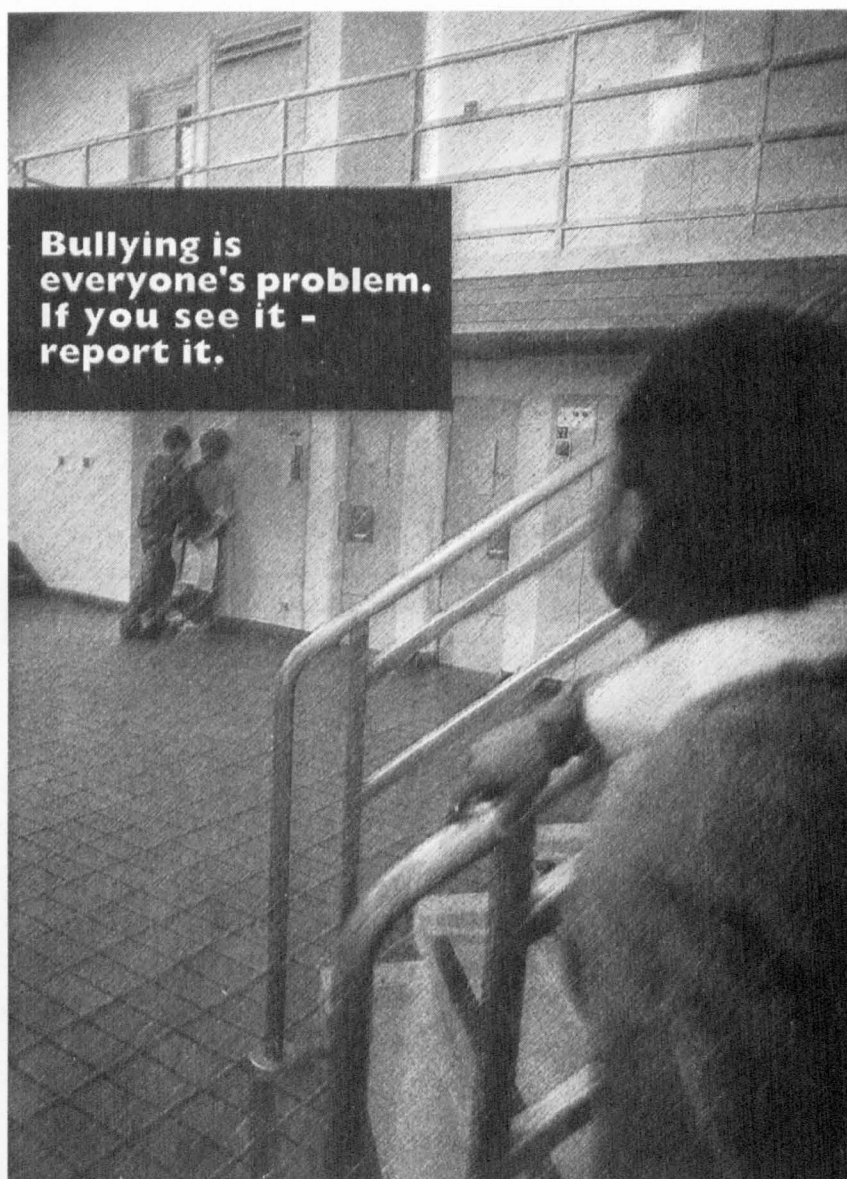


# **J** PRISON SERVICE JOURNAL

NOVEMBER 1994 NO. 96



**WOMEN IN  
PRISON**

**NEEDS OF  
VICTIMS**

**OMBUDSMAN  
SPEAKS OUT**



# PRISON SERVICE JOURNAL

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# Comment

## The Future of the Special Secure Units

At the time of writing, the Inquiry into the Special Secure Unit at HMP Whitemoor has not reported but it seems unlikely that it will recommend abolition of the units. It is probable that it will recommend more to be spent on physical security, procedures to be tightened and increased technology used for surveillance. But even if all that is done and for it to be done may take time: the introduction of x-ray machines after the Brixton escape was not achieved overnight. Still we shall depend upon the human element. Someone somewhere noting promptly that something isn't quite as it should be and taking appropriate action or telling someone about it. All the technology will not replace the need for vigilance and alertness to be maintained at all times. And that need for vigilance at all times is an issue that the Inquiry needs to address. How do staff maintain readiness and a sense of awareness in routines carried out day after day? As one officer remarked, "the job is an ocean of boredom interspersed with an occasional island of sheer fucking terror!" One way of dealing with it is through frequent changes of duty but that is limited in its effect and works against continuity amongst staff. What it also militates against is the notion of dynamic security. The idea of staff getting to know their charges through, for example, personal officer schemes but such schemes have never seemed appropriate to the SSU and the traditional barriers between staff and prisoner have always been maintained. In part that has been because those prisoners in the SSU have been members of close knit groups outside prison who would have nothing to do with "officials" anyway. And what is also lost is the informant. In the same way that most crimes are solved not by brilliant deductive method but by confession so most escapes are foiled not by "intelligence" but by the "note in the box" from someone who doesn't want the boat rocked. The SSU precludes that happening because for as much as it provides staff with opportunities to observe prisoners so it does equally for prisoners to observe each other and staff. In contrast in the main prison there are many legitimate opportunities for prisoners to speak to staff out of earshot. Indeed, prison life could not continue without the prisoner calling at the office to collect a newspaper, an application form or going to see someone about delayed mail or a visit not turned up and

doing so out of sight of other prisoners so that the nudge and wink about which cell to search and when can be given. It is arguable that the prisoners who got out of the SSU at HMP Whitemoor would not have done so had they been housed in the main prison. In the main prison they would have been rumbled by someone who was not in their control and word would have got out. For that to be so prisons need to be places where staff and prisoners interact. Where prisoners see staff as significant in their lives and care what they think and do. That of course needs to be reciprocated and in part that is what involving staff in sentence planning and programmes addressing offending behaviour is about. What is termed dynamic security. It is dependent upon staff having discretion to make decisions which matter to prisoners albeit within limits set by the governor. There is a challenge to that traditional way of running prisons in the wilder fancies of the press following revelations about what staff have allowed prisoners and the use of discretion has been questioned. The talk has been that governors should be allowed no discretion in running prisons. They should be martinets slavishly following rules.

Could that be achieved? For how long would staff and prisoners see as reasonable the rigid application of rules with no exceptions whatever the individual circumstances. And if those carrying out the rules do not see their application as reasonable, what chance is there of consistency. Would the courts accept that the principles of natural justice need not apply and that the reasons for decisions need no longer be given. As likely a scenario as that courts would give up individualising sentences. So too an escape-proof prison is a vain hope but what needs to be recognised is that the human factor cannot be ignored and it is more effective to work with it than to attempt to remove it by technology or blind obedience to a set of rules.

Is that possible to do in the peculiar atmosphere of the special unit? It will be vital to the future of the units that the Inquiry is able to recommend ways of employing staff in a positive role otherwise the human factor may once again be the source of embarrassment ■

# THERAPY BEHIND PRISON WALLS

## A CONTRADICTION IN TERMS?

Kathleen Kendall  
Department of Social Policy  
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*Imagine.....a system where the emotionally wounded people who end up in prisons could find real healing. Healing of their childhood wounds, healing of their self-esteem, healing of their severed sense of connection with other people and with a greater Source.*

*Although this discussion includes findings from an evaluation conducted under contract to the Correctional Service of Canada, the views expressed are completely those of the author and do not necessarily reflect those of the Correctional Service of Canada.*

Reading this, I am reminded of a spiritual retreat. I envision friends supporting one another in an atmosphere of open sky, foliage, and the whispers of a warm breeze. However, the system being referred to is the prison system. The quote is from a pamphlet produced by The Lionheart Prison Project: Houses of Healing. The aims of the project are to provide "healing for prisoners" and to take "the first steps to transform prisons into 'houses of healing'."

What do the prisoners think of the program? Tim's testimony regarding the benefits of the Lionheart Project is as follows:

*I think when I was on the street I wasn't really free at all, but now I feel like I'm becoming truly free. You've shown me I can feel good about myself — I know life is not over for me. Now it's only just beginning.*

Mat has this to say about the program:

*...Grace has brought me to prison to be free of the self-imposed prison I had myself locked away in all those years. For me this class has been a blessing.*

Here, prisons become "houses of healing" wherein people can find "freedom" from their own self-imposed prisons. Such language also exists within the pages of George Orwell's novel, *Nineteen Eighty-Four*. In Orwell's futuristic totalitarian society of Oceania, the official language is Newspeak, where everything is expressed as its opposite. New words are invented, undesirable words eliminated, and remaining words are stripped of any heretical or ambiguous meaning. In this way, the language, makes it impossible

for people to even think in ways that may challenge the social order. As Cohen (1985:273) remarks, Orwell shows us how language can be used politically, and how it serves to "insulate their users and listeners from experiencing fully the meaning of what they are saying and doing." Cohen (1985:275) further states that language surrounding "punishing, treating and helping" - which he calls Controltalk - is a particularly anaesthetizing and potent form of social control. "Controltalk" is central to therapeutic and correctional practice, where coercion and treatment are rationalized on the grounds that it is for the prisoners "own good". The language of "rehabilitation" "therapy" and "helping" reframe punishment as a humanitarian effort, and our conscience is assuaged. As Edelman (1977:100) writes, "it appears that people can deliberately hurt others only by persuading themselves and as wide a public as possible that it serves a therapeutic purpose."

As I was struggling with writing the introduction to this article, the Lionheart Prison Project leaflet arrived through the post. As I read it, I realized with alarm that it echoed a similar initiative in Canada; the replacement of Canada's only federal female prison (the Prison for Women) with four new cottage-based regional "correctional facilities." The new facilities are to be located on several acres of land and employ an architectural design maximizing natural light, space, privacy and fresh air. Security measures are to operate largely through dynamic means - relying on a high degree of staff-prisoner interaction - rather than on conventional surveillance and discipline. All



aspects of the facility will embody a wellness model guided by the following principles: empowerment, meaningful and responsible choices, respect and dignity, supportive environments and shared responsibility. Integral to this model is an emphasis on recovery from past trauma, as well as the development of self-esteem and self-sufficiency which are to be achieved through programming that is woman-centered, holistic and culturally sensitive. Indigenous women are to have their own facility, called a healing lodge, which is to be modelled on Native healing principles (Creating Choices, 1990; Correctional Service of Canada information pamphlet).

It would seem almost blasphemous to criticize these plans for the new facilities, because they appear so very progressive and humanistic. However, as Cohen (1985:69-70) warns us: "the most benign innovations come to mask the most coercive practices and consequences." If we look closely and critically at the proposals for the new facilities, we might discover that Newspeak or Controltalk is in operation. While therapeutic regimes within prisons are not new, a therapeutic model championed as feminist (or woman-centered), is. I am concerned that the language of feminism is being appropriated and stripped of its subversive potential by corrections in order to facilitate the correctional agenda. This does not mean that individual prisoners will not benefit from the new facilities, nor does it imply that the motives of individuals working within corrections are not well-intentioned. It does, however, suggest that we must ask ourselves what this language is masking. It is my contention that the language of feminist therapy is currently being used to encourage popular support for the construction of new prisons, and to co-opt those who are most likely to be resistant to such plans. The end result is that alternatives to imprisonment remain concealed, and that more women will face the dehumanization and degradation of life behind bars. This conclusion is partially informed by a program evaluation on therapeutic services I carried out within P4W while under contract to the Correctional Service of Canada.<sup>1</sup> The

findings from this research will be reported further on in this article, but in order to contextualize my analysis, I will now turn to a brief descriptive overview of women's imprisonment in Canada.

In Canada, responsibility for the justice system is divided between the provincial and federal governments. The correctional split is based upon a two year rule: those people receiving sentences of less than two years become a provincial responsibility, and those serving two or more years become the responsibility of the federal government. However, an exchange-of-services agreement between the provincial and federal governments allows for some federally sentenced offenders to serve their time in provincial institutions. Thus, approximately one-half of women serving federal prison sentences are incarcerated in provincial institutions and the remaining one-half are housed in Canada's only federal female prison, the Prison for Women (P4W) located in Kingston, Ontario. While numbers fluctuate, there are approximately one-hundred and fifteen women imprisoned at P4W.

Since opening in 1934, there has been a continual recognition that women serving time at P4W experience great hardship and suffer severe deprivations due to geographical dislocation as well as inadequate programming and facilities. Since women imprisoned in P4W come from all over Canada, many are thousands of miles away from friends and family. Over nine major government task forces and committees urged the closure of P4W and advised a shift toward decentralization that would allow women to be closer to their homes (Moffat, 1991).

The frequent recommendations to close P4W were largely dismissed until the most recent Task Force report, *Creating Choices - The Report of the Task Force on Federally Sentenced Women* was released in April, 1990. The federal government accepted the recommendations made in the report to close P4W and replace it with four new "regional facilities", and initiatives are presently underway for the development and

1 For the final reports of this evaluation, see: K. Kendall, *Program Evaluation of Therapeutic Services at the Prison for Women* (Ottawa: Correctional Service of Canada, 1993); K. Kendall *Companion Volume I: Literature Review of Therapeutic Services for Women in Prison* (Ottawa: Correctional Service of Canada, 1993); and K. Kendall *Companion Volume II: Supporting Documents* (Ottawa: Correctional Service of Canada, 1993).

construction of the recommended facilities<sup>2</sup>. The question must be asked, why after all of these years, is P4W finally being closed and a decentralized strategy being implemented? The social and historical forces must be looked at. As Shaw (1993) writes, coinciding with the Task Force recommendations were: pressure from nongovernmental organizations (particularly women's groups and Indigenous Peoples groups) to address the plight of Canadian prisoners, broader changes in attitudes and priorities regarding human rights issues for women and Indigenous People, and the appointment of a new and innovative Commissioner of Corrections.

Additionally, a series of particular incidents raised public awareness about the plight of prisoners within P4W. In 1981, for example, the Canadian Human Rights Commission ruled that female offenders were being discriminated against on the basis of sex because relative to male prisoners, they were provided with unequal access to training and rehabilitation programs (Berzins and Hayes, 1987). Furthermore, reports released in 1988 by the Canadian Bar Association and the Standing Committee on Justice, each forcefully echoing earlier calls to shut down P4W, received a great deal of media attention. Moreover, between December 1989 and February 1991, six prisoners committed suicide. A seventh woman died in 1992 following an earlier suicide attempt from which she never regained consciousness. All but one of these suicides were committed by Indigenous women. The relationship between prison conditions within P4W and the prisoner suicides was recognized in a 1990 court hearing, *The Queen v. Carol Maureen Daniels*. The judge ruled that the defendant's right to life and security would be violated if she were incarcerated at P4W because she would be at great risk of committing suicide. The judge added that incarcerating the defendant in P4W would be cruel and unusual punishment because of its geographical distance from her home (Vachon, 1993).

Thus, numerous social and political factors helped to create a climate which was

conducive to the endorsement and implementation of the recommended plan forwarded within the Report of the Task Force on Federally Sentenced Women (1990). I believe that another critical factor in the acceptance of the report was the feminist structure, philosophy and language which underscored the Task Force and its report. To begin, the Task Force generally used a feminist approach to organization. As Shaw (1992,1993) reports, the Task Force was established as a partnership between the Correctional Service of Canada (CSC) and the Canadian Association of Elizabeth Fry Society (CAEFS, an advocacy group for women prisoners). The steering and working groups were each chaired jointly by representatives from CSC and CAEFS, and thirty-eight of the forty-two task force members were women, including two former prisoners. Almost half of the steering committee members were from nongovernmental organizations and women's groups. Additionally, efforts were made to ensure that Indigenous women were fairly represented and consequently, the Task Force came to see itself as a tripartite initiative, composed of CSC, CAEFS and representatives from Indigenous Peoples communities.

The Task Force further held consultations with numerous groups across the country, and commissioned feminist research which emphasized the experiential accounts of federally sentenced women, as well as research which specifically addressed the experiences of Indigenous prisoners.<sup>3</sup> The report appears feminist in structure, content, and language. As noted earlier, the report concludes with recommendations to close the Prison for Women and replace it with five regional facilities, a healing lodge for Indigenous women and expanded community-based services. As this article goes to print, plans are underway for the design and construction of the new facilities. As a promotional brochure produced by CSC states, the new facilities will "address the historical disadvantages experienced by federally sentenced women" through the application of a wellness model based on the principles of: empowerment, meaningful and responsible choices, respect and dignity,

2 The government decided that The Burnaby Correctional Centre, already constructed in Burnaby, British Columbia, would serve as the Pacific regional facility. See Faith (1993a) for a discussion and critique of this high surveillance prison which is constructed on a Panopticon design.

3 See Shaw (1992) for a discussion of the constraints and difficulties which impinged upon the research.

supportive environments and shared responsibility. An essential part of this model is the inclusion of treatment programs and services designed to assist women to recover from past trauma, develop self-esteem and gain self-sufficiency.

The tone of this initiative is feminist - drawing on key phrases and ideas often evoked in feminist scholarship and politics. However, framed within a therapeutic model, the meaning of words change as they become depoliticized. For example, do we really believe that the "historical disadvantages" encountered by imprisoned women, such as racism, sexism, and violence can be dealt with by incorporating a wellness model into prisons? Implicit throughout the Task Force Report and in the implementation plans, is a psychological mode of understanding which concentrates on individualized causes and cures. That is, individual women, rather than social, political, and economic structures become the objects of inquiry and instruments of change. In this way, the political is reduced to the personal. An illustration of this is the way in which the term "choice" is used in the Task Force Report. Indeed, the report itself is entitled *Creating Choices*.

The report defines social equality and alternatives to incarceration as long-term goals, thus implying that it would be unrealistic to address these issues in the present. We are then left with two immediate options: either prisons that are woman-centered and rooted in a wellness model with expanded community-based services, OR prisons that are not. In a linguistic sleight of hand, social and political transformation, as well as alternatives to imprisonment are rendered invisible and a false duality of choice is created.

The emphasis upon choice further results in blame being placed on individuals for making "wrong" or "irresponsible" choices (Kitzinger and Perkins, 1993). If women do not become empowered, healed, or have improved self-esteem, or if they continue their criminal involvements, it is their own

fault because they were given choices for a better life and failed to take the opportunity.

What this assumption masks, is that our choices are constrained and controlled by the material and cultural context within which we live: "when material conditions eliminate 99 per cent of the options, it is not meaningful to call the 1 per cent of things a woman can do 'choice'" (Douglas, cited in Kitzinger and Perkins, 1993). The reality of poverty, violence, racism and sexism will not change, and prisons will be expanded rather than abolished. The promise of choice being offered to imprisoned women is an empty one, indeed. Yet, because the Task Force report and the resulting implementation plans are shrouded in liberal feminist scholarship and language, legitimacy is given to the scheme and resistance is weakened.<sup>4</sup>

The all-encompassing therapeutic paradigm to be employed within the new prisons is worrisome for additional reasons. As Shaw (1992) notes, the "cult of victimhood" - the idea that women are victims and therefore require therapy in order to recover from past trauma, is apparent throughout the Task Force Report and it is also central to the wellness model. This perspective denies women of any agency, and directs them to continually regress inward and backward into past experience, rather than to move forward and look outward to more political understandings and actions (Scott and Payne, 1984). Additionally, the emphasis upon victimization tends to rest upon a false universalism which perceives all women to be the same, thus concealing women's diversity and differential circumstances.

Even under what might be seen as the "ideal" situation of feminist therapy, there remain serious problems. A brief overview below, of some of the issues raised regarding the limitations of a feminist therapy will also highlight the flaws intrinsic to all therapeutic frameworks.

Feminist therapy is a philosophy of treatment, rather than a specific technique.

4 As Ferguson (1984:19) writes, bureaucracies operate in a "dialectic of domination and resistance that must be constantly reproduced. It generates oppositions, tensions and counter trends..." In this regard, resistance to the creation of the new women's prisons has largely come from the communities in which the prisons are to be built. Stated opposition rests generally on the grounds that the prisoners will pose a threat to safety and that housing prices will decline. This situation was often referred to as "the not in my backyard syndrome." The use of the word "syndrome" is interesting, as it once again denotes an individualization of the phenomena. The implementation committee have held a series of public meetings in order to deal with the opposition.

That is, its practitioners use a range of models (ie. object relations theory, transactional analysis, client-centered therapy, etc.) from a feminist perspective. While feminism itself is very diverse and sometimes conflicting, feminists are united by a recognition that females experience oppression on the basis of their sex, and are committed towards the erosion of that oppression. Thus, feminists attempt to locate women's distress within the broader social environment and to assist their clients by connecting the personal to the political. As various writers have argued, this aspiration is laudable but within the context of therapy, the political is necessarily reduced to the personal and individual solutions are prescribed (Kitzinger and Perkins, 1993; Kitzinger, 1993; Ussher, 1991; Scott and Payne, 1984). Some therapists recommend that their clients augment their therapy with political activism. However, as Kitzinger (1993:490) writes: "Women who participate in feminist activism with the goal of feeling better about themselves are likely to be disappointed." Despite the rewards of activism, it can often be distressing and exhausting. Furthermore, while therapists themselves are encouraged to be politically active, the reality of waiting lists and over-extended schedules often preclude such involvement.

Feminist therapy also attempts to reduce the power imbalance between therapist and client, by rejecting the role of expert and establishing a mutual relationship based on cooperation and partnership. However, a therapeutic relationship can never be equal. Therapists do hold a high degree of power over their clients: "one person is paid, is secure, has knowledge and training. The other is distressed, often frightened, and needing help" (Ussher, 1991:235). Therapeutic relationships are intrinsically unequal, and to pretend otherwise is deceptive and potentially harmful to clients. Moreover, feminist therapy is an expert model, despite its feminism, because it still forwards as an explanation of women's distress, and it is used as justification for intervention. Therapists, rather than friends

or family, are called upon to intervene because of their expertise (Ussher, 1991; Kitzinger and Perkins, 1993). Thus, the notion that therapeutic relationships can be equal and that the therapist is not an expert, is an ideal rather than a realistic prospect. The problems inherent within therapy, are greatly intensified within a coercive environment, where power imbalances and the potential for abuse are already extreme.

A project I was involved in at P4W highlights the serious obstacles in the way of "helping" women through therapy (or other means) while they are imprisoned. However, the research also indicates that prisoners can benefit from their interactions with a therapist. These benefits result not from the therapeutic technique per se, but from the practical assistance provided and the experience of a supportive human relationship. Before discussing the research findings in more detail, I will provide some background information to the evaluation.

Between May 1992 and March 1993, I carried out a program evaluation of therapeutic services at the Prison for Women while under contract to the Correctional Service of Canada (Kendall, 1993abc). The evaluation was meant to assist in the development of programs for the new regional prisons, and to help provide direction for programming in P4W until its closure. A number of reports recommended such an evaluation,<sup>5</sup> and a 1990 Board of Inquiry investigating the attempted suicide of a prisoner advised that the strength of the prison's programs be assessed by an external consultant.

Furthermore, there had recently been an increase in the number of therapists within the prison and the incorporation of a new therapeutic approach - feminist therapy. One can speculate that the increase in the therapists and the allowance of feminist therapy was at least partially granted to stave off public condemnation following the suicides, recent court challenges and the Task Force Report.

5 See for example: M. Evans, *A Survey of Institutional Programs Available to Federally Sentenced Women* (Ottawa: Correctional Service of Canada, 1989); R. Ross and E. Fabiano, *Correctional Afterthoughts: Programs for Female Offenders* (Ottawa: Solicitor General of Canada, 1985); L. Berzins and S. Dunn, *Federal Female Offender Program 1978 Progress Report* (Ottawa: Correctional Service of Canada, 1978); and L. Berzins and S. Cooper, "The Political Economy of Correctional Planning for Women: The Case of the Bankrupt Bureaucracy" *Canadian Journal of Criminology*, 24, 4 (1982): 399-416.

The evaluation was qualitative in design, and consisted of observations, interviews and document analysis. Initially, in order to determine the key issues and concerns, interviews were held with 72 prisoners, staff and program providers. The issues identified in this phase were then addressed in subsequent meetings with 40 prisoners and 20 staff members. While the prison population of P4W fluctuated during the evaluation, there were on average, 115 prisoners. There were ten therapists, two staff psychologists, and a social work intern providing individual therapy. The majority of these individual therapists were under contract (rather than employed as members of staff) and were coming into the prison on a less than part-time basis. Taken together, there were approximately 51/4 full-time individual therapy positions. Additionally, there were numerous group therapies offered, including: the Peer Support Team (prisoners trained to counsel one another), the Women and Fraud group, living skills programs, a variety of substance abuse groups, and groups specific to the cultural diversity of the population.

The therapists generally stated that they worked from a feminist philosophy of therapy which stressed the importance of healing from trauma. Personal problems were not regarded as illnesses or weaknesses originating from within, but were understood in relation to the context surrounding people's lives. In particular, the therapists recognized the close connection between women's marginalized status (as a result of, for example, poverty, abuse, sexism and racism), the offences women are charged with, and their imprisonment. In particular, the degree of violence encountered by prisoners was central to the counsellors approach and practice.<sup>6</sup> Yet, the therapists stated that they did not regard women simply as victims, but also saw them as active agents who resisted and survived violence, and found creative ways of coping.

Staff recognized the following general benefits of prison therapy: the stabilizing

effect on the prison environment, crisis prevention and easier adjustment of prisoners. Yet, a number of staff felt that therapy led prisoners into self-injury, volatile behaviour and suicide. That is, they felt that prisoners were pushed into dealing with personal issues (such as abuse) through therapy, and thus opened up a "Pandora's Box" of misery which would better be left closed. Yet, when asked about "Pandora's Box", 92 per cent of prisoners stated that they were ready to deal with the issues they had addressed during therapy. If they felt unprepared to discuss specific problems, they informed their therapists of this and moved on to other issues or temporarily or permanently withdrew from counselling. The remaining 8 per cent who stated that they had confronted issues during therapy for which they were unprepared, indicated that such experiences transpired a number of years ago and with different therapists than those working at the time of the evaluation.

In fact, prisoners reported overwhelming support for the therapists at P4W. Indeed, the majority of women (67 per cent) were seeing someone for individual counselling, some women were seeing more than one counsellor, and there was a waiting list. Despite the high number of women receiving individual therapy, 80 per cent of prisoners interviewed felt that there should be more individual therapy available, while the remaining 20 per cent thought that the level of therapy should be maintained. Eighty-eight percent of the women stated they wanted to work with a therapist. The women also indicated that they should never be obliged to become involved in therapy, and that they should have the choice to work with someone with whom they are comfortable.

That so many women wanted therapy is not surprising given the hardships many of them have experienced in their lives, and the trauma of imprisonment. Prisoners reported that their negative feelings (of pain, anger, grief, frustration etc.) were overwhelmingly

6 Surveys of federally sentenced women in Canada indicate a high degree of violence in the lives of prisoners. For example, Shaw et al. (1990) found that 82% of the 102 women surveyed at P4W and 72% of the 68 women surveyed inside provincial prisons reported physical or sexual abuse. Abuse was found to be even more prevalent in the lives of Indigenous women: overall, 90% disclosed physical abuse and 61% reported sexual abuse. Additionally, surveys highlight the severe nature of disruption throughout the lives of prisoners, such as parental death at an early age, foster care placement, suicide attempts, self-injury, prostitution, homelessness and substance use. See for example, Shaw et al. (1991). The degree of violence is often intensified by racism. See for example, F. Sugar and L. Fox (1990).

rooted in the lack of control they had over every aspect of their lives while imprisoned. Space, movement, schedules and activities were all dictated by prison rules and regulations and were under the control of staff (who often used their power arbitrarily).<sup>7</sup> Despite the lack of real possibilities for taking self-determined actions, women indicated that they were still expected by staff and the parole board to display personal initiative and responsibility. This paradox between what women were **allowed** to do, and what they were **told or expected** to do was described as crazy-making and often reminiscent of earlier experiences of abuse. Women said that the "deepest cut" was that made during the process of becoming a prisoner, in which they felt they were stripped of their own identities and given the label of prisoner - a status which they expected would haunt them forever.

Examples of measures which could reduce the hardship of imprisonment were provided by the women. Therapy was emphasized, but was said to be helpful only if women could choose to take part. As it was, women reported feeling obliged or forced to take programs because their case management officer conveyed either directly or indirectly, that program participation was mandatory if they wanted a positive recommendation for parole. Other suggestions for improvements included: a dignified planning process, freedom to safely express emotions, and improved access into the community.

When asked to define what they felt was therapeutic, the prisoners identified: **a space to be themselves** (a respite from a sense of constant surveillance), **to be in control of their own lives** and/or **an opportunity to value and be valued by others**. These same elements are those which prisons inherently suppress and deny. This brings us to the basic question posed by this paper: is therapy behind prison walls a contradiction in terms? The evaluation at the Prison for Women, while revealing the benefits of the therapy practised at P4W also shows that the elements prisoners identified to be therapeutic are in opposition to the very nature of prisons.

That individual prisoners benefited from their interactions with therapists at P4W cannot be denied. What was it about therapy at P4W that the women found most beneficial? The prisoners identified the personal characteristics and approach of individual counsellors to be very helpful. The therapists were very committed to the women with whom they worked, they put in many extra hours and often went far beyond the "call of duty". The prisoners stated that therapists provided them with very practical assistance, treated them with a great deal of respect, and often showed support by advocating for them on various issues. The women felt that the therapists provided them with the elements they defined as therapeutic: a space to be themselves, assistance to be in control of their own lives and the experience of being valued by others. Thus, the benefits of therapy stemmed from involvement in a supportive human relationship and the practical assistance provided, rather than from a particular therapeutic technique.

The general limitations of therapy noted earlier in this paper are exacerbated within a prison environment. The imbalance of power between therapist and client is intensified within prison where bureaucratic limitations, demands and pressures are forced upon therapists. In addition, as the women indicated during the evaluation interviews, prisoners are often given no real choice to refuse therapy. As well, many Black, Asian, and Indigenous women felt that their needs were not met because there were no Black, Asian or Indigenous therapists. Similarly, French women commented that the one French therapist could not handle the demand for a French speaking therapist. Language and cultural differences were heightened further among prisoners originating from outside countries.

Since so much of therapy depends upon individual therapists, and because there is such a distortion of power within prisons, the potential for harm is great. While the prisoners clearly gained from their interactions with the therapists at P4W, there have been many accounts of abuse under the

7 For similar findings, see: M. Eaton, *Women After Prison* (Buckingham: Open University Press, 1993); J. Heney *Report on Self-Injurious Behaviour in the Kingston Prison for Women* (Ottawa: Correctional Service of Canada, 1990); M. Velimesis, "Sex Roles and Mental Health," *Professional Psychology*, 12 1 (1981):128-135; and S. Pollack *Opening the Window on a Very Dark Day: A Program Evaluation of the Peer Support Team at the Kingston Prison for Women*, unpublished Masters Thesis, Carleton University School of Social Work, 1993.

mantle of therapy in prisons elsewhere.<sup>8</sup> The supportive human relationships offered by the P4W therapists may be an exception to the rule. Furthermore, the benefits of therapy listed by the women (a space to be themselves, to be in control of their own lives and opportunity to value and be valued by others) were said to be available through alternative means such as: hobbies, spiritual events, exercise, study, and most importantly, visits with friends and family. However, the prison often imposed grave restrictions on access to all of these.

This paper has demonstrated the contradictions inherent in attempts to provide therapy within prison. More generally, it has problematised the notion that prisons can be transformed into "houses of healing." The paper has also shown how feminist language provided legitimacy for and weakened resistance to current Canadian prison reform efforts. The subversive potential of feminist analysis and activism is diluted as feminists direct their energies toward reforming rather than challenging the correctional system. As Faith and Currie (1993) demonstrate in their analyses of the Canadian battered women's movement, the state adopts feminist knowledge in order to accommodate feminist resistance and to give the illusion of state concern. Governments also hire feminists but retain them so long as they do not present a serious threat to the state. The state will furthermore provide funding for women's programs and services but the money comes with the proviso of state regulation. In this process of feminist engagement with the criminal justice arm of the state, women's issues are redefined and compromised, often beyond recognition.

Likewise, feminist incorporation into the correctional agenda depoliticizes analysis and erases the possibility of abolition.<sup>9</sup>

Feminists must not lose sight of abolition as an alternative. As Hudson (1987:183) writes: "whether or not abolition of prisons is attainable in the foreseeable future, an abolitionist stance makes it possible to look carefully at whether imprisonment is really necessary, and if so for whom." Women's prisons are a good place to begin abolition efforts because women prisoners are generally relatively small in number and are regarded as low-risk (Faith 1993c, Carlen, 1990).

To voice these criticisms is to risk unintended consequences such as the withdrawal or decrease of therapeutic programs which may be the only or one of the very few services and supports granted to prisoners.<sup>10</sup> Moreover, deconstructing efforts around women's prison reform will not provide imprisoned women with immediate comfort. The reality of their distress must be acknowledged: "we can't abandon women while we 'do' politics..." (Barnsley cited in Faith, 1993b:29).

Perhaps what we can best directly offer prisoners is support from a sympathetic listener, and practical assistance with such matters as communication with family and friends, parole preparation and housing upon release. These do not need to be obtained through therapy and yet could provide women with a space to be themselves, some degree of control over their own lives and an opportunity to value and be valued by others. Yet, despite the importance of this type of intervention to

8 See for example: K. Faith, *Unruly Women* (Vancouver: Press Gang Publishers, 1993); J. Sim, *Medical Power in Prisons: The Prison Medical Service in England 1774-1989* (Milton Keynes: Open University Press, 1990); P.R. Dobash, R.E. Dobash and S. Gutteridge, *The Imprisonment of Women* (Basil Blackwell, 1986); and T. Hattem "Vivre avec ses peines: Les fondements et les enjeux de l'usage de médicaments psychotropes saisis à travers l'expérience de femmes condamnées à l'emprisonnement à perpétuité" *Criminologie*, 24, 1 (1991) 137-156.

9 For further critiques of feminist reform and more general concerns related to the Task Force report and the new correctional facilities, see: K.H. Moffat, "Creating Choices or Repeating History: Canadian Female Offenders and Correctional Reform" *Social Justice*, 13, 3, (1991):184-203; M. Shaw, "Issues of Power and Control: Women in Prison and Their Defenders" *British Journal of Criminology*, 32, 3 (1992):438-452; and K. Faith "Correctional Crossroads in Canada: Decarceration? or Proliferation of Women's Prisons?" Paper presented for American Society of Criminology Conference, Phoenix, October, 1993.

10 Hudson (1987), for example, argues that the rapid and severe decline in prison services and the outright neglect of prisoners in Britain, was a consequence of the justice model of corrections. This model advocates that the criminal justice system should not be involved in rehabilitation, but rather, should focus upon the fair administration of punishment. Criticisms of treatment within corrections were used to give legitimacy to this model. Similarly, Ussher (1991) writes that critiques of psychiatry were used to legitimate the closure of institutions which has resulted in a vacuum of care.



individual prisoners, it is very limited because it does not address the structural roots of subordination nor will it affect prisoners who are denied access to such services.

The point of this paper is not to suggest that feminists avoid or withdraw involvement with the prison system. Very often, feminists provide the only source of support and their involvements have resulted in improved conditions.<sup>11</sup> I am suggesting that we need to demystify the language surrounding correctional reform and not be misled by projects which appear to be feminist, but which are in fact, not feminist. Involvement in the system risks co-optation and depoliticisation but it is necessary to the prisoners locked inside, and there are points of resistance in any bureaucracy through which challenges may be posed. However, opposition must come largely from the outside where illusory language and false images can more easily be demystified and where change remains most promising ■

*When Oldspeak had been once and for all superseded, the last link with the past would have been severed. History had already been rewritten, but fragments of the literature of the past survived here and there, imperfectly censored, and so long as one retained one's knowledge of Oldspeak it was possible to read them (Orwell, 1986:250).*

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<sup>11</sup> Examples of positive feminist intervention include the family violence program at Bedford Hills Correctional Facility, New York State (See Gohlke and Humphrey, 1994); and the Santa Cruz Women's Prison Project (see Faith, 1993a).

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# MIXED PRISONS

## MISOGYNISTIC & MISGUIDED

On 23 April 1990 a group of women prisoners was transferred from Pucklechurch to Holloway because their safety could not be guaranteed. Pucklechurch was in the grip of a particularly violent riot. Justice Woolf and Judge Tumim were advised by Women in Prison of the consequences for the women involved. Initially the group was fearful both of going to London and to Holloway. They were upset at the sudden separation from their friends and families, worried about contact with legal advisers and justifiably concerned about not being produced at court (the women's court appearances were in fact delayed).

In time, most of the women preferred Holloway to Pucklechurch and, notwithstanding problems with families, friends, legal advisers and court appearances, they wanted to stay there.

Their preference would come as no surprise to anyone who has lived in both a women's unit attached to a men's prison and in an urban women's prison. What is surprising, in the light of the Pucklechurch debacle, (and Pucklechurch was the only riot prison which held women prisoners), is the recommendation by Tumim and Woolf that women could be held in small units annexed to local men's prisons (or, in yet another

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snappy oxymoron, 'community prisons'). Such recommendations arise from a wish to place women prisoners near to their homes.

### **MISGUIDED**

It is unfortunate that the debate around mixed prisons has resurfaced, and, worse, appears to be gathering pace. I was hopeful that the more informed sections of the prison reform lobby would avoid building on what was an absurdly misogynistic and misguided proposal. There is proper concern that women prisoners should be held close to their homes, and as there are so many more men than women in prison, this presents the obvious problem of geographical placement.

However, the mixed prisons proposal not only sidesteps what is the central issue, it turns it on its head. We are all aware that the vast majority of women in prison are there for non-endangering, minor offences: there is no need for them to be imprisoned at all. But as they are, rather than creating spaces for them inside men's prisons so that they can be near their homes, and thereby making their circumstances fit the problem, we should turn the problem around and give them the space to visit their friends and families. The right approach to the perennial problem of imprisonment damaging relationships, exacerbated for women because they are imprisoned long distances from their home, is quite simply: let the women go home every weekend. Not only would this ensure that women are not doubly penalised for their small number, it would go some way towards ameliorating the damage enforced separation does to all relationships. Underpinning this concern is my belief that any reform not based on strict policies of decarceration is suspect.

There are many things wrong with the creation of women's units in men's prisons. Not the least of which is the inevitable extension of the carceral zone for women and the principle that operates on 'the more you have the more you fill' basis. It is likely that magistrates and judges, if there are local spaces for them to do so, will imprison all the more women all the more easily. In her 'Strategy for Abolition' (Prison Report No.6) Pat Carlen argues that the way to combat the burgeoning tendency to imprison is to abolish all but a hundred prison places for women - a view I wholeheartedly endorse.

It is maintained that if women are housed in larger, men's prisons, they would benefit from an improved regime due to extra resourcing based on economies of scale. I understand, however, that units for women annexed to men's prisons would in fact be more expensive to resource than the present women's estate. If this is the case 'economies of scale' arguments are redundant. On the other hand, this argument might well gather pace, so it is important to note that resources do not a prison make.

One of the interesting things to emerge from the *Woolf Report* was that the majority of all prisoners complained about staff attitudes and not, as might be expected, about physical conditions. This is indeed surprising when current public discussion is almost exclusively couched in terms of the problems of overcrowding and poor sanitation. Further, prisoners might have been reluctant to complain about staff attitudes in letters, albeit sealed, which were handed to and posted for them by the staff.

### **FACILITIES**

'Community' prisons do offer a means of reducing costs if they allow prisoners to spend more time out of the prison in community based projects. Resources would then be concentrated in the community rather than in the prison. However, even if there is an increase in spending on prison resources, and accepting for the moment that larger gymnasia, swimming pools and teaching materials will improve regimes, I am sceptical as to how accessible these would be for women.

I do not believe that regime monitoring, ring fencing nor equal opportunity policies will make a scrap of difference to the women held in mixed prisons. There is little doubt that if at any time resources were limited, women's access to facilities would be the first to suffer.

Experience has shown this to be the case and with far more sinister implications for women than being last in the queue for the gym, cold food or a hands-on session in computer skills.

It emerged at the inquest on one of the nastiest deaths of a woman in custody, that the resuscitation equipment took almost a quarter of an hour to be brought to the women's wing from the men's hospital. At Durham H Wing, it was not a question of

cold, but contaminated food. The contempt from a number of male prisoners for their female counterparts was revealed by the spitting on, and urinating in, the women's food and drink. So, it really isn't a question of sharing resources or of women not getting their fair share - more a total lack of understanding of the base reality of day-to-day prison life.

Further, the question of cheaper prisons should be no concern of the prison reform lobby. We are not financial management consultants for the Home Office. Campaigners only need to be aware of the adverse effects budgetary constraints have on the lives of prisoners in, for example, the merging of shared resources.

### **ABUSE**

Debates about mixed prisons must also be sensitive to the personal history of many women prisoners. A reception survey conducted by Ingrid Posen in 1988 demonstrated that a high proportion of Holloway prisoners had suffered sexual abuse, violence and rape. The suggestion that women be held in cluster units alongside men, some of whom will almost certainly have been convicted of these offences, is scandalously insensitive to the experiences of these women.

Presumably Woolf and Tumim address this concern when they recommend that women should be held "in a wholly secure and separate block" But, in the light of the hasty transfer of the women out of Pucklechurch during the riot, and the disorientating effect the panoply of techno-security has on the women of Durham H Wing, this recommendation is, to say the least, short-sighted. Even with the presence of oppressive security systems, I do not believe that women's safety in a men's prison could ever be guaranteed. If nothing else, Woolf revealed how ad hoc and chaotic security measures in prison are, and how dangerously incompetent the people operating them - from the officer on the landing to the Minister and his Prison Service staff.

Yet another proposal recently floated by NACRO is the creation of community custodial houses for women. These houses would each hold around 40 women, and would have an increased level of security or supervision at some locations for an exceptional sub-group of women prisoners.

"Space-permitting', young children can come too. As much as I would like to see all women's prisons razed to the ground, I have no doubt that this radical vision of the Dickensian workhouse for women would at a stroke increase the incarcerated female population and the incarcerated child population.

This recommendation could lead to the greatest extension of the state financed carceral zone yet. Magistrates and judges now imprison women with fewer convictions than men. Who can doubt that they would use the supposed 'soft custody' option all the more readily and incarcerate more women and their children?

One wonders who would run these prison houses. Would prison officers be seconded to duties in the community? Or would the social or probation services be recruited to do the job? As the latter have for years had difficulty reconciling their presence in prisons with their duty to advise, assist and befriend, it seems unlikely. Would the whole venture be privatized or are voluntary sector agencies willing to be recruited?

### **CHILDREN**

This is not the first time this year that I have heard well intentioned members of the prison reform lobby motivated by the desire to strengthen ties between imprisoned women and their families, tinkering with the idea that one answer lies in the increased incarceration of women prisoners' children. Here the intention to do good meshes with idealised notions of appropriate womanhood. The problem with this kind of romantic benevolence is that through the twin processes of infantilisation and domestication, it further disempowers the women and children for whom it knows best.

The most debilitating effects of imprisonment are the long-term effects of separating people from the outside world - from everything and in most cases from everyone they know. Making fortnightly or monthly visits easier for the friends and families of those prisoners who have them, goes some way towards acknowledging this. But creating giant urban closed prisons containing every category of prisoners, including women, on no other basis than its locality, could be disastrous not only for the women held there, but for everyone.

Clustering groups of people into small

units around a central core can create a vicious rather than a healthy competitiveness. Prison staff and local community groups may well treat the criminalised who come from the same community, and who they may know, better. Arguably they might, for certain crimes, or because they know the victims, treat them a good deal worse.

The way to combat the effects of imprisonment is to reduce imprisonment. The main aim of any prison reform group must be that fewer women and men go to prison. To go some way towards achieving this we should all keep pressing for shorter sentences and for their impact to be lessened by the breaking up of the sentence. Must we accept uncritically that a custodial sentence be continuous? Flexible sentencing and freer movement for prisoners from inside to outside the prison would be much better and have the effect of bringing more of the 'outside' to inside the prison. This would open up prisons, make them more accountable, render them less artificial, less secretive and most importantly, less debilitating to prisoners and damaging to the people who care for and are separated from them.

Instead of a six month sentence, a defendant would be given a sentence of 180 days. This sentence could, and there must be a voluntary component, be taken on a continuous or on a spread basis, say

Monday to Friday. Rather than the day sentence applying exclusively to women, to pilot the scheme it could, non-controversially, apply to all those defendants convicted of non-violent offences who have been on bail and who are primary child carers.

### **SENTENCING**

The Woolf Report gives us the opportunity to rethink our response to prisoners and imprisonment. Once again, there is a call for an improvement to regimes and conditions. However, now is the time to broaden our view and consider how sentencing practices may reduce the number of people in prison, and ameliorate the damage done to them and those who love them. Decisions concerning disposals may be the jealously guarded prerogative of the magistracy and judiciary, but surely the time has come to call for such disposals to be undertaken in as humane a way as possible. Non-violent people should not be in prison, but if they continue to receive prison sentences the impact on families and community ties would be lessened by weekend leave and by an imaginative use of flexible sentencing. Both women and men could benefit from the advantages of such a scheme, without the disadvantages of ring fenced resources, shared sites, or mixed prisons ■

## **VERBALS**

"About a third of all violent incidents against AfroCaribbeans and Asians were felt to be racially motivated. More than half the street assaults were said to be. Asians also said race was involved in two-thirds of incidents around the home, usually citing white offenders.

[British Crime Survey published in Criminal Justice Digest No 75 HMSO]

"Over 89000 offences against prison discipline were punished in 1992, 4.2% more than in 1991. Two offences were punished per head of the male population and 3.1 offences were punished per head of the female population."

[Statistics of Offences HMSO]

"Of an estimated 2.64 million violent incidents, 20% were domestic assaults involving partners, ex-partners and other relatives and household members. Nearly half of the assaults mentioned by women in the survey were domestic assaults.

[British Crime Survey published in Criminal Justice Digest No 75 HMSO]

# WOMEN PRISONERS

## IN SWEDEN

### Foreword

In 1991 the government directed the Swedish Prison and Probation Administration to undertake research into the needs of women prisoners and how these needs are met during the serving of a prison sentence. The present study was performed to find out if women who wish to do so can serve their sentences separated from men prisoners, their need for support and help for drug misuse and if their occupational activities with reference to work, study and leisure can be met in prisons with both men and women inmates. Since very little knowledge of women prisoners is available in the literature in Sweden this report makes a very good contribution to this field.

### Background

The background to the research described in this shortened English version of the Swedish report is as follows.

In Sweden, as in most European countries, women prisoners are only a small proportion of the annual number of sentenced prisoners received into prisons. However, this proportion has increased from just over 1.5 per cent in 1970 to nearly 5 per cent during 1990s<sup>1</sup>. Until 1974 there was only one prison for women in Sweden - the Hinseberg prison. In that year a complete reorganisation of the prison system took place with, inter alia, the aim of placing the large number of prisoners with relatively short prison sentences in prisons which would be situated near their homes. Since this was not feasible to build neighbourhood

prisons which would take a handful of women prisoners it was decided to design these prisons for prisoners of both sexes. Women prisoners were given a separated wing of their own in the neighbourhood prisons but they shared the day's activities with men prisoners.

It was found in 1987 that a number of women prisoners from the Stockholm area who were eligible for neighbourhood prisons were in fact serving their sentences at Hinseberg. To meet the need for more places, a neighbourhood prison for women only - Färingsö - was opened in 1989 in Stockholm. The total number of available women's places was 209 in March 1991. Of this number, Hinseberg provided 94 places, Färingsö 31 whilst the remaining 84 places were divided between 18 different neighbourhood prisons for both men and women.

Against this background the government noted in 1991 that:

Parliament has expressed its concern on a number of occasions about women prisoners in neighbourhood prisons since it is important on the one hand that women prisoners who wish to do so can serve their sentences separated from men prisoners, and on the other that the needs of women prisoners can also be met in prisons with both men and women inmates.

In consequence the government directed the Swedish Prison and Probation Administration to undertake research into the needs of women prisoners and how these are met during the serving of a prison sentence. The study which was carried out sought therefore to obtain knowledge about:

*Sig Fjarstedt, Head, Planning, Budget and Research.*

*Norman Bishop, former head of the Research Group at The Swedish Prison and Probation Administration has shortened and translated the English version of the original Swedish report. We extend our gratitude for his work.*

1. See Appendix for details.

- a. women prisoners' attitudes to serving their prison sentences separated from men prisoners;
- b. women prisoners' need for support and help for drug misuse;
- c. women prisoners' occupational activities in the prisons with reference to work, study and leisure pursuits;
- d. women prisoners' attitudes to having children in prison with them, and
- e. the implications of the foregoing for the number of places required for women prisoners in the immediate future.

### **Method**

A questionnaire consisting of 49 questions was distributed to all women prisoners who could understand or speak Swedish and were present in the prisons on 6 February 1992 (N=138). The questionnaire also gave opportunity for the free expression of further views - an opportunity which was taken by nearly one-third of the respondents. Replies were received from 119 women, a response rate of 86 per cent.

In the analyses of the replies it was found useful to divide the respondents up according to the type of prison in which they were serving their sentences. Four categories of prison are distinguished: (i) open neighbourhood prisons; (ii) closed neighbourhood prisons (both mixed sex prisons); (iii) Hinseberg national prison and (iv) Färingsö neighbourhood prison (both prisons for women only)<sup>2</sup>.

The Chi-square and Fisher's Exact Probability tests were used to determine whether statistically significant differences existed between the categories of prisons. Significant differences at the 95 per cent confidence interval are indicated in what follows with an asterisk (\*).

## **Findings**

### **Age distribution**

The table on this page shows the age distribution by type of prison. The women at Färingsö and in the closed neighbourhood prisons were significantly younger ( $\leq 35$ ) than those in the open neighbourhood prisons\*.

### **Accommodation before reception into prison**

Seventy-five per cent of the women lived in stable accommodation whilst 20 per cent lived under casual circumstances. Most (60 per cent) lived with a partner or with children or with both. Others (30 per cent) lived alone or with relatives or companions (8 per cent). More women with stable accommodation were inmates of open neighbourhood prisons than was the case at Färingsö\*.

### **Current offence**

Property and drug offences were the most frequent kind of crime (32 and 31 per cent and respectively). Thirteen per cent had committed offences against the person and of this group one-third were guilty of murder, attempted murder or manslaughter. Thirteen per cent were guilty of road traffic offences. Nearly one-third had sentences of over two years whilst 40 per cent were serving sentences of six months or less.

### **Cigarettes, alcohol and narcotic drugs**

Of the 119 women, 102 smoked. Sixty-three per cent stated that they did not use alcohol when free or did so occasionally. Six women drank every day before entry in prison whilst the others did so once or twice a week or month. Twelve women considered they had an alcohol problem and nine of this group were also drug misusers. So far as drugs were concerned nearly 60 per cent ingested drugs daily or as good as daily in the period prior to entry into prison. The inmates of the open neighbourhood prisons used drugs to a significantly lesser extent than those in closed neighbourhood prisons, Färingsö or Hinseberg\*. Fifty-eight (60 per cent) of the 119 women considered that they had a drug problem. The most frequently used drugs were amphetamines, either alone or in combination with marihuana or medicinal pills.

Age	All women	Open nghbhd	Closed nghbhd	Färingsö	Hinseberg
Mean	35.0	38.5	30.5	31.0	37.4
Median	34.0	41.0	28.0	32.5	35.0
Lowest	18	19	21	21	18
Highest	59	54	49	44	59

2. Prisoners serving sentences up to one year are normally allocated to neighbourhood prisons whilst those serving longer sentences are allocated to national prisons.



### Help for drug misuse

Thirty-five women wanted help for their drug dependence - 23 with narcotic drugs, six with alcohol and three with both alcohol and drugs. In addition, three women who admitted to using narcotic drugs daily but not to having a drug problem, said they would like help. Of the 35 women, 14 (40 per cent) considered that the prison could give them help. 10 of the 14 were inmates at Färingsö.

A further 30 women thought that prison was able to offer help for alcohol or drug misuse but only 10 of this group admitted to the use of narcotic drugs.

There were more women at the open neighbourhood prison and Färingsö who considered that the prison could give them the help than was the case at the closed neighbourhood prisons and Hinseberg\*.

### Occupational activities in prison

#### Work

Most of the women worked (43 per cent) or combined work with study (39 per cent). More were working in the open neighbourhood prisons than was the case at the closed neighbourhood prison and Hinseberg\* where work combined with study were more frequent. The work carried out in the various prisons included laundry work, the weaving and trimming of mats, kitchen work, cleaning, gardening and various forms of maintenance. More women worked on laundering and work with mats at Hinseberg, in the kitchen at Färingsö on gardening work at the open neighbourhood prisons and on gardening and assembly work at the closed neighbourhood prisons.

Rather less than half (45 per cent) thought that the work provided was good, 18 per cent considered that it was not useful whilst 35 per cent thought that it was neither. More than half of all respondents (58 per cent) wished to see other forms of work provided. This was especially true of the women at Hinseberg\*.

Those who stated what they would prefer to have as work (57 per cent), asked for a more vocationally and labour market oriented type of work or a more creative, stimulating, demanding or active work or, at least, a wider range of jobs. More womanly work was also requested such as sewing, nursing, handicrafts, work with furnishing fabrics or with livestock, as well as light engineering and assembly of electronic apparatus.

#### Studies

Nearly two-thirds had elementary school education, just over one-quarter had completed secondary school studies whilst seven per cent had undertaken further education. Eighteen per cent (22/119) reported that they had difficulties with reading and writing. Nine of these women were studying Swedish.

Just over 41 per cent of the women prisoners were pursuing studies whilst in prison. Two-thirds of this group were reading Swedish, English and Mathematics either alone or in combination or in combination with computer use or typewriting and accounting. The majority (80 per cent) assessed their studies as being useful and good/very good. The prisoners at Hinseberg were especially satisfied in comparison with those who were studying at Färingsö or the neighbourhood prisons\*. A few respondents justified their positive views by saying that they considered the presentation of the subjects to be good, the teachers competent and the studies of value for personal development. Forty-three per cent desired a more vocationally and practically oriented education or wanted better opportunities for advanced study, a wider choice of subjects or any courses which could be completed during the stay in prison.

Fourteen women stated that over and above their work or study they took part in other activities. These included group discussions, programmes on freedom from drugs or both as well as pottery, weaving and painting.

#### Leisure

A variety of ball games, physical training, embroidering and knitting, letter-writing and reading were the kinds of leisure activities that were most often mentioned. More prisoners thought that the opportunities for leisure pursuits were poor than thought that they were sufficient (39 and 28 per cent respectively). By comparison with the open prisons, those at closed prisons and Färingsö held that leisure opportunities were too limited\*. The women who held more positive opinions were especially satisfied with the opportunities for exercise in the prison gymnasium. But there was complaint that the gymnasium was too often not available on the weekends because of staff shortages. Those expressing more negative opinions thought that not enough activities were offered for those uninterested in

exercise, that the choice of books was too limited and that staff showed insufficient initiative. Swimming, walking and riding were mentioned as desired activities together with theatre groups, weaving courses, batik, sewing and learning social skills.

### **Assessment of the prison experience**

#### *Single or shared cells?*

Of the 119 respondents, 96 (81 per cent) preferred single cell accommodation. They considered that a degree of separation from others was necessary for peace and quiet especially since they lived in close contact with others during the day. A few women said that they mistrusted their fellow-prisoners and preferred single cells for that reason. A smaller number (18/119) preferred to share a cell. They said that they liked having someone to talk to, that sharing mitigated loneliness and that it could give support.

#### *Harassment, threats and violence*

Approximately one-fifth of the women (23/11) said that they had been the object of harassment, threats of violence or actual violence. The actual violence was reported by five of this group - three from Hinseberg and one each from a closed and open neighbourhood prison. More women had been the object of harassment and threats at Hinseberg as compared with the open neighbourhood prisons\*. No prisoner complained of having been subject to any form of sexual violence or threat.

#### *Hard versus a mild prison climate*

In the questionnaire the women were asked to rate the social climate of their prison on seven point-scale. Not unexpectedly, the open neighbourhood prisons were considered to have a milder climate than Hinseberg or Färingsö. This was also true, for the comparison between the closed neighbourhood prisons and Hinseberg. At Hinseberg no difference was found between those with and without previous experience - neither group considered the social climate to be mild.

#### *Positive views of imprisonment*

Twelve per cent of the women did not reply to this question and six per cent held that there was nothing positive about the prison in which they were serving their sentence. The remainder thought that the following elements were of positive

character: studies, food, sitting and the surrounding nature (25 per cent); staff (19 per cent); a fair degree of freedom in the prison (10 per cent); comradeship with other inmates (9 per cent); freedom from drugs and drug treatment programmes (9 per cent); generally positive (6 per cent); staff and other inmates (3 per cent).

Of the twenty-three women who held positive opinions about the staff, half were at Färingsö and five at open local neighbourhood prisons.

#### *Negative views of imprisonment*

Twenty per cent of the women did not reply to this question and two per cent had no negative view of imprisonment. The remainder thought that the following elements were of negative character: the staff were uninterested in them, lacked involvement and competence (9 per cent); the staff treated them unfairly and arbitrarily and favoured certain inmates (8 per cent); nearly everything (8 per cent); senior management behaved unfairly, lacked understanding and was generally poor (6 per cent); the prison environment which was experienced as suffocating, dismal with too few open places and too much locking-in (6 per cent); information (2 per cent); fellow inmates who were experienced as deceitful and trying (2 per cent).

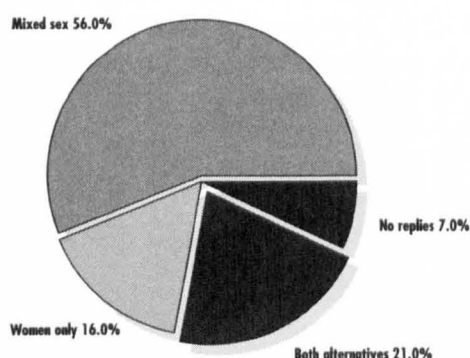
Of the 17 women who thought that the prison environment was suffocating and dismal, ten were at Hinseberg and five at Färingsö. All seven women who complained about senior management were at Hinseberg. Of eight women who complained additionally that social contact was disturbed by absence of telephone facilities and letter scrutiny, five were at Hinseberg. On the other hand no prisoner at Hinseberg complained about leisure or other activities.

### **Previous experience of imprisonment and attitudes to women's prisons**

Sixty of the respondents had had previous experience of imprisonment. Thirteen per cent of the group had previously been at a prison for women only, 42 per cent had been at a mixed sex prison whilst 43 per cent had had experience of both types of prison. Half of the group had been in prison on one or two previous occasions, just over one-quarter had been in prison on three to five occasions and nearly one-fifth had been in prison six to fifteen times before. Asked where they would prefer to serve a fresh sentence if, in spite of

everything, they were reconvicted, 56 per cent said that they would prefer a mixed sex prison. Nineteen women were positive to the idea of serving such a sentence in a prison for women only. Of these half had not been in prison previously. Three had been previously in a prison for women only.

### Where to serve a fresh sentence



More women at the Färingsö neighbourhood prison for women would prefer to serve a new sentence at a prison for women only than was the case at the open neighbourhood prisons and the closed neighbourhood prisons\*.

Preference for a mixed sex prison was expressed by 66 women (56 per cent) for the following reasons:

- women are malicious and intrigue against each other;
- women and men live together outside prison;
- women and men function better together, this is more natural;
- the social climate is pleasanter and gentler when the sexes are mixed.

Preference for a women only prison was expressed by 19 women (16 per cent) for the following reasons:

- quieter when only women are together;
- need to be without men sometimes; fear and dislike for men;
- have had only experience of women prisons.

That both types of prison could be considered was expressed by 25 women (21 per cent) for the following reasons:

- variation, makes time go more quickly (mixed prison);
- makes no great difference, only thinking about getting through the sentence, locked up is locked up wherever one is.

### Children

Forty-nine women (43 per cent) had children of less than 18 years whilst a further three women were pregnant. Of this group, 21 women (40 per cent) had children who were under seven years of age (including the unborn). 20 (38 per cent) had children who were more than seven but less than 15 years old whilst seven women's children were aged 15-18.

Eleven women (21 per cent) said that during imprisonment their children were in foster homes, 14 (27 per cent) stated that their children were with the father, in three cases the children were with a past or present partner and in 10 cases (19 per cent) with friends or relatives. No replies were received from eight women.

Nearly 60 per cent of the women had custody of their children. Three children were with their mothers in prison. Two of the three pregnant women expected to give birth during the serving of the sentence and that they would look after the child in prison. A local social welfare committee had decided in a further case that the child should join the mother in prison<sup>3</sup>.

### Opinions on children in prison

Fifteen women did not answer this question. Nine women could not state an opinion. Of the remaining 95 women, nearly one-quarter were favourably inclined to allowing children to be with the mother in prison and nearly a further one-quarter were favourably inclined providing the child was very young (opinions differed on the definition of 'young' but in no case was the age more than three years). One third were favourably inclined. Finally, 20 women were ambivalent, seeing both advantages and disadvantages.

No statistically significant differences were found between prisons on the question of having children with the mother.

3. It is the general practice in Sweden that this question is decided by a local social welfare committee rather than the prison administration.

### Miscellaneous opinions

As mentioned earlier, the questionnaire gave room for the free expression of opinions. Thirty seven women (31 per cent) availed themselves of this opportunity. The replies were grouped under various headings - punishment and imprisonment, prison staff, occupation, drug treatment programmes, rules and disciplinary punishment, harassment, contact with the community, release and general viewpoints. In this shortened version of the report only certain of these headings are dealt with.

### *Drug treatment programmes*

- Concerning the drug free wing: Those inmates on the drug free wing who are considered by the staff to be misusers of drugs are not in fact misusers - but the fact that they are there improves the prison's statistics on a 'successful' drug project. Those who **really** need and want to have drug treatment do not get onto the drug free wing. I wonder why. Is it because of untrained staff? Or the fear of worsened statistics? Or because they are nobody's favourite inmates?
- If a drug free programme is to give the support and help which we need in order to get back into the community it must provide for more independence. I mean our own work places and own buildings - not something inside the prison area. As it is now we have to put up with all the usual prison pressures and rules and these are difficult to unite with our needs and the help we want. Batshagen<sup>4</sup>, which is quite near, would be excellent for a drug free programme.
- It is a good thing to have a prison for women and even better to have several prisons for both men and women, for instance for married couples who want to keep their family going and to get treatment for drug misuse so that they can together work at coming off drugs.
- I think there should be a wing for those who do not use drugs.

### *Contact with the community*

- It's difficult to phone to agencies, lawyers, etc, or to try to get a job.

They (the prison officers) promise us a certain time but then don't bother to call us up to the social work assistant when we shall make the call. We have only two numbers which we can ring freely (ie, automatic computer connections to two authorised numbers).

- At a men's prison like Österåker there is a flat for visitors where fathers can be with their wife and kids over the weekend. But here there is only one visiting room where you have to sit the whole time. It is tough to be so shut in with your children. Why can't we have the same opportunity? This is, after all, the only national prison for women in Sweden and most of us are mothers. The journeys are far too long for most to come for a three-hour visit.
- Visits should be open (i.e. not monitored) to a great extent.
- When the children come on a visit there is only the small, visiting room for the visit. Both my children are abroad. When they come to Sweden to visit me there ought to be a little visiting apartment so that I could be with them for the 2-3 days I am allowed to see them. Because of all this I have not seen my daughter for a year. She is two-and-a-half now and scarcely remembers me. There is no way one can have such a little child in such a small visiting room. It isn't natural.
- I wanted Färingsö since I have my child in Stockholm. The foster mother has nine children. She found out the train times to come here. Started in the morning, got home at 11 at night. What child can cope with that? I want to go to Stockholm but dare not mention it since I shall just get a blank refusal and they'll say I have too long a sentence. Then after a time - no matter how long it is - all they will say after they have looked at the papers is 'We have already gone into this question and said no'. There is almost no chance of being able to get away from here. And you can't get a visit from your husband in another prison either. You write for a visit but the application goes straight into the

4. A small neighbourhood prison near Hinseberg prison.

wastepaper basket and it's just about impossible to see your husband. The only thing that helps you to hold on are the adults around you. When my turn comes I shall give strengths to my children. But how shall I be able to give them strengths when I myself never get anything?

#### Release

- We are forced to work for 8 crowns per hour. No-one can keep a flat going because we can't pay the rent. Social welfare will only pay for six months. Could write a book on all that we have to put up with but you learn that it is not worth it. We are powerless here, without help or identity, though we only have ourselves to blame. Every one that goes out feels hatred against everyone and carries on with the same life as before. They are, sadly enough, forced to it. There's just no alternative but to go back to drugs or begin with breaking in, prostitution, selling drugs, etc. There are 25-year old girls going out from here with no money at all. What do you think their chances are? One girl got expelled to Norway without money. All they did was to get her a place in a youth hostel for one night!
- They must work more with getting somewhere to live for us and better after-care and have special persons working with motivation just for us inmates.
- Inmates need a chance when they come out a job, a flat and a lot of support if they aren't to fall into the shit again. If we have nothing to come out to then it's most often new crime to survive. What would you do if you didn't have somewhere to sleep and had no food, nothing? If you're not going to die of hunger then to survive you've got to steal or commit some other offence - mentally a strain, destroys your nerves ... inmates are mostly destroyed when they come out and aggressive.

#### General

- There's a lot one can write about that doesn't get covered by the

questionnaire. You should know that we women prisoners are grateful for research which looks at us since, hopefully, it can lead to an improvement for us in prison! And.. Perhaps more therapeutic communities and more backing from social welfare - both when we are inside and out! Perhaps even more understanding for our needs. We want to be men's equals - not just chucked on one side because we are a little group that does time for the crimes we commit or the drugs we take!!

### Discussion

#### Single or mixed sex prison?

Most of the women said that if they were sentenced again to imprisonment they would prefer to serve their sentence in a prison with mixed sexes. Nevertheless, it cannot be denied that mixed sex prisons, in which women are often a small minority, can give rise to relationship problems. Sexual contact can easily and thoughtlessly be made for even if the women have separate sleeping quarters there are opportunities for such contact during other times of the day or during leave from prison. Moreover, gender roles in criminal and drug misusing circles are such that the women are seen primarily as sex objects and are dominated by the men.

But even in prisons for women only sexuality creates problems. Research in other countries, and notably English and American research, strongly suggests that many women develop homosexual attachments during the time in prison even if they do not appear to continue with a homosexual lifestyle after release. Danish and Swedish studies, however, do not suggest that female prison homosexuality occurs especially often. This may be because imprisonment in Scandinavia tends to be much shorter than in England or America and there is also a more liberal practice concerning visits and leave from prison. A current Norwegian study of long term women prisoners<sup>5</sup> reports, however, that, *inter alia*, homosexual relations were sometimes established in the Norwegian Bredtveit prison. Many of the women had lived lives which were marked by incest, prostitution, assaults and drug misuse as a result of which they had not

5. Haugsjerd, H Lævetann: *Bak murene på Bredtveit Kvinnefengsel*, H. Aschehough & Co. (W. Nygaard), Oslo 1992.

experienced loving relationships encompassing a satisfying sex life. In prison these women met active lesbians and also women who had become sexually awakened as the effects of drug misuse wore off. During lengthy prison sojourns in an isolated female society intensive attachments easily arise. Such attachments cause anxiety among fellow inmates. A pair which openly demonstrate their attachment to each other makes it harder for those without the possibility of being with those they love. And shifts in attachments are a cause of jealousy and sorrow in the everyday life of the prison.

In the light of the available research it is scarcely possible to argue that sexual and relationship problems are solved by choosing to have single or mixed sex prisons. Problems of this nature can emerge in both types of prison though the form in which they become manifest may differ. In the present study a preference for mixed sex prisons was expressed by a majority of the women prisoners. This may well be a more desirable general practice since it reflects life in the world outside prison - even with - and perhaps because of - the relationship difficulties that arise. But if mixed sex prisons are to be used it would seem essential that staff are both aware of, and trained, in handling gender roles with oppressive features.

### **Conclusions**

Only a relatively small number desired to be placed in a prison for women only. The minority of women who wish to do so have the opportunity to serve their sentence in prisons reserved for women only. The number of places currently available at Hinseberg and Färingsö seems to be quite sufficient.

The needs expressed by the respondents concerning occupational activities and help with drug misuse seem to be less well provided for during enforcement of sentence. A large proportion of the women wanted more meaningful and vocationally oriented work and study as well as better organised leisure activities. If prison wings for 15-20 women in some neighbourhood prisons could replace the scattered single places in large number of neighbourhood prisons, it should be possible to provide work, studies, leisure pursuits and treatment programmes which would better meet the needs of women prisoners. Such a possibility can also provide opportunities to

learn about responsibility in relationships and the resolution of gender role conflicts. Staff training in gender roles and relationships is a prerequisite for providing such opportunities.

Drugs are one of the reasons why offences are committed. All forms of dealing with drugs are criminalised. Drugs are a threat to the resettlement and adjustment which is the desire of many women and the goal of correctional efforts. Bearing in mind that women often are more serious drug misusers than men it becomes especially important to enhance their motivation to stop using drugs and to create more drug treatment programmes for women.

Time in prison could also be used for participation in parenthood training so that inmates obtain a deeper insight into the child's needs and development. The question of having children in prison during the time that their mothers are serving a sentence should be examined more closely both with regard to the child's age and circumstances arising from the prison environment ■

### **Appendix**

Sentenced women prisoners received into prison 1970-1991

Year	Number received	Proportion of all prisoners
1970	172	1,6
1971	162	1,7
1972	168	1,6
1973	217	2,2
1974	169	1,9
1975	186	1,9
1976	197	2,0
1977	243	2,5
1978	232	2,2
1979	299	2,8
1980	397	3,3
1981	475	3,6
1982	520	3,8
1983	576	3,8
1984	560	3,8
1985	546	4,0
1986	644	4,5
1987	632	4,2
1988	784	4,9
1989	739	4,8
1990	727	4,6
1991	624	4,6

(Source: Swedish Prison and Probation Administration statistics)

#### **PREVIOUS RESEARCH PAPERS**

##### **Research paper No.1**

The österåker project - a further follow-up of the drug misuser programme at österåker prison

O Berggren, H Svärd

##### **Research paper No.2**

Post-prison and post-probation recidivism. Two studies  
J Gustavsson, L Krantz, K Engman

##### **Research paper No.3**

Mentally disturbed offenders in neighbourhood prisons  
L Somander

# UNDERSTANDING ADOLESCENTS

## A KEY CONCEPT IN CONSTRUCTING THE REGIME FOR YOUNG OFFENDERS AT HMYOI LANCASTER FARMS

When I took charge as the first governor of HM Young Offenders Institutions at Lancaster Farms I asked myself, 'Have kids changed?' What would be needed today in a regime for young unconvicted and convicted prisoners? In asking this question I was reflecting on my memories stretching back to happy days spent as an Officer at Lowdham Grange Borstal. I recalled a bustling regime where discipline, care, protection and rehabilitation were an integral part of the organisation and its culture. I remembered going out on isolated working parties with groups of prisoners, taking 20 or more to Saturday afternoon sport and supervising association of 60 or more prisoners in the full knowledge that there were few other staff on duty. I also recalled much good humour and how interesting I found the work. In those days I felt a sense of confidence when I performed my duties, so why did I feel so much apprehension during the run up to the opening of HMYOI and Remand Centre Lancaster Farms. Had kids really changed? The evidence to hand seemed to indicate they had.

### LEARNING FROM MISTAKES OF OTHERS

The main reason why we at Lancaster Farms were apprehensive was that we were aware that Moorland and Brinsford had both experienced serious disorder within a short period of opening. Both of those establishments had opened full of optimism. Both were new establishments offering good facilities. They each had a highly motivated staff. Their respective governors and management teams were every bit as professionally skilled as we were. So where did the answer lie. Was it simply the nature of the population? We needed more first

hand information and this is exactly what we set out to obtain.

My team and I made several fact finding visits to other Young Offender institutions in England and Wales. We discovered the presence of some common problems. The most significant of these was the prevalence of bullying. No establishment we visited was free from the curse of bullying and at two establishments we were made aware of several gross assaults having taken place. Although we saw much by way of initiatives to tackle bullying, we did not find anything which totally satisfied us. We wanted to establish a fully integrated strategy which was analytical in the sense of identifying the root cause(s) of bullying, was understood and accepted by both staff and prisoners and provided effective solutions. Other common problems which we found were graffiti, litter, noise and some filthy conditions. More disconcerting however, was the discovery that there was a general lack of control in the handling of young prisoners and lack of confidence amongst staff. These problems were widespread with the exception of three establishments we visited where the staff were clearly in charge. However, in two of these establishments, relationships between staff and prisoners lacked the training and rehabilitative ethos we sought.

One establishment we visited depressed us more than any other, for it appeared to us that its staff had lost faith and were in desperate need of some new and invigorating philosophical impetus. When they recounted their bad experience (a riot) it became clear that at this stage we all lacked an adequate framework from which to evaluate what had happened. Yet until their experience could be explained properly there was little prospect of avoiding these problems in opening Lancaster Farms.

*David Waplington is Governor of HMYOI Lancaster Farms and opened it as an institution for young offenders.*



## **BULLYING AT THE HEART OF IT**

The question of staff/prisoner relationships has always been fundamental to control in Young Offender establishments. I remembered an organiser of the Samaritans in prison remarking that we had gone very far in improving our national system of Suicide Prevention but could probably go no further unless we looked at relationships within prison. With this statement in mind I called into the office of Suicide Prevention at headquarters. By now I was also aware that many of the problems of self harm and even some of the suicides among young offenders were related to bullying. Whilst I was there, Alison Gomme, now Governor of Erlestoke, suggested that I contacted a group called 'The Trust for the Study of Adolescence'. She had been using this group to help with Suicide Awareness training. Not quite knowing what to expect I telephoned the offices of the Trust. I spoke to John Coleman, their Director, and later to Juliet Lyon, their Course Organiser. They were understanding, helpful and sympathetic. What was more important they were interested and sufficiently brave to invite my team to meet them.

The Trust is a relatively small organisation devoted to the study of adolescence as a definite stage in human development. Normally their work involves non offenders and this factor alone opened up for us the opportunity of considering an alternative perception against which we could test out many of our experiences and beliefs about young people in prison.

Our first meeting with the Trust proved to be enlightening and very constructive. The importance of understanding adolescence in order to work successfully with young people was agreed. As we would be taking lads up to their 21st birthday, we had some reservations about adolescents fitting this group. After some thought however, our collective experiences told us that inadequate social training followed by early institutionalisation often resulted in repetitive immature behaviour. We suspected this was indicative of retarded development and therefore further evidence to support the study of adolescent development generally.

## **TRAINING FOR STAFF**

Arising from our first meeting we decided on the development of a course for all our staff entitled 'The Nature of

Adolescence: Understanding and Working with Young People'. We knew we had about 150 unified grades to train and we also wanted the Trust to develop a strategy for working alongside us for up to two years in the hope that with their help we would gain a greater insight into the dynamics of the modern teenage culture and as a consequence be better qualified to direct and control it.

The cost of the training provided by the Trust required me to find £24,000. By this stage I had sufficient faith in them to know that the quality of delivery would be worth the outlay. More importantly, I was also aware that they were keeping their charges to an absolute minimum, because they felt the project was worthwhile too. It was clear that we shared many of the same values and working together has always felt a happy partnership. Raising money is never easy, particularly for a brand new project, but thanks to equal sponsorship from the Suicide Awareness Unit, my own Area Manager and the Prison Service College, the money was found.

## **ADOLESCENCE IS A UNIQUE STAGE IN LIFE**

From the earliest days working with the Trust served to further confirm for us the importance of recognising the significance of adolescence among young people in prison. It was clear that we could expect adolescents to behave differently from adult prisoners and that this behaviour would be better explained by understanding adolescents rather than through ascribing it to being 'bad'. This perspective was of tremendous importance because it has enabled us to develop and retain a positive view of prisoners even when they behave badly.

We had decided that all our staff should be trained in understanding the nature of adolescence and in handling adolescents. We also decided that managers must be trained first. We felt it was very important that managers should have these skills in order to support and coach junior staff. We were also mindful that this particular strategy embodied elements of a 'management vision'. We were offering our staff a strategy which would help them to do their job better than ever before. It would also help to prevent prisoner disorder. Management commitment was essential and it had to be visible, and sincere.

Juliet Lyon and John Coleman from the Trust were joined by four of our staff in developing and delivering the course. The Lancaster Farms tutors were our Training Principal Officer - Colin Midwinter, our Senior Officer in charge of Pre-Release - Merv Williams, one of our Senior Officer PEIs - Jim Hughes and Kevin Brown our Senior Probation Officer. An early decision we made was to issue a certificate of attendance to every member of staff who completed the course. An important decision which has helped emphasise the place of this training in relation to our everyday work.

The course that we have developed over the last 15 months lasts for almost three days. It explores adolescent development, adolescence in the family, the adolescent peer group as well as how working with adolescents affects staff. It looks at some of the problems of adolescence and the problems of adolescents in prison.

### **REACTION OF STAFF**

Staff reactions to the course have, overwhelmingly, been very positive. A common comment is that it enhances and expands the knowledge gained through experience of working with young prisoners. I have attended the course myself and am convinced that it makes a significant addition to the knowledge of most staff. For instance, I found the concept of adolescence as a time of transition from childhood to adulthood to be of practical help. I find myself assessing whether a prisoner is behaving like a child and wants firm direction or whether he is in an adult mode and requires more tact and patience. I also no longer just search for simple causes such as system failures when disorder threatens. The course also I believe communicates our recognition that our staff are intelligent people who do a difficult job.

Lancaster Farms is a busy Remand Centre but we have managed to keep the Adolescence Training running. More than 100 of our own staff have received the training and certificates of attendance are prominent throughout the establishment. Recently, our courses have been joined by staff from other Young Offender establishments. Onley and Brinsford being in the van as usual. One of the Brinsford Senior Officers is now a qualified tutor, providing some welcome relief for staff at The Farms as we have volunteered to pilot National courses at the Prison Service

College. So far we have run two National Training Courses, which were attended by 36 staff from a wide range of Young Offender Institutions. Early feedback from these pilot courses suggest that they were well received by the majority of staff and a significant portion were extremely enthusiastic.

Another development of the Course has been its extension to female young offenders with our Director, Tony Pearson commissioning the Trust to develop similar training focused on adolescent females.

### **A SAFER ENVIRONMENT CREATED**

Does it work? At this stage it is hard to be precise in identifying the contribution made by T.S.A. to the regime at Lancaster Farms. During our first year of operations we accommodated 6243 receptions and 5948 discharges. Our Court commitment is extensive and all our Courts bar one are a long way from the institution. We had only one assault which led to a member of staff having to go off duty, no member of staff has so far been seriously injured or scarred as a result of an assault by a prisoner. We have no vulnerable prisoners wing or unit. We do have many prisoners who in other establishments would be so located. We have not had any prisoner disorder which required our staff to use force. We have not had any suicides, and had up to 37 cases of recorded self harm, most of which have been very minor cases. We have very little vandalism and no graffiti. Our anti-bullying surveys indicate that there is less bullying here than in other Young Offender institutions.

I could cite much other evidence but the most important result is probably the most difficult to prove. Staff here see and treat young prisoners as individuals. Young prisoners respond so well to this that we frequently forget we are a Remand Centre and judge ourselves against more stable Young Offender institutions. Reassuringly, two of the new training courses have now been run at the Prison Service College attended by staff from many other Young Offender establishments. They have received positive evaluations from the vast majority of staff who attended. After the success of these courses it was decided that there should be a 'National Launch' of the new training this Autumn at which it will become recommended training for all prison staff working with young offenders ■

# DEATHS IN CUSTODY

## CARING FOR THOSE AT RISK

CONFERENCE - ISTD CAMBRIDGE 5-7 APRIL 1994

*Martin McHugh, Suicide  
Awareness Support Unit,  
Activity/Services Group,  
Central Services.*

After one of the most blustery Easter weekends on record, over 170 delegates arrived at New Hall, Cambridge for an international conference entitled 'Deaths in Custody: Caring for People at Risk'. The conference was organised by the unique 'Institute for the Study and Treatment of Delinquency', ISTD for short; an organisation which every member of the Prison Service (in my opinion) should seriously think about joining.

The conference was expertly chaired from beginning to end by Ian Dunbar, Director of the (former) Directorate of Inmate Administration; the event coincided with his retirement from the Prison Service, thus offering us his final official public appearance. In the introduction he was able to welcome a genuinely international audience with delegates from Greece, Slovakia, Poland, Hungary, Netherlands, China, Australia, Ukraine, Bophuthatswana, Albania, USA, in addition to the rest of the UK. The conference was significantly oversubscribed: a measure of the perceived importance of the topic. Happily, the Prison Service was well represented with a wide mixture of staff of all grades and a small, but significant, number of prisoners who had a valuable contribution to make.

The subject matter covered the full range of custodial settings and although there was a tendency to focus on penal institutions and suicide, non-self-inflicted deaths were not overlooked.

In reviewing such an event it is possible only to give a flavour of the ingredients.

Professor Rod Morgan, not renowned for his reticence, set us off on the right track with a world-wide overview of the range of deaths in detention under the heading: 'In

the Hands of the State: Care and Accountability'. He categorised five causes of deaths: authorised execution, unauthorised execution with state acquiescence, death through inter-co-detainee violence, suicide and death by 'natural' causes. The five categories are overlapping; in suicide, for example, factors from each of the other four may have a contributory role. He reminded us of the sinister use of 'disappearances' in some countries as a method of control and recommended that the concept of custody might best be viewed as a state or condition rather than a location.

In 'Suicides and Institutions' Professor Gethin Morgan challenged the medical view that suicide was too rare an event to warrant the general practitioner's concern, by contrasting with the amount of attention devoted to illnesses and diseases which are statistically much rarer. In the management of 'at risk' people the key danger points follow a similar pattern, regardless of type of institution: entry/reception, discharge, times of staff changeover, etc.

In 'Prison Suicides: Research, Policy and Practice: What Progress?' Alison Liebling of Cambridge achieved the near impossible by successfully summarising in the space of 45 minutes her lengthy and comprehensive self-harm/suicide prison research. This challenging research highlights the inadequacies of basing perceptions of the issues in self-harm and suicide on standard statistical information and analyses. Possibly the most significant aspect of this research is the discrediting of the medical or psychiatric explanation as the most salient background to self-harm, through the uncovering of a larger (and often overlooked) category of prisoner who can best be described as a poor copier. Of those prisoners interviewed who

had not attempted suicide, around 18 per cent had contemplated but had successfully overcome suicidal ideation. It was encouraging to learn that small, but very significant, practical changes had seen them through, for example, finding employment, talking about their problems, making friends and so on.

David Neal, founder of the Suicide Awareness Support Unit, continued this joint presentation with an overview of how the Prison Service has developed its suicide and self-harm strategy over the last three years. The strategy is well documented elsewhere, as is Alison's research; it represents, however, an excellent example of policy being developed on the basis of informed research (sadly, a seemingly rare event). The key features of the strategy are a shift of focus away from a medical perspective towards a shared teamwork responsibility for the care of the suicidal. In pointing us to the future, David highlighted five challenges: maintaining a concept of individual care against a growing custodial population, management support for a multi-disciplinary approach, sustaining staff training, continuing to tackle attitudes to interpretation of self-harm and maintaining the impetus of a new, fresh approach.<sup>1</sup>

The central day of the conference was begun by Sir Louis Blom Cooper talking on 'Unnatural Deaths and Forensic Psychiatry'. Death, we were reminded, is both irreversible and irrecusable. A main focus of this presentation was issues relating to the role of the coroner and the process of investigation/enquiry surrounding a death in custody. According to Sir Louis, the coroner system, whilst needing reform, is essentially unreformable at present. He presented a powerful argument for the setting up of an enquiry/investigative process which was quite separate to and distinct from the coroner's investigation which currently has a very restricted brief/term of reference.

One of our Australian visitors, David McDonald from the Australian Institute of Criminology gave a presentation entitled: 'Australian Deaths in Custody: The Impact of the Royal Commission into Aboriginal Deaths in Custody'. This, the most expensive Royal Commission of its kind in Australian history, investigated 99 deaths in

custody since the death of John Pat, a 17 year old aboriginal who died in custody in 1983. Although representing one per cent of the population, aboriginals account for 14 per cent of the prison population and 29 per cent of police detentions. The commission chose to undertake a wide-ranging investigation examining legal, social and cultural factors rather than restricting itself solely to the pathology of individual cases. The governmental response to the Commission is a commitment to a philosophy of empowerment and self development on the part of the aboriginal community. Whilst this response has failed to satisfy the aboriginal community's desire for justice to be seen to be brought against custodial officers involved in the actual cases detailed, it represents a significant cultural shift in governmental attitudes with likely far-reaching consequences. David stressed the importance of defining and developing the concept of the duty to care in the widest possible sense, so that it would underpin the work of all custodial staff whether that be at the point of arrest using a weapon or within the context of secure detention.

During the major part of this central day, delegates had many parallel options from which to choose. I went to the 'Eastern European experience' where we listened to developments in penal services in Slovakia (Dr Robert Fiko) and Poland (Dr Danuta Gadus). It is always difficult to gain more than the sketchiest feel for quite different cultures in this type of context, but the main differences there, from the perspective of care for those at risk in custody, seemed to be an emphasis on specialist intervention arising from an essentially medical approach to the problem. In Poland there is a particular desire to attempt to import best practice from the UK experience.<sup>2</sup>

A 'Women at Risk' symposium was run by Michael Jennings and Wendy Ratcliffe from Styal prison in which we examined the particular problems encountered by female prisoners in the context of pathways to suicide and self-harm. The over-riding conclusion appeared to be that gender differences related to differences in emphasis or degree rather than anything which might be defined as distinctly different at a qualitative level. The

1 Alison quite correctly took the Prison Service to task for the continued use of the demeaning and derogatory usage of the term 'body' in reference to prisoners).

2 Although the discussion involved a series of anecdotes about some appalling conditions in Eastern European jails, I heard nothing which sounded any worse than anecdotes from the worst of the Western state and county jails.

success of the Styal prisoner befriending (or EARS scheme as it is known locally) was described; preliminary analyses of self-harm indicates that the listening scheme is having a beneficial effect.

For my final symposium of the day I attended an HMP Wandsworth presentation describing their experience to date of putting the new Prison Service strategy into practice. This was a joint presentation by governor, prison officer, prisoners, probation officer and a Samaritan. Roger Haley of Wandsworth skilfully led the presentation through an open, honest and constructively critical appraisal, warts and all. Again, prisoner listening schemes received much praise (from the listeners themselves) and demonstrated another vein of talent and rich resources which, if handled carefully, is there to be tapped.

There were a dozen other seminars to choose from, including police, special hospitals, Regional Secure Units, Immigration Detainees, the Australian and Northern Ireland experiences.

We were delighted to have Terry Waite as our guest after dinner speaker who gave us a moving, personal account of his experiences against the background of distortions and rationalisations which have appeared in the media and press since his release from captivity.

The final day consisted of presentations by Lindsay Hayes and Joseph Rowan describing developments in suicide prevention and care for the suicidal in prisons in the USA. Conference fatigue had caught up with me by this point and I was unable to take adequate notes of the vast

range of statistics that were presented. With such a diverse and varied prison system there were accounts of many ad hoc approaches to intervention and developments of good practice but a relative absence of systemic interventions. For me the most encouraging accounts related to those jails where the inmate population had risen dramatically but directors had instituted suicide prevention/awareness policies which had equally dramatically reduced the level of suicides. Key amongst the critical factors were adequate staff training and increasing the percentage of female staff. The message came across strongly that attitudes and motivation were more important than resources alone.

The conference concluded with an open plenary forum which gave an opportunity for any neglected or overlooked topics to be aired. It was clear from the discussion that the conference could be pronounced a success.

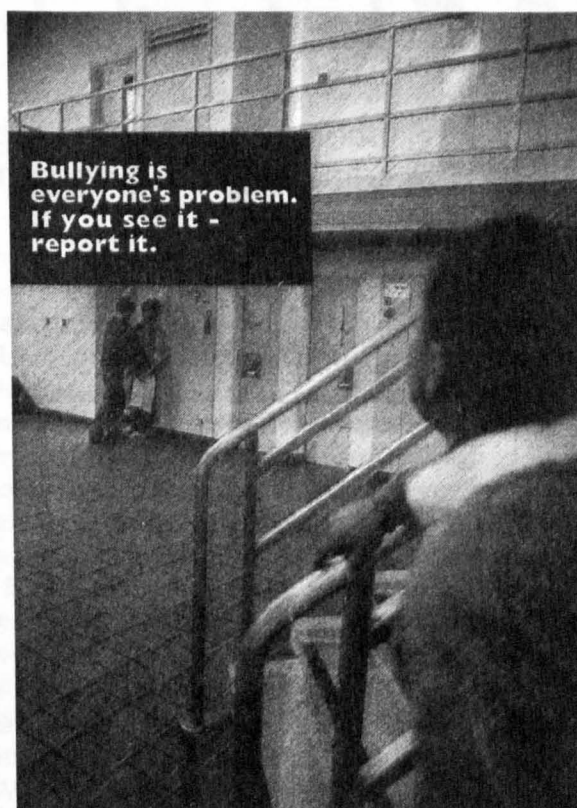
From a Prison Service perspective it was reassuring to see that we are now in a position to be able to report positively on developments and approaches in the whole area of Deaths in Custody, to such an extent that we are way ahead of other organisations. There is, however, much that we need to continue to do; this is an area where there is no room for complacency, a fact about which the pressure groups in attendance at Cambridge continue to remind us.

Proceedings of the conference are to be published; promised within six months by Whiting and Birch who published the write-up of the first ISTD conference on this subject in 1991 ■

## VERBALS

"The elderly were infrequent victims of violence, though 10% of muggings involved those aged 60 or over. Women were considerably less at risk than men of all types of violence except domestic assaults and muggings. Slightly less than 1% of women overall reported at least one incident of domestic assault in the survey."

[British Crime Survey published in Criminal Justice Digest No 75  
HMSO]



## VICTIMS

The Criminal Justice System has not done well by victims perhaps because it focuses upon punishing the offender rather than seeing what can be done to make amends and how to prevent similar events happening again. The latter notion does come into why we punish the offender but the argument that punishment does prevent recurrence no longer persuades anyone other than those whose book it suits to believe it. The System needs to change to recognise victims in a way that acknowledges their experience but without placing the victim in so central a position that all is decided by reference to the victim. To do so would ignore the fact that crime makes us all victims not just the victim of a particular crime and to place responsibility for punishment upon the victim would be to add not diminish the trauma already experienced.

In this issue of the Journal Sarah Perman gives an overview of the place of victims in the Criminal Justice System and does show that more is being done to recognise their needs, however, more resources are needed if the service is to be adequate. Sylvia Chenery and Ken Pease in their article demonstrate that some victims suffer repeatedly and that to a degree being a victim can be predicted. Of special interest to the Prison Service is the point made about crime in prison and what can be learned about the patterns which emerge.

The article by Joanna Adler describes research into just that area of crime in prison, in particular, bullying. She argues that managers can be out of touch with what is happening on the landings and staff and prisoners feel they have not been heard. If so that can be a way of turning a blind eye to abuse and intimidation.

Lancaster Farms has addressed that particular issue of bullying and a report of their approach is given by Marcus Sunderland who underlines the point made by Ken Pease about the parallel between crime in prison and in the community: bullying is a feature of both Young Offender Institutions in the penal system and in schools in the community. Perhaps in dealing with the problem there is learning for all.

Terry Green and Alan Gray at Stocken Prison have introduced a scheme whereby victims and offenders meet. Similar schemes have been developed elsewhere and demonstrate a very positive way in which prisons can offer victims a place in the Criminal Justice System which helps them come to terms with what has happened and can have a major impact on offenders.

What is clear is that the victim will have a place in the Criminal Justice System and if that is to be positive in its impact then much thought needs to be given to ways of doing it. These articles should stimulate that thinking ■



# Who does the law work for?

Changes are needed urgently to make the criminal justice system more victim-centred.

*Sarah Perman  
Media and Public  
Relations Officer  
Victim Support*

Until recently, victims of crime - unlike defendants - did not have rights in the criminal justice system of England and Wales. In the past, professional codes of conduct ignored the effects of crime on victims; and the lack of regard for victims was also shown in the shortage of information and explanation given to victims about developments in their cases. But now there is increasing recognition that victims of crime are consumers of justice and should be treated with understanding and respect. Recent changes in policy and practice have helped to establish the concept of victims' rights. There is now a Victim's Charter as well as a Courts Charter. However, there are still problems in implementing victim-centred services throughout the criminal justice system, and the Government needs to give more resources to schemes which help the victims of crime.

The idea that there are consumers of criminal justice has been well rehearsed over the last decade. It is now broadly accepted that there are users of criminal justice: victims, witnesses, defendants and their friends and relatives. Each group now has some rights within the criminal justice system. There are guidelines and procedures about how each group should be treated. They can expect to come away from their contact with the system knowing that decisions have been made, or having acquired certain gains or outcomes.

However, the concept of the victim as the consumer of criminal justice is not straightforward. Victims suffer the direct effects of crime: the inconvenience of a theft, the anger caused by a burglary, the trauma and stress of serious violence, such as sexual crime or murder. They expect society to take responsibility for what has happened to them and they require the criminal justice system to bring the offender to justice and to make further amends on their behalf.

The criminal justice system understands society rather than the citizen as the true consumer of criminal justice. English law represents the 'people' not the individual victim of crime. By intervening in a criminal act committed by one person against another, the state has assumed responsibility to deal with the offender in the interest of a just society. Historically, the state has no complementary responsibility to assist the offended party in recovering from the crime. The victim of crime has expectations of services and outcomes which

the state fails to meet precisely because of the historical definition of its role.

Victims should have rights and the criminal justice system should have responsibilities for the care of victims. Victims should expect to encounter sensitivity, understanding and respect, not only because of their personal suffering as victims of crime, but because of the additional burdens the criminal justice system imposes on them in requiring them to help with the prosecution of the offender.

## Victims' dissatisfaction

All too often in the past the criminal justice system has failed in its obligations to victims of crime. No one agency has had responsibility for victims. Professional training and professional codes of conduct of organisations working in the criminal justice system have ignored the effects of crime on victims, and how these effects could be exacerbated by insensitive comments or neglectful behaviour. The lack of regard for victims is also shown by the shortage of information and explanation which victims are given about the developments in their cases.

Until recently, victims, unlike defendants, did not have rights in the criminal justice system. In particular, they did not have the right to information and explanation about their cases. Victim Support - the national charity which helps victims of crime - receives hundreds of complaints each year from people who are





not informed about the progress and outcome of their case. Victims often do not know whether a suspect has been arrested and charged, whether he has been given bail and the conditions of bail, sometimes even the verdict and sentence. People who have endured months of waiting for the case to come to court sometimes miss the hearing because they are not informed of the date. In some courts, victims' families have to sit in the public gallery with crime spectators while the intimate details of their relatives' lives are discussed. Some victims first learn about developments in their cases from the local press. Pejorative comments or unjustified slurs on victims from the bench are often reproduced verbatim in local papers. And many victims only find that the offender has been given bail or is on temporary release from prison when they come face to face with him in the street.

The disregard for victims leaves many feeling that their involvement with the criminal justice system was as harmful as the actual crime itself, and they describe feeling like 'victims twice over'. The insensitivity of the criminal justice system towards victims can seriously disrupt their recovery from crime. The family who arrived for the trial of their daughter's murderer and were refused admission because the public gallery was full will find it difficult to recover from the deep wound inflicted upon them by insensitive officials.

### **The development of victims' rights**

Ten years ago an increased awareness of the needs of victims led many criminal justice agencies to improve their policies and practices involving victims of crime. In 1983 the British Crime Survey<sup>1</sup> was published, estimating for the first time the number of crimes which actually occur in relation to those which are reported to the police. It recorded the anxiety and distress felt by many victims of crime. In the same year rules governing the work of probation officers and magistrates were amended to allow staff to include work with Victim Support in their duties. In 1985 the

General Assembly of the United Nations adopted the Declaration of Basic Principles of Justice for Victims of Crime<sup>2</sup> which emphasised the need for better treatment of victims in the criminal justice process. Since 1985 the Home Office has regularly convened a multi-disciplinary Victims' Steering Group to promote policies aimed at improving the treatment of victims. Two Home Office leaflets<sup>3</sup> published in 1988 and 1989 for the first time gave victims advice and information about compensation, Victim Support and attending court.

The idea that victims had rights and that they could expect recognition from the various parts of the criminal justice system was tangibly expressed in 1990 when the government published the Victim's Charter: A Statement of the Rights of Victims of Crime<sup>4</sup>. This, followed by the publication of the Courts Charter<sup>5</sup> in 1992, laid down standards for the treatment of victims from the time the crime was reported right through to attending court and the release of the offenders from prison. For the first time, victims were told who had responsibility for keeping them informed about their case. They were told, for example, that it was the responsibility of the police to find out the extent of the victim's loss or injury, and that the police would pass this information to the Crown Prosecution Service (CPS) who would ensure that no victim lost the right to compensation from the offender. The charters also informed victims of their rights to information and explanation, with, for example, the police responsible for telling the victim of a serious offence when the accused is released on bail.

The charters marked a significant step in the development of victims' rights. Since their publication, criminal justice personnel have been trying to tackle the discrepancies between what the charters say on paper with what happens in practice. Spurred on by their recognition as major stakeholders in the system of justice, victims themselves now have higher expectations of how they should be treated, and are demanding more rights. Victims are becoming more vocal and better organised, with small groups of aggrieved

1 Hough, M and Mayhew, P *The British Crime Survey: first report. Home Office Research Study No. 76.* London : HMSO, 1983.

2 *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* New York: United Nations, 1986.

3 *Victims of Crime* London: Home Office, 1988; *Witness in Court* London: Home Office, 1989.

4 Home Office *Victim's Charter: A Statement of the Rights of Victims of Crime* London: HMSO, 1990.

5 Lord Chancellor's Department *The Courts Charter* London HMSO, 1992.



victims regularly making their views known in the national and local press.

### Revised approaches

Different arms of the criminal justice system are now listening to these views and are revising their approach towards victims of crime. The Royal Commission on Criminal Justice made a number of recommendations<sup>6</sup> relating to victims and witnesses, many of which have been endorsed by the Home Secretary and are gradually being translated into policy. In November 1993 the CPS published a set of standards of service for victims of crime<sup>7</sup>. This enables the victim's interests to be taken into account in decisions to prosecute, and allows the victim's concerns about bail to be communicated to the court. Families of murder victims should now be offered an interview with the CPS so that decisions to discontinue cases or reduce charges can be explained. These interviews are not yet available for victims of other crimes.

The Lord Chancellor's Department is also reviewing its policies with regard to victims of crime. A recent circular<sup>8</sup> issued to chief clerks of courts requested that, where possible, victims and witnesses be allowed to visit the court in advance of the trial for an explanation of rules and procedures. Special seating is also requested for victims and their families in the most sensitive cases.

### The difficulties in establishing victims' rights

These initiatives go some way in addressing the traditionally invidious position of victims in the criminal justice system. Many more legal and administrative policies and practices need to be overhauled before victims feel they have real rights. Negotiating these rights is a long and arduous battle. The criminal justice process was designed with priorities other than those of meeting the needs of the victims, and extending victims' rights brings the victim into conflict with other consumers of criminal justice.

Giving evidence in court exemplifies the conflict between the main users: victims

and offenders. Many witnesses, particularly those for the prosecution, feel frightened and vulnerable when giving evidence. Special measures have been introduced to allay their fears. Some victims and witnesses can, at the discretion of the judge, write their name and address on a piece of paper so that their details are not disclosed to the defence. Screens and video links have been introduced in some courts for particularly vulnerable victims. These measures are, however, rarely used. Defence counsel protest that their use casts a heavy inference of guilt on the accused before the witness has even given evidence and hence the defendant might not have a fair trial. The defence also argues that justice should be seen to be done, and that the defendant has the right to see who is accusing him. There have also been practical problems, and the CPS has sometimes been reluctant to use these measures.

Child witnesses, for example, may now give their evidence from behind a screen which prevents them from seeing or being seen by the defendant. As a result of the Criminal Justice Acts of 1988 and 1990, they are allowed to sit in a separate room and relay their evidence to the court room through a linked video system<sup>9</sup>. However, this protection is solely at the discretion of the judge, and recent research<sup>10</sup> suggests that it is not used as often as it could be. There are also strict rules about the support which can be offered to vulnerable witnesses. In one recent case reported to Victim Support, a mother who was sitting with her young daughter in a video room put her arm around the child when she became upset, and said, 'Don't worry, you're doing well.' The evidence was stopped on the grounds that the mother was encouraging a particular line of evidence.

It is arguable that whilst England and Wales retain an adversarial system of justice, where the prosecution takes place for the benefit of the state, no amount of fine tuning will ever satisfy the needs of victims and witnesses. Other services have to be provided which are more specifically focused on victims as the main priority. Services for victims which do exist are,

6 *Report of the Royal Commission on Criminal Justice* London: HMSO, 1993, Cm 2263.

7 *Statement of Purpose and Values* London: Crown Prosecution Service, 1993.

8 Lord Chancellor's Department *Victims, Defendants, Relatives and Witnesses Circular* dated 8 October 1991.

9 *The 1989 Pigot Report* (Home Office Report of the Home Office Advisory Group on Video Evidence London: HMSO, 1989) proposed a series of reforms, including the admission of videotaped evidence - not all have been implemented.

10 Plotnikoff, J *Victims of Crime in Community Care*, 24 March 1994, pp22-23.



however, significantly restricted in their ability to deliver because of severe financial restraints.

### **Compensation and support**

State compensation for victims of violence was introduced in the United Kingdom as long ago as 1964. The present Criminal Injuries Compensation Board was set up to acknowledge the harm which has been done to victims of violent crime. It demonstrates, on behalf of society as a whole, that criminal acts should not be tolerated and that the state should make amends for the injury suffered by the victim by making financial awards. Yet criminal injuries compensation is only available to a tiny minority of victims: those who have suffered the most serious violent crime. Victims of property crime are ineligible for the scheme, and anyone whose injuries are judged to be worth less than £1,000 receives no financial recognition. In April this year the Government changed the scheme to a tariff based system<sup>11</sup>. The level at which some of the tariffs were set greatly reduced the amount which some victims could receive in compensation. Families of murder victims, people with multiple injuries, and child abuse victims are three groups who are likely to receive much less compensation when the new arrangements come into effect. Many victims believe that the changes to the scheme are further evidence of the lack of true concern for people who have suffered crime.

#### **Victim Support**

A more comprehensive service for victims is offered by Victim Support<sup>12</sup>. The charity began as a small project in Bristol in 1974. A group of professionals working with offenders became concerned about the lack of support for victims of crime. They set up a pilot project to consider the experiences of victims and give them help.

Twenty years on, Victim Support is a national association of 371 schemes which cover the whole country. It is a voluntary organisation supported by public funds and its service is free. Volunteers, trained and managed by paid staff in local Victim Support schemes, offer information,

practical help and emotional support to people who suffer crime. Victim Support offers a range of services for victims, including advice on compensation and insurance matters, information on police and court procedures, and liaison with the local authority and other organisations on the victim's behalf. The organisation has a branch in Crown Courts called Witness Service. Volunteers based with the Witness Service can arrange pre-trial visits to the court room. They can find separate seating for victims away from defendants, and they can accompany witnesses into the court room when they are called to give evidence. The bulk of Victim Support's work lies in giving victims emotional support as they try to come to terms with their reactions to the crime, and as they try to cope with the confusing process of the criminal justice system.

#### **More resources needed**

Although Victim Support provides what is probably the most developed victim service in the world, it does not have sufficient resources to support everyone who needs help. Most schemes across the country are struggling to maintain their service in the face of a rapid rise in crime rates. Many schemes are unable to develop their services in important areas like domestic violence or racial harassment because of a lack of sufficient funding. Currently, only one in four victims of crime is actually seen by a Victim Support volunteer, and there is little availability of professional psychiatric or legal help when victims develop more complicated problems.

More resources need to be devoted to services which address victims' needs. The criminal justice system itself must sharpen up its act for victims of crime. The ground work on victims' rights must be bolstered by new policies and practices which treat victims with increased sensitivity and respect. Victims deserve a better deal, not only because they have been wronged by crime, but because without their cooperation, the state could not bring offenders to book. Issues about 'rights' are far from simple, but they must be tackled if victims are to believe that justice is being done ■

11 Home Office and Scottish Office Home and Health Department *Compensating Victims of Violent Crime: Changes to the Criminal Injuries Compensation Scheme* London: HMSO, 1993, Cm 2423.

12 For further information about Victim Support and a list of publications, contact Victim Support, Cranmer House, 39 Brixton Road, London SW9 6DZ.





# THE INCIDENCE OF FEAR

## A survey of officers and prisoners

*'Fear is abstract but it's real. Fear in prison is when they bang the door. It can be so great that it sends you off your mind. After a while, you realise that they haven't thrown away the key, you accept privation. But, it's still unnatural so you come to terms with things. That's the position.'*

*Prisoner Participant.*

Joanna Adler

The Institute of Social and  
Applied Psychology,  
University of Kent at  
Canterbury.

The research was carried out  
with the Prison Reform Trust  
while the author was reading  
for her M.Phil degree at the  
Cambridge Institute of  
criminology.

### BACKGROUND

Last autumn, the Prison Service launched an anti-bullying campaign. The packs sent to prisons stated that levels of bullying and violence in gaol were not known. It is doubtful whether we can ever be sure of the actual levels that exist in a prison. The stigma of being marked as a 'grass' is very real and has tangible, often violent, repercussions. Those most at risk are also those who are least likely to articulate their fears to anyone connected with the prison service. Despite this, Walmsley, Howard and White (1992)<sup>1</sup> found that, when asked, eighteen per cent of prisoners said that they did not feel safe. Additional evidence of prisoner fears was obtained by Liebling and Krarup (1992)<sup>2</sup> as part of their suicide investigations. They found that two thirds of vulnerable prisoners (and 43 per cent of prisoners who were not classified as vulnerable) reported difficulties when interacting with other prisoners. They found that younger prisoners and those 'on Rule 43' experienced the most problems<sup>3</sup>. Over one quarter of suicide attempts were related to pressures from other prisoners.

### A SURVEY OF FEAR

The current study was designed to provide a comprehensive overview of the incidence of fear. It was not intended to be a definitive piece of research. For the purposes of this study, it was predicted that fear is affected by: the age or race of the prisoners; whether they have been sentenced or remanded; the classification or structure of the prison; the type of offence committed and the relationship between staff and prisoners. There are many other variables that could be addressed but it was not possible to control for all of them in the available time. For this reason, the study was limited to category B and C male prisons.

Over the summer of 1993, interviews were carried out on five wings in three prisons: a life sentence assessment centre at prison a. two wings at prison b: wing b.i. is a remand wing and wing b.ii. is made up of two spurs from a Vulnerable Prisoner Unit. Participants from prison c came from two wings. These wings are identical in structure but c.i. is for the most vulnerable prisoners and those who requested extra help in coping with imprisonment. (It is not officially classed as a Vulnerable Prisoner Unit.) Wing c.ii., is a category C prisoner



1 Walmsley, R.; Howard, E. and White, S. (1992) *The National Prison Survey 1991: Main Findings*. London: HMSO.

2 Liebling, A. and Krarup, H. (1992) *Suicide Attempts in Male Prisons*: A report submitted to The Home Office.

3 For the purposes of this study, rule 43 prisoners are those prisoners who have had to be segregated for their own protection. They include sexual offenders, informers, ex police officers and ex prison officers.

wing but it has a higher than normal proportion of prisoners who could be classified as 'Rule 43'.

Over one hundred and fifty prisoners and fifty officers took part in the interviews. At least five officers (including one senior officer), fifteen prisoners under 30 and fifteen prisoners over 40 were interviewed on each wing. Thirty-two of the prisoners were on remand or were awaiting deportation. Twenty-seven of them were serving sentences of under 3.5 years. Sixty-three prisoners were serving sentences of between 3.5 and 17 years and forty-one were serving life sentences. The prisoner samples reflected the racial make up of each wing at each of the age groups. Of the officers, 4 were women and 49 were white. The time that they had been an officer ranged from 1 to 27 years but the most common length of service was about 18 months.

The first few questions in each interview were biographical but not necessarily contentious. (Questions about sentence length and type also served as a crude measure of validity as these could be checked from the prisoners' records.) The next section of the interviews included questions about daily interactions and then built up to questions about others' fears before dealing with the possible worries and then fears of the participant him/herself. The last section was designed to ensure that the participant was not left feeling uncomfortable by the matters under discussion.

## **FINDINGS**

When compared with the National Prison Survey, this study found a greater incidence of fear among prisoners and the fear was manifested in different ways. The National Prison Survey found that 18 per cent of prisoners were scared. This study found that 51 per cent of prisoners and 67 per cent of officers expressed fear. The results indicate that both prisoners and officers experienced problems with their peers and with each other. However, the results of this study show a lower incidence of prisoner - prisoner problems than that reported by Liebling and Krarup (1992). They found that 43 per cent of non-vulnerable prisoners reported difficulties interacting with other prisoners. In the current study, 20 per cent of prisoners reported problems with other prisoners and

26 per cent reported problems with staff. Twenty-six per cent of staff reported problems with their colleagues and 72 per cent reported problems with prisoners.

## **WHERE ARE PARTICIPANTS CONCERNED?**

Some participants reported worries and or fears. When asked where they were worried and or scared, 25 per cent of such prisoners said that they thought that other prisoners would be scared in their cells; 14 per cent reported fear in recesses; 9 per cent of those who reported fear were scared to go in to the main prison (when they came from a Vulnerable Prisoner Unit) and 10 per cent were fearful whilst moving through the prison. This was largely an artefact of the unaccompanied movement that is standard for prisoners from both c wings. For example, prisoners on wing c.i. were annoyed by the hospital for them to collect their medication. Such messages told the entire prison that people would be coming down isolated, enclosed walkways and would be ripe for muggings. It also became clear that officers did not feel safe in the same corridors that concerned the prisoners.

When taken as a whole, the study shows that there is some discrepancy between the areas identified by prisoners and those identified by staff. Forty-eight per cent of the officers and 6 per cent of prisoners who felt unsafe did not define their fear in spatial terms. Rather, they defined their fear in the context of specific situations such as when an alarm bell rang. Nine per cent of officers were scared when they were out of the sight of their colleagues and 3 per cent of prisoners were concerned when away from the officers. The place in which the most participants felt worried or fearful was prisoners' cells. It is worth noting that 23 per cent of officers interviewed felt that the prisoners would be worried or fearful in their cells. This is the area of concern for the most number of prisoners and it is that most consistently identified by the staff.

## **WHAT ARE THE PARTICIPANTS' CONCERNS?**

Here too, there is a discrepancy between officer and prisoner worries and fears. Sixty-five per cent of officers and 9 per cent of prisoners were afraid of situations of which they felt they were not in control. Seventeen per-cent of the officers



and 4 per cent of the prisoners were worried about unpredictable or 'mental' cases. Overall, some officers were aware of some of the prisoners' concerns with one main qualification. Twenty-two per cent of officers thought that prisoners may be worried by bullying and 7 per cent thought that they may have problems with debt. None of the prisoners identified either bullying or debt as a problem although 7 per cent of prisoners feared assault.

### **INDIVIDUAL DIFFERENCES**

Prisoners seemed to organise their routines in ways that attempted to avoid confrontation. For example a number of prisoners said that they had no problems because 'I don't mix' or 'I just talk to one or two people'. Also, the officers seemed to take precautions and organise their behaviour and that of prisoners in ways that attempted to avoid confrontation. For example in prison b, remand prisoners could only attend the gym if their name was called from a roster. As well as allocating scarce facilities efficiently, this should help to prevent intimidation from some prisoners keen to use the gym to the exclusion of others.

Neither pre-custodial experience, nor the age of the offender, nor the type of offence committed were related to the amount of prisoners who reported fear. The proportion of prisoners who were fearful did vary between prisons. The greatest number of fearful prisoners was found in Prison a (73 per cent), then in Prison c (54 per cent) and then in Prison b (37 per cent). Statistically significant differences were found between the different wings in each prison. On wing c.i., 70 per cent of prisoners reported fear while 40 per cent of prisoners on c.ii. wing said that they were scared. In b.i. wing, 45 per cent of prisoners reported fear and 30 per cent on b.ii.. The high incidence of fear on a wing may be explained by the nature of the offenders in that wing. They are at the beginning of long sentences, during a time of assessment and change. The wing profile itself has changed in recent years and there are increasing numbers of young, volatile 'lifers' who are incarcerated there.

The difference that is hardest to explain is that found between wings c.i. (70 per cent) and b.ii. (30 per cent). Both wings are for the most vulnerable prisoners. However, wing c.i. prides itself on not being

an official 'VPU' and is not segregated from the rest of the prison. The aim is to integrate the prisoners more fully into normal routines. These findings suggest that, unpalatable and impracticable as it may seem, the prisoners would feel far more secure if they could be kept completely segregated.

Another finding that may be unpalatable is that there were racial differences in the proportion of prisoners who are concerned. This was tested at the broadest level of non white compared with white because of the size of the sample set. When tested on a wing basis, a statistically significant race effect was found. On b.i. (remand) wing, 5 per cent of the white prisoners were worried whereas 34 per cent of the non-white prisoners who were interviewed were worried. On the lifer unit, the effect was reversed. Thirty-six per cent of the whites reported worry but no non-whites reported feeling worried. When specifically asked about 'fear' rather than 'worry', significant racial differences showed up on wing b.ii., the Vulnerable Prisoner Unit. Seventeen per cent of the white prisoners interviewed reported fear whereas 71 per cent of the non-white prisoners interviewed reported fear.

The interviews raised another so called 'minority' issue, that of the role of female officers in male prisons. The issues surrounding both this and the 'race effects' are too complex to examine here but there are some points that should be made. It is hoped that with local recruiting, prisons will be more able to have a mix of staff that reflects the diversity in their catchment areas. Something that came through from the women in this study and from some interviewed in ongoing research at another prison, was that they found the paternalistic protection of their male colleagues to be oppressive and counter productive. At the same time, they found that the senior officers could be insensitive towards issues that can not be avoided. In one case, through trying to protect a female officer, the male officers did not tell their female colleague that a threat had been made against her. This meant that she walked into a situation unprepared and was assaulted.

Little seems to be known about how the officers feel about the way that they spend their day. One of the most common comments made by officers related to management's seeming disinterest in what they had to say or in what they felt. A





typical remark was 'I've been an officer 14 years and no one has ever asked me what I feel about the job...after riots, the only person I could talk to is my wife.' The introduction of post incident care teams for officers seems to be a good innovation. Unfortunately, some officers said that they were unwilling to take up the service as they felt that it was seen to count against them and they found the members of the team to be too distant from them.

It is an almost meaningless cliché to call for more research at the end of a paper. In this case, the research needs to be carried out not just by the professional inquirers but also by the managers of the prisons. Nearly all the officers and many prisoners felt that governors were out of touch with what went

on on the wings. The results here suggest that not enough of the officers are aware of the problems faced by the prisoners. The prisoners and officers interviewed felt that their experiences were being neither listened to nor heard. If the prison service is serious about improving conditions in prisons and dealing with intimidation, then it has to commit itself to carrying out the kind of research that it suggested is needed in its bullying information pack. It also needs to take heed of the kinds and levels of fears that prisoners and officers have. Without improved communication between management and staff and prisoners, the situation on the wings will be hard to assess and even harder to change, where change is needed ■

DIRECT AND INDIRECT MEDIATION AT STOCKEN:

# PRISONERS MEET WITH VICTIMS

In the past 12 months, Stocken Prison has had three separate encounters involving a total of 9 victims and 10 prisoners. Prison officer Terry Green and Senior Probation Officer Alan Gray have been the key figures in this pioneering scheme working closely with Leicester Victims of Crime Scheme.

The idea came initially from a prisoner serving four years for grievous bodily harm. When sentenced in court, he heard how the victim, who was seriously affected by the attack, was receiving counselling from her local victims of crime scheme. Many months after the event she was still very distressed, blamed herself, had suicidal thoughts and felt life was not worth living. Both expressed a wish for a meeting and this took place with Alan Gray the Deputy Director of the Victims of Crime Scheme present as facilitator.

Not surprisingly, it was a tense and anxious meeting. The prisoner's apology and

reassurances were not acknowledged as he had hoped. However, the victim was eventually able to ventilate her anger and share the long-term consequences on her life.

What was achieved? The feedback many months later was that the victim was now finished with counselling, no longer blamed herself or feared for a repeat attack and was due to go to University. By chance, I met the prisoner in the middle of Leicester. He had completed his parole successfully, was working and living with his family. Whilst he was very disappointed not to have received any credit from the victim whatsoever, he recognised that helping her to move on positively in her life was reward in itself.

The second meeting focused principally on house burglary with five victims and four offenders present. They were not the actual victims.

*Terry Green, Prison Officer  
and Alan Gray, Senior  
Probation Officer, HMP  
Stocken*



The victims were very tense initially, most of them not having slept the night before. They cried, they got angry but gradually as trust developed they questioned and listened in a constructive manner. The offenders seemed taken-aback at the long-term consequences on the victims. The oldest victim was 75, the youngest 19. They shared their every-day concerns that they would be burgled again. Three of the offenders displayed what was interpreted all round as genuine concern and empathy and impressed the victims.

After the meeting, the victims were taken on a brief tour of the prison and saw inside a cell. Thereafter they were taken to lunch in the Mess courtesy of the Governor's hospitality fund. They all expressed their satisfaction in the day; to quote one: 'It was nice being made to feel special'.

The next meeting focused specifically on unrelated victims of assault and offenders with current convictions involving violence. Unfortunately the balance was wrong in that three victims and five offenders were present as two victims dropped out at short notice. However this did not appear to detract from the value of the exercise.

The meeting was dominated by the three victims telling their stories in detail. Two of them had very visible scars; one had a scar from his neck to his navel. It was clear that the inmates were all taken aback both at what they saw and heard. In their own way, they expressed sympathy and concern and even the two who said next to nothing showed their concern by their body language.

Subsequently, two of them have written letters via the Victims of Crime Scheme expressing their sympathy to one victim. Another prisoner has written to his victim as a result of this encounter. Both groups expressed a desire to meet again and this took place three months later. There was an amazing contrast in how everyone presented themselves from the previous occasion. The victims were relaxed, open and even enthusiastic about meeting again. They had clearly formed an informal support network of their own. A good, balanced discussion ensued which clearly had a reinforcing impact on all concerned. Much empathy and support was evident and the remorse expressed by the offenders seemed to be accepted as genuine.

There have been many 'spin-offs' from these encounters, not least the working

relationships formed between Probation, prison and the Victims of Crime Scheme. Clearly many victims and offenders will not be interested in such meetings. At Stocken, we now have a waiting list of prisoners; most of those interested have been 'sold' the idea by their peers.

It is also encouraging that some prisoners have simultaneously chosen to write to their victims to apologise, usually via Victims of Crime Schemes. One victim has become a Probation volunteer as a result of his experience; others have ventured out and begun to socialise again for the first time since their original trauma.

We encouraged some offenders to write up their view of these encounters. The quotations below are significant:

*'Seeing and listening to each victim's own story of their ordeal was distressing for me; it made me realise that my victims were more than likely still suffering mentally in the same way'.*

*'In my opinion the whole meeting was a great success because of the fact that it made me aware that when I was sentenced for four years, it was not the end of my victim's ordeal. Like the three victims of the meeting, their ordeal was still going on and would for years to come'.*

*'I will never forget the group meeting and the three victims. I think there should be more meetings of this nature'.*

*'You could see the tears and sadness building up in their eyes and sense their anger and pain. It was a very, very humbling experience and it certainly makes you stop and think about what you did'.*

Our hope is to run these meetings quarterly, with the next one centering on Lifers meeting the relatives of murder victims. They are time consuming in terms of preparation, the meeting itself, de-briefing and seeking feed-back, etc. We share a personal, wider hope from these small beginnings, that a victim perspective is built into all casework with prisoners. Anyone interested in talking further is welcome to contact either of the authors at HMP Stocken on 0780 410771 ■





# THE LANCASTER FARMS APPROACH TO ANTI-BULLYING

## Introduction

Bullying in recent times has become a high profile subject and one that has received much attention both in the prison system and also in the field of primary and secondary school education. Since its opening in 1993 Lancaster Farms has gradually developed a strategy that has attempted to address the issue of bullying. As a consequence of the structured approach that has been adopted, there is the belief amongst prisoners and staff that Lancaster Farms is a safe, positive and progressive environment in which to spend a period of imprisonment.

From the outset it was agreed that the Establishment should adopt a determined and pro-active approach to combating bullying. The creation of an anti-bullying policy which actively discouraged bullying and promoted consideration and mutual respect was a key objective for staff.

The development of a prison culture in which care, commitment and respect for the individual, was seen as being of great importance. It was also accepted that in order for such a culture to be successful, intimidation and violence should be reduced to a minimum.

## Managing a whole prison approach

Practical measures play a very important part in complementing the anti-bullying policy that Lancaster Farms has in situ and are extremely effective in reducing the risks of bullying occurring. By providing as little scope as possible for an individual or group of individuals to bully, the easier it is to encourage the majority of prisoners to adhere to the anti-bullying philosophy.

## Practical Action

A number of practical measures are in operation, which ensure that the risks of bullying taking place are reduced to a minimum;

a. Showers — Prisoners do not shower in large, unsupervised groups. On the residential units, prisoners shower either on their own or with one other person. Once in the showers the door is locked behind them, thus allowing the individual the opportunity to bathe in peace without having to worry about potential threats or assaults. In the gym, through necessity, greater numbers of prisoners do shower together, however this process is supervised closely.

b. Canteen — Prisoners are escorted to the canteen and back to their residential unit when they have made their purchases. They are supervised whilst buying.

c. Reception area — On entering, newly arrived prisoners are immediately booked in and the items they have with them recorded, with full descriptions of their possessions being entered on a property card. Items of value are marked with ultra violet responsive ink. The number of new arrivals held in this area is kept to a minimum, with staff maintaining a high profile.

d. Residential Unit Rules — Prisoners are not allowed into the cells of others. They are actively encouraged to use the wing's large well equipped and comfortably furnished association areas. Prisoners are discouraged from going to cell doors and talking through the door flaps, the conversation may be friendly, however, it could also be intimidating. Staff spend most of the

Marcus Sunderland,  
Probation Officer



association period actively mixing with and interacting with the prisoners, thus reducing the 'us and them' barriers and helping people to feel more at ease. Individuals who speak to staff are therefore less likely to be accused of being a 'grass' because talking to staff is a normal activity.

e. Cell searching — A structured system of targeted cell searching assists in not only highlighting those who may be bullying, but also in identifying those who may be victims. A cell with no posters on the walls or personal possessions should alert staff to the fact that the individual may be being bullied.

f. Phone cards — These are kept by wing staff and issued to the owners when requested, after use they are returned to staff. This system ensures that prisoners are not put under pressure by others to allow them to use their card.

### **Monitoring**

A system of monitoring levels of bullying is also integrated into our anti-bullying strategy. Prisoners are questioned on a formal and informal basis regularly, to ascertain their feelings about how safe they feel at Lancaster Farms, and about their relationships with staff.

A structured system for reporting incidents of bullying, results in staff being able to act consistently when they confront individuals suspected of making threats or intimidation. Guidelines are issued to advise staff of the sanctions and options that are open to them when they encounter bullying. The introduction of a three part Bullying Incident Report form assists in evaluating the effectiveness of our policy and ensures that actions are based on fact and not as is sometimes the case 'gut feelings'. One copy of the report is entered in the prisoner's wing file and assists staff to keep up to date with an individual's progress. The second copy is for the Security Department's attention — someone involved in regular incidents of intimidation could be involved in drug trafficking or some other form of subversive activity in which intimidation may play its part. The final copy goes to the Anti-Bullying Co-ordinator who collates the information about incidents of bullying and is able to identify over a given period of time how many incidents of bullying have taken place, where they occurred, who was the bully and who was the victim.



### **Anti-Bullying Committees**

Two Anti-Bullying Committees are currently in operation; one is made up of prison staff, the second consists of prisoners. Each Committee looks at the problem of bullying from a slightly different angle.

The staff Anti-Bullying Committee involves representatives from all areas of the Establishment, Health Carers Centre, Chaplaincy, Works, Education, BOV, Probation, Psychology and Discipline staff. The function of the Committee is to co-ordinate and initiate action which addresses the issue of bullying. Each representative is able to advise the other members about how the anti-bullying strategy is operating in their area of work and thus it is possible to obtain an overall picture of how our policy is working. If a Committee member identifies an issue which is causing concern we can address the problem as a cohesive group utilising fully, the skills of all the team.

The Prisoners Anti-Bullying sub group consists of two representatives from each of the residential units, resulting in a membership of 12. The group meets monthly, and meetings are chaired and co-ordinated by the Anti-Bullying Co-ordinator. During the meetings members receive training and information about the establishment's ongoing anti-bullying programmes. Group members give their views about how they feel the strategy could be improved from their point of view and provide a different perspective on the issue than staff. Members are encouraged to promote the policy amongst their peers, and to become involved in providing input on prisoner focused anti-bullying training.

The rationale for having two committees is to obtain a realistic and comprehensive overview of Lancaster Farms. Involvement with the Anti-Bullying Committee also allows both staff and prisoners to have a stake in the way our institution operates.

### **Admission**

It is very important that a newly arrived prisoner is made aware as soon as possible about the radical approach taken at Lancaster Farms on bullying and therefore, this process begins as soon as he enters the Admissions Department.

It is our aim to provide an environment which instils in the new arrival a feeling that his wellbeing and safety are of

primary importance. The development of a welcoming and safe atmosphere is however, not entirely the responsibility of prison staff who work in this department. The inmate orderlies who have involvement and responsibilities in the reception process are also encouraged to interact positively with newly arrived prisoners. Good levels of supervision, a well organised reception process, which ensures that people are not waiting to be dealt with for extensive periods of time, re-inforces our anti-bullying message. Practical measures also reduce the opportunity and scope for bullying and taxing to occur. The manner in which prisoners are first received at Lancaster Farms can significantly influence how they respond to the regime, staff and other prisoners during their stay at Lancaster Farms.

### Induction

The day following arrival, all new numbers take part in the induction programme which lasts for one day. Included in the induction day is a session of approximately 75 minutes duration, which looks at the issue of bullying and explores the detrimental effects that fear and intimidation can have on prisoners, staff and the living environment. The issue of how prisoners should respond to those prisoners who are charged with sex offences is also covered.

As a consequence of this initial input the issue of bullying is brought out into the open with the message being given that staff treat the subject seriously and will act to eradicate it. It also encourages prisoners to talk openly about bullying and not to put up with it. At the end of the session all participants are invited to sign an agreement which states that they will:

- a. Not take part in any bullying.
- b. Not help others to bully.
- c. Share information which may help to prevent bullying.

From the outset therefore, everyone understands the Lancaster Farms policy on bullying – **it will not be tolerated**. Those who choose to ignore this statement of intent will not progress or gain the full benefits at our institution.

### Reward

An effective system of rewarding prisoners

who behave reasonably towards their peers is also important in encouraging anti-bullying. The reward system must be carefully thought out and structured, and should support the culture. The prisoners who are progressing and benefiting from the system should be those who are actively supporting and enriching the establishment's anti-bullying culture. Such an approach however, lays open to criticism some of the historical practices adopted within prisons. The policy of putting the biggest, strongest, and on occasions, most aggressive prisoners in jobs which are seen by other prisoners as the ones that offer the best perks, for example, gym orderly or servery cleaners, can send out the wrong message. Such practices imply that the people who progress within the establishments are those who behave in, or adopt an, aggressive and intimidating manner. If positions of trust are however, given to individuals who are actively supporting the anti-bullying strategies, this reiterates the message that bullying doesn't pay.

Staff must also look at their own behaviours and actions to ensure that they are not extolling, possibly subconsciously, the message that by behaving in a particularly intimidating way, tasks can be achieved and respect obtained.

### Education

Education and training of both prisoners and staff is vitally important in achieving and sustaining an anti-bullying ethos. Prisoners are made aware of how bullying can detrimentally affect their quality of life and how it can ultimately lead to victims harming themselves or even committing suicide. It is emphasised to prisoners that they have a responsibility for the well-being of their peers.

Staff are made aware of the procedures and practices that must be set in motion if they observe or encounter an incident of bullying, or suspect bullying is occurring. The benefits of supporting anti-bullying strategies should be promoted energetically. Staff from all disciplines must feel confident in their ability to confront and challenge those individuals who they suspect are bullying others.

### Confrontation

The experience of being confronted about bullying should not be a negative experience,





it should be one from which the bully can feel that he has been treated fairly, understands why he has been spoken to, and is clear about what aspects of his behaviour he needs to improve.

The victim of bullying also needs to be confronted to examine why the incident occurred, confirm to him that he did the right thing by telling staff, and look at ways in which he can avoid a repetition of this form of incident. It may be that assertiveness training will help. It could be that by giving him knowledge, or by identifying and changing certain behaviours, the risks of him being subject to further bullying could be dramatically reduced.

### **Results**

As a result of the anti-bullying initiatives we have implemented, prisoners believe that they are unlikely to come to any harm. In a recent survey which questioned 50 per cent of the prisoners at Lancaster Farms, 18 per cent said they had been bullied, but the bullying generally took the form of name calling, threats and spreading rumours; 83 per cent of respondents said there was less bullying at this prison than at others they had been in and 92 per cent said they felt safe.

Staff morale is high, and relationships based on trust and respect between prisoners and officers are the norm. Of the 27 prisoners who reported having been bullied, 20 said they had spoken to an Officer about it. The working environment is positive and one that is conducive to job fulfilment and innovation.

From the prison management's perspective, anti-bullying assists in ensuring that operation costs are reduced, sickness rates are low, damage and vandalism to property is minimal, and as a consequence of the strategy there is no requirement to regularly segregate prisoners.

### **Conclusion**

Anti-bullying has proved at Lancaster Farms, to be a very effective tool in creating an establishment which offers a safe and positive environment for both staff and prisoners and one which provides the opportunity to use to the maximum the resources that are available. Although our policy is still far from perfect, the experience to date suggests that the implementation and operation of a focused and structured anti-bullying strategy can have a significant effect on the well-being and operational success of a prison establishment ■

# **CHRONIC VICTIMS**

## **HOW MANY AND HOW TO HELP**

*Sylvia Chenery*

*Ken Pease*

*University of Manchester*



Crime victimisation is massively concentrated on particular individuals in particular places. 44 per cent of property crime is suffered by 3 per cent of households, and 70 per cent of violent crime is suffered by 2 per cent of people (Ellingworth et al., forthcoming). The major contributing factors to one's crime risks are the area in which one lives, the lifestyle that one adopts, and one's recent victimisation experience.

No-one will need much persuading about the area and lifestyle contributions to crime risks, although their relative

importance is politically contentious. Area differences in rates of crime are huge. For instance, Trickett et al. (1992) showed that the 10 per cent of British Crime Survey sampling points which suffered the most crime suffered over thirty times the level of crime as the 10 per cent least victimised areas. More recent work (Osborn et al. 1993, Trickett et al. in press) has clarified how lifestyle and area interact. The complex statistical work reported by the Trickett team invites scepticism from the uninitiated. However, the conclusions make such good sense with hindsight that perhaps the

scepticism can be dispensed with. For instance, the highest risks of property crime against dwellings is suffered by better stocked houses in the worst areas! This neatly illustrates the way in which lifestyle and area factors interact to generate an individual's crime risks.

### **A Victim is a Victim**

Area and lifestyle are enough to produce huge differences between individuals in their likelihood of repeatedly falling victim to crime. The third factor is perhaps the most overlooked. That is the way in which victimisation feeds upon victimisation. Most of the work on this topic has been funded by the Police Research Group of the Home Office, because of its obvious crime prevention implications (see National Board for Crime Prevention 1994).

The 1992 British Crime Survey showed how many people were repeatedly victimised - far more than one would expect if crimes were independent events. Other work (Polvi et al. 1991, Farrell and Pease 1993) show that the risk of victimisation is greatest immediately after being victimised. We must therefore put the fact of falling victim to crime alongside area and lifestyle as a determinant of future victimisation. For some offences, the reasons for this are obvious. Domestic violence will recur during the days or weeks when the violent person's state of mind persists, or for the days or weeks when he presumes there is a justification. For other offences, the reasons are less transparent. Burglary may repeat itself when the burglar can't carry everything he wants to take, when he needs to establish a market for some items left in the place burgled, or when he forgets something (for instance the remote control unit for a television, in one recent instance we encountered). The burglar's second and third visits to a house will be easier in that exit points and house layout are known. There is a risk 'bulge' four months after a domestic burglary, which has been observed as far apart as Saskatoon and Huddersfield. We think it is the canny burglar waiting for even the tardiest insurer to have paid out for replacement goods to steal.

### **The Implications**

What are the implications of all this? The key is that, if you want to know to whom and when a crime is going to occur, look at

where, when and to whom it happened last. The future victim is the person who shares the area of residence, lifestyle and victimisation experience of the past victim. A common future victim is the past victim! There are many practical reasons why the truth of this has not been recognised. First, many crimes do not come to official notice. Even in victimisation surveys which overcome this obstacle, there are subtle biases against recognising the extent of repeat victimisation (see Farrell and Pease 1993). That said, the team responsible for the 1992 British Crime Survey has taken enormous strides towards the recognition of the scale of multiple victimisation (see Mayhew et al. 1993). Even when crimes are reported to the police, the particular officers responding differ. Because of shift work, holidays, special training, illness, policing soccer matches and the like, officers do not enjoy the continuity of practice which they need to recognise the extent of repeat victimisation. Can their computer systems not help them to do this? In principle, they can. However it has been our experience that the present generation of police crime information systems are particularly bad at the identification of repeats. We have spent enough time having to resort to manual records to say that with feeling. One of the problems is misspelling. A burglary at the Belle Vue Pub will not be recognised as a repeat of one at the Belle Vue Arms, the Belle Vue Hotel, the Bellevue Pub, the Belevue Pub, the Belle View or any other variation on the spelling of the hostelry in question.

If we knew which crimes were repeats, we would have a defensible police performance indicator. It is not fair to assess the police on the rate of crime or of crime clearance. The rate of **repeats** would have the virtue of focussing on prevention of crime in the places and to the people most likely to fall victim, and with whom the police already have potential crime preventive dealings as a result of prior victimisation. We already know that the higher an area's crime rate, the higher the proportion of crime which are repeats. Trying to prevent repeats would **automatically** direct attention to the most crime prone areas. There are many other virtues of the prevention of repeats as a general crime prevention strategy. For example, it brings together crime prevention and victim support, which are revealed as two sides of the same coin once we realise



that those who need support as victims are also those most in need of crime prevention help. To support victims without offering crime prevention help is to set them up for an experience which is the more devastating for coming after reassurance.

### **Where's the Chronic Victim in Criminal Statistics?**

Apart from its virtues as a strategy for crime prevention generally, the phenomenon makes it evident just how offender centred is routine statistical information about crime and justice. One could look through all four volumes of each year's Criminal Statistics without finding any indication about how victimisation is distributed among victims. In contrast, huge swathes of tables describe the progress of offenders through and out of criminal justice. Yet the distribution of victimisation is arguably the most fundamental thing one should want to know about crime. It tells you who is at risk, who should be afraid, who should take precautions. At present, national or force averages provide grossly misleading information for the vast majority of the citizens likely to become aware of them.

### **What Might Prisons Contribute?**

All the above is really information for people generally. What can prisons contribute? We know that the bulk of offences are committed by a smallish minority of offenders. We know that the bulk of offences are committed against a smallish minority of victims. We do not know how these facts interact. It is clear that the same offender is responsible for much repeat victimisation. Domestic violence is an obvious case in point. There is a strong evidence-based suggestion that the same is true for burglary but apparently not for armed robbery. Only when we know how many repeat victims are the prey of the most active offenders will we know how heavy the detection component of a programme to prevent repeats should be. Natalie Polvi, a Canadian colleague and Psychologist in Warkworth Institution, Ontario, was taken hostage while doing the interviews to advance this aspect of our knowledge. Fortunately, she was released unharmed. However, the research has not advanced. The scope is substantial for important prison-based research on which offenders repeatedly target the same victims, how and why.



The other reason why the work is relevant to prisons is that bullying shows the same pattern of repeats as crimes, with a minority of victims chronically suffering. Victimisation in prisons and YOIs will assuredly exhibit the same patterns, with the same need for timely and effective action to prevent the repeats that will form the bulk of the entire problem. The prison is thus potentially a location for crucial research on the linkage between victim and criminal careers and for implementing a strategy of crime prevention through the prevention of repeats ■

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# LIFERS, LONG-TERM PRISONERS AND EDUCATION

*A discussion of the concerns expressed by life sentenced and other long term prisoners and some suggestions for the provision of relevant educational programmes.*

The numbers of prisoners serving long sentences in England and Wales has increased dramatically and continues to increase. In 1957 there were 48 prisoners sentenced to life imprisonment received into prisons in England and Wales. In 1977, 174 were received into prisons. 229 were received in 1990. The population of life sentenced prisoners in prisons in England and Wales has grown from 1,309 in 1977 to 2,795 in 1991. Eight percent of the prison population is serving a life sentence. If this population remains the same, it is estimated that the population of lifers in prison in England and Wales will have reached 3,500 by the year 2000.

The statistics for long term prisoners, those serving more than four years, also shows a marked increase. In 1981 there were 625 such prisoners, by 1991 this number had grown to 2616. With the trend towards awarding long sentences for a wider range of crimes and with attempts to make more use of non custodial sentences for minor crimes we can expect not only more long term prisoners in our prisons by the year 2000 but that they will make up a larger proportion of the prison population.

The majority of these prisoners will be released into society at some time. If the prison service is to avoid turning out increasing numbers of damaged, embittered individuals, who are unable or unwilling to contribute to society, then increasing consideration will have to be given to the type of regime most suited to prisoners serving long sentences.

The educationalists will need to know how education can contribute to that regime, and what they can do to help the individual survive the trauma of a long sentence.

This article does not seek to supply a curriculum of courses to be provided; neither does it support the view that any one discipline can work successfully in isolation. It seeks to identify the needs of long term prisoners and to suggest some practical actions that education departments might take to meet the needs of lifers and enable their return to society to be positive.

After considering research carried out among long term prisoners in various countries and from my own research with 102 life sentenced prisoners, I believe it is possible to suggest some areas of educational activity that may be beneficial to long term prisoners and lifers. The aims of introducing such activities would be that of ;

- a. helping lifers and long term prisoners to survive the ordeal of long incarceration and gain from it,
- b. helping prisons to meet the Home Office mission statement '...to look after them (the prisoners) with humanity and to help them lead law-abiding and useful lives in custody and after release.'
- c. reassuring the general public that prisons are serving the twin functions of punishment and rehabilitation.

The literature seems to show that there are broadly three main areas which cause prisoners serving long sentences the most concern. After discussing these concerns. I hope to show that education in prisons can have a positive part to play in providing strategies that allow prisoners to overcome those concerns. The long termers'

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worries can be summarised as being:

1. concerns with preservation of self identity, self esteem and personal survival. Being able to cope with the sentence, being able to 'do the bird'.
2. concerns with time, passing it, using it, accounting for it, forgetting it.
3. concerns with maintaining contacts outside the prison, with family, with friends, with organisations and with the general way in which things are done outside.

My own research with 102 life sentenced prisoners in English prisons confirmed these areas of concern.

The lifers were asked to list the concerns that they felt would most occupy other lifers at various stages in their sentence. My research was concerned only with the first nine years of the sentence. The responses were provided by lifers who had served a wide range of time inside. Twenty two had served less than three years, 36 had served between three and six years, 16 had served between six and nine years and 26 had served longer than nine years. Of this later group five had served longer than 20 years.

One or two things are worth noting from Graph 1.

The research identified a fourth area of concern not mentioned in the Literature - that of concern with the crime the lifers had committed. Although this was identified by

only a small percentage of the men it did form a core around which some concerns clustered. It is interesting to note that it was not mentioned as a concern after the three year mark.

It can be seen that the emphasis given to the concerns varied over the years quite considerably. Concerns about the self had always been strong but between the end of year one and year six they become predominant.

Worries about time, planning for the future, considering the possibilities of release in the future take over the dominant role between years six and nine. On conviction and shortly after it worries centred on maintaining outside contacts seem to be at their strongest.

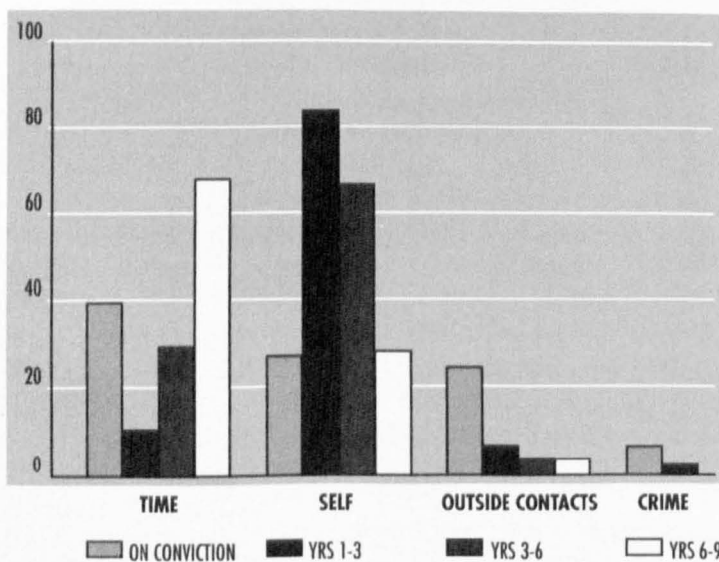
Concerns about the family and external contacts persist. Such worries seem to diminish as time goes on, but to remain at a fairly stable level throughout the period. The first year inside seems to be the time when concern about outside contacts is the strongest. This is supported by Sapsford (1978) who found that life sentenced prisoners did not lose interest in the outside world but they became more introverted and had less actual involvement. Visits became fewer and fewer and there was a tendency to talk more about the past than the future.

### **Concerns about Self Image and Mental Survival**

It has been suggested that long periods of incarceration in total institutions will automatically lead to institutionalisation of the individual. That is to say that the individual will become passive, dependant on the staff and unable to make decisions for herself or himself.

The fear of institutionalisation seems to be very real amongst the life sentenced prisoners with whom I have worked. They are all concerned about whether they can 'do the time', that is complete the sentence without losing their identity, their individuality and their own will. They are enthusiastic to employ various strategies to ensure that they do not become institutionalised. It is interesting to note that neither Richards (1978) nor Flanagan (1980) list this amongst the most severe problems described by long term prisoners. Flanagan did wonder if this was because the prisoners thought they would appear weak and uncertain if they mentioned this as a severe concern and thus might dent their macho images.

**Graph 1**  
**CHANGES IN PREDICTED CONCERNS**





Most of the lifers who completed questionnaires for my research indicated that they were coping with the sentence and in some instances that they were coping well. This despite the fact that they also registered that they were feeling lonely and life seemed aimless.

Bolton et al (1976), Sapsford (1978), Gray (1978), Flanagan (1982). Porporino and Zamble (1984), amongst others have shown that institutionalisation is not inevitable and have identified coping strategies that long term prisoners employ to avoid it.

Indeed Bolton et al and Sapsford have indicated that long term imprisonment can leave prisoners more mentally endowed, in some instances, than they were at the beginning of the sentence. Given the right regime, a battery of individually internalised coping skills and access to an appropriate prisoner culture, then deterioration over time is not inevitable.

From my own research it would appear that lifers see attendance on education and training courses as a component in their armoury of coping strategies.

The prisoners were given a list of fourteen commonly given reasons for attending education and training courses, and asked to choose the five that most closely matched, their own reasons for attending. Seventy seven men responded and produced 384 reasons between them. The question was only answered by prisoners who were currently attending classes or who had attended in the past.

As can be seen from Table 1. 85 per cent chose positive reasons for attending education that were allied to either keeping the mind active or preparing for the future. Of the remaining 15 per cent of reasons for attending education courses 7.3 per cent were to do with passing the time, 5.7 per cent as a means of 'escaping' from prison for a few hours. Only 2.4 per cent were totally negative; being 'to doss' to do nothing, to laze around and to 'escape' from the workshops, that is to get out of working in the manufacturing industries within the prison.

Much has been written on the coping strategies employed by life sentenced and long term prisoners in order to psychologically survive a long period of incarceration.

Porporino and Zamble (1984) note the importance of the inventory of coping skills that the individual brings into prison,

also the experience of previous control that the individual has accumulated in other situations. They note that the intellectual level and the self image of the individual are also important elements in their defensive armoury against institutionalisation.

Cohen and Taylor (1971) offer the inmate code as a foundation for coping. Flanagan (1981) suggested the adoption of the 'Long Termers' Perspective' as an effective coping strategy. The perspective and the code require adherence to the norms of a prison based sub-culture. Successful adoption indicates maturity and commands, if not respect, then at least an acknowledgement that the individual is coping. The strategies require a careful and thorough consideration of data before action is taken, a steadfastness of approach and a predictability of action. The perspective and the code demand that the long term man or woman rely upon themselves. An understanding that they are the only ones with a genuine and full time interest in their well-being and welfare.

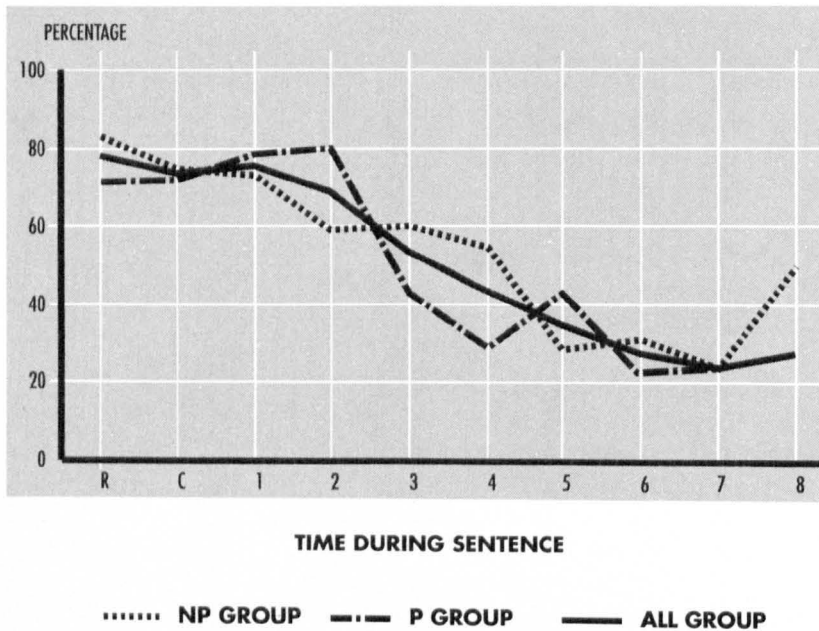
### Concerns with Time

Richards (1976) identified the knowledge that time was passing by as a major concern of long term prisoners, this was supported by Flanagan (1980, 1981, 1982). Cohen and Taylor (1971) noted that time is served, past, done, it is an almost

**Table 1**  
**REASONS GIVEN BY LIFE SENTENCED PRISONERS FOR ATTENDING EDUCATION OR TRAINING COURSES.**

REASONS FOR ATTENDING	% OF LIFERS
Keep the brain active	14.1
Mental stimulation	10.75
Keep head together	8.6
Try something new	7.5
Get head together	3.1
Meet new people	2.9
<b>KEEP MIND ALERT</b>	<b>47</b>
Prepare for the future	13.3
Gain qualifications	10.7
Make up for lost time	8.3
Learn a trade	5.4
<b>PREPARE FOR THE FUTURE</b>	<b>38</b>
Pass the time	7.3
"escape" from prison	5.7
"escape" from workshops	2.1
"doss" 0.3	
<b>PASSIVELY PASS TIME</b>	<b>15</b>

**Graph 2**  
**NEGATIVE FEELINGS BY YEAR**



tangible item to be fought and overcome.

My own research was not concerned with lifers' conceptions of time, it was concerned to discover if the lifers could identify any changes in mood or emotional state at particular times during the years they had spent in prison.

They were asked to select five words or phrases, from a battery of 24 possible choices, that best described their general outlook since they were convicted. The most often chosen response was that they were worried about the future. The next most chosen responses, as mentioned earlier, showed that the lifers felt that they were coping with the sentence, that they were lonely and that they felt that they lacked any purpose.

Later the participants were also asked to remember how positive or negative they were at various times during their sentence. The terms positive and negative were defined in the questionnaire and a scale was introduced so that the strength of the feeling could be recorded as well as its type.

Graph 2 shows the decrease in negative feelings over the first eight years of imprisonment, as reported by life sentenced prisoners.

The lifers were divided into two groups, those that had no previous experience of prison before their current sentence were placed in group NP and those who had been in prison, or similar, were

placed in group P.

The centre line shows the percentage of negative feelings recorded by the group as a whole, the other lines represent the responses from the NP and P groups. It is reassuring to note that the line falls for all the groups, indicating a fall in the number and strength of negative feelings as the years go by. It is interesting however that the lines drawn from the responses of members of the two groups are so different. The lines continually meet and diverge throughout the eight years, ending with another divergence. After seven years the feelings of the group with no previous experience of prison is becoming more negative, while those with previous prison experience continue to become more positive.

The differences may indicate that lifers from the two groups have different needs and that consideration should be given to differentiating between them in the programmes that are offered.

### **Concern About Contacts with the Outside World**

Rasch (1981) hypothesised that in long term prisoners there would be changes in social attitude, namely that they would become withdrawn and show increasingly negative attitudes to society and the legal system. His research did not confirm this hypothesis. Sapsford (1978) reported a reduction in future time perspective and that lifers who had served a number of years tended to talk more about the past than they had previously. Richards (1978) and Flanagan (1998) reported severe problems among long term prisoners in relation to deprivation of relationships inside and outside the prison. Flanagan (1992) identified special stress in long term prisoners with regard to external relationships. He states that the fear that external relationships will be irrevocably lost creates unique concerns within such prisoners. He also notes that contacts between prisoners become shallow and fragmentary due to the fact that long termers are moved between prisons, thus putting an end to relationships.

Anecdotal evidence gathered as a result of my research would seem to indicate that lifers are concerned about maintaining links with the outside. A few life sentenced prisoners have said that they have asked their friends and families not to visit out of

concern for the stress and the emotional and financial pressures such visits place on the visitors and to some extent upon the visited. The majority, however, encouraged and are encouraged by visits, although it would seem that the frequency of the visits declines as the years pass.

### **Aspects of a Positive Regime**

With regard to the type of regime most suited for lifers and long term prisoners Goeman (1997) emphasised the importance of avoiding early negative developments. Bottoms and Light (1987) pointed out the importance of maintaining the possibilities of future hope, McKay et al (1979) called for the avoidance of physical and social environments that are seen as malevolent and persecutory and the abolition of 'mundane routines'.

The European Committee on Crime Problems (1977) asserted 'It may be assumed with a high degree of probability that the negative effects of long prison terms, as described, are not inevitable and may be counteracted by purposeful action'. The report goes on to provide an ideal blueprint for the safe, humane and therapeutic incarceration of long term prisoners. It stresses that long term prisoners at the beginning of the sentence should be sympathetically and gently introduced into the prison and prison life, there should not be a rigorous initial regime.

Communications and links with the outside world should be encouraged and there should be separate accommodation for short term and long term prisoners.

The Council put forward four propositions that it believed would counteract deterioration. Amongst those recommendations there are a number that education departments could implement to the benefit of their long term students, and which meet the needs and concerns of lifers and long term prisoners mentioned earlier. For instance when the Council discusses the treatment of long term prisoners it suggests that:

- a. a sense of co-responsibility should be fostered between inmate and staff and inmate and inmate;
- b. there should be a realistic assessment of the aims of any treatment programme;
- c. there ought to be opportunities for worthwhile work;

- d. every effort should be made to maintain outside links, these should be two way.

To these recommendations might be added the suggestion that programmes be included that:

1. support and enhance a positive self image,
2. develop coping skills in individuals,
3. enable prisoners to realistically prepare for their release.

### **The Contribution Education can Make to Positive Regimes**

Education departments in prisons can play a vital part in helping the regime to meet these recommendations and suggestions. In some respects, they are uniquely placed to provide programmes, courses and opportunities that directly address those aspects of the positive regime.

Education departments, on the whole, are not seen by prisoners as part of the apparatus that is keeping them in prison. They are seen as providing a service directly to the prisoner and directly for his or her benefit. The staff are seen as non threatening civilians.

Well run departments can provide the occasion, the imagination and the resourcefulness to furnish the lifer and the long term prisoner with opportunities for personal decision making, self expression and for raising self esteem that may not be readily available elsewhere within the prison.

Prisoners, while working in the education department, can be shown that they control their own destinies; that they will achieve their goals if they make the necessary effort. The departmental staff can teach, advise, encourage, motivate, exhort, make resources available. The ultimate decision about achievement, however, lies with the individual, and the individual must be aware of this. This being true it follows that there must be trust and a partnership between the student and staff. Trust stems from mutual respect. A partnership is marked by an acknowledgement of each others responsibilities and areas of influence and control.

The education department can employ strategies that encourage prisoners to exercise responsibility, control and decision making throughout their sentences.

A number of lifers have said that the

most important role of the education department is 'to keep the dream alive'. By this they meant that the department can help the prisoner work towards a goal that the prisoner has set for himself. As a result of discussions with education staff the route to it may well be changed, the time scale altered and a more realistic view be gained by the 'dreamer'; but there is still a dream. This hope for the future will have had its value and veracity reinforced as a result of the discussions that have taken place between the 'dreamer' and the professional adviser. The dream, however, still belongs to the 'dreamer', he remains in control of it.

More formally the dream can equate to the long term prisoner's educational career plan, which will be incorporated into the prisoner's sentence plan.

Education staff can encourage all long term prisoners to develop an education career plan. It may be short and sweet, it may be long, involved and cover years ahead, it may be constructed piecemeal, one achievement leading to another goal. The plans may be achieved by formal or informal means. Target setting can help long term prisoners use time positively.

Through the establishment of prisoner led clubs, societies and even taught classes prisoners can be offered opportunities for decision making and undertaking responsibilities outside their own immediate needs. Dealing with the demands, stresses and problems that arise as a result of any group activity can provide real situations within which lifers and long term prisoners might exercise control, decision making and foster positive interpersonal relations.

It should be noted that such activities can use up a lot of education staff time. Even within the most liberal and positive of regimes there will be a limit to how much the prisoner committees can do on their own. Education staff can form an interface between the committee and the prison authorities and in some instances with the outside world. The committees will need advice and guidance, particularly in the early days and education staff may well need to attend the majority of, if not all of, the committee meetings.

Education departments can offer many links with the world outside prison. The act of taking part in an educational pursuit automatically links one with the wider world of all those others who are similarly engaged, wherever they are. Such philosophical thoughts can be encouraged so

that the prisoners may see their learning in a wider context; to see that they are not alone. Education departments can of course be concrete as well as philosophical. Many already invite speakers, debaters, performers in from the outside. All the teachers and all the staff in the prison are people from outside, although long association with the prisoners may have caused staff and prisoners to cease to appreciate this fact.

The case has been made that those who survive most readily are those who have the best range and the most relevant inventory of coping skills. The education department, together with other departments within the prison, could look at ways of teaching prisoner's how to increase the range of coping skills they have. Time might be spent teaching prisoner's how to use the skills they have more effectively.

It has been shown earlier that concern with the staff is paramount amongst life sentenced and long term prisoners. The education department can make a positive contribution by allowing the prisoner to boost his self image through the attainment of relevant national qualifications; by fostering mutual respect between individuals being taught and the individuals teaching and by acknowledging that adult prisoners are mature students and come to the learning situation with a wide range of experiences and expectations.

Life sentenced prisoners were asked specifically how education departments could become more effective for them. The suggestions put forward are shown in Table 2.

Leaving aside the perennial problem of resources, three of the suggestions seem to be related:

1. calls for a wider curriculum,
2. requests for educators generally to better understand lifers, their sentence and the problem they face and
3. for more continuity between establishments. These suggestions seem to be centred around the suggestions that there is a need to better understand the sentence and its effect on lifers.

The sentence is a long one and will be served in a number of prisons. The fear of lifers and long termers outlined above are real, as are the dangers of institutionalisation. If educationalists are aware of these and other aspects of long term incarceration then they may be in a position to work with other

disciplines to provide positive regimes.

The importance of a wide curriculum is obvious when one considers not only the range of ability and interest there will be among long term prisoners, but also the number of courses they can complete during the term of a long sentence.

Increased continuity between departments in different establishments was cited as a possible improvement by only 8% of the sample, yet it must be an important consideration for educational planners. Career plans initiated early in the sentence will need to be reviewed, renewed and encouraged in subsequent prisons. Courses begun in one prison will need to be capable of completion and supplementation in subsequent prisons.

Continuity is desirable but its achievement may be difficult. As long term prisoner's move through the prison system they are placed in prisons designed primarily to cater for the needs of a rapidly changing population of short term prisoners. There is a danger that the educational needs of a relatively small number of long term prisoners, will be lost amongst the needs of the larger, changing population. It is possible that the majority of the courses being offered will cover the basic skills and the acquisition of initial qualifications in a variety of subjects. The long termers may have already past that level and be looking for a higher level of provision.

### **Conclusion**

There are many concerns that life sentenced and long term prisoners share, these focus around the ability to avoid mental deterioration, to 'do the time' and to maintain links with the world outside the prison gates. Society generally is concerned that released prisoners do not pose a threat and that they are not a burden on its resources. Imaginative and dynamic education departments within prisons, as part of a positive regime, can be ideally and uniquely organised to help long term prisoners address their concerns and to leave prison undamaged and prepared to become self supporting ■

**Table 2**

### **WAYS IN WHICH EDUCATION DEPARTMENTS MIGHT CATER MORE FULLY TO THE NEEDS OF LIFER SENTENCED PRISONERS.**

REASONS FOR ATTENDING	% OF LIFERS
Wider curriculum	47
Better understanding of lifers, their problems and the sentence	18
More money/time/resources	14
Be more outgoing/efficient	11
Continuity between estabs.	8
<b>TOTAL</b>	<b>98</b>

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# DYSLEXIA

## IN THE PRISON POPULATION

### THE LIKELY INCIDENCE AND A PROPOSED STRATEGY

*'A thing which has not been understood inevitably re-appears; like an unladen ghost, it cannot rest until the mystery has been solved and the spell broken.'* Sigmund Freud.

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There are certainly thousands of people with the hidden handicap of dyslexia in our prisons and most of them receive no recognition or remedial support. No accurate measurement of the numbers involved has been taken. In this paper I suggest that a whole institution approach to dyslexia could reduce the re-offending rate.

### What is Dyslexia?

Dyslexia, sometimes called Specific Learning Difficulties, is a cognitive defect, usually genetic in origin, which occurs across the ability range and in varying degrees classified as mild, moderate or severe. Its effects are worse where, as is usually the case, both *appropriate* teaching and *informed* family support are not available. Dyslexia is a pattern of difficulties and the symptoms vary in clusters. It is generally agreed that dyslexia is a difficulty with processing information. In dyslexia the short term working memory becomes overloaded causing inefficiencies and deficiencies in the processing between auditory, visual and motor-kinaesthetic modalities. Thus the bus caught is the one going in the wrong direction, the spellings painfully learned are nearly all wrong when tested the next day, and the word on the board does not appear when it is supposed to be copied into the exercise book. Dyslexics are quick forgetters and from childhood are often in trouble. One 17 year old dyslexic wrote, before diagnosis, 'To use my brain, you just about need a crane'. Repeating a prison number, looking up entries in the telephone directory, learning mathematical tables, picking up body-language signals, accurate reading of a statement in a police station, all, some or none of these may be impossible for a dyslexic person. Although many dyslexic people never read for pleasure and avoid writing things down, one student at Elmley,

an articulate man who worked out for himself that he was dyslexic, and reads Graham Greene for pleasure, mis-spelt one word in four in a 'free writing' passage in which the vocabulary was much less sophisticated than in his conversation. He wrote, for example, tre for 'try', soona for 'sooner', keit for 'kite', wout for 'what', aquste for 'adjust', nage for 'sags', pinike for 'picnic', anst for 'exit', and 'relist' for 'restless'. Many dyslexics develop elaborate strategies for remembering phone numbers, procedures to be followed at work, even their own address. Another inmate who had served many years on several sentences, undiagnosed until recently, helped himself to spell over those years by creating a personal index of words he needed on Rizla papers and tear-out sections of the lids of Kleenex boxes. Openness about dyslexia and publicity to avoid its being associated with 'being thick' is needed to encourage inmates to drop denial or defence strategies (I've forgotten my glasses or not volunteering to be club secretary) and to adopt the coping strategies (learning to word process, preparing in advance) identified by David Gauntlet (Managing the Adult Dyslexic, paper read at the First International Conference of the British Dyslexia Association, 1989).

According to Beryl Wattles, the worst fate any dyslexic has to face is 'the destruction of self-confidence, not just in reading and spelling but in any task tackled.' (The Plain Teacher's Guide to the Dyslexic, CUP 1981). Dyslexia is 'a learning style which may become a living style' (Kronick. Social Development of Learning Disabled Persons. Toronto. UK edition - Sage Publications 1990).

### Recognising Dyslexia

Leonardo, Churchill, Einstein, Susan

Hampshire and Duncan Goodhew are among famous and very able dyslexics. It is not a global learning difficulty. Formal assessment may need to be carried out by an educational psychologist. A teacher with appropriate training can undertake assessment and diagnosis depending on the purpose for which recognition is required. The principle behind assessment is:

*'A person is dyslexic provided (a) that there is discrepancy between intellectual level and performance at reading or spelling and (b) that this discrepancy is accompanied by some of the supporting signs'.*

(T. R. Miles. *Understanding Dyslexia*. Better Books 1987).

In dyslexia there is a bizarre variation in achievements. Someone who can undertake computer programming but cannot repeat the months of the year, for example, might turn out to be dyslexic. In people of less than average ability the need for correct teaching is particularly important but the likelihood of their dyslexia being overlooked is greater even though the characteristic symptoms are still observable. In people who are dyslexic and who have endured emotional deprivation and trauma, the need to be taught basic education *in the way that they can learn* is often overlooked in dealing with the presenting challenging behaviour or depression. In people whose presenting behavioural difficulties are largely or in part caused by their dyslexia, no amount of treatment of the behaviour will be successful in the long term unless the dyslexia is also addressed. Recognition of dyslexia is therefore very important.

### **Teaching adult dyslexics**

People with dyslexia need to be taught using phonic based multi-sensory methods, within a *cumulative individualised, flexible structure* that meets both their perceived needs and those perceived by the dyslexia specialist. There must be plenty of opportunity for over-learning and plenty of encouragement. They need to be shown the logic of language as they cannot automatically generalise, the penny doesn't just drop. They need specialised learning support for their individual needs in memory training and personal organisation. The teaching, whether it is in study skills or phonics for spelling, needs to be exaggerated. Dyslexic adults need tutors with a knowledge of both dyslexia and of

counselling skills. Dyslexic students need to be enabled towards self-management and of all students they need to be listened to perceptively and empathetically and given back their self-respect in the process. Dyslexic adults often appreciate the opportunity to share their experiences and pool their strategies; they gain confidence and knowledge from each other. They need to know what they are likely to find difficult in future training of any kind as forewarned is forearmed so far as both motivation to keep going and tactics for doing so are concerned.

### **Incidence in the prison population**

In a prison population of 48,000 (31 March 1994) there will be at least 2000 and, according to one recent claim which I believe to be unlikely, up to 24,000 with moderate to severe dyslexia. In the Prison Service we do care about 'tackling criminal and anti-social behaviour through rigorous and effective work with prisoners, including anger management and offending behaviour courses' (HM Prison Service Corporate Plan 1994-1997). I suggest that if we are serious about this we need to take dyslexia seriously because:

1. There is likely to be a higher proportion of people who have the specific learning difficulties of dyslexia in prison than in the outside community.
2. There is likely to be an association in some people who are dyslexic between undiagnosed dyslexia and criminality.
3. Screening, diagnosis, appropriate tuition and training in self-management of dyslexia are feasible within prisons; such treatment could be an effective contribution to managing the frustration and associated anger which can be caused by unrecognised dyslexia.

Figures 1 and 2 provide an accumulation of pointers towards there being a high number of people with Specific Learning Difficulties in prisons. It is not my belief that during the 13 years I have been working in prisons half of the inmates I have met are dyslexic; I do believe, though, that the level is high enough for the classic symptoms of Specific Learning Difficulties to be so ordinary in the prison population



**Figure 1**  
**IN THE OUTSIDE COMMUNITY 4% : INDICATORS OF DYSLEXIC POPULATION**

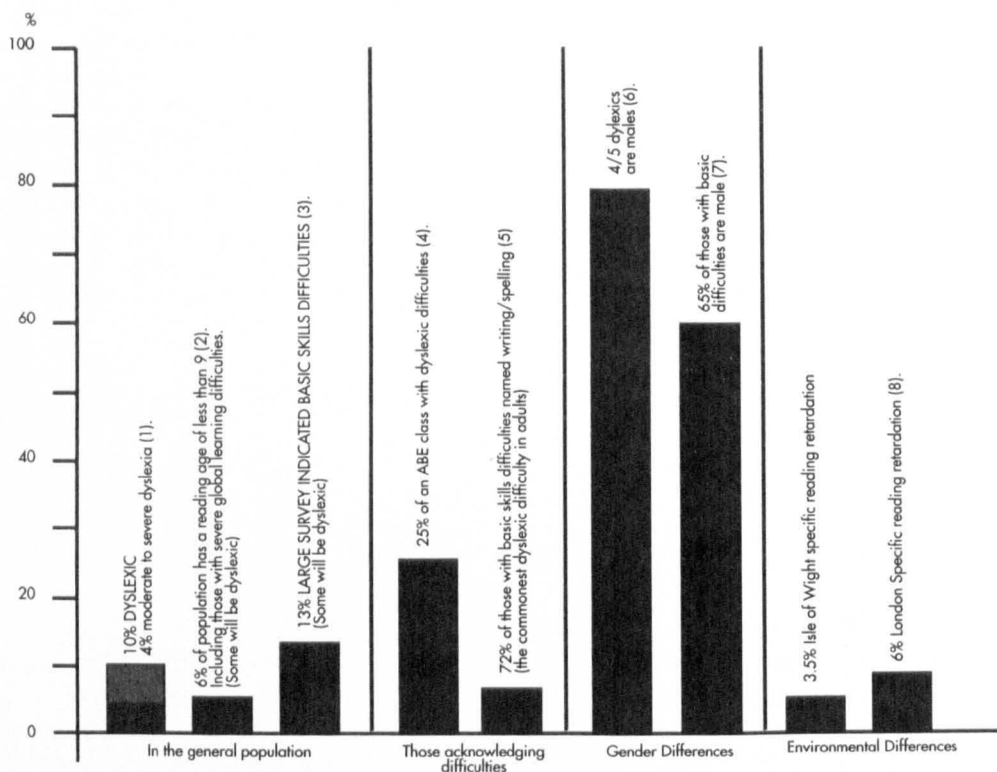


Figure 1: (1) Dyslexia Institute and British Dyslexia Association both use this figure; (2) Hornsby Overcoming Dyslexia Macdonald (1984); (3) Adult Literacy and Basic Skills Unit Literacy, Numeracy and Adults (1987) using evidence from National Child Development Study (1981); (4) Anderson and Diggle Cornwall Adult Education Service, Right to Read project - presented at BDA Conference on Adult Dyslexia, London 1989; (5) as (3) above; (6) Thomson Developmental Dyslexia Whurr Pubs 1990 referring to Chritchley (1970), nb, this figure long generally accepted, has been challenged on the grounds that females' failure to achieve is less often noticed but the figure has also been re-asserted as a constitutional gender difference; (7) as (3) above; (8) Rutter et al Education, Health and Behaviour Longman 1970 quoting Tandy, see Figure 3.

that we do not really notice them.

### **Equal Opportunities for prison staff.**

Most convicted people are not dyslexic; most dyslexics do not have convictions. There are some people with these specific learning difficulties employed by the Prison Service. I have come across a number of staff, sometimes auxiliaries hoping to become prison officers and sometime officers preparing for the promotion examination, who have a spelling problem out of scale with the general ability they display in their work and which can make their essays difficult to read.

Job Centres recognise Dyslexia as a disability. Briefing No 71, March 1994, summarises the Annual Progress Report on Equal Opportunities and notes that the Prison Service falls short of the three per

cent target for employing staff with disabilities. Recruitment could be dyslexia-friendly and recognition of existing staff with dyslexia could help to meet the target. Permission to use an electronic spellchecker and extra time in the promotion examination for those assessed as dyslexic could help some officers gain the promotion they deserve. Home Office policy is that 'wherever possible, positive assistance will be given to develop the individual's full potential'. In this Year of the Adult Dyslexic it might be an apt application of Equal Opportunities if some training resources could be allocated to psychological assessment and educational support for prison staff. Although the proportion will be much smaller than in the inmate population, some may have been avoiding or failing the promotion exam for years because of their unacknowledged difficulties.



**Figure 2**  
**IN THE PRISON POPULATION (7-50%) : INDICATORS OF**  
**HIGHER NUMBERS OF DYSLEXIA AMONG OFFENDERS**

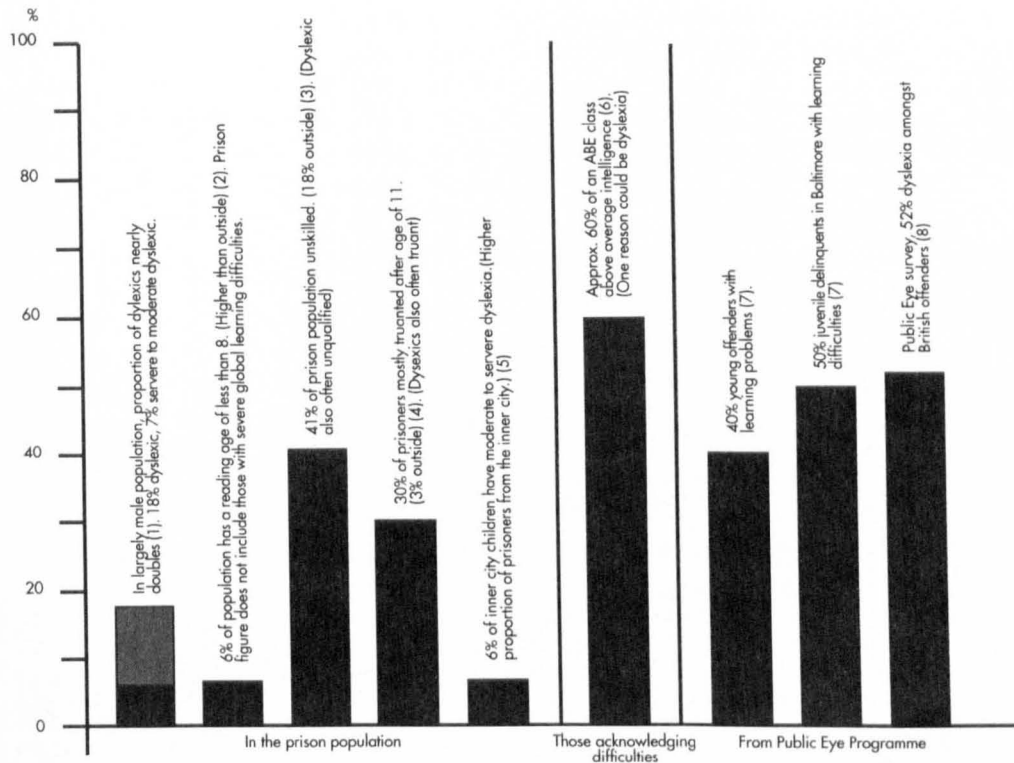


Figure 2: (1) in 1990, only 1,614 prisoners of 45,466 were female (NACRO Briefing No. 25 (1982) of 28,225 prisoners assessed in 1984-5, six per cent had a reading age of less than eight and 9.4 per cent of less than 10 - Home Office statistics provided by Prison Reform Trust; (2) National Prison Survey (1991); (3) Payne (1989), Saunders (1990) and Thomson (1990) all refer to truanting in dyslexics see references for Figure (3); (4) see reference (8) for Figure 1; (5) Cranfield School of Management Studies at Prison Education Officers' Conference, Blackpool, 1990 (7) Public Eye BBC2 TV June 1992; (8) as (7).

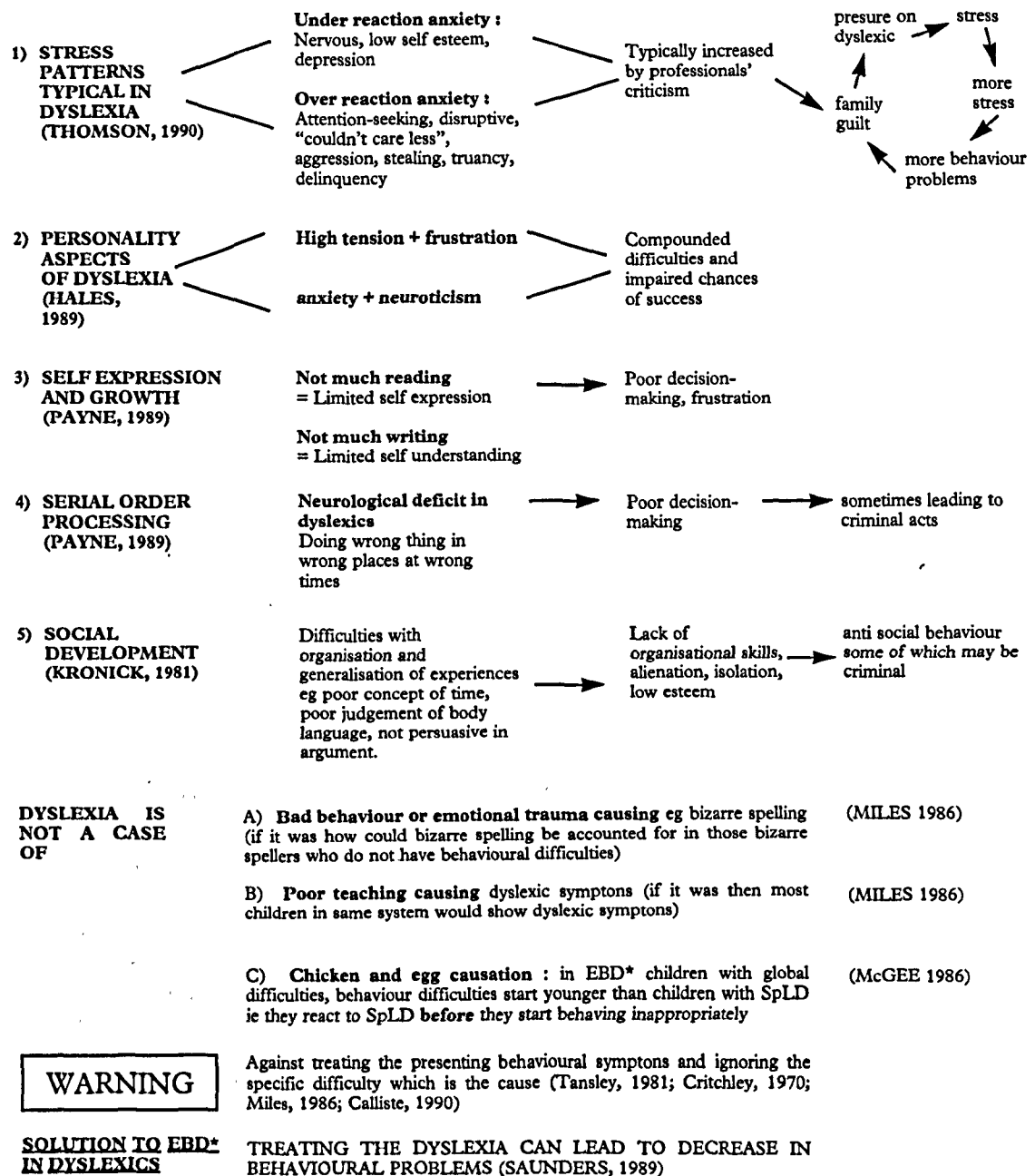
### **Current high profile of dyslexia**

In the wider community, prospects are improving for people with dyslexia. Dyslexia, despite being discovered towards the end of the last century and recognised by what is now the Department for Education since 1978, is in most cases still not picked up in school. However, recently, Cambridge County Council were successfully sued for failing to provide for the needs of one dyslexic teenager. Interest in the needs of adult dyslexics is growing. In 1993, Contact, the British Dyslexia Association Journal, published a paper comparing two methods of teaching for dyslexic adults. This year has seen the publication of *Adult Dyslexia: Assessment, Counselling and Training*: by McLoughlin, Fitzgibbon and Young (Whurr Publishers). Adult support groups are springing up around the country (for example one was

founded in 1992 under the auspices of the Medway Dyslexia Association in Kent) and there is now a Helpline run by the Adult Dyslexia Organisation in London.

Currently too concern is growing for offenders who are dyslexic. A meeting in the House of Lords attended by Home Office personnel among others, was a forerunner of a 1993 conference sponsored by the British Dyslexia Association in association with Bridgebuilders (the National Association for the Education and Guidance of Offenders); the Inner London Probation Service and the Institute for the Study and Treatment of Delinquency called 'Dyslexia - A Sentence?' There are smaller, local initiatives too. For example, Mid-Kent College, who then managed education in eight prisons, through staff development funding enabled me to put on a short course for prison teachers in awareness of and teaching for dyslexia. One of the course aims, so far unfulfilled, was to

**Figure 3**  
**SOME EMOTIONAL AND BEHAVIOURAL CORRELATES OF DYSLEXIA IN SOME DYSLEXICS MAY ALSO BE RELATED TO THE DISPROPORTIONATELY HIGH NUMBER OF OFFENDERS WITH DYSLEXIA..**



\* EBD - Emotional and Behavioural Difficulties

Figures 1-3 originally produced by students attending HMP Elmley Desktop Publishing Vocational Training Course

**Figure 3:** Thomson, M. Developmental Dyslexia. Whurr 3rd edition (1990); Hales, G. Personality Aspects of Dyslexia. First International Conference of British Dyslexia Association 1989; Payne, J. Behavioural Difficulties and Specific Underachievement in Literacy. British Psychological Service Review. Vol. 13, No 1-2 1989; Kronick, D. The Social Development of Learning Disabled Persons (UK edition Sage Publications 1990); Miles, T. Understanding Dyslexia. Better Books 1986; McGee, R., Williams, S., Share, D. L., Anderson, J. and Silva, P. A. The relationship between specific reading retardation, general reading backwardness and behavioural problems in a large sample of Dunedin boys. Journal of Child Psychology and Psychiatry 27, 567-611 1986 quoted in Thomson as above; Tansley and Pankhurst. Children with Specific Learning Difficulties. NFER Nelson 1981; Critchley, M. The Dyslexic Child. Heinemann 1970; Calliste, J. Adults and Dyslexia. BDA Conference London 1990; Saunders, R. Dyslexia as a factor in the young Adult Offender. First International Conference of BDA 1989.

establish networking for prison teachers interested in dyslexia. Informally, I know of about 30 prison education departments where this interest exists. Policy decisions are needed to make this interest effective. I know of two prisons whose Education Order for Service include Dyslexia Support Groups. The Core Curriculum, for which the tender has been won by a consortium (Bristol University, Amersham and Wycombe College and City College Manchester) is to establish consistency of provision in the new contracted out prison education system. It would be an excellent vehicle for ensuring provision for dyslexic students is made possible.

### **Towards a Strategy**

I estimate that it would cost less than £30 per subject to screen 300 prisoners under the supervision of an educational psychologist. As there is no screening instrument which does the whole job, the sum includes follow up diagnosis and essential counselling for those showing positive indicators. Screening could establish the level of dyslexia among offenders.

Meanwhile, most cases of dyslexia are not picked up even in those few prisons where a member of the education staff is qualified to do so because there is no structure and no general awareness.

A structure which I believe would work would consist of groups of prisons sharing a fully trained peripatetic dyslexia specialist teacher who could act as practitioner/adviser and cascade their training to all prison basic and academic education tutors. Even if all basic education teachers taught as though all their students might be dyslexic, which would help those who are and do no harm to those who are not, many dyslexics still would not be reached. Very many people who are dyslexic avoid any sort of academic learning. They quite often join art, woodwork, computers or motor mechanics courses as they are often talented in these subjects. All prison teachers and instructors need 1-2 hour awareness training. Many inmates with dyslexia will not come into contact with Education Departments at all. Landing officers, probation officers, hospital officers, PEIs, in fact all who come into contact with inmates could encourage referral if they were themselves aware of the likely characteristics and many misunderstandings could be avoided. For example, prisoners who are

dyslexic may have difficulty in remembering instructions for long enough to carry them out. When landing officers are informed about dyslexia, dynamic security may be enhanced. Prison Governors' interest would be crucial here: for only under their direction could the necessary operational arrangements be set up and the Education Contractors directed to provide the service.

### **Laying the ghost**

It is neither too late, too difficult nor too expensive to confront what may be underlying offending behaviour in a not inconsiderable proportion of the prison population; it is not enough for prisoners who are dyslexic to take part in an offending behaviour programme " their 'unlaid ghosts' will not rest until they feel 'forgiven' by the solving of the private mystery (whether perceived by them or not) of why their brains work differently. My experience as a prison educator convinces me that supportive diagnosis and access to practical assistance can motivate the desire for positive change. Once people know how to manage their dyslexia they can find they no longer need to develop 'elaborate stratagems ..... a kind of espionage of everyday living' (Osmond. *The Reality of Dyslexia*. p. 119, 1993). The cause of a negative tangle of life events may be due only partly to the dyslexia. The breaking of the spell can be facilitated by teachers with appropriate skills, the effect can be far greater than educational achievement. A whole institution approach could be the catalyst for exorcism.

We have the vision of the Corporate Plan and Equal Opportunites. The body of knowledge is approved by the Department for Education and the Department of Employment. The Core Curriculum and the Education Contracts have presented themselves as strategic opportunities for framing the objectives necessary to tackle this troublesome disability. Just as the prison service a few years ago set up a successful mechanism for improving Race Relations so it could make a commitment to laying the ghost of untreated dyslexia among offenders ■

# Interview

HOLLY WELSH

INTERVIEWS

SIR PETER WOODHEAD

(Prison Service Ombudsman)

**Holly Welsh:** Can you tell me a little of your background.

**Peter Woodhead:** From the age of thirteen to the age of fifty three I was in the navy and I specialised in aviation. I finished off as the Deputy Supreme Allied Commander (Atlantic) based in Norfolk, Virginia. I retired from the navy and then took on this new post.

**HW:** Why were you interested in the job, or were you asked to do it?

**PW:** It was a bit of both. I have always been interested in the prison culture. Over the years I have looked around a couple of prisons, and of course we do have our prison equivalent in the services, and one of the things I have spent a lot of time doing in the services is the adjudication and grievance procedure. So there is a parallel there. I think there is also quite a parallel (and though one doesn't want to over simplify it) between life in the Navy and life in prisons. We

*the individual ship is very much like an individual prison*

are both working within big institutions and yet the individual ship is very much like an individual prison. The governor and the captain have got similarities. There is a loss of liberty on both sides, when you are at sea for a hundred days, okay it is not ten years but nevertheless you are all living in very close proximity. The management side of the Navy are dealing, in that very close community, with a lot of young men within the same age range as the population of most prisons. Though they are not having committed offences to have got in the Navy, nevertheless they are not whiter than white, and there are some good and some not so good. Some of them come from very disadvantaged backgrounds in the navy; some of them have done very bad things; again I don't want to oversimplify it, but there are linkages there. Also, of course, as I went through the navy I have had to deal with senior management, and I have had to deal with Cabinet ministers and the Ministry of Defence at quite high levels. So I do feel as though I have got a background that will enable me to deal with the inmates and hopefully to get their confidence at one end. At the same time to have had the background where I am able to deal

within the Home Office, the Prison Service Headquarters and with the Home Secretary, because I think this job is not going to be one of compulsion. I am going to have to make sure that, as best as we can (and it is not always going

*if a grievance that is made is a legitimate one we do need to make changes*

to happen), we persuade people at all levels of the institution that if a grievance that is made is a legitimate one we do need to make changes. Not only in terms of rectifying an individual wrong, but having a look at trends which might be helpful to the Prison Service Headquarters right across the board.

**HW:** The Home Secretary originally rejected the first short list of candidates. What do you think, other than what you have said, that he thought he was going to get.

**PW:** Well I don't know, you would have to ask him. I do feel that I have been stitched up to a certain extent. Not by the Home Secretary in any sense but by commentators who have made an assumption that the three people who were turned down a year before I got the job were considered to be too left wing. I mean there is no evidence to support that at all, but what is sad is that when I got the job the inference again was that I was a rabid right winger and I am sure that is not what the Home Secretary wanted. He wanted someone, as I understand it, from a rather broader background than the contenders who came before. And I must say that those contenders are all admirable men, but the Home Secretary was looking for someone with a

*a rather broader background than the contenders who came before*

different background; not so narrowed into a prison background.

**HW:** Can you describe the set-up you are planning to have here as far as office staff and support.

**PW:** I joined in May, with a completely clean sheet of paper. There were one or two objectives that I agreed with the Home Secretary and the first is that I would be separate from the Home Office and the Prison Service Headquarters in

terms of location. So I am in a government building, but it's in the West End and it is separated from them. I think it is very important to put across that we are independent. I have got no executive powers; there has been no binding

### *I have got no executive powers*

legislation for my post and my powers are restricted to recommending either to the Home Secretary, or, normally to the Director General of the Prison Service. Nevertheless I think that recommendation has got to be made from as independent a view point as we possibly can and I think one of the problems in the past, and why there has been concern about the grievance system, has been that lack of independence. Even the Board of Visitors, who have been involved in this, have been perceived by some to be not independent enough to look at these complaints fairly. Having set up this office I am looking now for three assistant ombudsmen and the supporting staff of five higher executive officers, two AO's and two PS's. What I am intending to do, and I have not come to a definite conclusion, is to use four of the HEO's as case workers tied into the areas that the Prison Service Headquarters is divided into. I think it is rather better to do it on the area line than to do it by specialising the HEO's into areas of complaints. Then two of the assistant ombudsmen will oversee the HEO's within those areas, so some people will become competent in dealing with certain areas as defined by the Prison Service Headquarters and also get to know the individuals involved. Then we must be independent. When we take a case, we have got to look at it divorced from the Prison Service Headquarters if we are going to recommend into the Prison Service Headquarters, and we are going to be reliant on the paperwork that comes from the Prison Service Headquarters in order to investigate it. We have to get to know each other and we have got to learn to work together. We are all on the same side and I think it is very important for all of us to be accountable. We are accountable here if an inmate is not satisfied with

### *We have to get to know each other and we have got to learn to work together. We are all on the same side*

what he gets from us. Then he can go through his MP to the Parliamentary Commissioner, he can seek leave to apply for judicial review, he can go through to Strasburg. So I am open to review and I think the Area Managers (and I have talked to all of them now) are aware that they too are open to review. We are all in life open to review. I have had a very good response from the Area Managers, they have been most helpful as I have gone round. As indeed the governors of the nine establishments that I have been round have been.

I try and go round one establishment a week, just to get a background of how the different prisons work, and looking at the different types of prison, and how we can best help in sorting out these grievances. When an inmate complains to us he has got to have exhausted the internal complaints procedure, so he has got to have complained through the system to the governor and if he is not satisfied with that he has got to complain to the Prison Service Headquarters up to the area manager and it is only then that he comes to us. One of the concerns that I do have on this is the time scale, even though I am tied into pretty tight time targets of eight weeks (and twelve weeks on the outside). Nevertheless from the time that the incident has occurred, that the guy wants to complain about, and has gone through the governor and back, and to the area manager and back and then he has got a month in which he can think about it, then he comes to us. Remembering that all I can do is call on the same paperwork as the area managers had, and if necessary I will go into the establishment and we

### *he has got to complain to the Prison Service Headquarters up to the area manager and it is only then that he comes to us*

will talk to the complainant, and if possible, we will talk to those who he may be complaining about, it can be the best part of six months before this thing has worked through, it appears to be very bureaucratic but nevertheless at the moment I can't think of another way of doing it, accepting the fact that I have got to wait for redress to be made through the internal system. I imagine we are going to get a lot of complaints especially initially, and the staffing here is predicated on about two thousand complaints a year. It is possible that we are not going to be able to go out to the prisons and investigate on the spot. I have got no powers to re-hear the case but nevertheless we might need to talk to people if there is an impasse that can't be resolved on paper. It would be very helpful to me if the Board of Visitors could be used in this respect, and I do see a much more important role for the BOVs as a result of the setting up of this post and an opportunity for the BOVs to be more independent not to work for me, but perhaps to work more closely with me, and for us to use them as the complaint comes up to me, but particularly in terms of delegated investigative work afterwards. We have to be very careful here because if the BOVs are not seen to be independent enough at the establishment then the inmate may well feel that we have reneged on our independence by using them, so I think we would have to do this very sensitively. I think in many

areas the BOVs can help and I think it will help them to have a more rewarding task.

**HW:** *What is the scope of what you can look at, are there some subjects that you can't look into, such as medical complaints?*

**PW:** Yes, I can't look at complaints and decisions and actions of the Parole Board and the LRCs. I can't look at the release date for lifers. As you quite rightly say, at the moment, I am restricted on the clinical judgement of doctors. We are awaiting discussions between the government CMO and the prison service Health Care Directorate, but I am hopeful in the future that we will be able to look at this because I think clinical judgement of doctors is an umbrella judgement that could be made that covers rather wider issues. If it is a professional judgement then I can call for outside specialist advice in looking at this, the same as I may well have to in other areas. There is no reason why I can't do that but I am leaving this with the Prison Service Headquarters, because they are looking at all sorts of other issues that are connected with it so I don't want to push them. The Prison Service Headquarters have been very helpful in dealing with the issue of Cat A's. It was suggested at one stage that I shouldn't be involved with them.

### *a much more important role for the BOVs*

Now I can have a look at the Cat A's and I think I am going to get a lot of complaints relating to categorisation, allocation, transfer and visitors. I also can't deal with conviction and sentence, or with cases subject to civil litigation or criminal proceedings or the decisions of outside bodies, like the police, CPS, immigration etc. I have got to take complaints from the prisoners themselves, I can't take complaints from families or lobby groups, though I can refer such people to the appropriate groups who can help them.

**HW:** *What are your communications with Prison Service Headquarters? Is there a formal system for you to meet Derek Lewis?*

**PW:** Yes, I think the Director General and I will meet from time to time. Clearly, if I am recommending into him, there will be discussions at all levels on this. I do want to retain, and I know he feels the same, that independence that doesn't suggest we are working too closely together, but there will be many occasions I think where we are going to have to go into the Prison Service Headquarters and discuss issues with them. Technical issues which are going to help us to form the judgement, so that judgement will be reached independently and what we are looking for really, as any ombudsman does, is justice, fairness and openness within the system. This is very much what the Prison Headquarters and the Home Secretary wants and it ties in very much with the Woolf Report recommendations and

with the Citizens Charter. The Prison Service Headquarters are looking at complaints and grievances very seriously. We will look at them and there is a whole gamut of means in order to ensure that we do have justice and fairness within our prison service, I hope that I can resolve some issues which might otherwise have gone up further in the chain, with its concomitant media attention, so we may be able to sort them out at a

### *with the issue of Cat A's ... suggested ... I shouldn't be involved ... Now I can have a look at the Cat A's*

reasonably low level. I also believe that there will be a fair amount of self regulation. All of us, in any walk of life, because we live very busy lives do sometimes take shortcuts and I think it is right and proper that these are looked at: if mistakes have been made then they are rectified. What I am going to be able to do in the main is to recommend quashing of sentencing, remitting, mitigating and deal with compensation claims. I think, in many cases, if the inmates believe that we have looked at their grievances carefully and we have satisfied the concerns they had in raising them, even if the answer is no (and it often will be) then they will be satisfied that someone has looked at it from outside the system. If they are not they have redress opportunities further up.

**HW:** *Can you imagine recommending that prisoners should take their grievance to the courts, or that perhaps a member of staff should be referred to the police with regard to initiating criminal proceedings?*

**PW:** If it is outside my remit, I would turn it down in the screening to start off with. When I make a recommendation my terms of reference allow me to actually send that recommendation to the complainant so that the complainant is aware of what I recommended to the system. Then the Director General or the Home Secretary will

### *we are looking for ... justice, fairness and openness within the system*

assess my recommendation on its merits. That as far as I am concerned is the end. We can certainly give advice if people want to take it further but that is really not my concern.

**HW:** *Is it going to be published in that way?*

**PW:** We have got an annual report rather like the Chief Inspector and this will be a report that is sent to the Home Secretary and it will indicate cases that we have dealt with, the response to them, and our response times. Probably more important than any of those will be the trends that are established through the complaints, because I think a lot of complaints may well hide a deeper concern. To that end I have got to maintain a very close relationship with Judge

## *a lot of complaints may well hide a deeper concern*

Tumin and the Inspectorate, because I think a lot of the stuff that will come to him will be individual complaints that he can't deal with and he will pass to me. A lot of the stuff that we will get will indicate trends that he may well feel are important and to be used in his report.

**HW:** *Would you cite specific cases in your report?*

**PW:** It would cite specific cases but not use specific names.

**HW:** *I am just thinking for example we have a directory each year of mitigated adjudication awards, and they obviously become a basis for decisions in the next year and obviously there is quite a lot of case law within adjudications that prisoners will use and I wondered if your particular decisions could become something like a different kind of case law?*

**PW:** I would hope that the Prison Service Headquarters would look very carefully at my recommendations. Which will, of course, be normally backed up by a technical law component, and if they see that there are changes to be made in the disciplinary code in the prison rules, then I am sure they will make those changes and I hope very much that that will happen. I have to say that I have been very pleased with the response that I have had from all parties in setting up this. Clearly, this is a nuisance to a lot of people and everybody within the system, the prison officers, the governors, area managers, the management of the Prison Service Headquarters, the pressure groups. They will all find that life is going to be uncomfortable in certain ways as a result of our presence. I have got to look at each case technically on its merits and that is important to stress. On the other hand I have got to walk a very tight road between credibility with the inmates, because if I have got no credibility with them then there is little point in having this organisation. At the same time I am very much aware (and my background I think helps here) about the morale of the prison officers, of the governor and his staff and the Prison Service Headquarters. I have got to make sure that the relationships in this very complicated culture are not overturned by excessive changes. Any changes that do occur are going to be in an evolutionary way, I don't think we are going to see an enormous changes happening in short order. The Area Manager will have looked at all of these cases. It will not be surprising when quite a lot of his judgements are mirrored by our judgements. On the other hand

*I am very much aware (and my background I think helps here) about the morale of the prison officers, of the governor and his staff*

there will be cases, where for a variety of reasons we believe that a different emphasis needs to be laid, or that mistakes have been made and we will say so openly and I am sure it will be received, in the main, by the Prison Service Headquarters in the right light.

**HW:** *Do you worry that you won't get any complaints?*

**PW:** No, I don't worry at all, because I am absolutely certain that we will get an abundance of complaints. Already I am getting something like two or three letters each day from prisoners and even more from prisoners' families and I am able to write back and suggest what they should do with their complaints in the interim until we get going. I have no doubt at all that we will be pretty busy. What we will not be able to deal with, in the main, are old complaints, if someone has got something that is stuck in their gullet from twenty years back: we don't have the time, the investigative powers or indeed the documentation. I would not want to say absolutely that we cannot deal with any grievance that originated before 24 October because clearly

## *we will not be able to deal with ... old complaints*

we have got to look at each one on its merits, and there will be some that have only just gone through the system by then, so there will be quite a few that are three or four months stale anyway.

**HW:** *I believe that you aren't employing on your staff anybody who has actually worked in an establishment. Does that mean that you are going to have to spend quite a lot of time getting to grips with the language of individual establishments.*

**PW:** We have not finalised the assistant ombudsmen yet but, of the two that have been selected already, one has been working for sometime with the Prison Reform Trust, so has got an intimate knowledge of the system. One has been working in Prison Service Headquarters on complaints for some considerable time and therefore brings a complaints background and a knowledge of the Home Office and the Prison Service and indeed prisons. On the HEO side I have got people who come from establishments. I have selected people who are currently working in establishments, so I think all of us bring something different to the table, but nevertheless it is absolutely important that in this training period before we start, that those people that haven't got the right background do get around to establishments, do talk to the prisoners, talk to the staff and learn about this very complicated culture which we work in. I don't want us to sit up here in our ivory tower dealing with bits of paper, because if you do that for a protracted period, even though your decision may be logical and rational, sometimes one forgets what it is actually like in the front line. So I think it is very important for us, in the course of our duties, to



get out into establishments to refresh ourselves of how difficult life is within prisons and how difficult it is to manage them, and how difficult it is to actually live within them at both sides of the wall. It is very important to maintain a close relationship with the individual establishments and that will be helped by allocating people to areas so they are able to go to prisons within their own orbit. We looked at all sorts of people. It was a question of looking at people's backgrounds and seeing whether they fitted into the team. One of the people I deal with at the moment in setting up this job is a governor grade who works within the Prison Service Headquarters who has been extremely helpful and will continue to be who I will go to for technical advice once we get going, so what we don't want to get is a them and us syndrome. We have all got something to contribute and we have got to work together. I think it is very important that we are not seen as the opposition, but as helping to do what I am sure all governors in establishments and headquarters want, and that is to have as watertight a system as possible with the adjudications and grievance procedure. So that if there is a legitimate case of complaint, then it is

*important for us ... to get out into establishments to refresh ourselves of how difficult life is within prisons*

properly upheld. Also, I think it helps the individual establishments that if that complaint is not legitimate then it is knocked on the head clearly by an independent organisation.

**HW:** *Will you have a lawyer on the team?*

**PW:** I have got two people with law degrees, I very much want to have someone who is a practising lawyer, but if I can't find anyone and it is difficult with the amount of money we are paying on such a short contract (we are all on three year contracts). If we don't have a practising lawyer, it is absolutely essential that anything technical is passed to a lawyer (and I have one or two independent lawyers who I can call on for advice on certain issues), and we use the full panoply of advice that is available to us. I am going to have to go out to lots of people. We talked about doctors earlier, but if the clinical judgement of a doctor is being complained about, we must go out to a specialist, and the same with some of the issues of law. The last thing I want to do is embarrass the Director General or the Home Secretary by coming up with a judgement that does not stand up in law. So I have got to make sure that we do look at these things very seriously in terms of technical purity. I have to say I think a lot of the grievances that we are going to have are not tied in with law.

**HW:** *What about security? You said that one of the*

*The last thing I want to do is embarrass the Director General or the Home Secretary by coming up with a judgement that does not stand up in law.*

*issues you can look at is categorisation. Often quite a lot of our information relating to category comes from the police. Is that going to be a problem?*

**PW:** No, I think I have just got to work very closely with the Cat A Committee I would have thought that is one of the issues where we do need very close cooperation, because there may well be issues here that, from a security point of view, we are not going to be able to have the whole picture. So I have to accept that sometimes in certain issues, and categorisation is one of them, that other voices may prevail. This is the decision of the Director General in the main. We will make our recommendation on the best possible knowledge, and I am sure that most of that information will be shared with me. I have got one of the highest security classifications going in the services, so there is no difficulty for me, but there will be difficulty in publishing some of this information. A lot of the information will have to be confidential and it won't be available in the report. I would have thought at the moment the main areas of complaint are going to be on transfers. There is a lot of sadness at the moment within the system, primarily brought on by the overcrowding at the moment and the necessary transfers that are taking place, and a lot of very unhappy inmates, I think will bring that to our attention. Of course what I have also got to be aware of is what is important to me may not be necessarily important to an inmate I had a letter the other day with twelve complaints on it. I just happened to be going to the establishment anyhow and I discussed it with the inmate and it was quite clear that my perception of what was important within those twelve was not his perception. It may be that someone losing the laces from his trainers may, in certain circumstance, be more important to him than the conditions that he is living in within his establishment. So each complaint has got to be looked at, but if anyone produces a list of twelve complaints quite clearly they are not going to get the same level of attention as a concentrated complaint based on one occurrence.

**HW:** *What about the professional complainants?*

**PW:** Yes I am sure there are lots of litigious people especially those who have got time to think about these things. I do think that this is a judgement that I can make whether someone is a professional complainer. There will be plenty of

*the main areas of complaint are going to be on transfers*

*We have to look, especially on the disciplinary side, at whether a case has been made beyond reasonable doubt, and we are not talking of laws of probability.*

those around to tell me that they are. I think that I have got to look at each case individually and if someone has made a complaint, even though we know that he or she may have made the complaint many times in the past, I think we have got to treat it as an individual complaint and treat each person as a human being with the respect that the prison service rules demand.

**HW:** *Does your three year contract start from when you first got the job. Are you only going to have two and a bit years in the job?*

**PW:** I think our contracts are for three years and mine started from when I signed it, which was in May, with an extension to five years if parties decide that that is appropriate. I have had a full career; I am doing this job as a public service because I believe there is something that I can contribute to the whole, and I do repeat that I am only part of that whole. There are lots of people who are looking at the complaints and grievance system within the prison service and I hope that, within my small niche, I am able to contribute something towards justice, openness and fairness. There is nothing in it for me here, I have had a full career so I am doing this in order to help people who might otherwise find it difficult to call on that help.

**HW:** *Are there areas where you might be facing a brick wall: where, for example, staff close ranks?*

**PW:** Well it is possible in any walk of life and it is the same in the services, where I come from. If somebody does something that is wrong, somebody in authority, someone on the staff, it is possible that sometimes colleagues will close ranks around it. We can only work within the art of the possible, I will certainly be wanting to go and discuss these issues with the staff relating to the individual complaint. The staff may well feel that they want to have a POA Representative there and that is perfectly legitimate. I would very much like to involve the governor or the governors staff. I don't want to be secretive and I don't want to give any indication at all that we are trying to circumvent the normal management of an establishment. We are trying to work within it

to the benefit of everybody within it. Sometimes it will be impossible to get at the truth. We have to look, especially on the disciplinary side, at whether a case has been made beyond reasonable doubt, and we are not talking of laws of probability. Even if we are unable to unearth some of these cases, at least we may be able to help the governor to look at an area that may not be whiter than white so that if it happens again then he has some indication of what might be happening. We are not going to be able to resolve everything but we will do the best we can.

**HW:** *Has your perception of the service changed since you started looking at it?*

**PW:** I have always had great admiration for the prison service and for those who work within it but I think I have been really impressed, as I have gone round establishments, by the dedication of the staff in very difficult times, when there are huge changes, especially at the moment with a large number of people coming into the establishment. I have been increasingly impressed with the way in which the staff are trying to deal with a very difficult situation and very impressed with the way the staff in general are committed to helping the inmate lead a useful life within prison and to prepare him or her for a useful life there after. We are only talking of these complaints and grievances against a very small percentage of the people. We have got to make sure that we don't exaggerate the job that I am doing.

**HW:** *The other thing is you are going to only see the bad side to one degree.*

**PW:** I hope we will be able to continue to put it into the context of the enormous good that is being done. I am delighted to be able to work within a service which I think is contributing enormously to the wellbeing of society. Both in protecting society from those who need to be locked up and in looking after as best as possible those within its care. It is the hallmark of any society that we look after people who are imprisoned. The ultimate sanction that we have got in this country is a custodial sentence. I am delighted with the way in which the prison service does look after the inmates and I hope that I will be able to contribute in a small way to that end; that people who do get these complaints upheld see that society is fair. For those inmates who have had nothing in their lives but unfairness, it may help them to be able to go outside eventually and to lead a useful life knowing that not everybody is against them.

*It is the hallmark of any society that we look after people who are imprisoned.*

# Reviews

## BOOKS

### Review of 'Prison Magazines - a Survey and Guide'

A Prison Reform Trust Publication

About a year ago the Prison Reform Trust invited all prisons in England and Wales to give details of any in-house magazines or newsletters produced by staff and/or prisoners. It has just published its findings: 'Prison Magazines - a Survey and Guide' - a glossy 24 page A4 write-up.

Although one suspects that in setting up the investigation, the PRT were already greatly in favour of prison magazines (backed by the Woolf Report and Judge Stephen Tumim), their analysis of information received is strongly supportive of in-house publications.

The preparation of a prison magazine offers "real-life" experience and encourages team-work between prisoners and prisoners and staff, problem-solving and self-expression. A worthy magazine "voices opinions, raises questions, digs into issues,

satirises, provides information and generally throws light on the peculiar community that makes up a prison."

Expected difficulties, like antagonism towards officers, racism, censorship and low standards of contents, were not major problems. Greater stumbling blocks were funding ("500 magazines cost £280 to produce") and the moving on of those actively engaged in the magazine's production.

Success, i.e. the regular production of a magazine, seems to be linked with a production team rather than one keen individual being in charge.

Much of the survey is taken up with comments on the 29 magazines sent to PRT in response to the initial enquiry, from which one can glean the common contents, innovations, standard of production, etc. From this list it would be possible to send for copies of the best magazines, before an establishment embarked on its own journal.

Mention is made of a monthly newsletter produced at

Full Sutton which aims to keep prisoners informed about what is happening in the prison. "This is a very welcome way of keeping prisoners informed - in line with the recommendations of the Woolf Report - and is an example which could and should be followed in many other goals."

Perhaps future prison magazines will be a blend of newsletter and magazine, jointly produced by officers and prisoners (called "Pipe Dream?") when the absolute freedom of expression by all concerned in its production would be unquestioned and funded, of course, by the Home Office.

Copies of "Prison Magazines - A Survey and Guide" are available from Prison Reform Trust, 59, Caledonian Road, London N1 9BU.

**Leslie A. Richardson**  
Education Department  
HMP Full Sutton

### EVERYTHING YOU ALWAYS WANTED TO KNOW ABOUT MARKET TESTING BUT WERE TOO AFRAID TO ASK

#### PRIVATISATION and MARKET TESTING in the PRISON SERVICE

PRISON REFORM TRUST (1994) 72pp £4.95

This is a thought-provoking collection of five papers: four of the contributions to some seminars on privatisation that the PRT held late last year, and a prize-winning entry in their annual essay competition. The writers range from the free marketeering Stephen Twinn to the anti-market testing campaigner Kate Foley, and this diversity of views makes for an interesting read.

The first and last papers in the collection look at some of the more theoretical issues around privatisation, particularly the arguments about the ethics of private prisons, as well as providing some historical background on their introduction (or rather re-introduction, for as both writers point out, we have had them before). Professor Mick Ryan is concerned in his opening essay to point out the complexity of the debate between public and

private provision, and in particular that the debate is not about the existence of private provision of punishment - many community punishments have always been supervised by non-Governmental organisations - but the level at which it operates. He also raises the important question of the extent to which the existence of privatised prisons, and in particular the comparative ease of building more (no Treasury constraints, as private capital is to be used), will allow the prison population to expand in a way that would simply not have been possible without them. In closing the collection Anne van de Graaf compares the different processes by which public and private prisons are made accountable. She concludes that the privatisation exercise has not undermined accountability, and in fact it has demonstrated the "sheer possibility of increased standards in the public sector."

This case is put more strongly by Stephen Twinn (of Group 4 Prison and Escort Services) in his provocatively titled article 'Contracting Out is Here

to Stay', which brims with evangelistic zeal for the merits of the privatisation process. He claims that the existence of The Wolds and Blakenhurst has already produced remarkable progress at Manchester, and will force up standards in the rest of the service. His main topic is the development of links between private and public sectors and this affords an example of the extent of his enthusiasm for a free market approach: arguing that mutual support for operational emergencies should be extended to involve the private prisons, he advocates a free market "network of informal agreements between governors" in preference to an official system. It seems clear to me that even if the necessary mutual trust existed (which it does not), this informality would be a recipe for the worst kind of operational disaster. Anyway, it is revealing that he appears to want the support of public sector staff in these situations, and interesting that he appeals for the development of some sort of trade association to facilitate co-operation between public and private sectors in training and standardisation schemes. Is this because it's cold out there, and he wants to come back in?

This enthusiasm for privatisation is strongly counterbalanced by Kate Foley whose experience with NATFHE allows her to give a sobering account of the market testing of prison education. Criticising the secrecy that surrounded the process and examining in some detail the TUPE regulations which protect existing staff, she poses the central question of whether the quality of the service has really been improved by the market testing process.

The most practical contribution comes from

Robin Halward, the governor of Manchester prison, who tells the story of the inhouse bid at Manchester, giving a number of important insights into this process for anyone (un)fortunate enough to become involved in it. He emphasises the importance of keeping staff (and unions) informed and involved in the process and of assembling a strong and representative team to put together the bid. In this connection he raises a number of important questions about just how the process will work in existing prisons: for instance, who will manage the bid? Plans are for it to be the current governor of the establishment, but if the reason for the market test is poor performance, can the existing management really put together a credible bid? Also, what level of access should competitors be afforded to a prison that is already functioning? While I cannot agree that "the successful in-house bid for Manchester prison has raised the morale of the whole public sector Prison Service", it is good to hear that he sees his responsibility to inform developments in the rest of the service, and this article is certainly an important contribution to that process.

A very useful mixture of general information, theoretical discussion, and practical tips, this is an excellent book which raises the question of why it is the Prison Reform Trust and not the Prison Service that is encouraging this sort of debate and discussion.

**Chris Barnett-Page**  
**Lifer Management Unit.**



## Dear Sir

Ian Benson's article "Education in Prisons" is well timed, well presented and clearly focuses upon the many positive developments the competitive tendering process has produced.

The tendering, and the subsequent contracting out was, by the secretive nature in which it was conducted, destructive. The Staff College's recommendations and report were, for 'commercial' reasons, never made public. This caused existing staff working in Prison Education to, rightly or wrongly,

mistrust the process and more so the originators of the process.

No information or just a little information breeds disinformation.

The Consortium has been given the consultancy reporting on the Core Education Curriculum, Ian Benson highlights this in his article. This initiative is long overdue and will be welcomed by practitioners.

I hope the Consultant's report will be published. If not the mistrust which sullied the tendering process will continue with a deleterious effect upon the

teaching staff and the curriculum they deliver to inmates.

I hope, as both a taxpayer and an employee working in Prison Education, I will be allowed to know what influences decisions concerning my professional work and how decisions are reached - open government and good information produces a trusting and loyal work force - secrecy by policy makers breeds distrust.

Yours faithfully

**Paul Ripley**  
**Education Co-ordinator**  
**HMP Whatton/Clarendon**  
**College Nottingham**  
**Corporation**

# Letters

## Letters

**Dear Sir**

I found Professor Morgan's article "Thoughts about Control" (May issue) genuinely interesting. But Professor Morgan missed something vital in relation to control in his assessment of The Wolds. This was probably because he fell into the trap of stereotyping prisoners "The inhabitants behave as they would at home in Sheffield or Hull. They doss, hang around, duck and dive".

Prisoners are mostly people like us and when considering conditions in prison, we should look at it as if we were the

prisoners. People often worry about their personal safety in prison. They want staff to be in charge so that they can be safe. Everything else comes after that. Only then can we begin the work of getting prisoners to participate in a responsible way and to develop a positive purpose.

My criticism of The Wolds and I experienced opening a similar sized remand prison about the same time, was that staff manning and deployment represented, in my view, an inadequate provision to reassure prisoners that staff were in charge. In other words it was ripe for the exploitation of

prisoners by prisoners. The Wolds has much to commend it and prisoners no doubt appreciate these things but a criminal dominated sub-culture however orderly, is wrong.

As David Wilson argues in his article "Confronting Crime in Prisons" (same issue P.S.J.) we need to attack crime inside prison as well as outside. It can be done but only if prisoners feel safe and trust a prison's staff.

Your faithfully

**David Waplington**  
**Governor**

**HMYOI Lancaster Farms**

## Seminars

# PRODUCTION OF INMATES TO COURT SHARING THE PROBLEM

REPORT OF A ONE DAY SEMINAR

HOSTED BY MR JOHN ALLDRIDGE, GOVERNOR, HMP/YOI STOKE HEATH  
ON BEHALF OF MR DAI CURTIS, AREA MANAGER, MERCIA

5 MAY 1994

*Tom Law,*  
*Senior Probation Officer*

*Barry Pierce,*  
*Principal Officer*

Serious problems are apparent in the production of inmates to Magistrates Court in particular. These were highlighted in Pre Trial Issues recommendation paper - WGPTI April 1993 and steps are being taken by the various criminal justice agencies to address these difficulties.

On 5 May 1994 HMP/YOI Stoke Heath hosted a one day seminar. The aim was to provide a forum for sharing and understanding the respective problems encountered by the relevant agencies and achieving greater co-operation in seeking effective solutions. Dai Curtis, the Area Manager for Mercia Region, chaired the event. Speakers included Judge Elisabeth Fisher, Midlands and Oxford Circuit; Jim

Shaw, Crown Prosecution Service, Shropshire; Ms Margaret Headon, Clerk to the Justices, Cirencester; Superintendent Ron Morris, West Mercia Police; and John Alldridge, Governor HMP/YOI Stoke Heath. Agencies represented included the judiciary, magistrates, clerks to the justices, Group 4, several prisons, the police, the probation service and the legal profession. Below is a synopsis of the day's event, together with observations and recommendations.

Dai Curtis opened the day with a welcome to the participants. He began by commenting that many Governors had not initially been aware of the existence of Pre Trial Issues Report and had been surprised at some of the undertakings given by the



Prison Service. The day, he suggested, was an opportunity to explore the difficulties of the component agencies operating within the criminal justice system and to seek ways of improving their working relationships. There was recognition that there was not always clarity in relation to our component functions, which was an inhibitor to effective service delivery.

### **CROWN COURTS**

The first speaker was *Judge Elisabeth Fisher*. She has been a full-time judge since 1989 and is a member of the Criminal Justice Consultative Council. This group was established, following the prison disturbances in 1990. In his report on those disturbances, Lord Woolf had identified a lack of structure for consultation, communication, co-operation and co-ordination between the relevant strands of the criminal justice system. Lord Woolf therefore recommended the creation of an integrated liaison structure whose function was to bridge that gap. Different agencies are represented to facilitate a full and frank exchange of ideas. It was against this background that Judge Fisher was interested in the topic of the day's agenda.

Insofar as the Crown Courts were concerned, Judge Fisher felt that there were remarkably *few* problems and that the operation was extremely efficient, given the obvious logistic difficulties in producing large numbers of prisoners to diverse geographical locations. She also commented that assistance and information provided to the courts, with regard to time spent in custody, was valuable to the sentencing process. Judge Fisher took this opportunity to congratulate the Prison Service on its efforts in the area of race relations. She was aware of developments because of her chairmanship of the sub group on race and criminal justice. She was also impressed by the partnership with the Prison Reform Trust in producing the Prisoners Information Pack, which she suggested should now be made available in various languages.

Judge Fisher concluded by expressing the hope that her preliminary offering would help to set the scene for the day's proceedings.

### **CROWN PROSECUTION SERVICE**

*Jim Shaw*, the Manager of the

Crown Prosecution Service in Mercia region, then provided a perspective on behalf of his agency. In doing so he emphasised the differing perspectives of the different players in the system. To illustrate his point, Jim presented a hypothetical scenario. It began with a Senior Prison Officer, at an establishment in Yorkshire, examining the following day's rota. There were three productions, to three reasonably local courts and sufficient staff to service those courts. It is then discovered that there is another production required at Market Drayton Court in Shropshire. The prisoner is in custody for vehicle offences and rape. The Senior Officer is consequently faced with a resourcing dilemma. If he complies with the Production Order it will create a staffing shortage in the prison, together with all the associated risks. He, therefore, decides that he will not produce the prisoner to Market Drayton because, apart from all the other factors, it will effectively tie up staff for a whole day, given the distance. From his perspective, it is a positive solution. Meanwhile, at Market Drayton Magistrates Court, three lay magistrates, who have perhaps given up a day's work, are in attendance. So too are a Crown Prosecutor, the victim, a representative from Victim Support, and the defence solicitor. From their perspective it is a disaster. A burden relieved for the Prison Service is a problem created for the other players.

Insofar as the CPS are concerned, there is a significant problem with the non-production of prisoners to Magistrates Courts. It was acknowledged that the prisons do remarkably well in the Crown Courts, which have more authority and fewer prisoners need to be produced to fewer courts. However, even in these venerable institutions there are occasional and costly hiccups. An example was given of an episode which involved a prison 'forgetting' to produce a prisoner for a murder trial. A morning was lost, and this represented a huge, non-productive cost to the taxpayer. In other cases, where prisons refuse to produce prisoners, there is, financial cost apart, a cost in terms of additional trauma for witnesses and victims and great inconvenience to other agencies.

Jim Shaw went on to examine why prisoners *need* to be produced at court. He pointed out that without them the courts technically cannot remand in custody, determine mode of trial, proceed with a trial, commence committal proceedings or impose

sentence. *Justice delayed is often justice denied.* It can involve trauma for victims and the passing of time contributes to fading memory thus perhaps reducing the prospects of conviction and causing injustice. This, in turn, can bring bad publicity. In this era of privatisation, that brings its own associated risks for all the agencies.

If problems arise, CPS may have to consider discontinuing a case. For example, is it worth pursuing a conviction for theft with a life sentence prisoner? Is a continuation in the public interest? The answer would inevitably depend upon your perspective. A victim's view might be different from that of a prison, which in turn might be different from that of the CPS or the police. Finally, faced with these difficulties, Jim Shaw began to explore whether there was a way forward. He concluded that inter-agency co-operation provided the only means of achieving a solution to this perennial problem. The different agencies had increasingly functioned as separate entities rather than pulling together. He also offered the view that the relocation of prisoners nearer to home would assist the process of production. Some areas, such as Oxfordshire and Berkshire have a production rota. This obviously needs close co-operation and liaison to make it work, but evidence suggests that it can result in terrific improvements in the level of productions. The basis for such agreements includes such elements as early appearances to enable escorting staff to return promptly to their agency.

### **MAGISTRATES COURTS**

On this positive note, Jim Shaw handed over to *Ms Margaret Headen*, the Clerk to the Justices in Cirencester. Ms Headen described this subject as her 'bette noir' and proceeded to provide an amusing step by step guide relating to the issue of Production Orders and the acquisition of prisoners. She pointed out that there was not necessarily a correlation between the two. There were several interim stages which involved phone calls, threats, negotiation and the application of other social and communication skills. Ms Headen commented that she can handle the 'no can do' but found it very difficult to cope with the 'we will see what we can do'. She likened the Crown Courts to the 'Harrods of the System' while Magistrates Courts represented all the rest. A dual system is in

operation. Prisons display flexibility in their dealings with Crown Courts in a way that they do not for Magistrates Courts. There are examples of Production Orders being ignored in the latter, while verbal requests from the former are adhered to to enable cases to proceed.

Ms Headen argued that the problems caused by non-production often resulted in *justice denied*. The pursuit of economy, efficiency and effectiveness in order to operate within cash limits, often contributed to the relegation of justice in the process. In the current climate, actually reminding ourselves of the 'J' word was about as welcome as breaking wind. Nevertheless justice for both victims and defendants was inevitably denied by delay.

Ms Headen went on to argue, forcibly, that *delay is everyones problem* - it is not just a domain of the Prison Service. It can cause everything to grind to a halt. The longer the delay, the more ineffective is the system of justice. Some have an investment in prolonging the proceedings. It is, for instance, a strategy sometimes employed by prisoners in order to sustain the privileges associated with their remand status. Delay, the audience were reminded, can create budgetary problems for courts now that we have entered the era of formula funding. The process can become a vicious circle, with less money equating with a less efficient service, which means courts perform less well and so receive less money.

Ms Headen then sought to move from a pessimistic view of the system to a more optimistic and realistic panorama which could, while being mindful of financial constraints, provide a way forward. Legislative changes currently in the pipeline may, she suggested, provide some respite. She posed the hypothesis that if everyone pulled in the same direction, there might be further legislative change to accommodate a transfer of jurisdiction without the defendant present. Ms Headen questioned, also, whether it was always necessary to produce prisoners to hear bail applications. Attention was then switched to locations with a reminder that courts can, in theory, convene on Prison Service property. Instead of bringing prisoners to court, would taking court to the prisoner provide a solution? On a similar theme, Ms Headen suggested that extending the use of video lines between courts and defendants in prison might provide another option. Although the initial outlay would inevitably be expensive, such a

system may ultimately save money. Finally, Ms Headen made a plea for inter-agency pressure instead of just co-operation. The problem is serious and simply reacting to the negatives is no longer enough.

### **THE POLICE**

The police perspective was articulated by Superintendent **Roger Morris**, the Head of the Criminal Justice Department at West Mercia constabulary headquarters. He began by outlining the structure of the force, which was created in 1967 by amalgamating Herefordshire, Worcestershire, Worcester City and Shropshire. He reminded the participants that CPS had taken over the function of prosecution from the police. The police now simply hold on behalf of the Prison Service, prisoners awaiting production in court and produce them from the cells. Although there is no particular problem in that area, Mr Morris did question whether the police should actually be holding sentenced prisoners. He went on to explore some of the more general issues relating to 'caretaking' prisoners, being mindful of both financial constraints and scarce manpower resources.

Mr Morris then moved on to the specific problems of production. He concurred with the view of previous speakers, in saying that problems were not apparent in the Crown Court. However, the picture in the Magistrates was very different. The number of operational Magistrates Courts, in the West Mercia Region, in 1970 was 37. There was at that time no problem. During the last 25 years that number has fallen significantly, with only 18 Magistrates Courts currently servicing the Crown Courts. This number is to reduce further in the future. However, there is now a major problem. The police tend to become involved when victims complain about delays. All the police can do is pass on those complaints to CPS.

Remand prisoners are frequently produced late, causing frustration for prisoners and court staff. This can result in the late listing of remand cases and contribute to assaults on police and court staff, escape attempts and an increase in police overtime to facilitate the return of inmates to prison. Solicitors can visit their clients in prison, but many do not. In consequence, late productions can result in queues of solicitors which in turn can lead to further requests for adjournments because

there is insufficient time for interview. This in turn further exacerbates the problem. In relation to convicted prisoners, similar problems pertain. They are not always produced and in consequence cases are sometimes discontinued by the CPS. Justice is therefore denied to the victim and society in general.

There is also an inclination to locate convicted productions at the local police station for the day. This creates difficulties when there are insufficient police resources to cope. The police also object on the basis that the care and custody of convicted prisoners is a Prison Service responsibility. As such the police feel that they could legitimately request that the prison escort remain with him. The officers might then stay with the prisoner or alternatively return to the prison. This then creates the dilemma as to whether it is fair to make the request in the first place.

Mr Morris finally moved on to offer some thoughts on the future. He will be making recommendations which, he hopes, will help create a more efficient service in terms of handling prisoners. This may involve centralising police custody suites and reducing their numbers from 19 to 9. It is, of course, conceivable that the responsibility may be taken away from both services and given to one of the privatised escort agencies.

In relation to remands, there has been a convention that the police will facilitate production at court because the warrant states that prisoners are to be delivered to the Magistrates at 10.00 am. There is uncertainty about who is actually responsible thereafter. If a private escort agency take over, they would have to assume full responsibility, because that element of police costs would go elsewhere. On that basis, should the police levy a charge for handling and transporting prisoners? If so, who should pay - the courts, CPS or the Prison Service? Mr Morris, however, questioned whether this would be a profitable route to take in terms of relationships between the criminal justice agencies. The introduction of 'accountancy' into justice brings with it residual and associated problems relating to who does what, perhaps irrevocably damaging long nurtured relationships and relegating notions of justice to a secondary position. He supported the view, advocated by previous speakers, that extending video links would offer a sensible way forward. This would help reduce the expensive and

nonsensical daily excursions involving large numbers of prisoners and prison officers to courts all over the country.

Mr Morris suggested that Magistrates Courts might perhaps think about appointing their own security staff to look after prisoners once they have been delivered to the court. As a parting shot, Mr Morris made a plea on behalf of victims of crime who are often the forgotten players in the criminal justice process and who can be most affected by delay or discontinuation.

### **THE ACCUSED**

Finally *John Alldridge*, the Governor of Stoke Heath provided a perspective on behalf of the 'accused'. He immediately offered the defence that his institution rarely produce directly to court - they go via HMP Hindley! Mr Alldridge recognised that perspectives in relation to the problem, will obviously be different, depending upon the agency to which one belongs. However, he did acknowledge that there was now a significant problem which did not exist in the past. In the Prison Service there is understanding of why the difficulties persist, and it can be summed up in one word, "overtime". In the past, warrants were never challenged, and a service was maintained, sometimes perhaps inappropriately, at enormous cost to the taxpayer. Today, we live in different economic climate, characterised by cash limits and budgetary controls. Prisons can no longer be entirely demand led and dependant on overtime to sustain effectiveness. We therefore have to seek different solutions. Effectiveness in one sphere of service activity will inevitably create ineffectiveness and perhaps produce risks in other spheres. Thus servicing a court with productions may result in whole wings, consisting of perhaps 60 prisoners, being locked behind their doors for the day, or alternatively association being supervised by 2 members of staff, with all the inherent risks. The disappearance of overtime, with the introduction of fresh start, resulted in an increasing number of challenges to productions. The pendulum has now swung so far that productions to the Magistrates Courts are now routinely challenged on a daily basis. Interestingly, this does not happen with the Crown Courts. Mr Alldridge ventured to suggest that this was because the Prison Service have a responsibility for the Crown Court cells and perhaps because it is believed that there is a

special relationship. If Magistrates become involved in issues related to manning at court, their dependence might be put into question. Mr Alldridge queried whether the Magistrates Courts should be the responsibility of the police or the Prison Service, or a third force employed by the court. Whatever, there is a cost to be borne. Someone has to pay and make the decisions as to who should be produced. Mr Alldridge went on to comment that not only do the Prison Service not always have effective co-operation and communication with other agencies, they do not always cooperate with each other because of budgetary constraints. We all tend to take care of our own. This can produce some positives, because we enter the world of cost benefit analysis and begin to use our collective imaginations.

In moving on to explore solutions to the perennial problem of productions, Mr Alldridge concurred with previous speakers in questioning the need to always produce prisoners for the more routine appearances. He felt this issue could be addressed by legislative or rule changes. The venue is important and there is no reason, in principle, why courts cannot be convened in the confines of local prisons in particular. There are also prisons, such as Durham, which have a direct line to a courthouse. There are ostensibly, simple solutions which we appear to ignore. Instead we have one local prison serving numerous Magistrates Courts covering a wide geographical spread. It is also evident that the Prison Service estate is not utilised fully to relocate prisoners, on a temporary basis, to resolve a short term problem of production.

Mr Alldridge supported the views expressed in relation to technology. He believed it had a place both in terms of helping to illuminate the problems and in providing solutions. If courts cannot be heard in prisons, the two could at least be linked with cameras.

In concluding his presentation, Mr Alldridge commented that this sort of event can only serve to set wheels in motion and enable us all to see things from the perspective of other agencies. It represented a first step on the road to reciprocity and co-operation.

### **INFORMATION TECHNOLOGY**

The chair, Dai Curtis, thanked the speakers and observed that we need to work towards integrated systems, both with other

agencies and within our own. He suggested that we begin with micro initiatives, at a local level, as well as seeking macro solutions. Mr Curtis then invited questions from the floor. This prompted some lively and entertaining jousts between the speakers and sections of the assembly, all of which served to further illuminate the types of problems encountered by the different agencies. Questions ranged from issues concerning the transfer of jurisdiction of multi-production cases, through short notice productions, to the logistical nightmare of trying to service small rural courts all over North Wales, from HMP Liverpool. Instances where individual prisoners had been criminally active over a wide geographical area, resulting in productions in several different courts, were highlighted. However, the response from the panel of speakers pointed to legislative limitations on the transfer of jurisdiction and it was evident that such cases often created problems for Magistrates and victims. The problems created by short notice productions, in terms of the enormous resource problems for prisons and a deterioration in the quality of life for prisoners, was graphically articulated from the floor. Speakers pointed to the networking of computer systems as potentially providing a solution. It was acknowledged that bureaucracy sometimes gets in the way, but occasionally it can simply be due to the fact that courts are unaware that a defendant is in custody, the individual having been placed there by another court. In relation to servicing small rural courts, the solutions appeared to lay, insofar as the speakers were concerned, with the use of video lines or production centres. The latter has apparently produced improvements in the South Wales area.

### **RECOMMENDATIONS**

During the afternoon session, the participants broke into small groups, each containing representatives of the various agencies and undertook a task based on a hypothetical scenario. This basically involved jointly examining the implications, for all the component agencies, of a failed production. There was a general consensus that all agencies were affected by problems with productions, which caused delay, inconvenience, discontinuations, additional costs, antagonisms, extra work, reductions in budgets because targets were not being met and bad publicity. For the victim, delay

created additional anxiety and trepidation and the participants constantly returned to the theme that **JUSTICE DELAYED IS JUSTICE DENIED**. In terms of possible solutions, many of those previously mentioned, during the course of the day, were restated by the groups. In particular, video links, a networked computer system, improved liaison and communication, taking courts into the prisons and special remand days at specified courts were popular themes. Others were also suggested by the groups.

They included:-

- i) A joint major review of procedures.
- ii) Common procedures instead of local practices.
- iii) Common penalties for *anyone* who misuses the system.
- iv) Developing the notion of community prisons, so that prisoners not located huge distances from their home area.
- v) Extending the court escort service.
- vi) Staff Magistrates Courts with Police or Prison Officers.
- vii) Prioritisation of cases according to the seriousness of the offence.
- viii) Allow prisons to claim costs if prisoners are produced for no productive reason.
- ix) More money for overtime.
- x) Monthly remands with no more than three remands.
- xi) Review, and perhaps discontinue in some or all cases, the counting of remand time towards sentence (to focus on those who abuse the system).
- xii) Greater use of bail, in particular when time limits are reached through unnecessary delay.
- xiii) Visits by Magistrates to prisons so they can fully comprehend the resource problems experienced by prisons.
- xiv) Establish personal, face to face contacts between the agencies. This is an effective way of reducing the problems because it fosters co-operation and reciprocity.
- xv) And last but not least - encourage victims to make a fuss when delays occur. Bad publicity focuses the mind.

### **JUSTICE DELAYED IS JUSTICE DENIED**

Dai Curtis closed the proceedings with expressions of thanks to all who participated in the event. The prevailing view was that it had been an illuminating and worthwhile day which had achieved its objective. A number of themes had reoccurred repeatedly during the proceedings, in terms of cause, effect and solution. However, perhaps the most significant incentive for continuing to vigorously pursue effective joint solutions is the moral impetus to ensure that victims of crime do not also become victims of the failings of the criminal justice system. As Margaret Headon and other speakers so persuasively reminded us, "justice delayed is justice denied" ■



DO YOU KNOW THAT IN 1995  
THERE IS TO BE  
A MINISTERIAL REVIEW OF  
**THE ROLE OF THE BoV?**

1. SHOULD WE EXIST?

2. SHOULD WE CHANGE?



**BoV**

3. APPOINTMENTS

4. TRAINING

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