern of eight consecutive monthly increases is unprecedented in recent years. The explosion appears largely to be the result of an increase in the number of remand prisoners in custody. No less than 61 per cent of the increase is accounted for by remands, whose number has risen by 3,231 (or just under 40 per cent) in eight months. There has also been a marked rise in the number of young offenders in custody. At the end of 1992, there were 6,783 prisoners aged under 21. By 31

August, this had risen to 7,954, an increase of 1,171 (17 per cent).

It seems likely that this rise is linked to the furore over crime and sentencing which has dominated the headlines over past months and which appears to have had a direct impact upon sentencing practices in the courts. The two areas of crime which have attracted most press attention, offending on bail and offending by young people, have produced substantial increases in the number of remands into custody and young people in prison. It is also noticeable that the increase dates from before the Government repealed key sections of the 1991 Criminal Justice Act in the 1993 Criminal Justice Act. Ministerial statements and unhelpful press comments had talked up the prison population, even before the legislative changes took effect.

Effects of the Increase

The increase in the population has caused particular problems in the west and north-west of the country. The sustained fall during much of the previous three years, together with new prisons coming on stream, meant that in many areas of the country, there was considerable spare capacity to absorb the increase. However, the five Prison Service areas in the north and west had little spare capacity even before the recent rise. Table 2 shows the effect of the increase in the five areas:

From a position of having nearly 800 spare prison places at the beginning of the year, these five Prison Service areas (comprising one third of the entire prison estate) are now seriously overcrowded. The level of overcrowding has been significantly increased by the disturbance at HMP Wymott in the North West area, which has reduced the capacity of the area by a further 816. Although this has been offset to some degree by the early opening of a new wing at HMP Armley, which will provide some 200 additional places, the Wymott riot will have serious consequences both for the North West and surrounding areas.

Prison Service Response

Thus far, the response of the Prison Service to the increasing level of overcrowding has been to transfer prisoners from prisons in the most overcrowded areas to prisons in the



Table 2**Population & accommodation in five Prison Service areas**

	31st December 1992			31st August 1993		
	Pop	CNA	Excess/ (shortfall)	Pop	CNA	Excess/ (shortfall)
North West	2874	3384	450	3677	3644	(33)
Wales & West	1900	2032	132	2098	2004	(94)
Transpennine	3599	3312	(287)	4165	3469	(696)
Central	3854	4050	196	4362	4267	(95)
Mercia	1578	1806	228	1762	1801	39
Total	13,805	14,584	779	16,064	15,185	(879)

(Source: as for Table 1)

south and east of the country. As a result, many prisoners are being held hundreds of miles from their homes, with devastating effects upon their ability to maintain contact with their families and plan for their release. There is also a danger that individuals are being inappropriately classified as lower category prisoners in order that they can be allocated to prisons where there is more space available. This may have played some part in the Wymott riot.

Moreover, there are good reasons to believe that the overall increase in the prison population will continue. The changes resulting from the 1993 Criminal Justice Act seem likely to produce a further increase in the number of people sentenced to custody and more fine defaulters are likely to be imprisoned. The Home Secretary has also signalled a further toughening of sentencing policy in the next Parliamentary session and the Magistrates' Association has introduced sentencing guidelines for Magistrates Courts which threaten significantly to increase the number of offenders being sent to custody. The strategy of transferring prisoners around the country will therefore become impossible as the vacant places in the south and east are filled. There is already little spare capacity in the Yorkshire, East Midlands and London North areas, and the population overall in only 1,384 under capacity (568 if the effect of Wymott is included).

To a large degree, the overcrowding will have to be absorbed within the prisons themselves. The CNA of a prison represents not its maximum capacity, but the number of prisoners which it was built to house. In some prisons, the Prison Service argues, the CNA can safely be exceeded and prisons

can be filled up to their 'operating capacity', the maximum number of prisoners they can house while continuing to carry out their basic functions. The operating capacity of the prison system is very much higher than its CNA: 51,029 as against a CNA 46,964. As the Woolf Inquiry found, prisons filled to operational capacity can usually do little more than provide a basic regime for prisoners.

However, operating capacities are themselves a somewhat misleading guide. Many prisons are currently undergoing rebuilding work, and therefore frequently have some cells out of use. A more reliable guide to the true capacity of the prison system is a third figure for capacity used by the Prison Service, the 'actual capacity'. Many prisons in the west and north are already very close to, or have exceeded, their actual capacities. On 31 August, Lancaster Farms held 231 against an actual capacity of 180, and its neighbour Lancaster held 244 in spaces for 232. Some have even exceeded their operational capacities: Preston has an actual capacity of 427 and an operational capacity of 444, but on 31 August held 525 prisoners. In addition, the installation of integral sanitation renders it much more difficult to fill single cells with more than one prisoner. Moreover, many governors are much more reluctant than they were before the riots of 1990 to tolerate significant levels of overcrowding in their prisons.

Prison Service efforts are therefore likely to be directed towards attempting to find some new spaces for prisoners. Plans to use the private sector to build new prisons in Merseyside and South Wales are unlikely to produce any actual increase in the prison estate for five years. Effort will concentrate



on bringing newly-built or renovated cells into use as soon as possible. Armley, Manchester, and Lancaster Farms are likely to be particular targets. The planned closure of some gaols, such as Lancaster, may well be postponed and others, such as Oxford, may be brought back into use. The pressures on space may also make it necessary for some gaols to postpone their plans for refurbishment, thereby putting in jeopardy Kenneth Baker's target of 31 December, 1994 for the ending of slopping out. Other refurbishment programmes may be postponed and the money diverted towards the cost of building additional houseblocks.

A further strategy would be to revive the use of police cells or army camps as temporary prisons. This course has been used by Home Secretaries at previous times of crisis. However, both options would be relatively expensive - police cells cost around £250 per prisoner per night - and therefore unattractive to the Treasury. In the short term, however, the use of police cells in the north west may prove inevitable.

One other method of increasing the size of the prison estate is the use of prison ships. One private company, Bibby Line, has been consistently lobbying the Home Office to provide such a service since overcrowding was at its peak in 1987. The Home Office did use a ship, the *Earl William*, to house Tamil refugees until the boat ran aground on the Essex coast in the storms of 1987. However, it is doubtful whether any prison ship, however well-designed, can provide sufficient space to allow the full range of prison activities to take place. Moreover, convicted prisoners may well pose very different problems from refugees. There are also questions about the lawfulness of floating prisons. Nevertheless, the Prison Service is believed to be actively considering the possibility of using ships, and has been investigating possible sites near Barrow.

The only alternative strategy available to Ministers is to make efforts to cut the size of the existing or future prison population. In a recent meeting with the Home Secretary, the Prison Governors' Association called upon him to exercise his power under the 1982 Criminal Justice Act to release non-violent prisoners in the last six months of sentence. As an alternative, the PGA suggested that a 'queuing system' could be introduced, with some of those sentenced to custody waiting

on bail until a space becomes available in prison. Queuing systems exist in both Holland and Sweden. Both these suggestions were summarily rejected by Michael Howard.

Conclusion

After the drop of recent years, the Prison Service is once again facing significant overcrowding in the prison system. The past few months have seen an unprecedentedly steep rise in the size of the prison population, and changes planned by Ministers look set to reinforce the upward trend. In the west and north of the country, overcrowding is already an acute problem.

The Prison Service has little room for manoeuvre in responding to the impending crisis. Its flexibility in absorbing the increase within the prison estate is limited. The use of police cells or army camps would be expensive and unpopular with the police. New prisons will not come on stream sufficiently quickly to provide a solution. Prison ships are hugely controversial.

Internal Home Office forecasts suggest that, as a result of Government policies, the prison population will continue to rise significantly during the remainder of 1993 and over the years to come. Regimes will suffer, and the stability of the system will be severely stretched. Progress on implementing a system of community prisons in line with the Woolf Report will be halted. The Director General of the Prison Service, Derek Lewis, has warned publicly that the atmosphere in the prisons is now "more volatile" than at any time since the Strangeways riot of 1990.

It is difficult to exaggerate the extent of the crisis now facing the prison system. It is essential that the Home Secretary takes urgent steps to reverse the rising tide in prison numbers. In the short term, he must use his powers of emergency release. In the longer term he must signal his intention to re-embrace the policy of diverting petty offenders from custody. Unless this is done, and unless the increase in the size of the prison population is reversed, the Prison Service faces chaos.



Criminal Justice Conference

Shrigley Hall Hotel
23-26 February 1993

The following is a brief summary of proceedings. Only two contributions are presented here in any detail; copies of the full conference report are available from the Home Office Special Conferences Unit, Floor 2, India Building, Water Street, Liverpool L2 0QN

Opening Address

The Conference was opened by John Halliday, Deputy Under Secretary of State at the Home Office. Criminal Justice Conferences had been initiated in 1989 at a unique event at Ditchley attended by the Home Secretary, the Lord Chancellor, the Attorney General, the Lord Chief Justice, and the Deputy Lord Chief Justice, and leading members of the criminal justice services and professions. Each event brought together about 30 senior practitioners and professionals from different parts of the criminal justice system, to consider common issues and problems, to increase knowledge of each other's perspectives and priorities and understanding of policy, practice and law. The programme would be developing in new directions now that it was under the auspices of the Criminal Justice Consultative Council, and would take account of the establishment of Area Committees in the coming regional programme.

Five themes had been chosen for the conference:

- Aims and Objectives
- Planning and Resources
- Communication and Co-operation
- Better Results
- Measuring Performance

Theme 1: Aims and Objectives

**A Portrait of Crime – Pat Mayhew, Research and Planning Unit,
Home Office.**

Mrs. Mayhew presented a statistical portrait of crime drawn from three main sources:

- notifiable offences known to and recorded by the police
- the alternative measure of crime provided by the British Crime Survey (BCS)
- statistics of court workload

Each had limitations but the figures for 1991 (fig 1) showed:

- 5,277,000 were recorded, one for every 9.5 people in England and Wales or 41 for every non-civilian police officer.
- the majority of offences involved property theft and damage: car thefts accounted for 28 per cent of recorded offences and burglary 23 per cent.
- offences of violence (homicide, wounding, sexual offences and robbery) comprised seven per cent of all recorded offences.
- 30 years ago, theft of or from cars was less than 10 per cent of all crime. Although the incident of crime was affected by the physical opportunities for its commission, the number of thefts had far outstripped the number of registrations.

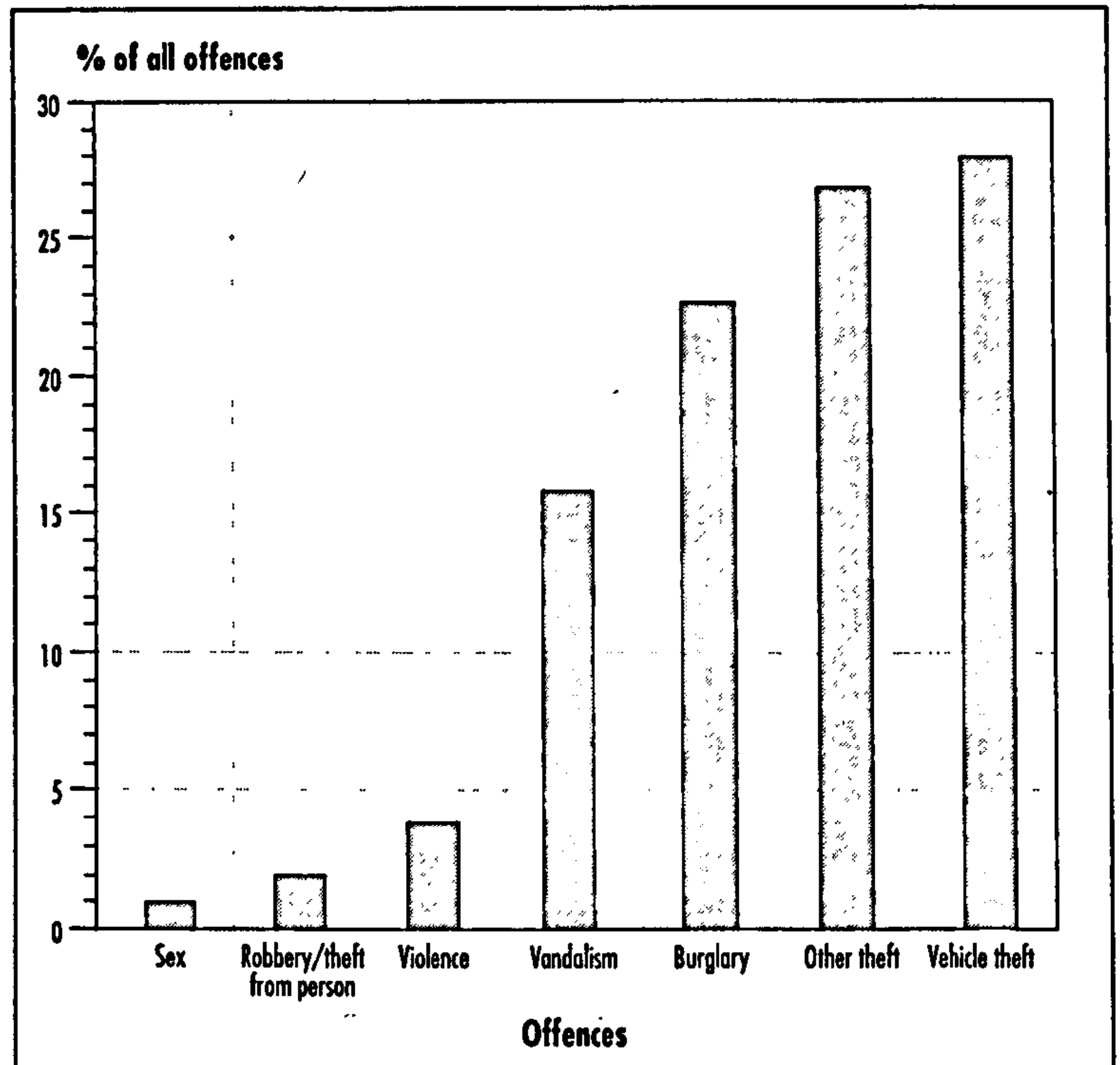


fig.1
Recorded Offences, 1991

The British Crime Survey (BCS) showed a similar picture (fig 2) but with significant differences, although the coverage of crime in this context was not the same as the coverage for notifiable offences. This biennial exercise was introduced in the early 1980's, concentrating on about 10,000 respondents aged 16 and over on each occasion; estimates from the survey are grossed up to provide national estimates. Findings from the BCS indicated clearly that the number of actual offences far exceeded those recorded by the police (fig 3), although the proportion of offences not reported varied by type of offence.

Overall trends in crime identified were:

- recorded crime had risen by a factor of about eight over the past 30 years;
- recorded offences had risen at about the rate of five to six per cent per annum between 1980-1987. (There had been a 'blip' downwards at the end of 1987 and in 1988, but a steep rise since).
- between 1990 and 1991 there had been a 16 per cent increase in recorded crime. The rise for 1991-1992 was expected to be lower.

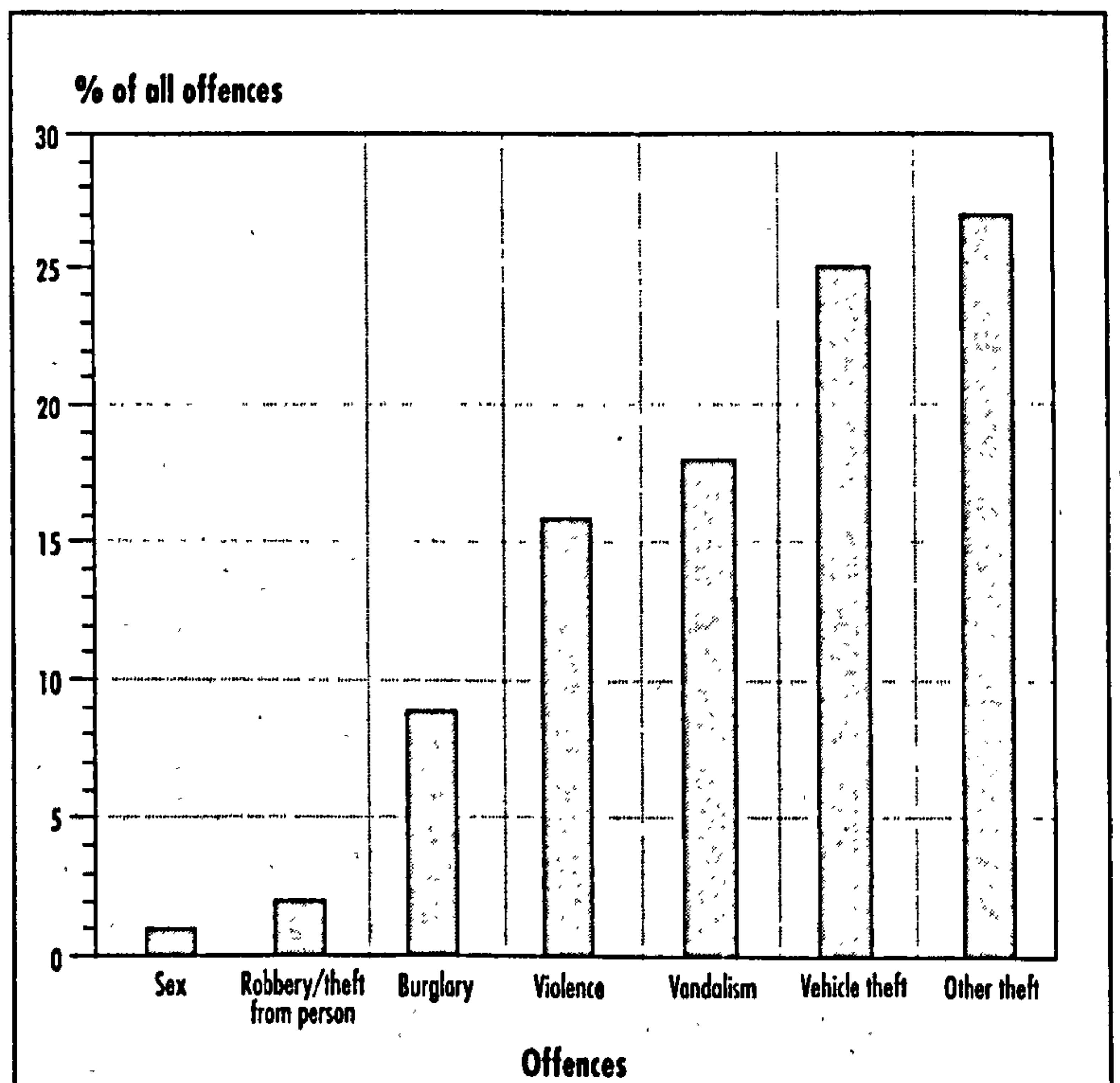


fig.2
British Crime Survey, 1991

Numbers of offences measured by both the BCS and police statistics provided the estimated number of crimes committed (the 'attrition rate'). Only about one-third

of those recorded were cleared up with offenders being dealt with by the criminal justice system.

In 1991, one in 20 people had experienced a burglary or attempted burglary. Nearly one in five car owners had experienced an incident involving their cars, usually theft, but experience of wounding, robbery and theft from the person was less common. All risks with the exception of wounding, had increased since 1981 but the risk of crime varied greatly by area and by social group within areas.

Managing the Criminal Justice System – John Halliday

Managing the criminal justice system meant ensuring that it was managed with due regard to the interests of Parliament and Government's accountability to it, and with proper regard for constitutional and institutional independence. Aims and objectives were both proper and necessary but had to be pursued within a framework of law and with respect for constitutional principles – especially those which required government in all its forms not to interfere with the independent administration of justice in individual cases.

The aims of the criminal justice system, as set out in the Home Office Annual Report, were as follows:

- prevent and reduce crime, especially violent crime, and help victims
- ensure that those suspected, accused or convicted of crimes are dealt with fairly, justly and with the minimum of delay
- convict the guilty and acquit the innocent
- punish those found guilty in a suitable manner and, where possible, discourage further offending
- achieve the foregoing as economically, efficiently and effectively as possible.

A number of inhibiting factors existed, not least of which was that no single statement of aims for the system as a whole had yet been formulated. Many other constituent parts of the system had their own aims and objectives which did not necessarily work to the overall good. Although such events as the Criminal Justice Conferences provided a forum for debating matters of mutual concern, on the whole co-ordination between the agencies was haphazard.

Lord Justice Woolf had recommended the establishment of national and regional bodies and these were now in place in the form of the Criminal Justice Consultative Council (CJCC) and 24 Area Criminal Justice Liaison Committees. The CJCC first met in January 1992 under the chairmanship of Lord Justice Farquharson, a senior High Court Judge, and its members were drawn from all parts of the criminal justice system. Area Committees were not as well advanced but all had now met at least once.

Sharing information was recognized as an important factor in managing the criminal justice system and the Home Secretary was required by Section 95 of the

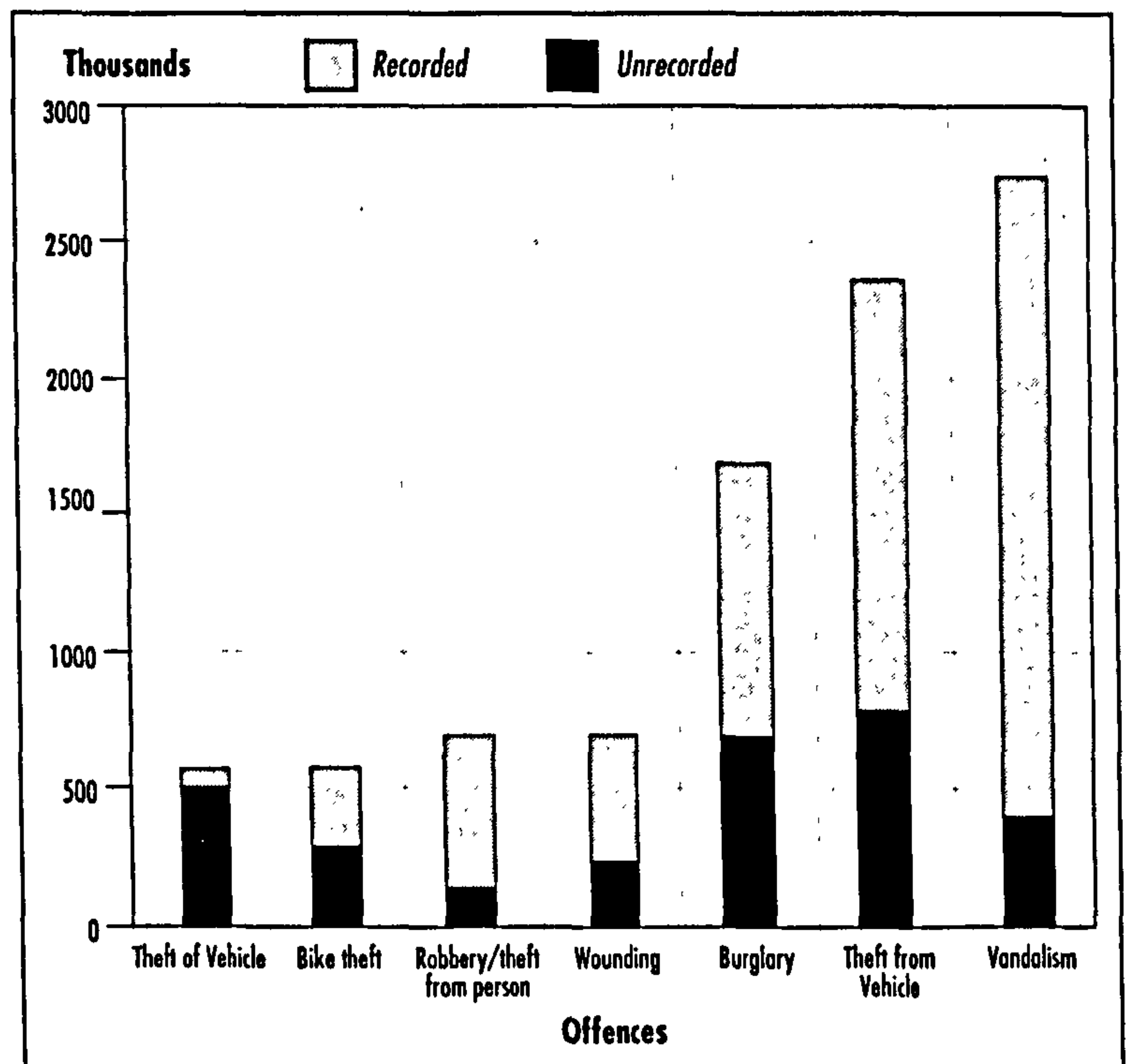


fig.3
Levels of Recorded and Unrecorded Crime, 1991

Criminal Justice Act 1991 to publish information annually so that those engaged in the administration of criminal justice would be

- aware of the financial implications of their decisions
- enabled to fulfil their duty to avoid discrimination on racial, sexual or any other improper grounds.

The first publications, in a series of booklets, had dealt with a number of issues which lay at the heart of the system but the process of recognising issues affecting more than one part of the system and tackling them in order to improve efficiency, effectiveness and quality, had only just begun. Many key issues needed to be resolved and whilst the Royal Commission might point the way, much would need to be done by Government in order to translate policy into action and prove that the various criminal justice agencies could collectively manage the system to the best effect in the prevailing circumstances.

What value does the Criminal Justice System offer? – Charles Pollard, Thames Valley Police

Mr. Pollard reiterated the need for a mission statement for the whole criminal justice system and offered a number of perspectives on crime and the trial process. He finally examined the means and mechanisms for change in the criminal justice system.

Theme 2: Planning and Resources

Public Expenditure and Planning in the Home Office – Colin Harnett, Finance Division, Home Office

Mr. Harnett set expenditure on the criminal justice system in perspective by comparing it with expenditure in other fields (fig 4). Criminal justice expenditure had increased by 100 per cent in real terms since 1978-79; its distribution between the various agencies is shown in fig 5. He explained recent changes in resource planning and the current emphasis on value for money, the three E's (efficiency, effectiveness and economy) and the link between resource and strategic planning.

David Scott, West Sussex Probation Service

Mr. Scott examined the impact of central expenditure planning on the probation service at local level. The challenge was to address four main areas – performance, value for money, quality and equality of opportunity – and local services now had to integrate their plans with the overall three-year plan for the service as a whole.

Planning Strategy and Objectives – An Alternative to Dither and Drift – Peter Beck, Consultant

Mr. Beck presented a private sector perspective on planning. He defined planning as "systematic thinking about the future and its consequences", and discussed the process and conditions for, and barriers to, successful planning. He stressed the dangers of imposing objectives without involving those who had to achieve them.

Theme 3: Communication and Co-operation

Strategies for Co-operation – John Carlisle, Consultant

Mr. Carlisle focused on the need for greater efficiency in the climate of ever-increasing demands on the diminishing criminal justice budget. He concentrated on customer orientation and quality and offered observations on achieving quality improvement and greater efficiency through inter-functional or inter-departmental co-operation.

Theme 4: Better Results

Mike Thom, Victim Support

Mr. Thom outlined briefly the development of Victim Support. Although consideration of the victim had undoubtedly improved in recent years, much remained to be done. The role of the victim was crucial to the operation of the criminal justice system, yet the whole court process seemed almost designed to render the victim ineffectual.

Andrew Trollope, Barrister

Mr. Trollope identified three goals which would contribute to better results from the legal profession: a high level of competence, accessibility and more open, effective relationships with other arms of the criminal justice system, and unimpeachable integrity.

Jim Perriss, HMP Wormwood Scrubs

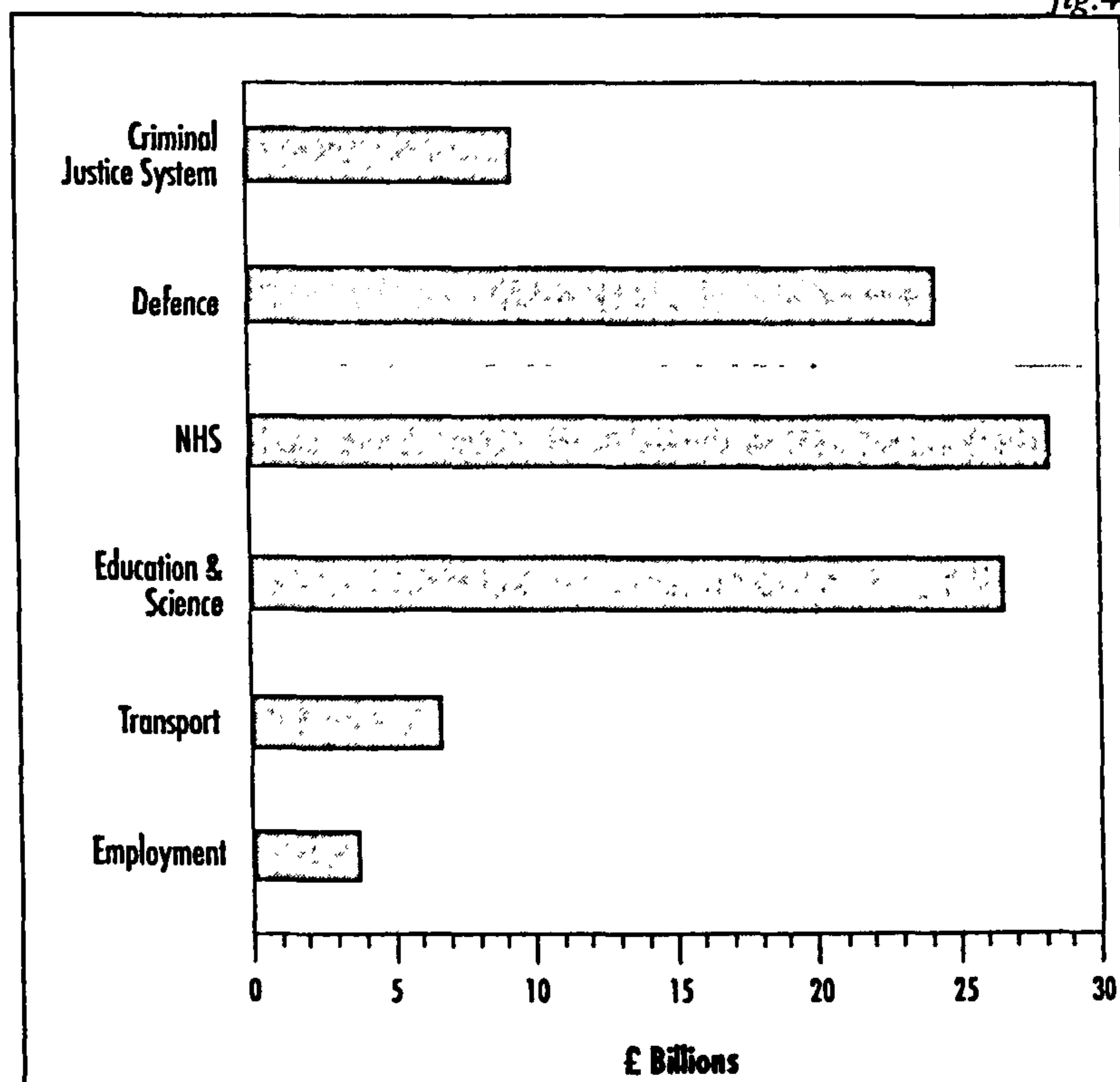
Mr. Perriss discussed co-operation between the Prison Service and other agencies, the need to ensure that objectives and performance indicators were relevant and useful, and recent initiatives to improve prison regimes.

Theme 5: Measuring Performance

The three contributors to this section were Margaret Headen, Clerk to the Justices, Elliot Grant, Home Office Probation Service Division and Michael Whippman, Treasury. Each presented a different perspective on performance measurement but highlighted the difficulties involved. Price and expenditure were very much easier to determine than value and quality of service, and great care needed to be taken in devising measures so that they could provide a useful and important management tool.

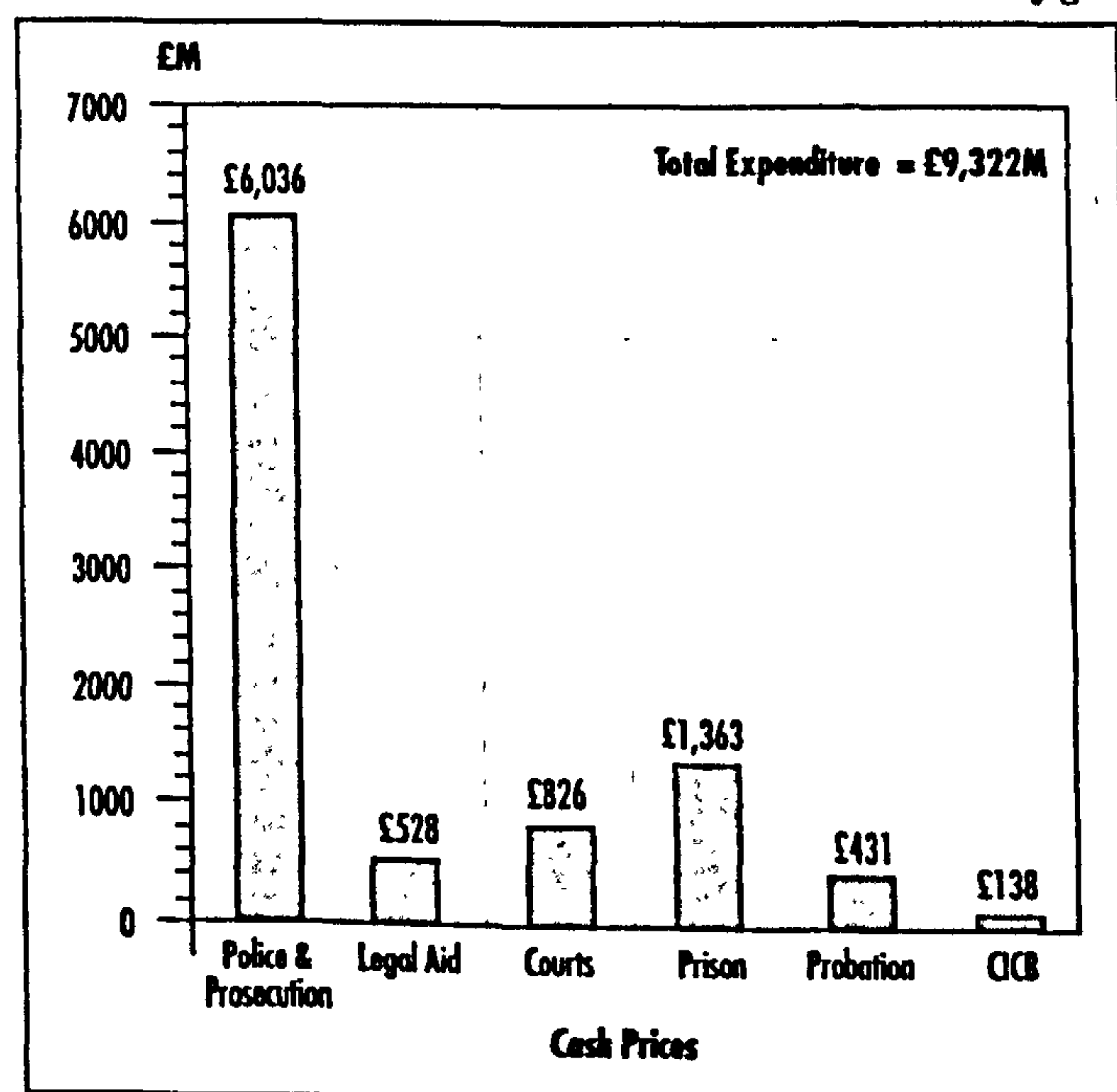
Planned cost of the Criminal Justice System in England and Wales in comparison with other programmes 1992/93

fig.4



Components of expenditure on Criminal Justice System 1992/93

fig.5



Conference Conclusions

Aims and Objectives

The conference, like others before it, had seen value in searching for some kind of statement of common aims, or sense of purpose, for the criminal justice system as a whole. Any such statement would have obvious limitations. Even if phrased in general and uncontroversial terms, however, it would provide a necessary starting point for more detailed work on specific objectives, and performance in relation to those objectives.

Such a statement would also provide a platform upon which desirable steps towards improved collaboration and partnership could be taken. Conference members had not warmed to the idea of the criminal justice system being 'managed' from outside, but had seen a need for better management of the system to be achieved through improved collaboration and joint working.

The conference had also identified a number of aims which ought to be common to all participants in the criminal justice process. Focusing on the needs of victims, witnesses and ethnic minorities, for example, required responses from all parts of the system.

Planning and Resources

The conference had recognised and accepted the foreseeable financial constraints that would affect the entire criminal justice system. In the face of increasing demand for services, participants had readily responded to the need to identify means of improving performance within limited financial provision.

The need to manage the demands themselves had been touched on, for example in the inconclusive discussions about measures to reduce crime, and in the several references to the relevance of public opinion and public expectations of the criminal justice system. In that context, the need to lead and influence public opinion, rather than being led by it, could perhaps have been given more attention.

Communication and Co-operation

The conference had given its strong support to improved local communications systems, both within and between the different parts of the system.

The need to engage with people outside the criminal justice system, for example to obtain a 'client' perspective, had also been accepted.

The need to engage whole organisations in the process of managing change had been identified. Trust and confidence had to be worked for in order to turn high level strategies into action on the ground.

Better Results

Discussion about specific measures to improve performance had tended to concentrate on aspects of process, with the aims of improving efficiency. That seemed to fit well with the theory of 'quality management', which had been put to the conference in terms of first 'getting the operations right', and then tackling the 'customer care' factors.

The conference had identified a good deal of scope for streamlining pre-trial and trial procedures, while also continuing policies of diversion from the criminal justice system, and from custody, and supporting increased efforts to identify what 'works' in relation to turning offenders away from crime.

Performance

Conference participants had shown a strong commitment to the development of improved indicators, but also a healthy regard to the need for caution in developing them, so as to avoid perverse results, and mistaken analysis.

One of the consultants had told the conference of the importance of judgement in getting things right, however good the information.

Verbals

"Most of the lads in here have never played rugby, but they find it needs concentration, discipline, control, toughness and that it encourages a sense of team spirit. But the aim is to exert a control mechanism so that they can be accepted back into real life more easily."

(John Gunning member of staff at HMYOI Feltham on use of rugby in long term unit quoted in The Times)

"... doubt whether ... the current crisis in the prison population ... a direct result of a tougher sentencing policy - has had any impact whatsoever on the level of crime within our society? ... will we ever learn the lessons of history? ..."

(Mike Worthington, Chief Probation Officer for Northumberland in Guardian)

Prison and the Perfect Woman

are Outsiders Inside? pt. 1

In this two-part article the author examines the treatment of female offenders by the criminal justice system. Part 1 discusses current theory and practice, while Part 2 (which will appear in the next edition) concentrates on the historical perspective.

Stuart Reddish is a post-graduate researcher in the Department of Applied Social Science at the University of Stirling. Before returning to academic life, he was in business for a number of years, was a local councillor and stood for Parliament. He is currently working on perceptions of sentencing for murder.

Sara Thornton, who is serving a life sentence for the murder of her husband, made the following assertion in a letter from Holloway after her appeal in 1991: that the authorities say "women like you don't achieve anything, you've broken the rules, dare (sic) to step out of the boundaries we men have set for acceptable female standards of behaviour, so we'll show you"

Does this assertion have merit, is it possible that a connection can be deduced between "the boundaries men have set for acceptable female standards of behaviour" and Sara Thornton's final question "Why is power so important?"

The objective, therefore, is to examine the concept of 'double jeopardy' in the treatment of women within the criminal justice system and to consider what implications this may have in the wider context of sentencing and the stereotypical role of women.

Theories of Female Offending

In the main we have two opposing views about the treatment of women by the criminal justice system. One view states that women are treated differently to men in that they are treated less harshly than men on a

similar charge. The other view still recognises that women are treated differently but argues that punishment is more severe than for men because of added moral judgements. These two theories, chivalry (or paternalistic) versus the 'evil woman' (Farrington and Morris 1983) are therefore considered as determining factors in the choice of sentencing by a magistrate.

We need, therefore, to examine what is regarded as 'normal' or 'proper' behaviour for a woman in our society, how this view has been constructed and to consider how this view is 'buttressed' by a whole range of legal and extra-legal controls. It is from here that the question 'Prison and the Perfect Woman: Are Outsiders Inside?' can be considered alongside the notions of 'respectability' and 'domesticity' in the sentencing of female defendants.

There is a suggestion (Worrall 1981) that as long as a woman acts her part – modest, humble and remorseful – and references can be made to her previous good character, domestic pressure or competence in the home, she is not seen as a criminal. However, if this defence is not accepted we are then obliged to look at the implications of therapy and discipline (Dobash and Dobash 1986) on the lives of women who have been sentenced.

Conformity and Control

As part of the overall attitude to sentencing there is a need to understand from where, and why, the element of the 'evil woman' theory became a factor in the court appearance of a large proportion of those women who did not 'conform'. Also, why should conformity and control be important in maintaining stereotypes and why should it be the role of the Prison Service to enforce it?

This process begins when women appear in court not only as offenders against the State but mainly as offenders against the stereotypical role model of the 'perfect woman'.

This 'foundational critique' makes the implication that due process takes a particular form in relation to female offenders and that law's considerations go beyond that of the crime committed. If this is in fact the case, it raises the question of sentencing procedure, the use of custodial sentences and the part this plays in influencing women to accept a pre-determined role model.

For the most part this role model would seem to consist of wife, mother and female appendage to a patriarchal society.

There is another implication to the use of different criteria in the treatment of women before the law, that of magistrates and judges believing that their 'interpretation of the law' allows them to administer some kind of social service. Is this service misguidedly used to persuade a female offender to return to the 'inevitable character and destiny' of being a woman? Have administrators of justice seen, within their role of dispensing corrective treatment on behalf of society, a need to maintain the female role model for the overall benefit of society?

Therefore is it only women who stand 'outside' the conventional role model who find themselves incarcerated 'inside' our prisons? Is the one in fact a pre-requisite of the other? The argument being that certain, powerless women, finding themselves rendered mute by the criminal justice system, are forced to resort to exploiting the contradictions inherent in the official discourses in order to evade constricting demands from criminal justice personnel... 'that they be rehabilitated within some dominant discourse of femininity' in return for a relatively light sentence. It appears that this creates a dilemma; if the courts persist in using the dominant discourses of femininity in their approach to women offenders it ensues that defences are built on the same misconceptions thus ensuring their continued use. The question is, should women be judged against these stereotypes? Should a woman be accused of committing a crime against her 'nature'? Should being a woman merit any kind of special consideration?

Carlen (1991) refers to Worrall's work as an

attempt 'to aid women in trouble undermine the stereotypes in the furtherance of justice; with the objective of empowering women to keep out of trouble in the future'. Is this possible without women totally capitulating to the system that contrives to keep them home-builders and economic dependants? Is it not prudent to ask whether it is a change in the attitude of the courts and its officers that is needed in order to subvert the stereotypes used in official discourses? Do women have to sublimate themselves to 'keep out of trouble'?

Women are in prison in the vast majority of cases for petty crimes, persistent offending and poverty (simple inability to pay fines), but more women are going to prison than ever before.

Even inside prison women are more likely to be punished than men (Edwards 1990). Statistics of offences against Prison Discipline and Punishments (1988) show that the punishment rate for females is 2.7 per cent per head of average prison population higher than for males at 1.3 per cent. This is not given as a suggestion that women in prison are more deviant "but that the regime in women's prisons is more disciplined and women are likely to be punished for far less serious offences than men" (Edwards 1990). A comparison of offences committed by males and females per 100 population indicates that males at all establishments committed 159 offences and women 274 (Statistics of Offences 1988). It would seem that women are twice as likely to be disciplined for offences of violence, disobedience and disrespect as are males. Also, women are more likely to receive drug 'therapy' than men and this has led to considerable debate about the use of psychotropic drugs in prisons.

Female Stereotypes

It is important then, to explore some of the stereotypes according to which female criminals are typified: for example, as evil, passive, cunning, maternal, unmaternal, mad, simple or unwitting.

According to Brown (1986), the figure of a Woman monotonously recurs as an impossibly split image, either the idealised one of the eternal-maternal Being, above all reproachful hint of criminality, or her wicked shadow, the female criminal so depraved in her femininity that she is more male than female. This is a recurring theme based on ill-conceived stereotypes; and arguments founded solely on essentialist readings of biology obviously fall into this category. Women in this view are assumed to be inherently maternal, passive and domestic, but at the same time driven by uterine ailments of excessive or repressed sexuality overlaid with tendencies to hysteria and psychological instability. It is not surprising then that the courts are confused. How can one resolve the dilemma that 'women's conduct' is not rational or freely chosen in a context of assuming intentionality. As Brown points out, the picture of women

as 'puppets of reproductive imperatives' and 'moon based phases' gives little direction to 'just desert', but more importantly it serves to separate male and female nature in a negative manner.

If each is attributed with a distinct mode of conduct it is this that produces a template for society. If it is argued that the law responds to the valid moral ideology of society the significance of Brown's views are heightened; "crucially, what is at stake is the way the categorisation of women has come to be placed on the other side of the boundary that separates nature from culture, determinism from freedom of will, emotion from reason" (Brown 1990). The implication of this has a great deal of bearing on the definitions used by the courts to create an 'outsider' as posed by the title question 'are outsiders inside?'. An outsider is a woman who crosses the boundary between men and women. A further list of questions arises from this, such as – who put the boundary there and what holds it in place?

In order to understand the 'treatment of women' we need to focus on the representations, on the myths, stereotypes, images, propositions, beliefs and assumptions about women that set the parameters of the debate on what is acceptable and what is unacceptable female behaviour to the courts. The critique interrogates the dynamics of criminological theory; in so doing it locates biologism 'as the logical foundation for all theorising'.

Is there any support for this theory? Is it possible to see how the 'oppression' the 'roles' and the 'hypocritical moral values' are used within the context of a woman's experience of the courts and the threat of a custodial sentence?

Sentencing

Writers such as Smart (1976) and Heidensohn (1985) emphasise that women are mostly not seen as criminals and their offending is more likely to be seen as providing evidence of problems or needs that are leading them into or towards crime. With this in mind it is not unusual for factors such as marital status, family background and children to play a more important role in the sentencing of women than men (Farrington and Morris 1983). Added to this are other aspects of sentencing; that fewer women are fined than men on the assumption that women are seen as housewives and not wage earners and money received is to be spent on domestic purposes such as food or child care.

This gives further cause for concern when the under utilisation and the simple unavailability of certain disposals for women creates the practice of female offenders being pushed up the tariffs more quickly than

their male equivalents. This practice may also be encouraged by the greater likelihood of women being referred for a social enquiry report.

Statistically male and female offenders are sentenced differently. In the magistrates' courts it has been shown that women are more likely to receive a probation order and be subjected to a social enquiry report¹. As Mair and Brockington (1988) point out, this is not necessarily a positive action but implies that if the choice of a probation order results from stereotypical male responses to female offending, and this attitude filters through in the nature of the probation order "women are being subjected unfairly to what might be perceived as wide-ranging intrusion in their private lives, and, if they are not subject to the full range of responses used in male offending, then women are being treated neither equally nor justly".

Women are not absent from the more general areas of deviant behaviour, but often female deviance is seen to take the form of mental illness, inadequate mothering, or irregular sexual behaviour. Usually this behaviour is more private and therefore the element of control is likely to be by non-penal sanctions.

Hunter and Williams (1981) found that controls were exercised over both groups, the normal and the deviant, and that they embodied a notion of normality that specifically referred to women. In other words, not only can deviance be understood by looking at what normality is but in this case 'normality' is gender-specific.

This provides some foundation for the view that, according to some magistrates, only a certain type of woman finishes up in court, let alone in prison.

Women in court are embarrassing (Carlen 1983), simply because, as objects of the penal system they are not sufficiently financially competent. This is unfortunate as the system is weighted towards financial penalties for all but the gravest of offences and the most incorrigible of offenders. The same is true for many male offenders but it is harder for those women who have access to money only by grace and favour of husbands – husbands who may well refuse to give them money for payment of a fine.

It is interesting to note, however, cases recorded by Carlen that show the lack of 'chivalrous paternalism' exercised in dispensing justice towards the poor, the stressed, the unable to cope, working class women; maybe also a victim of a beating, drinking husband – women who are financially overburdened, or trying to run a home in the absence of a feckless husband; no matter how valiant her attempts, once the judge has decided on

1. *The Howard Journal*, Vol. 27, No. 2, 1988, p. 124

prison, she becomes a bad woman, wife and mother – she has arrived as an outsider in the ‘evil woman’ category.

Only a tiny group of women are ever sent to prison. Of those who are, the majority will only be passing through and alternatives of bail hostels and non-custodial reporting agencies can easily have been arranged. The remainder according to Heidensohn (1975) “are a minute slice of femininity with whom no one knows what to do”. Whatever the supposed intentions of therapy and rehabilitation are, they often remain symbolic rather than actual goals because of staff shortages, lack of facilities, short sentences and the very smallness of numbers which make the provision of such facilities seem hardly worthwhile.

The potential importance of the notions of ‘respectability’ and ‘domesticity’ in the sentencing of women remains paramount, however, which serves to reinforce the assumption that providing a woman acts her part, modest, humble, remorseful, and references can be made to her previous good character, domestic pressures or competence in the home, she is not seen as criminal.... she is a proper woman.

The theme of punishment for breaching traditional sex role expectations brings matters to a point where we are almost forced to consider the possibility that establishments such as Holloway and Corton Vale, where

the accent is on therapy, are manifestations of the patriarchal system’s attempt to rehabilitate women who persistently step over the boundary from that of being a ‘perfect woman’ into the male world, thus allowing the accusation of committing a crime ‘against her nature’.

Bibliography

- Brown, B. (1986) *Women and Crime: the Dark Figures of Criminality in Economy and Society* Vol 15 (3).
- Brown, B. (1990) *Reassessing the Critique of Biologism in Gelsthorpe, L. and Morris, A. (eds) Feminist Perspectives in Criminology*. Buckingham, Open University Press.
- Carlen, P. (1983) *Womens Imprisonment: A Study of Social Control*. London Routledge.
- Carlen, P. (1991) Review of Worrall, A. (1990) *Offending Women: Female Lawbreakers and the Criminal Justice System*. London Routledge, in *Journal of Social Policy* Vol 20 (1).
- Edwards, S. (1990) *Women and the Criminal Justice System in Policing* Vol 6.
- Farrington, D.P. and Morris, A. (1983) *Sex, Sentencing and Reconvictions in British Journal of Criminology* Vol 23.
- Heidensohn, F. (1975) *The Imprisonment of Females in McConville, S. (ed) The Use of Imprisonment*. London Routledge.
- Heidensohn, F. (1985) *Women and Crime*. Basingstoke Macmillan.
- Hunter, B. and Williams, G. (1981) *Controlling Women: the Normal and the Deviant*. London Helm.
- Smart, C. (1976) *Women, Crime and Criminology*, London Routledge.
- Worrall, A. (1981) *Out of Place: Female Offenders in the Court in Probation Journal* Vol 28.

Verbals

“Prison is not the right place for many women. It is part of men’s culture to get into groups. Women are more attuned to a more independent life.”

(Vivien Stern, Director of NACRO quoted in The Times)

“If you have a girl problem the men officers laugh at you, but the women talk. I found it easier to speak to them when I wanted to know what was going to happen to me and my girl.”

(Ian Honeyghan a young offender at HMYOI Brinsford quoted in The Times)

"It's the Only Thing that keeps me going in this place."



Art in Prisons – a Resource for Prisons and Prisoner

Colin Riches is a sculptor who started the art and craft centre in HMP Albany in 1986. He undertook an MA thesis at the Royal College of Art for which he researched the role of the centre as a resource for the regime and for the prisoners. He was awarded a Churchill Fellowship in 1991 which enabled him to study art programmes in American Prisons. In 1992 he received an award from the National Art Collection Fund for his work in Albany.

Prisons are about regulation, control and the minimising of risks; art is about exploration, risk-taking and challenging preconceptions. These two seemingly incompatible worlds can unite in a partnership which is fruitful for both prisons and prisoners. This article identifies what some of the benefits are for both parties.

At a symposium held last year a prisoner described how he discovered the value of art as a means of personal enrichment and as an effective means to while away his time in solitary confinement. Using his teeth he 'carved' shapes from bread and apples in order to make shadow puppets. "I didn't know it then," he said, "but I was acquiring knowledge." He is part of a long tradition of prisoners who have used their enforced idleness to produce some remarkable examples of well crafted art or craft work from the most unlikely of materials. For example, Napoleonic prisoners of war in Dartmoor formed an assembly-line for the production of intricately designed model boats made from discarded meat bones. Some time later, in 1880, a prisoner in Newgate embroidered a complex design on linen using her own hair for threads.

What is good for the prisoner is good for the prison. The governor of the Joseph Harp Correctional Center in Oklahoma said

of his arts programme, "The arts work for prisons and for prisoners by reducing tension and by providing constructive and creative activity for prisoners." Teachers in the Harris County Juvenile Detention Center in Houston volunteered that the youngsters, many of whom were detained for capital crimes, were noticeably more mellow after they had attended the art class. Their views reflect the views of custodial and teaching staff in other American establishments and those of staff in British prisons. A discipline officer in HM Prison Albany, a high security prison, commenting on the behaviour of prisoners in the art and craft centre, said, "I must admit you've had some quite tricky customers... But when they've come in here they seemed to have settled down."

The factors influencing prisoner behaviour are complex; the existing data is insufficient to establish a clear cause and effect between arts programmes and perceived improvements in prisoner behaviour. But the data and anecdotal information from prison records and from prison staff in Albany does suggest that there is a relationship between the two. An analysis of the prison records of thirty six prisoners who attended the Albany art and craft centre during a thirteen month period, showed a 29 per cent reduction in discipline reports when compared with the same prisoners' records prior to their attendance

Picture Top Right

Carving of Mother and Child.
Yenwood, 4' high.

By a prisoner from Albany for a
Roman Catholic Primary school
1988.

in the centre. The reports of six particularly disruptive prisoners were significantly reduced. A comparison was also made between the populations of the centre and an adjoining PSIF workshop. This showed that the proportion of improvements in behaviour in the centre were 18 per cent higher than in the workshop. In addition, the particular offence of refusing to go to work did not occur among the centre population during the two year research period. In the PSIF workshop 18 (17 per cent) of the population refused to go to work during 12 months of the same period.

This statistical data is corroborated by the observations of prison officers and wing governors. The prison officers rated behaviour in the art and craft centre as being generally better than behaviour in the industrial workshops and in the wings, but comparable with that of V.T.C. workshops. An officer who patrolled the centre said, "Over the last six months that I have been a regular discipline officer in the shop I have never needed to place an inmate on report or even to caution one." Both officers and prisoners have independently observed that their relationships with each other often improved in the more relaxed environment of the centre. One officer said, "You don't half notice the difference in this shop. You can wander around and have a natter with the blokes if you want to. You can't do that in the other shops." Wing governors recorded improvements in prisoners' attitudes to work and in their ability to occupy themselves on the wings. There is also an element of in-built security in any activity that prisoners value. It is in their own interests that prisoners will protect what

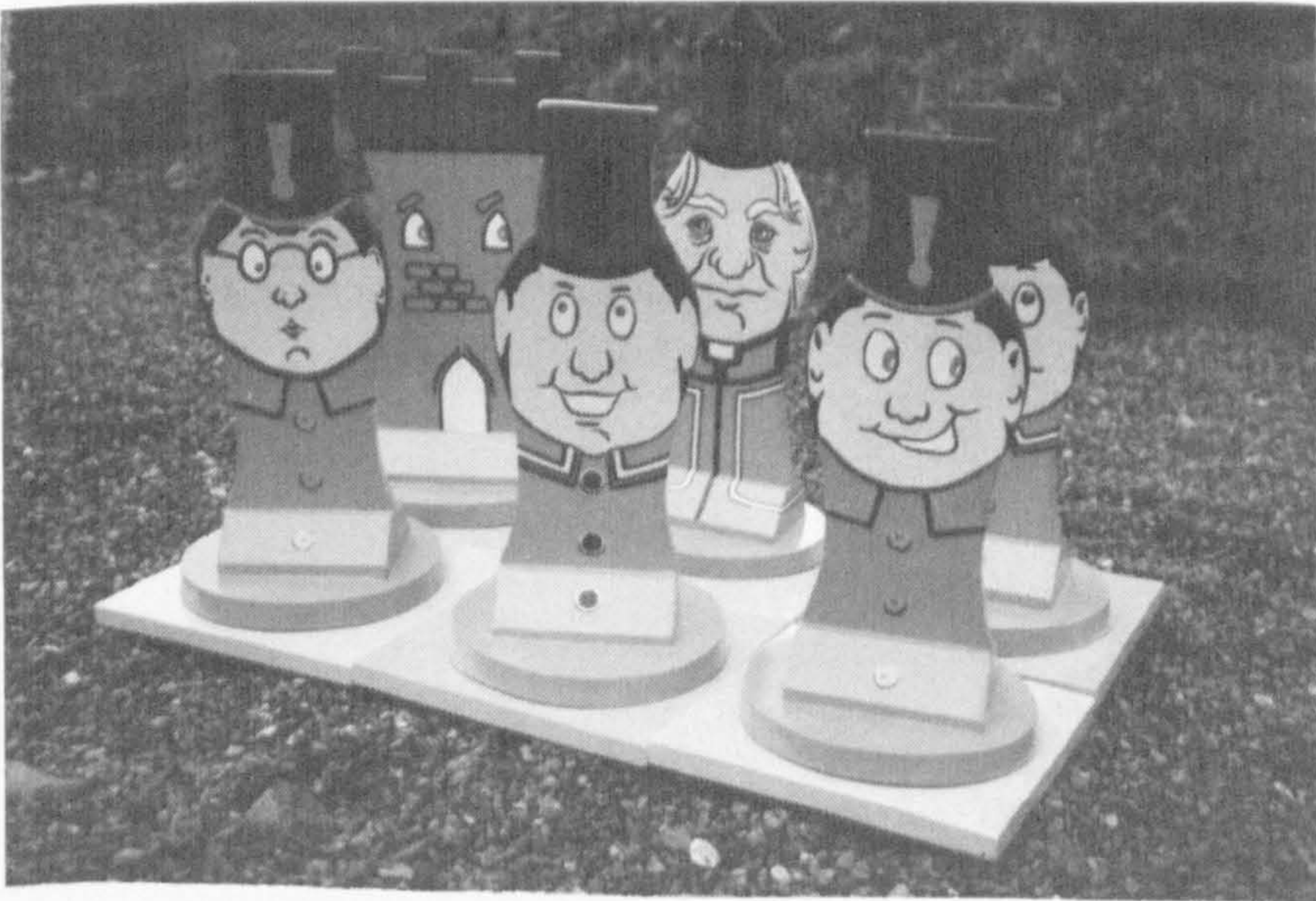
they enjoy doing by imposing their own security and control constraints.

However not all prison staff regarded the reduction in discipline offences to be a positive benefit. A former chief officer and head of operations criticised the centre staff for operating a policy of 'peace at any price'. He rejected the notion of operating a workshop on the basis of encouraging the co-operation and good-will of the prisoners.

The relationship between arts programmes and prisoner behaviour has also been studied in the USA. When the California Arts in Corrections Programme started in 1977, it placed professional artists in the State's prisons to work as artists and to encourage the prisoners to participate in their particular discipline. By 1987 the programme had expanded to provide arts activities in 17 prisons for some 43 per cent of the 90,000 population. A research study undertaken in 1983 found that infringements of prison rules by AIC participants were reduced by between 75 per cent and 81 per cent. A second study in 1987 found that two years after their release, 69 per cent of parolees who had participated in the AIC programme retained their favourable status as compared to a 42 per cent level for the general parolee population. As one prison administrator said, "We cannot afford not to pay the cost of AIC."

It is worth identifying some of the elements in visual arts programmes in particular which, if they benefit the regime, must in the first place benefit the prisoner. However, it is not being suggested that all these elements are unique to arts pro-

grammes only, many are common to other aspects of prisoner activities, particularly in education. Forty-seven prisoners in the Albany art and craft centre were asked to rate those aspects of the centre which were important to them. Being able to take a personal interest in their work was rated highest, but



Chess pieces for an outdoor chess set made in the Art & Craft centre HMP Albany for Saint Mary's Hospital Newport, Childrens Unit

Detail of drawing from Harris County Juvenile Centre, Houston Texas.

they also thought that freedom of choice, having a variety of work and freedom from such pressures as production targets were important. It is hardly surprising, given their highly structured and controlled life-style, that prisoners value an activity which affords them some autonomy and a little control over a part of their daily lives.



The development of new or existing skills was also highly rated by the Albany prisoners. There is an obvious educational value in learning artistic skills. The art process is cognitive, it is a way of learning which does not depend for success on academic and literary expertise. For people who have failed, or who have been failed by, the education system, the arts can provide a non-threatening environment in which a return to learning can be achieved. Speaking of the children in the Harris County Detention Center, Information Officer Diane Logan said, "The kids relate more readily to the artist. They think of themselves as ugly, so to make something beautiful is a new experience, it gives them hope in a miserable existence. The art class is fail-safe, you can't fail at being creative, it also helps them to become re-engaged in the classroom process... It gives them a memory of success when they go back to their home environments". A category 'A' prisoner said of the centre in Albany, "You can open your mind in here and learn. It's opened my mind to wood carving and wood turning... It's the best little number in the nick... I didn't have any interest in art before coming to this shop, but I do now. I look at art books and I do a bit of drawing in my cell." Another one said, "I've got three paintings on the go at the moment. I couldn't hold a pencil when I came in here but now it's the only thing that keeps me going in this place."

For a few the art education process may continue after their release. Boyle, Gilbert, Quanne and Farquhar are among several ex-prisoners who have continued to

work as artists since leaving prison. A former prisoner, having spent twenty-two out of twenty-five years inside, recently completed a foundation course in art and design at a polytechnic. For him this was the first step in breaking the cycle of recidivism. But these men are the exception rather than the rule. The progress of most prisoners in art education is measurable in the more modest terms of a nurtured self-esteem, where this is defined as '... the extent to which a person approves of and accepts himself, and regards himself as praiseworthy, either absolutely or in comparison with others.'

However, the visual arts have a more pragmatic appeal for prisoners. In the words of one man serving a long-term sentence in the federal prison at Leavenworth, Kansas, "I produce paintings to sell, if I can't sell them why do it?" Prisoner artists who, by skilful copying can transform, for example, a family snap-shot into a work of art, are much in demand. Their skills are currency in the unofficial prison economy; for some it may be the first time that they have earned themselves an 'honest penny' by the legitimate use of their own skills. Art works also serves as gifts to family or friends outside. They may serve as tokens of support instead of a breadwinner's wage or they may serve as reminders of the prisoner/artist's continued existence, albeit in absentia.

Above all art serves as a removal activity by enabling prisoners to temporarily escape from the pressures and tensions of their daily lives. "It gets me out of the nick. I can lose myself completely in here without giving prison a thought." These are

comments typical of many that demonstrate the role that art plays in the survival strategies adopted by prisoners to offset the tedium of prison life.

It is a popular belief that art must be an effective way for prisoners to express their anger and frustrations. It is apparent that art does provide some release from stress, but this is seldom done through the direct expression of emotions in a painting, drawing or piece of sculpture. Prison art is generally characterised by a preference for prescriptive methods of working which rely more on technical virtuosity and copying skills than they do on exploration and self-expression. Copying is widely practised by prisoners. For some this provides a way in to a fuller understanding of artistic processes. For most it serves as a short-cut to success and status in the same way that armed robbery may be a short-cut to wealth and status. Many prisoners are wary of the risks of failure and vulnerability which are

inherent in the processes associated with a college art education. These processes often encourage the student to engage with himself and his immediate environment and their outcome is by no means predictable. Painting for the prisoner is an escape from, rather than a confrontation with, his real world. For him as for many people in the world outside, a good painting is judged principally in terms of how accurately it represents a given subject.

While it would be foolish to make exaggerated claims for arts programmes in prisons, it would be equally foolish to deny that there are compelling reasons for such programmes to be developed more widely. They are a largely untapped resource which prison managers can utilise for the benefit of their regimes, their staff and their prisoners. The recently convened Arts in Prison Working Party will help to make this resource more widely available.

Verbals

“We will listen to them, watch them cry over things but we are prison officers first who must bring our judgement to each situation. In that, we are no different from our male colleagues.”

*(Helen McArdle prison officer at HMYOI Brinsford
quoted in The Times)*

“Freedom is a wonderful thing and they haven’t got it. People should go to prison as a punishment not to be punished while they are in there.”

*(Brian Buck, governor at HMP Styal
quoted in The Times)*

Too far or not far enough?

Nancy Loucks is currently completing her Ph.D. at the Institute of Criminology in Cambridge and specialises in the comparative research of European prison systems. Her book, "Prison Rules: A Working Guide", was released on 22 March 1993 and is available from the Prison Reform Trust.

During recent interviews with prison staff about changes since the Woolf Report, many officers told me that the reforms almost entirely benefited prisoners and, if anything, made the job more difficult for custodial staff. However, although the reforms have changed certain physical features of prison life, they have still failed to extend to the basic entitlements of prisoners, namely legally enforceable standards of imprisonment. Have the reforms gone too far for staff to manage prisons, or are they merely superficial changes which again do not address the basic problem of accountability?

As part of the Council of Europe, prisons in England technically subscribe to the European Prison Rules. Unlike most European countries, however, England has not incorporated these standards into its domestic law and can therefore not be liable in its own courts for breaches of them. This would not be so much of an issue if the English prisons followed the European guidelines. However, the European Courts have proved violations in a disproportionate number of cases for the UK: although only three per cent of applications to the European Courts reach the final stages, the Courts have not only accepted but proved violations in British prisons in at least 44 cases up to 1992. Applications to the European courts take several years to process and are therefore rarely of direct benefit to the individual applicant. Perhaps the English government relies on this to prevent more people from seeking remedies.

The government has also failed to incorporate its own Prison Rules into domestic law. The Rules, Standing Orders, and Circular instructions are to be seen as 'guidelines only', so prisoners may not sue for a breach of statutory duty. Several court cases have challenged this and failed, though one recent case left open the possibility for future reforms.

For many years the penal reform lobby promoted the creation of minimum standards for prisons, which the 1991 White Paper *Custody, Care and Justice* accepted and which should be ready for

implementation by early 1994. However, even these will not be legally enforceable, and the government has yet to state whether the Prison Rules will incorporate these standards. Again, prisoners will have certain entitlements in theory, but no effective recourse if prisons do not meet these entitlements.

Specific standards are particularly important if the government continues to move prisons into the private sector. The government needs some means of regulating private prisons and has in fact developed such standards in the Tender Documents for the Operating Contract of the Wolds Remand Prison. However, the state-run prisons do not meet these standards, nor are required to meet them. How can the Prison Service insist on certain standards for private prisons when it fails to follow such rules itself?

Prisoners in England and Wales have no legally enforceable rights and can seek remedies against the governments' breaches of the Prison Rules only through judicial review or the European Courts. Even under the standards for private prisons, prisoners do not have the right to sue over breaches of the standards.

Recent reforms resulting from the Woolf Report and *Custody, Care and Justice* do not make the government any more accountable but again rely on judicial review to keep the prison system in check. More importantly, because of the number of recent changes, many prisoners and staff are not aware of current entitlements. For example, since the Access to Health Records Act 1990, prisoners are allowed to have copies of some of their medical records. However, one prisoner I spoke to recently had this request denied by staff who told him he was not allowed to have a copy. Prisoners are also allowed to have copies of the published Standing Orders, but often have such requests denied or have the Orders taken away from them. Even older entitlements, such as the right to request witnesses at disciplinary hearings, are not always known to prisoners, although governors are now required to remind

prisoners of this possibility at the adjudication. Prisoners will not feel obligated to comply to a system they see as unjust. As one prisoner told me, "They punish us for not following the rules, but then they don't follow them themselves."

Recent court cases have improved access to information for prisoners, one of the primary problems in prisons. In my recently published report, *Prison Rules: A Working Guide* (Prison Reform Trust, 1993), I discuss the continuing problems with lack of access to information and the need for a new consolidated Prison Act, as well as update and explain the guidelines and court cases pertaining to prisoners. Even now, the English prisons fail to meet the standards set in the European Prison rules yet provide little effective recourse for prisoners to remedy this situation.

Governors and staff alike fear the potential flood of litigation which could result from making the Prison Rules legally enforceable. However, they expressed the same fears when court cases allowed prisoners to request legal help for Boards of Visitors' adjudications and exposed Boards' and governors' adjudications to judicial review. These fears have not been realised, and if anything the cases have reduced the prisons' contacts with the legal system. Prisoners need such protections in order to have some defence without having to resort to the European Courts.

Society as a whole benefits from making government agencies such as the Prison Service open and accountable. The White Paper *Custody, Care and Justice* supported this, saying that the role of the Prison Service "must be consistent with international human rights obligations" and "ensure that prisoners are treated with justice, humanity, dignity and respect", but then did nothing to legally ensure such a purpose. The Prison Service needs to develop some means of accountability without making prisoners resort to the European Courts if it expects to prevent further litigation or, more seriously, further violence.

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