

# PRISON SERVICE JOURNAL

MARCH 2003 NO 146







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## Contents

Editorial Comment		1
The Community Management of High-Risk Offenders	<b>Hazel Kemshall</b>	2
Innovations in Prisoner and Prison Classification: Gill Revisited	<b>Curtis R. Blakely</b>	6
Responding to Racisms in the Criminal Justice System	<b>Ben Bowling and Coretta Phillips</b>	9
Criminal Justice Bill: a summary		18
Experience of Counselling by SOTP Facilitators at HMP Acklington	<b>Helen L. Hart</b>	20
Post-traumatic Stress Disorder among Prisoners	<b>Paul Rogers, Damian Mitchell, Joe Curran, Sean Duggan and Prof. Kevin Gournay</b>	24
People, Labels and Stigma	<b>Dr Andrew Purkiss</b>	31
Suicide and self-injury following release from prison	<b>Carole Shore</b>	33
A Life in the day of a Restorative Justice Facilitator	<b>Simon Saxton</b>	35
Education can set you free	<b>Ann Creighton</b>	38
Butler Trust Award: Who could deny that smile?	<b>Dave Kellett</b>	40
Butler Trust Award: Moorland's Lifers Group	<b>Darrell Fisher</b>	43
Butler Trust Award: Brixton's Best	<b>Joyce Headley</b>	44
Butler Trust Award: As Good as you want it to Be	<b>John Spedding</b>	46
<b>Book Reviews</b>		
Prison Architecture — Policy, Design and Experience	<b>Revd Canon Alan R. Duce</b>	48
English Prisons: An Architectural History	<b>William Payne</b>	48
Situational Prison Control	<b>Tim Newell</b>	49
Tomorrow La Scala!	<b>Jamie Bennett</b>	50
Albert Park, Middlesbrough	<b>Lesley Moreland</b>	51
Feltham Sings	<b>Jamie Bennett</b>	52
<b>Speech</b>		
Ministry in Prison	<b>Rowan Williams, Archbishop of Canterbury</b>	54

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## Editorial Comment

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# Dangerousness

In certain respects it is unhelpful to talk about 'dangerousness': although commonly used, the term lacks a commonly agreed definition and is too easily used to sensationalise risks which make their management that much more difficult. Interestingly, the recent pieces of legislation which have strengthened arrangements to protect the public from 'dangerous' people do not speak of dangerousness, preferring instead to identify the type of people likely to be dangerous (for example 'sexual and violent offenders') and to indicate the nature of the risk they present (a 'serious risk of harm to the public'). As with so much work with offenders, the issue lies not in splitting hairs but in being clear about meaning and about meaning in action – its practical implications in prison and beyond. Since it is becoming the basis of prison and probation risk assessment, the definition of a serious risk of harm used by the offender assessment system (OASys) is a useful starting point:

*'a risk which is life threatening and/or traumatic and from which recovery, whether physical or psychological can be expected to be difficult or impossible.'*

But the more conscious we become of potential risks or 'danger' (and the media can and does raise the profile of potentiality by sensationally reporting the lurid facts of actuality), the more anxious we become. In research published in 1998, Professor Hazel Kemshall (who writes for this edition (pages 2-5) observed that consequently our world seems 'more hostile, hazardous and uncertain'. Although improved risk assessment has led to better risk management, expectations outstrip what is practicable: even the best risk assessment tool is only 60 per cent accurate; and offending behaviour programmes help reduce risk not eliminate it altogether.

The best assessments of risks are based upon previous behaviour – hence the importance of pre-convictions as a determinant of the likelihood of future offending. Yet the Home Office Police Research Series (144, published last year) showed that 32 per cent those convicted of murder and 36 per cent of those convicted of serious sexual offences had no previous convictions. When we add to this the fact that

the vast majority of murders and sexual offences are committed by someone known by the victims, the demons so often used to portray the perpetrators of serious crimes are also seen as unhelpful. This is not to diminish the horror and the tragedy of some crimes (especially as we await the outcome of due process in the cases at Walton-on-Thames and at Soham); nor is it to devalue risk assessment but to highlight its limitations. The only way to eliminate risk altogether is to introduce restrictions on human rights which would be not merely illiberal but unacceptably authoritarian.

Therefore, in order that risk assessment and risk management become as effective as they can be we must take the trouble to 'unpack' the terminology, strip 'danger' of its hype but without underestimating risk and the robustness with which it must be managed. The concept of 'vivid' danger or risk which was conceived as long ago as 1983 can help. In this concept risk is understood in terms of its seriousness, frequency and immediacy, and qualified by certainty. Taking this further, the analysis of most serious risk will show that it is not 'one thing' but a complex of interwoven motives and possibilities. Each of these are given impetus and made possible or less likely by a range of factors: the presence or absence of housing, employment, basic social skills, family and friends. To these must be added the presence or absence of characteristic traits and of personal habits which may either help inhibit or potentiate the risk: impulsivity, anger and addiction, for example.

It is upon such complex issues that every risk assessment turns: the one whether the lifer can be trusted as a 'red band', or the young offender on temporary release, or the serious offender on parole. However sure one may feel having assessed the risk, allowing a margin of error, a risk will remain. Managing 'dangerousness' therefore has a great deal to do with managing uncertainties. In a climate in which the public is made more sensitive to danger by the frequency and immediacy with which it is reported, managing risk is hard. Add to this the certainty with which the media 'autopsy' is conducted using the exact science of hindsight, we must be wary of becoming too risk averse. Real rigour is needed in assessing risk and a demonstrable reasonableness and robustness in the way it is managed.



# The Community Management of High-Risk Offenders

## A Consideration of 'Best Practice' — Multi-Agency Public Protection Arrangements (MAPPA)

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### Introduction

**The 1990s saw an increasing concern with sexual and violent offenders, and those deemed to present a 'serious risk of harm' to the public. By the close of the 1990s extensive legislation had been passed, primarily against sex offenders but also against 'dangerous' offenders more generally. Paedophiles in particular were a source of concern, attracting extensive political, media and policy attention (Kemshall and Maguire 2001). The most significant developments were:**

- ❑ The Crime (Sentences) Act 1997, creating a mandatory life sentence (though allowing some judicial discretion) on a second conviction for a serious violent or sexual offence.
- ❑ The Sex Offenders Act 1997, creating a duty on most people convicted of sex offences to register their current address with the police for at least five years (and in some cases, life).
- ❑ The Crime and Disorder Act 1998, providing for the imposition of restrictions of movement through a civil Sex Offender Order, breach of which is punishable by imprisonment.
- ❑ Significant amendments to the above through the Criminal Justice and Court Services Act 2000, including statutory responsibility for joint risk assessment and management of sexual and serious violent offenders by police and probation (sections 67 and 68) and the official creation of Multi-Agency Public Protection Panels (MAPPPs).

More recently the White Paper, *'Justice for All'* (CM 5563, July 2002) proposes discretionary life sentences for sexual or violent offenders who are assessed as 'dangerous'. This paper will explore the importance of current Multi-Agency Public Protection Arrangements (MAPPA) to the effective

management of high-risk offenders in the community, and the contribution that police, probation and potentially prison staff can make.

Multi-Agency Public Protection arose out of a growing recognition that shared information, joint risk assessments and co-ordinated risk management plans across relevant agencies would enhance the effective management of a critical few high-risk offenders in the community. Such arrangements began in the late 1980s in areas such as West Yorkshire, and by the 1990s had become increasingly formalised with the development of protocols on confidentiality, information exchange and risk assessment. Police and Probation Services also recognised that the critical few were often known to both agencies, and in many cases were the subject of statutory supervision by the Probation Service. The Home Office Special Conference on *Inter-Agency Work with Dangerous Offenders: Sharing Information to Manage Risk* in 1997 (Home Office Special Conferences Unit) recognised these developments and local initiatives began to be harnessed into central policy on multi-agency working. The Sex Offender Act 1997 provided an important impetus, as it required Police to create and maintain a Sex Offender Register. The implications of such a register were quickly recognised. In brief, registration itself seemed to imply some special measures of surveillance, control and intervention for this group (Kemshall 2003), not least the sharing of information across agencies so that informed risk assessments could be made (Maguire *et al* 2001; Kemshall and Maguire 2001, 2002).

Thus, multi-agency case conferencing of sex offenders was born, usually comprising police and probation, but also encompassing other relevant agencies such as social services and housing. This took various local forms, and by 1998 the Home Office Police Research Unit commissioned research to investigate the extent of national inconsistency and to recommend best practice.<sup>1</sup> This research is

1. Research undertaken by Kemshall, Maguire, Noaks, Wincup with Jago and Sharpe (see Maguire *et al* 2001).



presented in Home Office Police Research Paper 140 but can be summarised thus:

- ☐ Inconsistency in multi-agency arrangements, definition, protocols and agencies represented.
- ☐ Inconsistency in referrals to panels and in definitions/thresholds of high risk.
- ☐ Inconsistency in the adoption and use of risk assessment tools.
- ☐ Variation in risk management plans and in the integrity of their delivery.
- ☐ Lack of clear accountability and management structures for panel work.

A number of these issues were addressed by the Criminal Justice and Court Services Act 2000, including statutory responsibility for joint risk assessment and management of sexual and serious violent offenders by police and probation (sections 67 and 68) and the official creation of Multi-Agency Public Protection Panels (MAPPPs). Subsequent guidance has clarified the role and responsibilities of MAPPPs, which offenders they should consider, and the overall management structure resulting in what are now commonly referred to as *Multi-Agency Public Protection Arrangements* or *MAPPA* (Home Office 2001, 2002). This guidance is readily available and it would add little to merely repeat here. Rather, an exploration of the best practice within MAPPPs that will enhance the effective community management of such offenders is offered. The paper will have relevance to all those personnel engaged in MAPPA arrangements including prison staff prior to release, and more broadly to all those staff and managers engaged in risk assessment and management of offenders.

### Developing best practice

Best practice can be considered under the following headings:

- ☐ Ensuring defensibility of decisions made.
- ☐ Risk assessment procedures.
- ☐ Risk management plans and delivery.
- ☐ Audit and evaluation of service delivery.

Public protection depends upon high quality defensible decisions, the proper use of the most reliable risk assessment tools, well-matched and well-delivered risk management plans, and evaluation and improvement of panel performance. Whilst no arrangements can guarantee to prevent risk, MAPPA are operating in a climate of high public expectation on risk management, public

fear and on occasion hysteria about sex offenders and paedophiles, and an arena in which accountability and scrutiny is often very harsh and very public. It is therefore essential that reasonable expectations and standards of operation can be set and that in the event of 'hindsight' scrutiny (Carson 1996) MAPPA can be shown to have met them. The above should form the core criteria in any such standard setting.

### Defensibility

The notion of defensibility is by no means new to work with risk in the public sector (Carson 1996; Kemshall 1998). Social workers and health workers have long been exposed to media and public scrutiny when 'things go wrong', and the concept that they and their practice should be 'beyond blame' is well established (Reder *et al* 1993). It is imperative that this should neither result in a blamist culture, nor in closed, *defensive* practice aimed at the protection of workers rather than the delivery of best practice. Defensibility implies that decisions made 'on the day' are as good as could reasonably have been expected, and that as such they will stand the test of hindsight scrutiny. The criteria of a defensible decision have been presented elsewhere (see Kemshall 1998), and can be summarised as the following minimum standards of practice:

- ☐ All reasonable steps have been taken.
- ☐ Reliable assessment methods have been used.
- ☐ Information has been collected *and thoroughly evaluated*.
- ☐ Decisions are recorded (and subsequently carried out).
- ☐ Policies and procedures have been followed.
- ☐ Workers and their managers adopt an investigative approach and are proactive.

A key question for all MAPPA personnel is: How defensible are current MAPPA decisions? Any negative answer implies urgent action is required!

### Risk assessment

There are a variety of tools for the risk assessment of sexual and violent offenders (see Kemshall 2001 for a full review). However, MATRIX 2000 is most often used in the assessment of sex offenders. It is important to note that offenders coming through MAPPA are not a homogeneous group, presenting a variety of offences and risk factors. This implies that more than one tool may be required, and that the matching of the most appropriate tool



to the offence type and offender type will be a core feature of defensibility. Selection criteria for tool adoption and use may also be subject to public scrutiny should risk assessment failures occur. The following essential criteria are suggested:

- ☐ Validated against a relevant offender population.
- ☐ Empirically grounded in the risk factors with a proven track record in the research literature.
- ☐ Should be able to differentiate between risk categories.
- ☐ Have inter-rater reliability.
- ☐ Has been validated against an English population (or is likely to be so in a short time scale).

It is also helpful if tools can meet the following desirable criteria:

- ☐ User friendly.
- ☐ Resource lean.
- ☐ 'Easy' to train staff in its use.
- ☐ Process of its use is transparent and accountable. (From McIvor and Kemshall 2002: 51).

A key question for MAPPA personnel is: what risk assessment tool are you using and does it pass the essential criteria? If the answer is no, then what remedial action do you propose to take to rectify this?

### **Risk management**

The desirable outcome of MAPPA is effective risk management. However, this should not be understood as 'zero risk' as this position can never be achieved (Kemshall 1998). The key tests for risk management will be how reasonable the management plan was, how well it was targeted, was it delivered with integrity that is, as it should have been), was it reviewed, and was it revised as required. Risk management should be understood as harm reduction either through the reduction of the likelihood of a risk occurring or the reduction of its impact should it occur. It is also important that risk plans should be proportionate and fair to avoid either over-intrusion or under-intrusion and that precious resources are not wasted by inflating low risk cases. Risk management should also offer reasonable protection of victims and recognise that public safety is a key outcome of the system. Risk management strategies should reflect the best of current practice as supported by research. At present this can be summarised as:

- ☐ Cognitive-behavioural programmes have the most success.

- ☐ Interventions should emphasise self-risk management and promote the use of internal controls over the longer term.
- ☐ Appropriate external controls (such as residence restrictions etc) should be used.
- ☐ Interventions should be combined with intensive supervision and the appropriate use of sanctions and enforcement for non-compliance.
- ☐ There should be contingency plans in case of risk management failure, and rapid response arrangements to changing situations or deterioration in circumstances/behaviours.
- ☐ Supportive and integrative approaches should also be applied where risk assessments indicate their usefulness (for example, 'Circles of Support and Accountability'). (From Kemshall 2001).

The integrity of risk management plans is also essential. Do MAPPA agencies and personnel deliver what is required and is this sustained over the long term? Are the standards of risk management adequate and clear? These issues can be addressed by ensuring that risk management plans meet SMART criteria that are:

- ☐ Specific.
- ☐ Measurable.
- ☐ Achievable.
- ☐ Realistic.
- ☐ Targeted (and timely). (Kemshall 2001, 2002).

This enables staff and agencies involved in MAPPA to know and deliver to clear standards of work, and for risk management plans to be subsequently evaluated.

### **Audit and evaluation**

Agencies already involved in risk work will know that it is potentially resource hungry as well as subject to harsh scrutiny and accountability. In these circumstances it is essential that such work can be shown to be effective and value for money in an arena of finite resource. The absence of disaster is not enough as an evaluation strategy, and while some MAPPPs have already begun to monitor their work in order to meet the requirements of the annual report, it is important that this monitoring is extended into genuine evaluations of risk management work. SMART risk plans enable subsequent evaluation through sampling and audit of cases against the SMART criteria, it enables the identification of 'drift', lack of integrity in case management, and can help to combat general 'fuzziness' in risk management planning and



objective setting in individual cases. Audits by panel personnel of say ten per cent of cases each year would assist reviews of practice standards, encourage consistency, and help to identify system failures and resource gaps early. Corrective action can then be taken as a matter of course, integrated within the quality assurance function of MAPPA management committees. Such processes also enable learning and refining of practice, and assist with the dissemination of best practice across MAPPA agencies and those carrying out day to day risk management tasks in the field. This best practice can then be evidenced and used in the annual report to reassure the public that risk management is being delivered with quality and integrity.

### Conclusion: Delivering the promise of public protection

The MAPPA system has grown considerably in the last five years, is increasingly taking more resource, and often has high profile with public and media. In these circumstances it is imperative that the system and its personnel deliver on the promise of public protection and that public expectation is not disappointed.

So what should we promise? At least the following:

- ☐ Defensible decisions.
- ☐ Reliable, well chosen risk tools.
- ☐ SMART risk plans.
- ☐ Review, evaluation and learning.
- ☐ Harm reduction.

Nothing is risk free and we live in a society in which risks are ever present and take many forms (Beck 1992). The 'dangerous' have long been with us, but are now better known and attract more (often unwanted) public attention. MAPPA will continue to occupy a key role in the community management of such offenders, and it is therefore essential that all those engaged in MAPPA strive to deliver high quality, effective work in this area.

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## Innovations in Prisoner and Prison Classification

## Howard Gill Revisited

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## Abstract

The following is an introduction to, and an evaluation of, Howard Gill's 1962 article *Correctional Philosophy and Architecture*. It was in this article that Gill advocated an innovative approach to classification in which prisoners and prisons would each receive a security and treatment rating. In addition to a prisoner's maximum, medium, or minimum-security rating, each prisoner would also be given a treatment classification based largely upon his/her willingness to undergo rehabilitative initiatives. Likewise, prisons in addition to their traditional security ratings would also be designated as either treatment and reform centres, or facilities adhering to a strict model of incapacitation.

## Gill's Premise

When considering proposed changes to entrenched penological practices, one must determine how they will fit within the framework provided by the prison's traditional objectives of punishment, deterrence, incapacitation, and rehabilitation. These objectives, according to Gill, increasingly became ambiguous during the 1960s. Gill asserts that this loss of a widely accepted core of penological objectives relegated prisoner classification to little more than a tool for security purposes. It is within this context that Gill dismisses the value of punishment as an overriding penal objective and instead focuses his efforts on propounding the merits of rehabilitation. Thus, rehabilitation is raised to the status of being the primary objective of the prison, while punishment becomes little more than a secondary consideration. Since this is Gill's starting premise, he reasons that any modification to classification processes promoting rehabilitation while simultaneously deemphasizing punitive and retributive rationales is both operationally and philosophically sound.

## Gill's Typologies

Gill begins his article by crediting the Quakers and Free-Thinkers of the 1700s with establishing the early American correctional philosophies of rehabilitation and individualized treatment. These philosophies, according to Gill, were increasingly replaced by a 'new style' of prison management that relies on the aggregation of the prisoner population primarily for security purposes with punitive and incapacitative rationales. Gill asserts that since this approach plays down individualised treatment initiatives, prisoners often return to society worse off than when they initially entered prison (1972: 113). Similar observations about 'penological harm' have increasingly gained prominence within criminological literature.

Furthermore, Gill divides prisons into three distinct types. The first he calls the 'custodial' prison. According to Gill, custodial prisons are preoccupied with institutional security and prisoner discipline. Gill contends that these prisons fall short of their fullest potential for being socially productive institutions by withholding rehabilitative opportunities from their prisoners. Next, Gill discusses the 'progressive' prison, characterised by its extensive use of medical, industrial, and recreational programmes. These types of prisons attempt to interject humanitarianism into the harshness of the prison environment. While Gill maintains that the progressive prison attempts to rectify some of the shortcomings of the custodial prison, he states that it also does little to address criminality. Gill's evaluation is based upon his assertion that the effectiveness of the prison 'is not to be measured by its medical, surgical, or psychiatric services' but by its ability to successfully address the underlying causes of criminality (1972: 115).

It is in this light that Gill introduces the 'professional' prison. This type of prison attempts to normalise the penal environment to resemble more closely free-society. This is done by adhering to a management and treatment philosophy where



prisoners live and interact in small units and are active in facility governance. The professional prison also relegates institutional security personnel to a place of reduced prominence while employing a unique classification scheme that values individualised therapeutic and rehabilitative pursuits. It is the professional prison that captures Gill's imagination and commands the remainder of his efforts.

Gill then discusses prison typologies in conjunction with the prisoner treatment classifications of 'new, intractable, tractable, and defective'. All new prisoners would be designated as 'new' and assigned to a maximum-security facility pending routine observation. While this 'reception and diagnostic' practice is standard procedure, Gill impugns it as being largely unconcerned with treatment and rehabilitative initiatives. Gill contends that the prisoner's willingness to undergo treatment is ignored at both this initial stage of incarceration and throughout a prisoner's term of imprisonment. This lack of concern with a prisoner's desire for treatment is the hurdle over which Gill wishes to nudge correctional practitioners.

The 'intractable' prisoner is portrayed as refusing to undergo treatment. Gill asserts that incarceration for the intractable prisoner should be little more than a 'simple, secure living quarters' (1972: 119). Furthermore, since these prisoners refuse all attempts at reform, they will probably require placement within a maximum-security facility. Since new prisoners would also initially be placed in maximum security, Gill believes that many maximum-security facilities could house both new and intractable prisoners (1972: 119). Furthermore, by housing intractable prisoners in facilities where the bulk of the classification process occurs, intractables would have access to appropriate staff in the event that reclassification becomes necessary.

'Tractable' prisoners are described as those desiring treatment and rehabilitative programming. It is this amenability to treatment that Gill believes is a requisite for meaningful and lasting reform. Gill contends that these prisoners warrant a majority of the government's attention and resources. The reformation of the tractable prisoner is to include intensive development of problem-solving skills and preparation for social reintegration. It is the tractable prisoner that commands much of Gill's interest. Finally, the 'defective' label refers to those prisoners that are unable to undergo reformative initiatives due to conditions beyond their control. It is these conditions that result in an inability to change and not the individual that is labelled as 'defective'. Nonetheless, such a label initially smacks of

political incorrectness. Since these prisoners are mentally challenged, they are to be housed in a 'partly custodial, partly hospital, and partly educational' prison (1972: 118).

Following the identification of the four prisoner treatment classifications, Gill asserts that the common practice of housing them within the same institutions based solely upon a security designation, is improper 'yet most of our state prisons have been built on this kind of hodgepodge intermingling' (Gill, 1972: 118). Gill's assertion that this custom is poor penological practice appears to be based upon the potential for the defective prisoner to become easy prey for the intractable. Similarly, the intractable prisoner might corrupt others or divert the attention of treatment personnel away from those whom require it the most. Therefore, in Gill's 'professional prison,' treatment is individually customised and because it is delivered only to those prisoners specifically requesting it, should prove much more effective. This, Gill contends enables the professional prison to reduce operating costs by providing only the types and duration of treatment needed. Such an approach is heralded as enabling staff to service more prisoners and permit a more focused approach to the application of reform initiatives (1972: 120). Once personal reform is achieved, Gill considers further intervention neither necessary nor desirable.

Under Gill's proposed plan, both prisoners and prisons would have classification ratings comprised of a security and treatment component. Prisons would, therefore, be rated by security level (maximum, medium, minimum) as well as by the 'type' of prisoner population incarcerated (new, intractable, tractable, defective). Prisoners would also be given a treatment classification based upon their individual amenability toward rehabilitation and underscored by a security rating. Thus, it would be hypothetically possible to have a maximum-security tractable prisoner or even a minimum-security intractable prisoner.

### Significance of Gill's Proposals

To determine the significance and feasibility of Gill's propositions, it is first necessary to identify their shortcomings. The first of these relate to Gill's propensity for making a proposal then failing either to develop it fully or to provide suggestions for its implementation. This leaves the reader with a sense that Gill is either uncommitted to his task or somewhat unsure of how a particular suggestion might fare in real world applications. This shortcoming becomes especially evident in Gill's proposed prisoner classification scheme when he



fails to explain how treatment classifications would be determined beyond the prisoner's willingness to change. It is also unclear as to the amount of staff input that might be required in the event that a prisoner's stated amenability is determined to be insincere. Furthermore, Gill avoids any mention of how staff input might lead to claims of arbitrariness and capriciousness.

The failure to address programme integrity is a major oversight since such a lapse would permit prisoners to choose the treatment classification that would maximise their comfort level. Gill also fails to address how this process would manage security and treatment reclassifications. Gill avoids any mention of whether certain crimes or even if a high number of convictions could potentially preclude a prisoner from a tractable designation. Gill frequently evades this much-needed precision by stating that further development will not be pursued within his article. Gill's ambiguity detracts greatly from his writing while over-taxing his readers to provide their own specifics.

The consequence of Gill's denial of punishment as a legitimate contemporary objective is that when a prisoner has been 'rehabilitated', they need no further correctional intervention. Notwithstanding how this rehabilitative state might be determined, Gill indirectly suggests that rehabilitated prisoners should be released from prison without considering the interests of their victim(s). Gill further fails to mention what impact this indeterminacy might have on prisoners in general and on the concept of justice. Again, the integrity of Gill's proposed system becomes a paramount concern since the intractable prisoner could pose as tractable and feign a rehabilitated state to secure release. By failing to mention programme integrity in a system using indeterminate sentencing, concerns grow about the potential for claims of discrimination. Furthermore, Gill's dismissal of punishment as a legitimate objective may fall on deaf-ears in a political climate where punitive rationales increasingly drive penal operations and where victim rights have gained prominence.

Another criticism relates to Gill's disregard for the role played by uniformed staff in prison operations. Gill suggests that uniformed staff should be placed outside the prison's walls with only a minimum contingent stationed within the prison itself. Gill fails to explain fully the value of stationing officers outside the facility or to mention what work they would undertake. Gill further suggests that when contact between prisoners and security personnel occur, it should be sterile and robot-like. Such a position is unfortunate since penologists have long documented the prisoners' lack of

respect for authority and their linkage of authority with oppression. It would seem that increasing the role of a uniformed contingent within the treatment process would be more consistent with Gill's propositions. A familiarity with the proper authority figures could help remove misconceptions while further facilitating personal reform.

### Gill's relevance

Having made these remarks let me now explain why Gill's writings deserve consideration. First, Gill makes the connection between the traditional classification processes and an inability to spark prisoner reform. Gill suggests that in an overcrowded system controlled largely by uniformity and aggregation, the likelihood for personal reform is reduced since concern for the individual becomes counter-productive from a management perspective. Furthermore, having personally spent years working within the fields of probation, parole, and institutional classification, I can attest to the perceptiveness of Gill's assessment of the classification process. His suggestion that prisoners be classified by taking their amenability for change into consideration is an excellent beginning at reforming a process that has become even less concerned with prisoner reform than when Gill first made his propositions.

By acknowledging that the prison has an inherent duality in pursuing both punitive as well as treatment objectives, the overall effectiveness of the prison can be increased. Perhaps most importantly, Gill recognises that a proportion of the prisoner population are reformable; therefore, the mixing of tractable and defective prisoners with intractable prisoners as a contemporary management tool becomes counterproductive and socially irresponsible.

Through this review and evaluation I have become more aware of the difficulties surrounding Gill's original challenge of modifying a classification system to increase its rehabilitative potential. Gill's avoidance of detail in his arguments attests to this difficulty. I too have found it difficult to build upon Gill's original proposals and find myself thinking, as Gill stated, that to do so is beyond the scope of the present undertaking. Ultimately the value of Gill's proposals are not exclusively in their capacity for implementation, but rather in their ability to promote thought and conjecture. Certainly, the questions that arise from Gill's proposals deal directly to the purpose, role, and responsibilities of a democratic government. In essence, should the government exclusively punish or rehabilitate offenders, or undertake a course



of action aimed at accomplishing an equal measure of each? The challenge remains, therefore, as it has now for over thirty years for penologists interested in Gill's proposed innovations to grapple with their many intricacies. A more fully developed proposal might help change a system that is now grossly overcrowded and in desperate need of a results-oriented approach to the classification and treatment of its offenders.

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# 2002 Perrie Lecture

## Responding to Racisms in the Criminal Justice System: undoing the criminalisation of black people in England

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*This paper draws extensively on the authors' book, 'Racism, Crime and Justice' (Longman 2002).*

**As we bask in the warm, glowing aftermath of the Queen's golden jubilee — and its celebration of the diversity of British society — it may seem churlish to return to the unresolved issues of racism and discrimination. One could argue that great strides have been made in the past 50 years: people of Asian, Caribbean and African origin have moved from the margins of the old Empire to the centres of English domestic life. Ethnic minority communities — about six per cent of the population — have become part of the accepted face of Englishness, reflected in black and Asian people contributing to global success in culture, media, business, politics and sport. As criminologists, however, it is our responsibility to draw attention to the more difficult issues of racism, discrimination and disadvantage in general and within the criminal justice process in particular. In this article we examine the striking rise in the rate of imprisonment of people men and women of African and Caribbean origin that has occurred over the past 15 years and ask policy makers and practitioners to take action now to prevent further criminalisation.**

The theme of 'responding to racism' suggested by the organisers of the 2002 Perrie lectures is both timely and of vital importance. It reminds us that we have still to prevent the tragedy of racist murders within and without the prison

system and that we still do not do enough to protect communities from racist violence. It also reflects a wider unease that racism — the ideas and practices of racial oppression — have wider, deeper, and more insidious effects within the criminal justice process. We would like to broaden the debate to suggest that the problem of racism should be understood in the plural, as complex and diverse *racisms*.

There is, most obviously, 'explicit racism'. In England there is a 70-year history of right-wing extremism, building on US segregationist and Nazi ideology, that remains alive and well today. Visit the *Stormfront* web-site for example, a world-wide portal into overt, politically organised racism of the extreme right. The site — announcing itself for 'whites only' — links 'Aryan race warriors' and Nazi fetishists with openly racist political parties such as the National Front and British National Party and their counterparts elsewhere in continental Europe and North America. Whatever one's reaction to the racist extremism that bubbles just below the surface of political life in England, no analysis of racism, crime and justice can afford to ignore it.

'Violent racism' is the most headline-grabbing form of racial hatred, exemplified by the terrifying acts of 'nail-bomber' David Copeland and the murders of Stephen Lawrence and Zahid Mubarek. These cases where overt racism is expressed in its most violent and deadly form are the most visible among thousands of racist attacks that happen



every year (Bowling 1999a). Then — less visible and more complex than its overt and violent forms — there is 'everyday racism', the attitudes, stereotypes and petty discrimination that are part and parcel of everyday routines. Here we are concerned with the faulty assumptions, stereotyped beliefs, inappropriate language and prejudiced decisions that lead to discrimination and disadvantage in everyday life.

Finally, there is 'institutional racism' which is often the product of 'everyday racism', defined clearly in the Lawrence Inquiry report as 'the collective failure to provide an appropriate and professional service to people because of their colour, culture or ethnic origin' (Macpherson 1999, Bowling and Phillips 2002: 40-1). Less overt or explicit than most other forms of racism, institutional racism provides a concept to describe the ways in which policies and practices of government, the police, courts and prisons directly and indirectly discriminate against people from ethnic minority communities.

We argue elsewhere that understanding all of these forms of racism is important for the police, prison and probation services (Bowling and Phillips 2002). In the remainder of this paper, we want to focus not on political or violent racism, but on 'everyday' and 'institutional' racisms and, in particular, the processes through which black people in England have been criminalised.

### **Racisms and disadvantage in English society**

Space does not permit us to consider the shameful history of racism and discrimination in England in the 1960s, '70s, and '80s (Fryer 1984, Solomos 1993). The published literature shows that racist ideas about white superiority, black 'criminality' and Asian 'deviousness' were common, permeated society and were deeply entrenched across society including the criminal justice occupations (Gordon 1983). The overwhelming conclusion that can be drawn from the research evidence in this field is that the discursive practices of racism in England contributed to creating material conditions in which many ethnic minority groups, are *de facto* excluded from specific areas of residential space, sectors of the housing market, sectors of the economy and labour market (Bowling and Phillips 2002: 44-51).

People from ethnic minority communities are concentrated into the cities and into the most disadvantaged boroughs and neighbourhoods (Smith 1989, Mason 2000). Their housing conditions are markedly worse than those of their

white counterparts and much more frequently lack basic amenities, are overcrowded and in poor repair (Mason 2000). Black and Asian people — particularly those of African-Caribbean, Pakistani and Bangladeshi origin — are more likely to be unemployed or casually employed and concentrated into occupations of low status and low income (Jones 1996, Modood and Berthoud 1997, Mason 2000). Consequently, levels of absolute poverty and destitution are significantly higher for these groups. Linked to these broader processes of economic exclusion, and concentrations of poverty, it is also clear that while the aspirations of the children from ethnic minority communities, like their white peers, remain high (Mason 2000: 77), they face discrimination in schools, achieve poorer examination results and have higher rates of truancy and exclusions (Modood and Berthoud 1997, DfEE 2000). These processes of social exclusion are mutually reinforcing: poverty, poor housing, poor schools, educational under-achievement, exclusion from the mainstream of the jobs market are all inter-related (Smith 1989).

Criminological research shows that victimisation clusters in 'criminogenic contexts' such as homelessness, high unemployment, high housing density, crumbling infrastructure, and poor schools (McCarthy and Hagan 1991). Given that people from ethnic minority communities are disproportionately likely to be found in such contexts, it can be expected that the extent of crime and deviance would be greater than among communities who are not socially excluded. Aggregate statistics conceal micro-level variations in socio-economic conditions that reveal concentrations of exclusion, for example, where unemployment is endemic and inter-generational. The material conditions — such as joblessness and homelessness — that provide the context for the commission of certain specific forms of deviance, also mean that many offences occur in urban settings and in public places where they are more visible and liable to surveillance and police intervention. Consequently, there is a greater likelihood that offenders from the ethnic minority communities will be drawn into the criminal justice system.

It is crucial to consider not simply the statistics, but also how these social and economic conditions are *experienced*. The strain that arises from the aspirations of late-modern society, the power of consumerism expressed through the mass media and the reality of systematically blocked opportunities, destroy hope and creates despair, frustration, anger and resistance (Bowling and Phillips 2002: 71-4).



## The black prison population: a product of the criminal justice process

### *Police: the 'gatekeepers' of criminal justice*

The history of the relationship between police and migrant communities is defined by its conflictual nature (see Fryer 1984, Gilroy 1987). Among the enablers of this conflict were moral panics based on the myth of 'black criminality', the local and national politics of exclusion, immigration legislation that defined black and brown people as a 'a problem', and overt racism in police and criminal justice occupational cultures (Solomos 1993, Keith 1993). Contemporary criminal justice statistics show that the areas with the largest black communities are also those that have the greatest deployment of police officers and are the subject to 'enforcer-style' policing. Both police and survey data indicate that black people, and to a lesser extent, people of other ethnic minority origins, have a much greater likelihood of being stopped by a police officer and questioned in the street (Skogan 1990, 1994, Clancy *et al* 2001, Home Office 2000). Once stopped, they are more likely than their white counterparts to have their clothing, bags or vehicles searched, and to be stopped and searched repeatedly (Skogan 1994, Clancy *et al* 2001.).

'Proactive policing' — enforcement activity initiated by the police — has greater autonomy and involves much more extensive exercise of individual discretion than 'reactive policing', where an officer responds to a call from the public. 'Proactivity' can take the form of 'stop and search', 'on-street interrogation' and clothing searches, as well as more sustained and strategic practices such as 'intelligence-led-policing'. The use and abuse of police 'stop and search' powers contributes to the disproportionate flow of people from ethnic minorities into the criminal justice process because it is frequently directed specifically on these groups. The tactic takes a wide variety of forms and is conducted under a range of powers<sup>1</sup>. Under Police and Criminal Evidence (PACE) codes of practice, the decision to stop and search is not justifiable on the basis of stereotyped generalisations about who is believed to be involved in crime, nor on a person's 'criminal history', but only on the basis of 'reasonable suspicion' that a person is in possession of stolen or prohibited articles. However, it is clear that in many cases no grounds

for suspicion exists and there is widespread and arbitrary use of the power. The wide use of discretion and low levels of supervision, accountability and visibility that characterise the use of stop and search powers, are precisely the contextual conditions that enable discrimination to occur (FitzGerald 1993).

The pattern of selective enforcement is consistent with stereotyping and the 'heightened suspicion' of black people in general noted in the 1980s by Holdaway (1983), Smith and Gray (1985), Graef (1989), Reiner (1991) and more recently by Fitzgerald and Sibbitt (1996) and Bowling (1999a). In the 1980s, stereotypes were freely expressed: Smith and Gray's interviewees commented that they stopped black people because 'nine times out of ten they would have drugs' (Smith and Gray 1983: 129). While many aspects of policing have changed in recent years, over-generalisations and stereotypes persist. In FitzGerald and Sibbitt's (1997) study one police constable commented that '[i]f 99 per cent of people committing robberies are black — and in an area like this they are — then you would expect to find 99 per cent of the stop/searches to be of black people' (FitzGerald and Sibbitt 1997: 36). This view was shared by an inspector. In Quinton *et al*'s study of police stops, decision-making and practice, an officer commented that '[w]henver a robbery comes in [over the radio] ... 90 per cent will be thinking it's a black man because of the description and because you know who does robberies in the past' (2000: 38).

These examples illustrate the link between specific stereotypes (black people are robbers and drug users), the formation of suspicion (this black person is likely to be a robber or possess drugs) and a course of action (this black person should be stopped and searched). As one Home Office study put it, 'the police contribute to the large ethnic differences in the PACE data by virtue of their heightened suspiciousness of black people. This is pervasive and deeply entrenched; and it may significantly increase the chances of black people coming to the attention of the police relative to other groups' (FitzGerald and Sibbitt 1997: 66). As Stuart Hall and colleagues show, racially prejudiced attitudes and stereotypes do influence expectations and lead to discriminatory behaviour even though the links are neither automatic nor straightforward (Hall *et al* 1998: 6-9).

1. The most frequently used powers are those under s.1 of the Police and Criminal Evidence Act 1984, s.23 Misuse of Drugs Act 1971, s.60 Criminal Justice and Public Order Act 1994, s.44(1) and (2) Terrorism Act 2000, and s.47 Firearms Act 1968. Additionally, vehicles may be stopped under s.163 Road Traffic Act 1988 and searched under s.4 Police and Criminal Evidence Act 1984.



The use of the conduct of 'PACE searches' as a performance indicator (that is, the more the better), exemplifies the problem of institutional racism. In areas of high ethnic minority concentration, stop-search practices, have been promoted enthusiastically as a means of demonstrating effective job performance (Bowling 1999b). While it may not have been the intention of Home Office Ministers and police managers to escalate the disproportionate use of coercive power against black people, this was, in fact, what occurred during the late 1990s. Disproportionate stop and search activity makes it more likely that wrongdoing among black people comes to the attention of the police than wrongdoing among other ethnic groups. Enforcement activity of this kind is *experienced* as police harassment which is a problem in itself, but also leads to distrust and fear of the police and the criminal justice system more generally (Phillips and Brown 1998). This distrust sets the context for police-public encounters: it predisposes the person suspected by the police to challenge the basis for police legitimacy which increases the likelihood of arrest.

Proactive policing has contributed to criminalisation of ethnic minorities, and also to damaging the confidence and trust of these same communities. In giving evidence to the Lawrence Inquiry, former Metropolitan Police Commissioner Sir Paul Condon acknowledged the 'unfair use' of 'arbitrary powers' and current senior officers concur privately that stop-search powers are being used unfairly and unlawfully. This point is underlined by the fact that the power to stop and search under the Prevention of Terrorism Act 1989 was used disproportionately against black and Asian people even though there were no grounds for suspecting their involvement in IRA activities that were the target of the legislation (Home Office 1998, Bowling and Phillips 2002: 142).

*Pre-trial decisions: arrest, prosecution, remand and mode of trial*

Black people are disproportionately likely to be arrested by the police for a wide range of offences in comparison to both their 'white' and Asian counterparts (Home Office 2002). Once in police detention they are less likely to be cautioned or to have 'no further action' taken against them, and are consequently more likely to be formally proceeded against by the police (Phillips and Brown 1998). In the case of juveniles, black suspects are less likely to be referred to a multi-agency panel (an important mechanism for diverting cases away from court) and more likely to be charged (*ibid.*). In some instances this appears to be the

result of direct discrimination by police officers who deliberately 'over-charge' black suspects (*ibid.*). In another example of indirect discrimination, black arrestees, who are more likely than their white counterparts to deny the offence for which they have been arrested, are unable to take advantage of the less severe outcomes of the arrest process and face a greater chance of facing formal action (*ibid.*).

Although black and Asian lawyers have complained of racism within the legal profession (and it would be surprising if there were none) the role of the Crown Prosecution Service (CPS) does appear to be anomalous in that its decisions tend to favour ethnic minority defendants. Thus, defendants of African, Caribbean and Asian origin are *more* likely to have their cases terminated by the CPS either because the evidence presented by the police is weak or because the public interest was against prosecution (because the allegation was trivial, for example) (Phillips and Brown 1998). This might be explained by the fact that CPS decision-making is largely recorded, subject to detailed guidance for prosecution, and taken mainly on the neutral criteria set out in the Code for Crown Prosecutors. It is noteworthy that (*ibid.*) found that in about 40 per cent of cases, prosecutors had no information about the arrestee's ethnic origin. Prosecution is a point in the criminal justice process where levels of discretion are at their lowest and where subjective factors play the least prominent role. It is also the case that the ethnic diversity of the CPS is much greater than the police service and many other criminal justice agencies (Home Office 2000, Bowling and Phillips 2002: 220-3).

One of the clearest examples of indirect discrimination is the effect of remand status on subsequent sentencing decisions (Bowling and Phillips 2002: 154-5, 169-71). Empirical research studies show that black people are significantly more likely to be remanded in custody before and during their trial (Walker 1989, Hood 1992, Phillips and Brown 1998). This is very important because studies of prosecution and sentencing show that there is an increased likelihood that a defendant who has been remanded in custody during the court process will be sentenced to custody if they are subsequently convicted. Being 'of no fixed abode' is one of the most common criteria for refusing bail; and, as we have seen (above), homelessness or unstable housing conditions disproportionately affect people from ethnic minority communities who are, as a result, more frequently remanded in custody. Defendants who are remanded in custody have fewer opportunities to prepare their defence and to appear clean and well dressed in court, with



the effect that, on conviction, they stand a greater chance of being sentenced to custody. Thus, the apparently neutral legal factor relating to the likelihood of court appearance is loaded against ethnic minorities.

A similar indirect effect occurs in relation to election for Crown Court trial and not-guilty pleas, options which are taken more frequently by black defendants who appear to be more hopeful of a fair trial by jury rather than in the Magistrates' Court. Black defendants also lose out on discounts for guilty pleas when they plead 'not guilty' either because they are genuinely innocent, believe themselves to be innocent or simply feel unable to trust the system. However, election for Crown Court and entering a 'not guilty' plea both increase the likelihood of the most serious sentence being imposed in the event of a conviction. Each of these practices cumulatively disadvantages ethnic minority defendants, especially those of African-Caribbean origin.

### *Sentencing*

The empirical research evidence indicates that, on conviction, black people are more likely to be sentenced to custody, even once all other legally relevant factors have been considered (Hood 1992). When imprisoned, sentences are longer for both blacks and Asians than whites. Hood's (1992) definitive multi-variate analysis of sentencing practices in the West Midlands found that in the region's Crown Courts in one year, black defendants had a seven per cent greater probability of having a custodial sentence imposed than white defendants once all conceivable legally relevant factors were accounted for. Black defendants also received longer sentences than their white counterparts for comparable offences.

Although Hood's data are now more than a decade old, this study remains powerful evidence to explain discrimination within contemporary criminal justice practice. First, the study provided conclusive evidence that direct discrimination was an important contributory factor in explaining black over-representation in prison in addition to the indirect effects explained above (Bowling and Phillips 2002: 181-7). As Hood (1992: 190) put it, '[i]t will not be possible any more to make the claim that all the differences in the treatment of black offenders occur elsewhere in the criminal justice system. At least some of it occurs in the courts, and more often in some localities than others'. Second, custodial sentences imposed unfairly ten years ago have affected the defendant's 'criminal history' and their trajectory up the sentencing tariff. In much the same way that 'compound

interest' can blight the life of the debtor, a seven per cent greater probability of custody at each court appearance could have a very significant cumulative effect in a ten-year period (Bowling and Phillips 2002: 185-7). Finally, there are no compelling reasons to believe that sentencing practices have changed markedly in the intervening period. Studies of the scale and complexity of Hood's *Race and Sentencing* are unlikely to be replicated frequently. Until such replications are forthcoming, we must assume that direct and indirect discrimination persists in sentencing practice.

### *Imprisonment*

Imprisonment is the end-point of the criminal justice process and its most obvious 'product'. Levels of imprisonment can be measured either by raw numbers of people from different groups in prison, or by '*per capita*' rates of imprisonment. These latter figures published in Prison Statistics measured as the number of prisoners for every 100,000 population (Home Office 2001, figure 6.6). These figures indicate that compared with white people (imprisoned at a rate of 188 per 100,000 population), British nationals of African and Caribbean origin have significantly higher rates of imprisonment at 1,615 per 100,000. Among people of Asian origin — Pakistani (328), Chinese and 'other Asian' people (1,399) have rather higher *per capita* rates of imprisonment than whites, but those of Indian (126) and Bangladeshi origin (183) have lower rates. The most startling of these statistics is that which indicates that 1.7 per cent of the black Caribbean population in England and Wales is in prison, eight times that of the white population (*ibid.*). We do not, at present, know the *per capita* rate of black imprisonment among particular age groups (young males have a much greater likelihood of imprisonment), nor the 'lifetime imprisonment' rate.

The ethnic minority prison population has fluctuated with the rises and falls of the white majority prison population. However, over the past 15 years, the overall increase in the ethnic minority prison population has far outstripped that of the white population. Thus, among males, while the white prison population has increased by 31 per cent, the black population has grown by 109 per cent, the South Asian by 71 per cent, and 'Chinese/other Asian' population has increased by 128 per cent. The women's prison population has risen more sharply than the male prison population and again, the white prison population has increased by 106 per cent (to 2,522) while the black population has increased by 235 per cent (to 643 prisoners) and the Chinese/Other has gone up



by 206 per cent to (153 prisoners). Against a general trend of increasing imprisonment, the number of South Asian women in prison has remained at a more or less constant low level: while there were 28 South Asian women in prison in 1985, there were still only 36 in 2000, a relatively modest increase of 29 per cent.

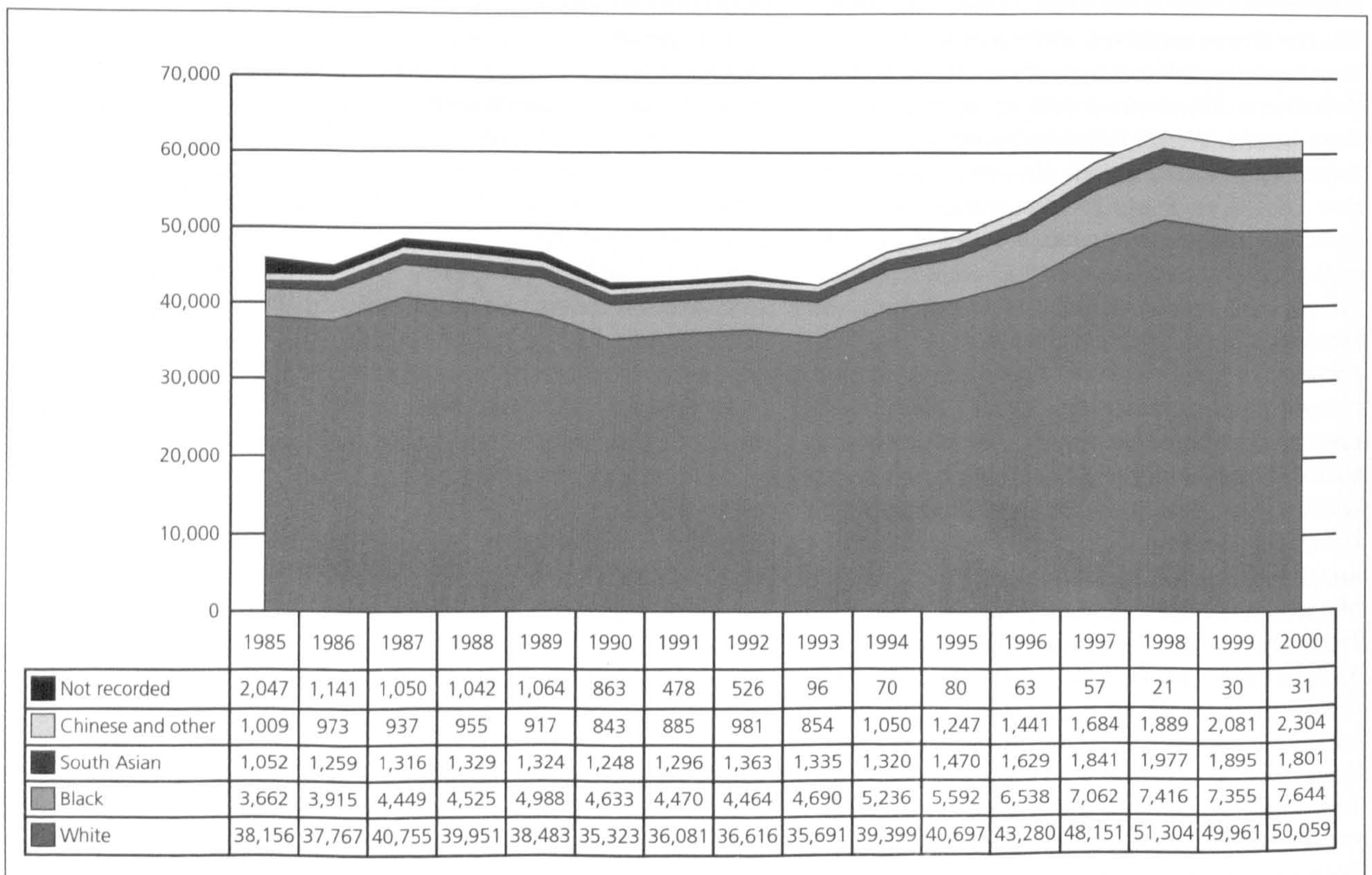
Although there is insufficient recent research looking at the experience of individuals from ethnic minorities once in prison, the evidence we have shows that they are likely to be discriminated against, for example, suffering racist abuse and a lower likelihood of early release (Bowling and Phillips 2002: 192-212; Genders and Player 1989, Chigwada 1997, Clements 2000). Stereotyping of black people as 'violent' and 'dangerous' legitimises brutality against them, and allows their mental and physical health needs to be overlooked when in the care of police and prison services. Similarly, prison officers' desire to 'disperse' black prisoners because of 'control' and 'management difficulties' (Genders and Player 1989) resonates with stereotypes and the 'numbers game' in the immigration debate. The 'textbook management'

of disciplinary infractions by African-Caribbean prisoners is another instance of the 'abuse of discretion' that has the effect of black people being treated more harshly through the imposition of sanctions under prison discipline. On release, black people are faced with discrimination in finding a job because of being both an ex-offender and a member of an ethnic minority community. If their experiences lead them back into offending and propel them back into the criminal justice process, any previous custodial sentence will increase the chances that on conviction they will be imprisoned again.

### Conclusion

In the early days of Thatcherism, the acutely perceptive sociologist Stuart Hall identified a drift towards a 'law and order society' (Hall 1980). In the following two decades of increasingly 'tough' measures in criminal justice, the powers of the police have widened dramatically, the sentences of the courts have been growing longer and the prison population has expanded far beyond what

**Figure 1<sup>1</sup>** Population in prison, by ethnic group 1985-2000, males only



1. These figures show the ethnic minority prison population for British nationals only. Including foreign nationals, 19 per cent of male and 25 per cent of female prisoners are from ethnic minority groups (Home Office 2001).



might have been predicted in the early 1980s. The impact of this 'populist punitiveness' (Downes and Morgan 2002) has been particularly severe on the population of African and Caribbean origin.

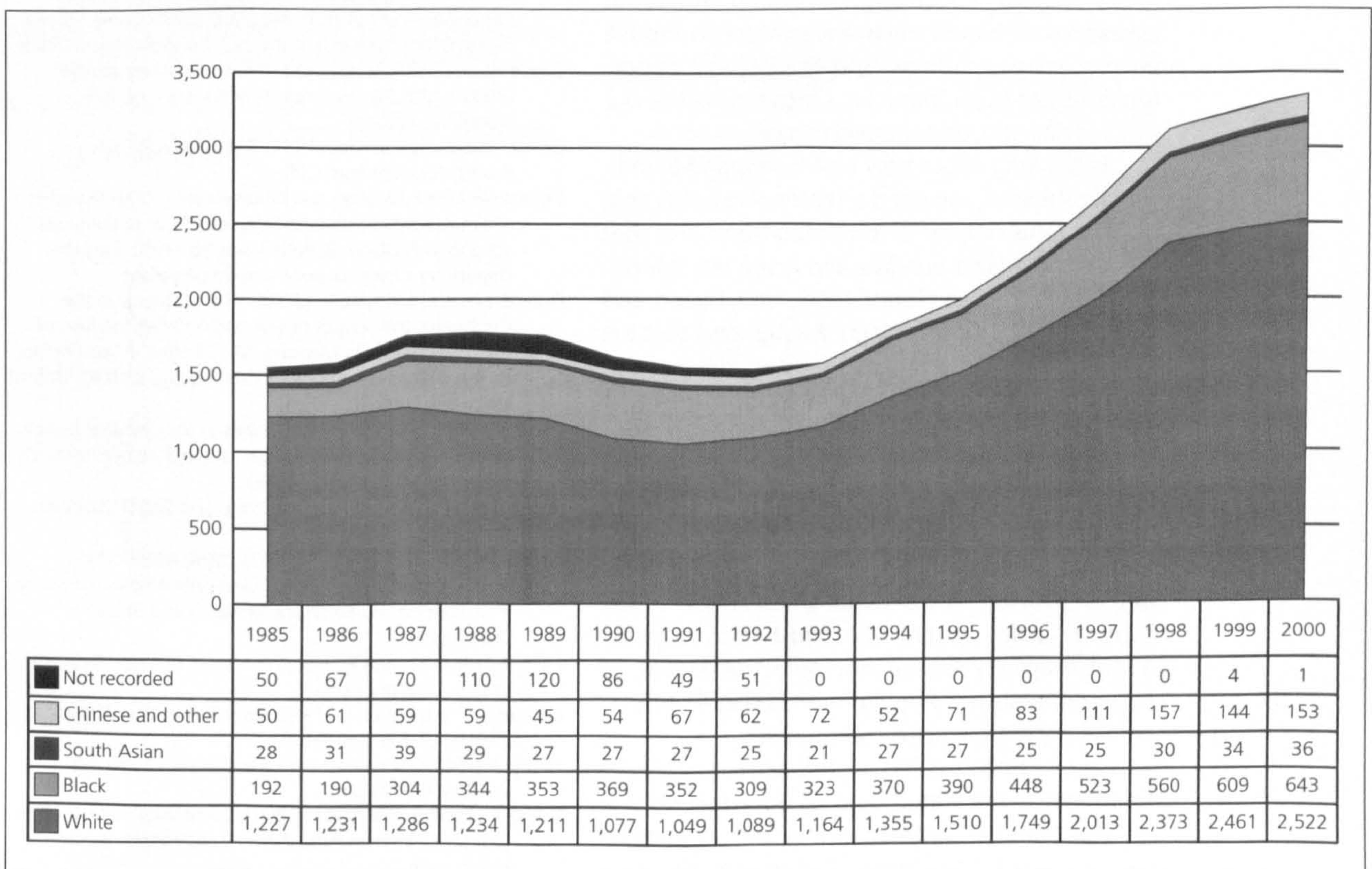
Criminalisation is the fulcrum of racialised social exclusion; it is where the *metaphor* of social exclusion is transformed into an explicit, formal social practice and personal experience of being literally excluded from society. In England and Wales as a whole, one in three males born in 1953 will have acquired a criminal record by the time they are 40 years old and seven per cent will have served a prison sentence. Of course, these figures will be much higher for men of African-Caribbean origin, though by how much is unknown. Whatever the figures, it is clear that over the past few decades, a significant proportion of the black population has acquired criminal records including intelligence files, stop/search and arrest histories, criminal convictions and prison records.

The experience of prison profoundly disrupts the social stability of those who endure it, and this clearly has consequences that stretch back into the roots of the community. Criminalisation and

prisonisation have predictable effects such as exclusion from the job market, the creation of barriers to maintaining rented property, mortgages on homes and the provision of support to families. Prison splits families, exerts stress on the partner, children and others whose mother, father or partner is behind bars. In effect, disproportionate imprisonment compounds and concentrates poverty among those who are already most likely to be socially excluded.

In a number of ways, the present situation for people from ethnic minority communities in Britain echoes that in the USA, described in detail in Michael Tonry's (1995) *Malign Neglect*. Tonry argues that the US 'War on Drugs' had an extremely damaging effect on the nation's inner city ethnic minority residents. This effect, he argues, was clearly foreseeable by policy-makers who should be held 'morally accountable for the havoc they have wrought among disadvantaged members of minority groups' (1995:104). Despite indications that drug use was in decline before the 'war' was mounted, and that, drug use was lower among African Americans than their white

**Figure 2'** Population in prison, by ethnic group 1985-2000, females only



1. These figures show the ethnic minority prison population for British nationals only. Including foreign nationals, 19 per cent of male and 25 per cent of female prisoners are from ethnic minority groups (Home Office 2001).



counterparts, drug trafficking was portrayed in the media as a phenomenon of the inner city. 'Supply-reduction' approaches increased levels of law enforcement by the police in minority communities, harsher sentencing, and a decline in funding for education and drug treatment programmes. The result was a doubling of the prison population after 1980 with much greater increases in the ethnic minority communities. In an earlier article, Tonry (1994) pointed out that the extent of racial disproportionality was at least as great in English prisons as it was in the USA though the extent of imprisonment was much smaller. Our anxiety now is that any further steps down the road towards the use of mass incarceration is that it will have a profoundly damaging effect on life within black British communities.

We urge criminal justice policy-makers and practitioners to use all available means to prevent further criminalisation of the black community in Britain. In our view, this means taking an alternative path towards a more inclusive criminal justice process, emphasising the values of fairness, harm reduction, community safety, restorative justice. Policies in this direction would aim to build the resilience of communities through investment in family support, education, citizenship and youth leadership. It would mean investment to reduce poverty, increase training and employment opportunities so as to put hope back into the lives of our most socially excluded young people.

In thinking about how best to respond to individual offenders, we need a sentencing policy that enables rehabilitation and reintegration and that produces the *least punitive and restrictive punishment* in each case (Tonry 1995, von Hirsch and Roberts 1997, Hudson 1993). Recognising that the pursuit of 'just deserts in an unjust world' is reprehensible, a 'social adversity mitigation' policy is required to prevent ethnic minority offenders having their employment and social status held against them at the point of sentencing. We agree with von Hirsch and Roberts' (1997) recommendation that 'there should be an explicit aim of seeking to alleviate gross racial imbalances in the criminal justice system'. We must think urgently about ways to reduce not only the extent of imprisonment, but also limit its damaging effects on already marginalised communities.

In an 'outcomes-led' world, where equality of treatment is the stated goal of government, it is an indictment of English society and its criminal justice process that fairness, justice and liberty are so unevenly distributed. We are of the view that present trends in criminal justice practices will, if they are continued, increasingly marginalise,

criminalise and socially exclude ethnic minority communities in the UK, especially those of African and Caribbean origins. These trends, exacerbated by direct and indirect discrimination in policing and the criminal justice process, are now clearly visible. While these malign effects are continuing, no politician or policy-maker can claim, like Lord Scarman claimed more than 20 years ago, that it is happening 'unwittingly' (Scarman 1981). On the contrary, racial discrimination in law enforcement and the criminal justice process are happening 'knowingly, as a matter of policy' (*ibid.*). In the name of justice, it is time to start undoing the criminalisation of black people in Britain.

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# Criminal Justice Bill

## a summary

**The Criminal Justice Bill proposes changes, announced in the White Paper *Justice for All*, in criminal trials and sentences. Two other Bills will also introduce important changes: the Courts Bill and the Sexual Offences Bill (and a Victims Bill is being considered).**

### Criminal trials

The Criminal Justice Bill is designed to ensure criminal trials are run more efficiently. Its measures include:

- ❑ reforming rules on advance disclosure of evidence;
- ❑ introducing judge-only trials in complex fraud cases and other cases in which trials have collapsed due to jury intimidation or bribery;
- ❑ reforming the rules on jury service;
- ❑ allowing the use of previous convictions where relevant;
- ❑ admitting hearsay evidence in certain cases; and,
- ❑ introducing retrial in very serious cases despite an acquittal if there is new and compelling evidence.

### Reform of sentences

The Bill will reform the sentencing framework in the light of proposals made in the Halliday report with the intention of providing each offender with a sentence that best meets the needs of the case. These reforms include establishing:

- ❑ the purposes of sentencing adults as: punishment, crime reduction, public protection and reparation;
- ❑ the principles of sentencing, including regarding an offender's previous convictions as an aggravating factor which justifies more severe sentencing;
- ❑ a Sentencing Guidelines Council (chaired by the Lord Chief Justice and composed of judges) to produce guidelines to enable all courts to sentence from a common starting point (the Sentencing Advisory Panel will continue to exist and will provide advice to the Council); and,

- ❑ a new range of sentences.

The new range of sentences is aimed at providing a better and more flexible range of community sentences while strengthening the custodial sentences, especially for serious offenders.

#### *New generic community sentence*

The various existing community sentences will be replaced for adult offenders with a single generic community sentence. Sentencers will be able to attach conditions or requirements to the sentence, making it more flexible than current sentences. These requirements include unpaid work and reparation, supervision, prohibitions on certain activities, offending behaviour programmes, curfew, exclusion, drug treatment and testing, alcohol treatment, mental health treatment, and a residence requirement.

This will enable a sentence to be tailored, using whatever conditions are appropriate, to meet the needs of the case and the offender. If the offender breaches a condition/requirement of the sentence, a court will be able to amend the order to make it more onerous by re-sentencing the offender, or, if the breach was wilful and persistent, by imposing a custodial sentence even if the original offence was not imprisonable.

#### *New prison sentences*

The new suspended sentence ('**custody minus**') will require the offender (a) not to commit another offence during the period of suspension and (b) fulfil other requirements as in a community sentence. These sentences will be more widely available than existing suspended sentences. Additionally, the court will be able to review offenders' progress under custody minus thereby enabling sentencers to play a more active role in determining what is needed, not just at the point of sentence. This builds upon arrangements for sentencers to be involved in the drug treatment and testing orders (DTTOs).

Custodial sentences of less than 12 months will be replaced by '**custody plus**'. New custodial sentences of less than 12 months will consist of a short 'custodial period' of between two weeks and three months followed by a period of post-release supervision of at least six months. At the point of sentence the court will specify the length of the



custodial and the post-release supervision period — at present sentences of under 12 months have no post-release supervision.

To allow Magistrates to make full use of the new sentence of custody plus, as well as being able to pass a sentence of 12 months imprisonment for one offence, Magistrates' sentencing powers are to be extended to enable them to sentence to 12 months imprisonment in respect of one offence, and to 15 months imprisonment in respect of two or more offences for which the terms are to be served consecutively. It is hoped that this will encourage Magistrates to retain more either-way cases for trial. This should help reduce the number of cases being referred to the Crown Court, which the other measures in the Bill, such as abolishing committal for sentence, are also designed to achieve.

A new way of serving a custodial sentence will be introduced in the new sentence of **'intermittent custody'**. Serving either two or five days a week in custody the new sentence will enable offenders to maintain links in the community which are known to reduce the risks of re-offending, for example employment, education and childcare. While they are in the community, between the intermittent periods of custody, an offender will be subject to licence conditions. If licence conditions are breached offenders will be recalled to prison and lose the privilege of intermittence. Like 'custody plus', the length of the custodial period will be between two weeks and three months with at least six months on licence.

**Prison sentences over 12 months** will be served half in custody, and all the other half under supervision post-release. The Prison and Probation Services will be able to attach specific requirements to the part of the sentence served in the community to prevent re-offending and protect the public. Should the offender breach any of these requirements then they may be recalled to custody. Offenders who have been assessed as 'dangerous' will not be eligible for the restructured custodial sentences of 12 months or more under the new provisions.

To strengthen post-release supervision, the Bill will enable the National Probation Service to recall

offenders straight to prison, where their case will be considered by the Parole Board. Currently most recalls have to be authorised by the Parole Board. The new arrangements will ensure that offenders are recalled to prison swiftly when they break the conditions of their licences.

New sentences will be introduced for serious violent and sexual offenders, including keeping dangerous offenders in prison until they are assessed as being no longer dangerous. Offenders who have committed a sexual or violent offence carrying a maximum sentence of between two and ten years imprisonment and who are assessed as dangerous will be given the new sentence of **variable protective custody**. Release during the second half of this sentence will be upon the recommendation of the Parole Board and extended supervision periods of up to nine years may be added to this sentence.

Dangerous offenders who have committed a sexual or violent offence carrying a maximum sentence of ten years or more will get either a **discretionary life sentence** or the new sentence of **imprisonment for public protection**. Under this sentence release will only be upon the recommendation of the Parole Board.

#### *Multi-Agency Public Protection Arrangements*

The Criminal Justice and Court Services Act (2000) required the police and probation services in each of the 42 Areas of England and Wales to establish arrangements for the assessment and the management of the risks presented by sexual and violent offenders. These arrangements are often referred to as the multi-agency public protection arrangements (MAPPA<sup>1</sup>) because agencies other than the police and probation need to be and often are involved. The Bill will impose a duty to co-operate in the MAPPA upon those bodies which can contribute to the MAPPA. These include health authorities, local government housing and social services and Youth Offending Teams. The Prison Service will become part of the 'responsible authority' with the police and probation services. A key feature of the duty to co-operate will be the timely exchange of information to enable rigorous risk assessment and robust risk management.

1. NB An important feature of these arrangements, the MAPPA, is the Multi-Agency Public Protection Panels, often abbreviated to MAPPPs. These panels are the highest of three tiers of risk management in the MAPPA to which the very few people (the 'critical few') who present the highest risk and/or whose management is complex are referred. A confusion sometimes arises when reference is made to MAPPPs when what is actually being referred to is the totality of the arrangements, the MAPPA.



# Experience of Counselling

by SOTP Facilitators at HMP Acklington

*Helen L. Hart, Higher Psychologist, HMP Acklington.*

**The Prison Service Sex Offender Treatment Programme (SOTP) was first piloted in 1991. It is a cognitive-behavioural treatment approach which is run with groups of eight or nine prisoners. Multi-disciplinary Prison Service staff are trained to 'facilitate' the programme which has now been developed to form five different types of course — Core, Booster, Extended, Rolling and Adapted<sup>1</sup>. A lot of research has been conducted about the effects facilitators running the Sex Offender Treatment Programme (SOTP) may experience. Guidelines for selecting and evaluating facilitators who work with sex offenders include the ability to cope with stress and to seek support if required (McConnell et al 1990, Mann 1992).**

It has been found that although facilitators report mainly positive effects of their work with sex offenders, they also cite a number of negative effects such as relationship difficulties and sexual problems (Turner 1992). Perhaps more disturbing is the possibility that facilitators may experience specific psychological problems which will effect their work performance significantly and also their general health. Fruedenburger and Robbins (1979) identified 'burnout' as a direct consequence of prolonged stress resulting from working with difficult populations. This is characterised by depression, boredom, cynicism, loss of compassion and discouragement. McCann and Pertman (1990) used the term 'vicarious traumatisation' which they said occurred through hearing graphic, traumatic information and could permanently affect the facilitator's cognitive schemata, leading to problems with relationships and life in general. Due to findings such as these, compulsory support sessions (counselling) have been incorporated into the arrangements for running SOTP in prisons. The main reason the sessions are compulsory is so that facilitators who feel that

they need counselling are not stigmatised by being the only people to ask for 'help'.

Beech et al (1998) found that generally facilitators welcome their counselling sessions. However some have had negative experiences of their counselling, feeling that the counsellor was trying to be too intrusive — asking questions about their personal lives which they felt under pressure to answer. Some were wary about the confidentiality of issues discussed, particularly with regard to information being passed to management. These facilitators felt that admitting to 'problems' could lead to being removed from their groups. Others said they have experienced being told that they 'can't cope.' It was also found that most facilitators felt they would benefit from more support than they received. Although there are many studies which have outlined the effects of working with sex offenders, there are few studies which seek to highlight whether or not they feel that counselling actually helps them to deal with these effects. A study was conducted at HMP Acklington to discover facilitators' views about the counselling service which they receive, to ensure that needs were being met as well as possible and to suggest recommendations to improve this if necessary.

## The prison, counselling and the research

HMP Acklington is a Category C prison situated in the North-East of England which holds determinate sentence sex and other offenders, and a number of life sentence prisoners. The SOTP has been running at HMP Acklington since 1994. Facilitators have mainly been involved in running the Core and Booster programmes, although one Extended programme and one Adapted

1. Further information on SOTP is available from the Offending Behaviour Programmes Unit in Abell House, John Islip Street, London SW1P 4LH.



programme have been completed and the Rolling programme is now offered. The organisation responsible for facilitator counselling at the prison is called 'Care First'.

Care First is part of General Healthcare Group Ltd which provides private acute and psychiatric care. Care First provides services to public and private sector organisations and specialises in workplace counselling and occupational health. The Service offers SOTP facilitators three counselling sessions throughout the duration of the SOTP they are running although facilitators can request additional sessions if necessary. Other services offered by Care First include free 24 hour telephone counselling, critical incident management and training. The counsellors adhere to the British Association of Counselling Code of Ethics and receive regular supervision.

All current SOTP facilitators (18 in total) were given a questionnaire which consisted of 19 questions relating to:

- ☐ general satisfaction about various aspects of the counselling process at HMP Acklington;
- ☐ level of awareness about relevant information related to the counselling process; and,
- ☐ any practical improvements which could be made.

Three facilitators (two men and one woman) were also interviewed using a semi-structured interview to gather qualitative data about their experiences of the counselling sessions. Completed questionnaires were received from 15 facilitators (eight female and seven male) who had run an average number of three programmes each (including all types of SOTP).

### Findings

In general, satisfaction levels regarding counselling among the facilitators were fairly high. Individual responses about satisfaction included 'it has improved considerably over the past year since Care First took over', 'appointments are usually made at convenient times', and 'I was able to discuss a wide range of issues.' Interview responses included 'the counsellor is really helpful and easy to talk to' and 'she seems to know what she is doing unlike my previous counsellor.' There were no dissatisfied views expressed.

Overall, *male facilitators* were more satisfied with the counselling service than *female facilitators*. It was found that facilitators felt most comfortable discussing their SOTP group members with the counsellor and least comfortable about discussing their sex lives. In general, responses

given as to why facilitators would prefer not to discuss their sex-lives if they were having difficulties in this area included 'it is private', 'it would be embarrassing' and 'it is too personal.' Interview responses included 'it is difficult to talk about prison issues because I assume the counsellor does not know much about the Prison Service' and 'sometimes it is hard to talk about issues relating to my family because it takes too long to explain and she may have forgotten names of people by the next session.'

Regarding awareness about the confidential telephone service, comments included 'I don't have the phone number and would feel uncomfortable asking management team for it' and 'I have not been provided with details of this.' Some facilitators also reported that they would feel embarrassed to use this service or that they would feel as if they were wasting people's time. With reference to asking for additional counselling sessions comments included 'this would raise concerns among the management team. It feels like they are the ones who make a decision whether or not you continue. Therefore if I wanted to I would be unlikely to raise concerns' and 'any problems could wait until my next counselling session.'

Facilitators were also asked about their opinion of the counsellor reporting concerns to the Treatment Manager. In general there were more positive responses to this question than negative responses. Comments included 'I understand this if it relates to potential harm to self or others but only in those circumstances', 'it makes people more likely to be secretive', 'there should be complete confidentiality', 'looking out for the safety of the individual', 'duty of care.'

General comments on improvements to the service focused mainly upon providing a location outside the prison for counselling sessions, providing support to the families of facilitators if requested and also the feeling that the service was 'tokenistic' as it was provided simply to meet 'targets.'

### Conclusions

The findings of this study are similar to those found by Beech *et al* (1998) in that although facilitators are generally happy with their counselling, some facilitators expressed concerns about issues such as confidentiality and the consequences of being perceived to have 'problems'. This may suggest that the prison environment is not conducive to acknowledging personal effects of working with sex offenders. It is likely that, as SOTP Staff Awareness Training continues to target an



increased population within the prison, this culture may change. Within facilitator teams, it could be that as people do not generally discuss how the work may affect them (for example during the debrief) that the perception is that no one is experiencing problems. Therefore there may still be a stigma attached to acknowledging any personal effects of the work. This suggests that a more effective use of the 'debrief' time at the end of each session should be utilised.

Skilled 'debriefers' should be used to 'tease out' how the session has personally impacted on the individuals. Also, it has been mentioned in the past at HMP Acklington that there may be a need for 'support groups' to operate which may provide staff with the forum to discuss specific concerns. Rather than specific groups, it may be a more time-effective suggestion to have on the agenda of every facilitators meeting an item in which facilitators might raise specific concerns. Should this prove difficult or impractical, another suggestion could be to have designated 'support facilitators' who can be approached by facilitators for an opportunity to discuss any issues which may be concerning them between counselling sessions. Ideally, 'support facilitators' should be experienced facilitators and there should be both male and female members of staff in this role. The role of these members of staff should be publicised within the SOTP Team and care should be taken to ensure they are not seen as an extension of the Management Team as this would affect their usefulness in this role.

One explanation to account for the gender difference could be that the specific counsellor working with facilitators was female. It could be that receivers of counselling respond more favourably to members of the opposite sex. A more concerning explanation is that female facilitators may have greater concerns to explore through counselling as a result of the nature of the offences they deal with. Perhaps the characteristic of 'gender' was not actually what influenced the results. The profession of the facilitators was not taken into account. Rather than a gender difference, results could be due to the male facilitators being mainly prison officers and the female facilitators being mainly probation or psychology staff. These differences could have influenced the results rather than gender. Future studies could test this hypothesis.

It was found that the issue least likely to be discussed with counsellors related to facilitators sex-lives. Although this is not surprising, it is concerning as research suggests that sexual difficulties

may commonly be experienced as a result of working with sex offenders. Denial of difficulties such as these could lead to greater problems in the long-term such as relationship difficulties. During the semi-structured interviews it was reported that the counselling is too infrequent to be able to build the level of trust required for such intimate disclosures and also that the location of the sessions meant that facilitators were worried about being overheard during counselling. An alternative venue for the sessions may help people to feel more at ease during counselling and this has been the main improvement to the service that facilitators have mentioned.

Some facilitators said they would feel more able to discuss issues relating to prison/SOTP management if the counsellor knew more about these issues in advance as too much time could be 'wasted' having to explain the mechanics of the structures. This could be overcome to some extent by inviting the counsellors to SOTP Staff Awareness Training and providing them with information packs about the Prison Service in general and HMP Acklington. Some facilitators felt that they should only use the sessions to discuss particular issues relating to SOTP rather than wider problems which may concern them. One facilitator said he was concerned about mentioning some topics in case the counsellor told him it was not relevant to the counselling session. This can be overcome by greater discussion about the role of counselling during facilitators meetings and the counsellor could be advised to let the facilitator know that they can use the time to discuss anything.

Although most facilitators were aware of the telephone service and additional counselling sessions, few said they would use these services. Regarding the telephone service, some facilitators did not have the number and felt uncomfortable asking for it. It would be useful to have this publicised in the general office of the Programmes Unit so that facilitators do not need to ask people for it. There were concerns expressed by some facilitators about requesting additional counselling because 'managers' would find out about this and questions would be asked about why the counselling was needed. A solution could be found through discussions at facilitators' meetings about the best way to ensure a level of confidentiality is maintained regarding this. Some of these worries were also expressed regarding the Treatment Manager being made aware of specific concerns by the counsellor.

There was an element of concern about the types of things that the counsellor would make



the Treatment Manager aware of and also what the reasons for this were. Also, the consequences of such disclosures were a cause for concern as some facilitators felt they would automatically be excluded from future groups if they were viewed as 'poor copers'. Anxieties about this may be allayed by the Treatment Manager using the facilitators meetings to clarify

this. Facilitators' satisfaction should be of primary importance to establishments as they are a major resource in terms of their training, skills and experience. This study has identified a number of improvements to the service offered at HMP Acklington which could be applied to other SOTP establishments. These are summarised below.

### Recommendations

1. The role of the 'debriefers' should be developed so that specific time is given to facilitators at the end of each session by experienced SOTP facilitators.
2. 'Debriefers' should be trained in their roles so consistency across groups is maintained and to instil confidence in 'debriefers' and facilitators.
3. The need for specific 'support' roles should be investigated, whether these are support groups, support facilitators or simply a standing item at each facilitator meeting so facilitators can raise concerns within a designated forum.
4. An alternative venue for counselling sessions should be offered outside the establishment.
5. More information should be given to counsellors about prison management structures and SOTP management structures so there is no need for facilitators to have to explain this if they are discussing it in sessions. Prison managers could be invited to SOTP staff awareness sessions and provided with relevant information about prison service management structure in general.
6. Facilitators could be provided with a leaflet about their counselling service at the start of their first session for each group. This could include information such as the role of counselling and also make it clear that the time is for facilitators to use to discuss any issues which they feel relevant to them, not only SOTP related issues.
7. The telephone number of the free counselling service should be displayed so that facilitators have access to it without the need to ask somebody.

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# Post-traumatic Stress Disorder among Prisoners

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## Introduction

The Prison Mental Health In-Reach Collaborative was launched in November 2002. It is a fundamental component of the prison mental health modernisation agenda and crucial to the implementation of the strategy set out in the Department of Health document *Changing the Outlook: A Strategy for Developing and Modernising Mental Health Services in Prisons* (Department of Health, 2001). The Collaborative has been developed in Partnership with the National Institute of Mental Health (NIMHE) with additional input from the NHS Modernisation Agency

The overarching aim of the Collaborative is 'to improve the mental health care provided to prisoners who need it and to help in providing the correct amount of appropriately trained and skilled staff'. One of the core mental health problems, which is increasingly being recognised within prison environments, is that of Post-traumatic Stress Disorder (PTSD). Although PTSD has only existed as a diagnosis since 1980 (American Psychiatric Association, 1980), and 1992 using the International Classification of Diseases (World Health Organization), the psychological and social effects of being exposed to a traumatic event have been documented throughout history (for example, 'shell shock' (Southard, 1919); 'traumatic neurosis' (Kardiner, 1941); and rape trauma syndrome (Burgess and Holstrom, 1974). Furthermore, Daly (1983) described how Samuel Pepys suffered from nightmares and intrusive imagery following the 1666 Great Fire of London.

The prevalence of PTSD in the general population, according to the *Global Burden of Disease* (2000), is 0.37 per cent (Murray and Lopez, 1997).

Data on the prevalence of PTSD (as with all anxiety and depressive disorders) in prisoners is not routinely collected and collated. However, the survey recently conducted by the Office of National Statistics (Singleton, Meltzer, Gatward, Coid and Deasy, 1998) of Psychiatric Morbidity in Prisoners sampled from all 131 prisons in England and Wales, reported a prevalence for the common mental disorders (anxiety and depression) of 60 per cent. In addition it examined ICD-10 (WHO, 1992) comparable diagnosis of PTSD in the sampled prisoners. The survey found three per cent (nine times greater than the general population) of male sentenced prisoners, five per cent (15 times greater than the general population) of male remand prisoners and nine per cent (27 times greater than the general population) of female remand prisoners suffered from probable current PTSD. However, it is important to note that the interview schedule did not screen for one part of the diagnostic criteria (inability to recall an important aspect of the event: 'criterion d'). Yet, although the prevalence may be slightly inflated, it is highly unlikely that the absence of screening for 'criterion d' would be sufficient in explaining the extreme high rates of PTSD found in this population.

The purpose of this paper is to disseminate the most up-to date information on:

- ☐ PTSD definition and diagnosis;
- ☐ PTSD symptoms;
- ☐ the risk of being exposed to a traumatic event;
- ☐ specific PTSD areas in prisoners and the implications for the Prison Service;
- ☐ detection and treatment;
- ☐ legal issues to be considered when providing therapy;



- ☐ the management/care of PTSD in the absence of therapy; and,
- ☐ the need for multi-professional staff training.

used when a person develops symptoms at least six months after the traumatic experience occurred.

### Definition and Diagnosis

PTSD is classed as an Anxiety disorder in the fourth Edition of the *Diagnostic and Statistical Manual* (American Psychiatric Association, 1994). A diagnosis of PTSD is made after a person has been exposed to an extreme traumatic stressor involving:

*direct personal experience of an event that involves actual or threatened death or serious injury, or a threat to the physical integrity of self or others. And at the time of the trauma the person must have felt intense fear, helplessness, or horror.*

The person then later develops three persistent clusters of symptoms:

- ☐ re-experiencing the trauma;
- ☐ avoidance of trauma related stimuli; and,
- ☐ symptoms of increased arousal.

The symptoms must be present for more than one month and cause significant impairment of functioning. When diagnosing PTSD, DSM-IV provides three specifiers which should be used: (1) Acute, this specifier is applied when a person's Post-traumatic Stress symptoms are less than three months in duration; (2) Chronic, this is used when a person has had symptoms for longer than three months; and (3) With delayed onset, this is

### PTSD Symptoms

PTSD symptoms can vary and are demonstrated in Table 1. A diagnosis of PTSD requires that at least one symptom of re-experiencing the trauma; at least three symptoms of avoidance of trauma related stimuli, and at least two symptoms of increased arousal are detected.

### The Risk of Being Exposed to a Traumatic Event

Meichenbaum (1994) suggests that the type of trauma a person experiences can be categorised into three types: (1) Natural Disasters (for example, Floods, Storms, Earthquakes and tremors, Avalanches); (2) Accidental Disasters (for example, Plane, Train, Car, Coach); and (3) Man-made Disasters (for example, Bombings, Rape, Assaults, Robbery). There are no current epidemiological studies from the UK, which examine a person's lifetime likelihood of being exposed to a traumatic event. However, **US research suggests that 75 per cent of the US general population have in their lifetime, been exposed to a traumatic event which was considered significant enough in its severity to be classed as having the capacity to cause PTSD** (Green and Lindy, 1994). While Breslau *et al.* (1998) in a study in Detroit found the rate to be higher at 89 per cent (out of a sample of 2181 people). The mechanisms that determine whether one person develops PTSD and another are not fully understood. However, it

Table 1: DSM-IV Post-traumatic Stress Symptom Criteria

(1) Re-experiencing symptoms	(3) Avoidance Symptoms	(2) Increased Arousal Symptoms
<input type="checkbox"/> Distressing memories	<input type="checkbox"/> Thoughts	<input type="checkbox"/> Difficulty falling/staying asleep
<input type="checkbox"/> Distressing images	<input type="checkbox"/> Feelings	<input type="checkbox"/> Panic
<input type="checkbox"/> Distressing thoughts	<input type="checkbox"/> Conversations	<input type="checkbox"/> Irritability /outbursts of anger
<input type="checkbox"/> Distressing dreams	<input type="checkbox"/> Activities	<input type="checkbox"/> Difficulty concentrating
<input type="checkbox"/> Illusions	<input type="checkbox"/> People	<input type="checkbox"/> Hypervigilance
<input type="checkbox"/> Hallucinations	<input type="checkbox"/> Places	<input type="checkbox"/> Exaggerated startle response
<input type="checkbox"/> Flashbacks	<input type="checkbox"/> Inability to recall an important aspect of event	
<input type="checkbox"/> Distress on exposure to trauma triggers	<input type="checkbox"/> Diminished interest in usual activities	
<input type="checkbox"/> Physiological re-activity to 'triggers'	<input type="checkbox"/> Feeling detached/-estranged from others	
	<input type="checkbox"/> Restricted range of affect	
	<input type="checkbox"/> Sense of foreshortened future	



can be caused by a number of stressors, for example:

- ❑ miscarriage (Helzer *et al.*, 1987);
- ❑ rescue, medical and support workers involved in disasters (Jones, 1985); victims of physical assault (Resnick *et al.*, 1993);
- ❑ warfare (Ross and Wonders, (1993); and,
- ❑ road traffic accidents (Brom *et al.*, 1993).

### PTSD in Prisoner Populations

#### *Suicide/Para-suicide*

In 1997, the Department of Health commissioned the Office for National Statistics to carry out a large-scale clustered survey of psychiatric morbidity in English and Welsh prisons (Stationary office, 1998). The ONS Survey of 1998 found that suicidal thinking and behaviour was a significant problem within prisons. For example, 12 per cent of male remand prisoners had thoughts of suicide in the week prior to interview. The rate for females on remand was even higher. In addition 27 per cent of male remand prisoners had attempted suicide at some point in their life (with 15 per cent in the last year, and two per cent in the week before the interview). Of the female remand prisoners, over a quarter had tried to kill themselves in the year before interview.

The psychological impact of the exposure to suicide and attempted suicide is under-reported. However, it is known that such an exposure would be sufficient in being stressful enough in causing PTSD. Freyne and O'Connor (1992) reported on six prisoners who observed a cellmate's death in prison, three developed full PTSD and the other three developed some PTSD symptoms. Freyne and O'Connor advise that due to the high morbidity of PTSD following the witnessing of a cellmates death that all prisoners should be screened for PTSD after witnessing attempted or actual suicides.

#### *Adult male rape*

Since male rape was made a specific criminal offence in 1994, Home Office statistics show a 400 per cent rise in reported cases between 1995 and 2000. It is impossible to determine whether the increase reflects an increase in rates or in reporting. However, **a recent study of 2,472 men attending their GP Surgeries found that over five per cent reported suffering sexual abuse as children and almost three per cent reported non-consensual sexual experiences as adults** (Coxell *et al.* 2000).

Anecdotally, male rape has been considered to be a problem throughout the world in prisoner

populations. However, very little research has highlighted the problem in the UK. Huckle (1995) reported on 22 male rape survivors who had been referred to a Medium Secure Unit over a six-month period (many of whom were from prisons). Of which, ten had rape-induced PTSD. Huckle also described the long-term emotional effects. Common problems were: embarrassment and shock, rape related phobias, increased anger, irritability, conflicting sexual orientation, and sexual dysfunction.

Rogers (1997) reported on the psychological consequences of male rape in a single case study. The client had been raped in prison and suffered flashbacks and intrusive memories seven times a day, lasting up to one hour, when he felt he was being raped again. He was anxious and angry when remembering. He had nightmares twice a week. His PTSD was worse when he was in the bathroom, when bathing and when alone in bed at night. His worst fear was that he would be raped again. He avoided: talking about the rape, going out alone, being touched, public lavatories, public houses, groups of men, and reading papers in case there were any sexual crimes reported. He also avoided TV programmes when sexual scenes were shown. His sexual behaviour had changed and he no longer masturbated or entered into relationships as it triggered off his memories.

#### *PTSD after combat/policing incidents*

Only very recently has the PTSD in offenders due to their own actions been described and explored (Rogers, *et al.*, 2000; Rogers *et al.*, 2001). However, the traumatic effect of killing has been earlier described. Two studies that examined the experiences of World War Two veterans found that guilt from killing enemy soldiers was a common emotion (Bartemeier, Kubie, Menninger, Romano and Whithorn, 1946; Futterman and Pumpian-Mindlin, 1951). Breslau and Davis (1987) examined the probability of developing PTSD in 69 Vietnam veterans using a list of nine combat stressors, one being 'participation in atrocities'. Twenty-seven (39 per cent) had 'participated in atrocities' and all developed PTSD. Further analysis showed that participation in atrocities had an independent effect on PTSD when all combat stressors were controlled for, and that participation in atrocities increased the probability of developing PTSD by 42 per cent. Of the remaining eight stressors, the second highest predictive stressor (84 per cent) was 'separation from unit', while the lowest (65 per cent) was 'being wounded'.

Hendin and Pollinger Haas (1991) studied predictive factors for suicide in 100 Vietnam veterans



with PTSD. This study examined the relationship between a total of 118 pre-service, service and post-service variables and attempted suicide. The findings showed that guilt about combat actions, survivor guilt, depression, anxiety and severe PTSD were significantly related to suicide attempts. The authors concluded that a clear and consistent relationship existed between post combat suicide attempts and combat related guilt and that combat related guilt was the most significantly explanatory factor for suicide attempts.

Furthermore, the post-shooting effects on police-shooters have recently been studied. Manolias and Hyatt-Williams (1993) examined the post-shooting experiences of 25 UK police firearm officers and reported that half the officers felt sad or guilty about the wounding or death they had caused. Furthermore, three of these officers reportedly developed severe PTSD using DSM-III criteria (American Psychiatric Association, 1980) as a consequence of their shooting.

A recent study (Gray, Carmen, Rogers, MacCulloch, Hayward and Snowden; In press) measured the frequency of PTSD symptoms related to committing an offence in a sample of 37 mentally disordered offenders found that 33 per cent met diagnostic criteria for PTSD and 54 per cent had significant PTSD symptomatology as indexed by the Impact of Events Scale. Interestingly, the frequency of PTSD symptoms was greater in those offenders who felt regret for their actions. However, the prevalence of PTSD in prisoner-perpetrators of violence outside of combat and policing has not yet been fully studied and warrants further research.

### Implications for the Prison Service

One of the Prison Service's two key objectives is *'to protect the public by holding those committed by the courts in a safe, decent and healthy environment'* and one of the Service's six guiding principles is to *'deal fairly, openly, and humanely with prisoners and all others who come into contact with us'*. In addition, Standard One of The English National Service Framework for Mental Health aims to: *'ensure health and social services promote mental health and reduce the discrimination and social exclusion associated with mental health problems.'* This includes the need to: (1) *'promote mental health for all, working with individuals and communities'* and (2) *'combat discrimination against individuals and groups with mental health problems, and promote their social inclusion.'* In addition, this standard specifically addressed the needs of prisoners: *'Health and local*

*authorities should also be involved in assessing the mental health needs of prisoners during their time in custody and in preparation for their release, contributing to their through-care and release plans for support in the community.'*

Consequently, the challenge for all involved in the care and management of prisoners has been clearly defined. The issue of how to meet this challenge, however, is more complicated.

### Detection

As previously mentioned, PTSD symptoms develop within three clusters: re-experiencing; avoidance of trauma related stimuli; and increased arousal. Assessment should be with a trained mental health specialist. However, there are potential 'signs' which may suggest an assessment is warranted.

The main physiological reaction is panic and anxiety. This is more so when the person is exposed to a situation, which reminds them of the trauma (for example, travelling on transport if they once had a near fatal accident). Although the anxiety/panic will usually be trigger related, there are times where there are no obvious 'external' or environmental 'triggers'. In such cases, the person may merely be remembering the trauma or having a 'flashback'. In addition, anger, rage and irritability are common, especially if the person is asked to perform tasks or discuss events, which remind them of their trauma. Flashbacks are where the person feels and believes that they are back at the scene of the trauma (as seen in Rambo films). Flashbacks are extremely frightening and the person may look as if they are 'hallucinating'. However, for them, they are 'back at the trauma' and reliving it.

A classic symptom is disturbed sleep due to nightmares. The nightmares can vary in duration from nightly to every two weeks. In such cases, the person, dreams that they are back in the trauma situation. The nightmares will ordinarily be of the same event (the trauma), and simple questioning can elicit the cause of the nightmare. Finally, avoidance behaviour should be observed, the person will avoid talking about what happened to them, avoid places, situations, people, smells, sounds, etc., which remind them of the event.

Detection can be simple where questionnaires are used and for this purpose the main questionnaire used is the Clinician-Administered PTSD Scale (CAPS; Blake *et al.*, 1990). The CAPS is a structured clinical interview for assessing adults for the seventeen symptoms for PTSD outlined in DSM-IV, along with five associated features (guilt,



dissociation, de-realisation, depersonalisation, and reduction in awareness of surroundings). The CAPS consists of standardised 'prompt questions', follow-up (probe) questions, and five-point rating scales of the frequency and intensity of each symptom assessed.

### **Treatment and Efficacy**

The results of a meta-analysis published by the NHS Centre for Reviews and Dissemination (2002) supported the use of cognitive behaviour therapy and Selective Serotonin Reuptake Inhibitors for those with PTSD. The National Service Framework for Mental Health in England notes that anxiety disorders respond to both cognitive behavioural therapy and antidepressant medication, with a more sustained recovery following psychological treatment. Within the NHS, it is common for people with PTSD to be referred to a specialist nurse or psychologist who have extensive training in the psychological treatment known as cognitive behaviour therapy (CBT). However, there is a dramatic shortage of appropriately trained and accredited CBT therapists across the UK. There are only a total of 1,000 psychologists and nurses working in this field and they are only able to meet a small percentage of the needs of those clients referred within the NHS system, let alone in prison settings. It is not unusual for NHS clients to have to wait for over one year for adult outpatient CBT in some areas. To date, little is known about the availability and provision of such specialist therapy in prison environments. However, it is worrying to consider how a totally under-resourced health care intervention (CBT) is going to be able to meet the needs of the prisoner population as well as the NHS.

CBT is a generic term, which describes a number of treatments, but generally refers to two main treatments: exposure therapy and cognitive therapy. Exposure therapy has been used effectively in the treatment of anxiety disorders for 30 years. It involves the gradual facing of feared situations and memories in order to reduce the associated anxiety and distress. Cognitive therapy is also effective in treating PTSD as traumatic events can change the way people think about their safety, the trustworthiness of other people, and the way they see themselves. This thinking is often distorted and unhelpful. Common thoughts can include a perception that they should have somehow been able to avoid the trauma or done more at the time. Clients can also overestimate day-to-day 'danger' and see 'threats' in places where they ordinarily would not. Cognitive Therapy involves eliciting

these thoughts/beliefs and then assisting clients to reframe and examine them.

*'Changing the Outlook: a strategy for developing and modernising mental health services in prisons'* (DoH 2001) identified that prisoners should have access to the same range and quality of services appropriate to their needs as are available to the general population through the NHS. This should include greater use of day care and wing-based treatments (mirroring the care in the community), increased opportunities for prisoners with mental health problems to participate in purposeful activities and access to a range of services, offering support and treatment of varying intensity. This would involve mental health promotion; primary care services; wing-based services; day care; inpatient services; transfer to NHS facilities; and, through-care.

All prisoners should have access to primary care services. In the community around 80 per cent of mental health care is provided through primary care services, and it is important to recognise that the situation should be much the same in a prison setting, starting with *Reception Screening* when an individual first arrives in prison. PTSD screening is relatively simple and merely requires an appropriate assessment of past trauma exposures and the prisoner's current symptomatology. Where potential cases are identified then primary care should offer appropriate interventions as would ordinarily available in the community. On occasions, it may be necessary to refer the patient to more specialised psychiatric nursing support available within the prison and to specialist services (that is, local psychological interventions services) for further assessment, treatment and advice on management.

### **Legal Issues in Providing Therapy**

There are two main medico-legal issues, which need to be considered when providing therapy for prisoners with PTSD:

#### *Where the prisoner becomes a victim in prison*

In recent years there concern has been raised that some witnesses (including vulnerable or intimidated adult witnesses) may have been denied therapy pending the outcome of a criminal trial. This was due to a fear that their evidence could be influenced and an expected successful prosecution is no more. The report *Speaking Up For Justice* (Home Office, 1998), reported that vulnerable or intimidated witnesses should not be denied the emotional support and counselling they may need both before and after the trial. In



2001, the Department of Health, the Crown Prosecution Service (CPS) and the Home Office produced practice guidance (CPS, 2001): *Provision of Therapy for Vulnerable or Intimidated Adult Witnesses Prior to a Criminal Trial: Practice Guidance* which clearly specifies that the 'best interests of the witness are paramount when deciding whether, and in what form, therapeutic help is given'.

The guidance recommends that any therapy be considered in terms of the 'potential effect on the reliability, actual or perceived, of the evidence of the witness and the weight which will be given to in court'. Discussions prior to a criminal trial with or between all types of witnesses have been held by the courts in a number of cases to give rise to the potential for 'witnesses giving inconsistent accounts of the events in issue in the trial; fabrication, whether deliberate or inadvertent (for example, a witness may become aware of gaps or inconsistencies in his or her evidence, perhaps when compared with that of others or, become more convinced, or convincing, in his or her evidence, but no less mistaken'. Therapy is considered by the guidance as 'one kind of discussion which may take place prior to a trial'. An additional problem is that Pre-trial discussions (that is, therapy) may lead to allegations of coaching and, ultimately, the failure of the criminal case.

In managing such potentialities, the guidance recommends that clear lines of communication are necessary. The CPS is responsible for considering the impact that therapy/counselling will have on a particular case. Therefore, the Crown Prosecution Service is able to 'offer advice, as requested in individual cases, on the likely impact on the evidence of the vulnerable or intimidated witness receiving therapy'.

*Where the prisoner has own-offence PTSD and is yet to be prosecuted*

Although there is no guidance for such cases at present, there are potential problems, which can be managed. The main problem is that therapy may (if successful) reduce the distress that the person experiences and therefore demonstrates in court. An example is where a person is convicted of causing death by dangerous driving of a friend, partner or family member and has severe guilt and PTSD. Successful therapy in such cases could result in the court misinterpreting the person's calm and non-distressed state as being 'callous' or unremorseful. Consequently, it is useful in clinical practice to discuss the implications of therapy both with the person and their legal representatives.

## Management/Care in the Absence of Therapy

It is important to point out that management and care alone are not sufficient in helping a person overcome PTSD. However, certain strategies (behavioural activation and coping strategy enhancement) may diminish the likelihood of secondary problems (for example, violence due to anger, suicide, depression). A major benefit, is attempting to reduce the effects of avoidance on the person's mood. For example, although avoidance is understandable in PTSD as it reminds the person of the trauma and causes panic, should the person be over-avoiding, then they will also increase their chances of depression and in turn increase suicide risk. Therefore, it is important to encourage 'behavioural activation' (doing things that have some personal reward or pleasure). In essence, this involves carefully encouraging and agreeing with people what activities they can do in order to minimise the risk of depression but without necessarily 'exposing' themselves to trauma triggers.

Coping strategies involve attempting to assist people to recognise what triggers of their trauma memories and developing 'behaviours' and 'thoughts' to cope when they occur. Such thoughts include 'I know this will pass, it doesn't last for long, people don't die from panic — it just feels horrible'. When someone is disturbed in a strong flashback, strategies, which help him or her to stay grounded in the present, may help (for example, focusing on the immediate environment and describing what is present). An alternative is for the person to wash their face with cold water, or to hold an ice cube.

Additionally, it is sometimes helpful to look out for certain statements people make about the fact they are experiencing symptoms, the fact that the traumatic event happened to them, or of their behaviour during the traumatic event (Ehlers *et al.*, 2000). People may, for instance, think that they are the only ones who feel this way and that their experience is unusual. They may also think that they are weak, inadequate, or that others will think them so if they reveal that they are still being affected by the event. People who have experienced a traumatic event may also describe thoughts along the lines of 'Why did it happen to me?' Finally, people may also make judgements about their own behaviour during an event. For instance, not fighting back during a sexual assault may be interpreted as consent, or pushing past people to escape from a burning train in which others are dying may lead to what is sometimes



called 'survivor guilt' characterised by thoughts such as 'I didn't do enough to help', or 'I shouldn't be alive'. In all these circumstances it is often helpful to provide some brief education about what people commonly experience during and following traumatic events. Such interventions may 'normalise' the person's experience as one that is not uncommon in others who have experienced similar events.

None of the above strategies have any long-term effect on the disorder and the symptoms will return. However, in the absence of therapy provision and where some degree of short-term control is required, then they do offer some assistance.

### The Need for Training

Undoubtedly, PTSD is a significant problem for prison services. The effect on patient behaviours, the co-morbid risk for depression and suicide, the need for early detection and correct intervention as well as the need to ensure access to appropriate therapy (while understanding the legal implications of such therapy) are all great challenges that lie ahead.

Prison psychology is an under-resourced area and such professionals are required to undertake a variety of roles including; forensic, clinical and occupational (Bryans and Jones 2001). However, by and large, anecdotal evidence would suggest that clinical work is not seen as the primary function of psychology staff within most establishments. Even if it was a priority, there are insufficient numbers to provide such intervention.

In addition, unilateral professional approaches are relics of a bygone era. An alternative approach would be to develop multi-disciplinary training for all (from discipline officers to specialist practitioners). This is in accordance with the English National Service Framework for Mental Health target for Workforce planning, education and training aims to: *'enable mental health services to ensure that their workforce is sufficient and skilled, well led and supported, to deliver high quality mental health care, including secure mental health care.'* While the targets for the strategy include: *'Effective mental health awareness training for wing officers so that they can develop the*

*competencies and confidence to identify quickly anyone showing signs of stress or anxiety, and advise on appropriate support'*. As such, it would appear to be the case of asking when does the training begin as opposed to if.

### Conclusion

The information provided in this paper is by no means exhaustive and we were unable to discuss the intricacies of PTSD in the different prisoner populations (for example, asylum seekers, women, young offenders) due to the limitation of space. However, many of the basic principles discussed in this paper are applicable across specific sub-populations.

PTSD is a relatively new disorder and our understanding of the true nature, extent and prevalence is still in its infancy. Little is known about the true prevalence of PTSD (or the common mental disorders of anxiety and depression) in prisoner populations. However, the 'probable prevalence' levels of PTSD found in the 1997 ONS survey are so high (for example, the prevalence of PTSD in women is 27 times greater than found in the general population), as to warrant further research and urgent prioritisation for the provision of services for PTSD. We highly recommend that yearly, accessible data on the full range of prisoners psychiatric morbidity is urgently required, if primary care services are able to assume their full responsibilities in providing services to prisons.

This is especially the case, when considering the wealth of research which identifies strong co-morbid associations for PTSD with parasuicide and completed suicide. If we are to truly reduce the suicide rates in prisoners then management of the suicidal behaviour alone in the absence of treatment for the underlying condition suggests a short-term (but reoccurring) strategy.

Finally, there is an issue for the NHS, which is increasingly becoming apparent; that of the need to adequately ensure major and strategic investment and commitment to multi-professional CBT is training across all areas of society and service levels.

*References available from the authors*



# People, Labels and Stigma

continuing the work of Diana, Princess of Wales

*Dr Andrew Purkiss, Chief Executive of the Diana, Princess of Wales Memorial Fund gave the following address to the Annual General Meeting of Action for Prisoners' Families (formerly the Federation of Prisoners' Families Support Groups) on 17 October 2002*

**Why should the Diana, Princess of Wales Memorial Fund be committed to the cause of improving life for prisoners' families? Although the Princess was certainly personally interested in the plight of prisoners and, for instance, made repeated visits to Broadmoor, we probably do not remember the needs of prisoners' families as one specially associated with her. But the Trustees of the Fund decided at an early stage that they were not going to be restricted to the particular organisations or even the particular causes with which the Princess was associated during her lifetime. It was the inspiration, the spirit and the values of the Princess's work that the Fund existed to continue. Like her, we want to be there for new and emerging organisations, as well as established ones; and we want to help highlight neglected needs, as well as causes that are already familiar. We did give a substantial grant to every single voluntary organisation with which the Princess had ever been formally associated as Patron or President, but having done that we have for ever after thrown open our grants programmes on merit to any organisation which shows it can best address the needs which we set out in our published guidelines as our priority concerns — and that of course includes you, *Action for Prisoners' Families*.**

So what are the values of the Princess's humanitarian work which we want to continue? This has a lot to do with the title I have given my address today: 'People, Labels and Stigma'. The Princess had a natural genius for connecting with people — all people. She ignored the label and saw the person. And as part of that, she challenged stigma and she used her combination of celebrity and humanity to strike great blows against discrimination and prejudice. She had just as much time for a young homeless person or someone with mental illness as she had for cuddly babies. She took hours out of her planned schedule to talk privately to groups of recovering alcoholics. She made

the most humble, the most stigmatised people feel special. Pictures of the Princess sitting on the bed of a man very ill with HIV/AIDS, holding his hand, chatting naturally, smiling and laughing, helped transform public attitudes at a time when labels like 'The Gay Plague' and the ostracisation of people with HIV/AIDS was all too common. Similarly, when she stroked the limbs of someone suffering from leprosy in Indonesia, that did more to undermine the stigma and fear attaching to lepers than any number of practical projects.

From this inspirational achievement, the Fund has derived the following principles:

- ☐ we try to give priority to people and causes which would otherwise find it difficult to gain recognition and support;
- ☐ we are prepared if necessary to embrace unpopular causes and take risks; and,
- ☐ we are ready, where appropriate, to use the power of our name and our media profile to try to change public awareness and attitudes as well as supporting practical work.

We cannot be a charismatic Princess, but we can espouse those principles and continue to change lives for the better, and we believe that that is the best way of honouring the memory of Diana, Princess of Wales.

I think you will understand straightaway how these principles and values led us to take a strong interest in prisoners' families. It is not a cuddly cause. Prisoners' families often have huge difficulties in keeping their lives together and keeping going, let alone building a voluntary organisation and getting their voices heard. Their needs are poorly understood and the feeling of stigma can be strong. That is why we are so pleased to be working with you, challenging the stigma, and seeing beyond the labels to the human beings with the same natures, needs, hopes and dreams as everybody else, but with more complex difficulties in their lives than most others.

I am glad that we have been able to fund your very important three year project focusing on the



needs of young people with a family member in prison. We have also funded a scheme of small grants for your local member organisations, and I think some 13 grants were made in the first year of the scheme, ranging from start-up grants to capacity-building and new initiatives, between £500 and £4,000 apiece. We were able to help with some of the costs of enabling you to make the most of your tenth anniversary and I think we have facilitated a few rather useful new contacts for your Director [Lucy Gampell] in the corridors of power in Whitehall. We have enjoyed doing some media work together.

We were really thrilled to have a couple of very fine young people with experience of having a close relative in prison as two of our Young Voices, who spoke very powerfully and movingly to the assembled media to mark the fifth anniversary of the Fund recently, telling their story to the media and helping them to understand why these causes are so important and why it matters that the Fund is there to try to support them. At another level, I was delighted that, I think, three or four representatives of local groups and Visitor Centres were among those who attended a special media training session that the Media Trust put on for us. I think they found that a very empowering experience and insofar as they have messages that they want to put across through the media, I think they feel that they will have more confidence and contacts, and I do hope we can do some more of that in the future.

In all this, we have certainly formed a very high opinion of your work, the ability with which you have been influencing the agenda and understanding of policy making — although I know there is still a big mountain to climb. We also have a high regard for the way you have been able to strengthen the local network and attract resources from other funders, and prepare to establish the very important Helpline service from early next year. I do feel that these are very substantial achievements indeed when you consider all of the inherent difficulties of working in this subject area. Nobody wants to be complacent when the needs are so great and the experience of being a prisoner's family is still so awful for so many people, but it is also right to recognise and celebrate success and from that derive fresh energy and hope for further achievements in the future. If you keep going the way you have been, there will certainly be more important advances and achievements to come.

The agenda is certainly a big one. It's a bit of a cliché to ask what a Martian would make of it if he landed in our country in a flying saucer and decided because of Martians' sensible sense of

priorities to take an interest in prisoners' families, but I was never one to miss the opportunity of a good cliché, so here goes. He would probably wonder first why 71,000 people were locked up in prison in England and Wales, when so much smaller a percentage of the population is locked up in practically every other European country, not to mention much of the rest of the world. He would certainly not find that England and Wales were proportionately more peaceful and law abiding societies than the rest of Europe. When he found that despite the huge cost of imprisonment, nearly 60 per cent of prisoners are convicted of another crime within two years of leaving prison, he might begin to develop a hypothesis that people on this part of planet Earth seemed to have taken leave of their senses.

Knowing from his reading of the Social Exclusion Unit Report that strong family networks are such a hugely important influence in discouraging crime and in reducing re-offending, the Martian might well wonder why on earth we seem to be so keen on punishing prisoners' families and making it so difficult to maintain those vital family ties. Over two-fifths of prisoners lose contact altogether with their family while they are in prison. That is a terrible figure, but perhaps it is not so surprising under current circumstances. Prisoners are often situated either vast distances from their families, or where there is no public transport, or at the end of an arduous and complex journey, or all three. Many families are still not given basic proper information about visiting times or entitlement to financial help for prison visits. Fifty prisons in England and Wales still have no Visitor Centre at all. Nobody really feels responsible for prisoners' families. It is obvious to the Martian that prisoners' families are a very important resource in helping to identify and address prisoners' needs at different stages of their sentence, and particularly in preparing them for release. Instead of that, they are time and again viewed by the system as primarily a security risk or a nuisance. The Martian would at least expect the probation service to understand the importance of strong family ties and to integrate the family in the process of preparing prisoners for release and helping them to settle, but then he finds out that actually the probation service often does not really do this at all.

By this time, the Martian is beginning to think seriously about getting back into his flying saucer and trying another planet. But then he discovers to his relief that at least there is some good work being done in prisons to help young prisoners in their role as parents, carried out by the Prison Reform Trust with a grant from the Diana, Princess



of Wales Memorial Fund. However, when he turns his attention to the experience of prisoners' families in the community, his spirits begin to sink again. It is a story of stigma and labels. The system tends to label issues to do with prisoners' families as by definition the responsibility of the Home Office and the Prison Service because the word 'prisoners' appears in the label.

In fact the most important issues will often be, surprise, surprise, the main requirements of life in the community — income; education; housing; mental health and well-being; insurance ... yet, mainly because of stigma, the special challenges and needs of prisoners' families are often invisible and neglected. As the Social Exclusion Unit's report puts it: 'Training of staff in mainstream agencies is not tailored to cover issues facing ex-prisoners or their families'. I would go further and suggest that many mainstream services have not even registered that there are prisoners' families which have particular needs and difficulties which are highly relevant to the public services they need. For example, there are 125,000 children each year with a parent in prison, but most schools have no strategy for recognising and addressing their particular needs.

But — and this is the best bit of news the Martian has come across for some time — an

organisation with a name which he found difficult to understand or pronounce, has now changed its name to Action for Prisoners' Families and is on the case right across this large agenda. There are many inhumane, counterproductive and just plain barmy things about this country's treatment of prisoners and prisoners' families, but there has also been some progress. Bit by bit, the Federation's constructive engagement with the Prison Service is turning some problems around. Bit by bit, you are infiltrating the agendas of sundry mainstream agencies and the fact that prisoners' families do have problems is a good deal better researched and documented than it was even a few years' ago. Prisoners' families are getting a bit better organised and their voices are heard more often. It is quite something for an authoritative report published from within the Cabinet Office to set out an agenda which bears an uncanny resemblance to the policy statements of the then Federation of Prisoners' Families Support Groups. This might possibly have something to do with the fact that Lucy was an adviser to the Social Exclusion Unit team and exercised her very considerable persuasive powers. The Martian decides that all is not lost after all. Let us keep going. We share your commitment. We want to help see it through.

# Suicide and self-injury

## following release from prison

*Carole Shore, mother of Lester Shore, who killed himself on the day he left Pentonville made this contribution to a Howard League conference in November 2002.*

**Lester Christopher Shore**

**born 25 September 1966, died 14 July 1999**

**Lester Shore committed suicide within four hours of his release from Pentonville Prison on 14 July 1999. His condition on his release from prison was such that the prison booked a pre-paid taxi to take Lester from the prison to the Whittington Hospital. He did not get to the hospital. Indeed there was no reason to believe that he would because four days previously he had been taken to the same hospital suffering from malnutrition and dehydration. His 'frail' condition was giving cause for concern. He had refused treatment**

**on that occasion and been returned to the prison. On his final day he left the taxi provided within minutes of his release. He made his way back to Uxbridge where he had grown up. There he leapt to his death from the Cedars Car Park. His life ended at 6.21pm on that day. He was 32 years old.**

There is nothing that can be done to bring our son back, but there is much that can be learned from the circumstances of his treatment in prison and his subsequent death. As Lester was not in custody, his suicide triggered no automatic investigation. A Home Office spokesperson said when asked, 'The Home Office always looks into a death in custody but because Mr Shore died after he was



released from prison, an investigation is not required.' We feel that this sentence sums up precisely the attitude of the prison authorities and the Home Office to such a death as Lester's. He was not their responsibility, despite the fact that they had a duty of care for him up until midday on the day of his death.

Lester had been transferred to Pentonville prison from Wormwood Scrubs in February 1999. At that time Lester weighed just under 11 stone. His inquest report shows that, at death, Lester weighed less than six stone — which means he had lost almost half his body weight. This is a very definite physical manifestation of the fact that Lester was suffering from a serious mental health problem. Indeed from the evidence given at the inquest and from the Daily Medical Record it is clear that, despite all the evidence pointing to Lester's mental condition, the medical team at the prison considered it to be 'attention seeking'. This conclusion was arrived at despite all the evidence of previous suicide attempts and self-harm which were considered to be due to poly drug misuse and personality disorder.

Sadly, it was not until after his death that we truly understood the depths of his despair. The psychiatric reports and medical evidence made available to us after his death had been available to the prison doctors who were supposedly treating Lester. These reports show a continuing pattern of self-harm and a downward spiral of psychological problems. There are a number of incidents where he had previously tried to commit suicide but these factors were ignored and constant emphasis was placed on his drug addiction.

His physical appearance alone should have been clear evidence of his mental state. At the inquest members of the Uxbridge Police who had dealings with Lester over many years stated that they did not recognise him when they had been called to attend the Cedars Car Park on the day of his death. Even the Coroner whom we saw when we had the sad task of identifying our son commented that he 'could be lifted by one hand'. The shock to my husband and myself was enormous as we could not recognise our son.

As the Howard League reports a large prison such as HMP Pentonville releases between 2,500 and 3,000 men on to the streets each year. Pentonville reports that approximately eight per cent of these individuals have acute psychiatric needs. This means that each year there could be between 200 and 240 people in the same desperate mental state as our son. Facts and figures in the report give an overall picture of this terrible problem, but what it cannot do is to let you understand

that each one of those figures represent a real, living person.

It is symptomatic of the systems currently in place in the prison service that the only contact that was made to us, Lester's family, was on the 13 July when we were informed that Lester would be returned to our home, by taxi, due to the fact that he was suffering from malnutrition. After a long discussion with the Senior Medical Officer at the prison, it was agreed that Lester needed hospitalisation and to my lasting sorrow, when the Doctor said 'Do not worry Mrs Shore, I will make sure he goes to a place of safety', I accepted his assurances. The next day our son was dead and we were left with the pain of knowing that one wrong reaction to one message did not give us the chance to save him.

Balance that against the fact that in May I had been in touch with the prison on seven different occasions. It had always been our practice, over more than 16 years, to write to Lester and send him a postal order to whichever prison he happened to be. This was done without fail and Lester would either phone or write once a week. Because all contact with Lester stopped in May I was very concerned, hence the calls to the prison and also to the Uxbridge Probation Service. I had thought Lester was due for release in June but was told that if he did not want contact with us there was nothing the prison could do. It clearly shows the anxiety of the prison to 'get rid of Lester' once his date of release became due, because in May I was not allowed to know anything, but in July Lester was being sent home to us!

I do not stand here to eulogise Lester nor make light of the crimes he committed. It is right that society should be protected from criminals but it is also right that you should understand how desperate many addicts are. Lester had not used heroin for almost three years prior to his death. Instead, he had been using various medically supplied prescription drugs in ever increasing amounts and his increasing psychological problems were, I believe, directly related to the use of those psychotic drugs. It was very illuminating to see in the autopsy report there were only 'traces of a cocaine like substance in a syringe found': bearing in mind that Lester had money, opportunity and was in a place where he knew how to get drugs immediately prior to his death — yet there was no trace of heroin — his drug of choice.

Lester was our son and we loved him very much. There is not one day that passes that we do not think of him and miss him. He had a severe drug problem and along history of offending and prison and because of that there was much pain



for us as his parents, but he was also a really caring, loving and gentle person. He never stole from us nor did he ever abuse our love. He cared for those less fortunate than him and despite him having such terrible problems himself, he would give his last penny to someone who said they needed help. He spent many months caring for a friend as he died of AIDS. When his grandfather had a stroke, he went and slept on the floor at his feet.

So many wonderful and genuine stories were told to us by some of the 100 or so people who attended his funeral, and it seemed impossible to link the person that so many loved with the sad and lonely boy who took his own life. And that is why I stand here today telling you about my son. What happened to Lester will continue to happen unless we, as a society, start to understand and take responsibility for the treatment of vulnerable prisoners. Society does need to be protected from criminals but, equally, a humane society needs to treat the less able with compassion and care as well as punishment.

And what can be learned from Lester's treatment? Obviously, as the Howard League report says, if a system of throughcare had been in operation, then Lester would not have been 'dumped' into a taxi and expected to make the rational decision of going to seek help on his own. At the very least, when I made calls in May and June to the prison, I should have been told of his condition.

With some warning we could have made ourselves ready for Lester's release and had the option to deal with it. The prison doctor who spoke to me on 13 July ordered a psychiatric report but he knew this had no possibility of being carried out. Indeed, to my profound sorrow, I now believe the prison just 'hung-on' until Lester's automatic release when their responsibility ended.

Surely it is not beyond the realms of imagination to see that in this day and age the prison population has changed. Addicts — and addiction carries with it many mental health problems — require different treatment to hardened criminals. Whilst the report calls for a system of through-care that might help newly released prisoners avoid the desperate despair felt by Lester and others like him, it might also be an opportune time to look at instigating separate punishment regimes for addicts. A recovering addict can become a worthwhile member of society. Invariably addicts suffer from a total lack of self-worth and it is incumbent on us, as a caring society, to find ways to stop this terrible waste of life that exists at present. Locking up an addict with hardened offenders to keep them away from society is a practice that should be consigned to the dark ages. Ignoring mental health problems, as in Lester's case, is nothing short of criminal. Only by accepting the mistakes made and learning from them will Lester's life give to society the same meaning his life gave to us, his family.

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A Life in the Day of a

# Restorative Justice Facilitator

*Simon Saxton, Prison Officer and Restorative Justice facilitator, Bullingdon Prison.*

**It was ten in the morning as I left Northampton. I had just been to see Mr Patel. He owns a small taxi firm. He was affected by a crime in August last year. He was on duty in his small taxi office about five on a Saturday morning. He normally covers the radio during the night shift. Three young men were loitering outside his office. They were discussing something. He did not take too much notice. Two of them came into the public area of the office and spoke to Mr Patel, asking something**

**about how much would it cost to such and such an estate. Then one of the young men burst into the radio office and grabbed a bag behind Mr Patel, who turned and grabbed the bag and tried to take it back off him. There was a struggle. The man punched and kicked Mr Patel, injuring his shoulder. He grabbed the bag again and ran off into the night.**

At this point Mr Patel's nephew, who is one of his drivers, arrived outside the office and saw one of them running away. The police were called.



When they arrived Mr Patel's nephew gave them directions and the man who had attacked him was found hiding on a railway embankment with the money, £17.74p. The other two got away.

I had introduced Mr Patel to the concept of restorative justice. I explained that the offender who was now in Bullingdon prison had also been approached, and had agreed to take part in a meeting with him. If Mr Patel agreed then I would organise the meeting. I would also be asking other people affected by the crime such as Mr Patel's nephew or his wife or both. Maybe even one or two of his drivers. The offender said he would like his mum, dad, and sister who have all been badly affected by what he did, to be present. I would try to get the arresting or investigating police officer and possibly Nick's home probation officer.

Mr Patel asked me what would happen if the meeting took place. I explained that the meeting was broken into three areas:

- firstly to talk about what happened during the incident;
- next to find out who had been affected and how; and,
- finally explore ways in which to make things better.

Many of the victims I have visited ask similar questions. Are there any chances of repercussions from the offender? Is he likely to attack me for putting him inside? I reply to most questions with the same answer or variations of it. I have explained this process to the offender and he has accepted responsibility for his actions by agreeing to attend the meeting. He understands that in the meeting he will be asked to give an account of his actions and explain them. He also understands that he will listen to each person in the room and hear how their lives have been affected by what happened. I tend to hammer home the sequence of talking about what has happened, seeing how people have been affected, and discussing ways to make things better. I always tell them nothing bad can come out of talking. I also like to keep asking them who they will be bringing to the meeting, as if the meeting were going ahead anyway. Sometimes the victim needs all the help they can get. However, good sensitivity of victim's needs is essential in gaining some confidence.

Another common question from victims is what is in it for the offender? Does he get early release? They are questioning the offender's motivation for agreeing to the meeting. I always tell them that in my experience it does not matter too much what the offender's motivation is but what

the outcome will be. This is usually a long way from what the offender believes it will be. Very often anyway the offender is terrified at the prospect of having to meet their victims but agree because they know it is the right thing to do.

My experience so far is that at some point during the meeting the offender is suddenly hit by the gravity of what he has done: not just to his victim but to everyone in the room including his own family.

It is also at this stage that the victim and their supporters are suddenly aware that this is the first time that offender has ever grasped the concept about the far-reaching consequences of what he has done. These are the main dynamics of the conference. There is a massive shift in emotions and therefore attitudes. This is always a very noticeable moment and is what makes this work so worthwhile.

In one conference the victim was greatly relieved to hear that, not only was the offender taking all the responsibility for what happened, but that the offence was not personal and that the offender was plainly not the monster that he had pictured in his mind. He actually suggested exchanging addresses and corresponding. This was a victim who recognised that a conference could be good for him and help him to move on, but was never the less totally terrified at the prospect of going face to face with his attacker.

In another conference I had a victim who had actually been attacked with knives. As the meeting progressed he seemed very moved by the offender's honesty and remorse in the conference. When I asked him what he would like to see come out of the meeting today, he was only interested in his attacker's welfare and future. He then proceeded to tell everyone that all he wanted to see was for him to come away from prison and get a job and a wife and have children. The offender was without doubt very moved by this. He was openly crying in front of every body including his mother, a policeman, his probation officer, and myself, his personal prison officer. There was much more than tears though. I was well aware through the grapevine that later, on my wing he had been torturing all of his peers about how fantastic these meetings were, by all accounts keeping them up to the early hours trying to get them all to volunteer. Guaranteeing that none of them would ever reoffend again. There are high hopes for this process but 0 per cent recidivism is perhaps a little too optimistic. He did say to me later though that he could not believe how gracious this man had been, considering how angry he was at the early stage of the meeting. I am fully convinced that these



conferences have a very positive impact on offenders, whilst at the same time allowing victims to have a say and play a part in the process of what should happen. This very rarely happens in conventional justice through the courts.

Mr. Patel agreed to attend the meeting. He would be bringing his wife, nephew and one of his drivers who had been very shaken by what had happened and does not now like doing late night work. This had consequently reduced his income.

I am now on my way back to Bullingdon. I have to see the offender and tell him that the meeting will be going ahead. I need to take some details of his supporters and speak to them. I will plan the meeting for about three weeks time. This takes a fair amount of organising. It is very important throughout the whole process to appear impartial. Thus sensitive issues like meeting times to suit both sides have to be carefully handled. Each person attending will have a database check done. Risk assessments have to be carried out and all necessary parties in the prison have to be informed such as security, the gate staff, duty governor and the chaplaincy. At Bullingdon we hold the meetings in the multi-faith room in the chapel. This is a calm place and does not reflect the prison environment so participants who have never been to a prison before can sit and relax quietly before the conference if they wish. Most conferences last between one and two hours but potentially can go on much longer.

I get to Nick's wing about 11.30am and have just enough time before roll check to tell him we will be going ahead. I get the phone numbers of his supporters and tell him that I will get back to him as soon as we have a mutually agreeable date and time.

As I leave him I couldn't help notice that he had gone very quiet and a little pale. This science fiction scenario was becoming a reality. I ask his wing staff to see how he is later on.

I spend the lunch hour phoning Nick's supporters. They already have a limited idea of what will happen from what he has told them. I go into a little more detail and get some dates that are suitable. I then compare these to Mr Patel's availability. This mutually agreeable date usually gets juggled around for a few days until everybody is

happy and then the time is fixed. I like to go for a 2 o'clock start. This gives people plenty of time to travel and tends not to clash with mealtime patrols. Its 1 o'clock and I will have to put this job to one side as I have a conference at 3pm today.

I have been to the chapel and checked that the multi-faith room is set up as in my seating plan. Refreshments are ready and hot water is available. I meet my support/backup facilitator Helen at the gate. Helen is a community mediator and was trained by the same people as myself. I have arranged for the offender's supporters to arrive first, and the victim and her supporters to arrive 20 minutes later. This eliminates any discussion or possible animosity before the conference has started, although most people are too nervous for heavy confrontation. I brief Helen on who is coming and when, She will bring them to the chapel in their respective groups. I will go to the wing and collect the offender and take him to the chapel. As people start to arrive at the chapel I keep them in separate areas. I sit the victim and her supporters and the arresting policeman in their respective seats in the conference circle. I then usher the offender and his family through with his probation officer.

After I have given a quick briefing over fire regulations and toilet facilities I open up with a welcome for everybody. As you know we are here in regards to an incident that happened involving Andrew and Elaine.

- ☐ We are here to talk about what happened;
- ☐ to take a look at how people have been affected; and,
- ☐ then explore ways in which to make things better.

I go round the circle and introduce everybody by name and their relationship to the incident and each other.

I begin, Andrew, take us through step by step and tell us what happened on that day. He hesitates, well ... I'd been out with my mates since about dinner time we'd been drinking all day. One of my mates wanted to go clubbing, I couldn't I didn't have enough money ... Another RJ conference at Bullingdon is underway.



# Education can set you free

*Ann Creighton, Director, Prisoners' Education Trust.*

**'Education can set you free': this chance remark by an Education Manager set an angry and embittered prisoner on a path which sees him ten years later working as a lecturer at a further education college and about to complete his MSc. During his sentence Peter completed a degree, studied computing and worked as a peer mentor in a basic skills class. The majority of Peter's studies were completed through distance learning and some of the fees were met by Prisoners' Education Trust. The Trust aims to enrich and extend the education offered by prison education departments. It does this mainly by meeting fees for academic and vocational distance learning courses — sometime call open learning or correspondence courses.**

Distance learning provides an excellent way of extending education in prison for those who have already achieved basic skills or who have done so during their sentence. Prisoners can study at their own pace, and in their own time. They can choose subjects which really interest them. Time can be used constructively, especially during the long lock-up hours and there is the opportunity to gain skills and qualifications in preparation for release. The range of subjects from which to choose is vast, in fact there are few subjects for which we have been unable to find a distance learning course — except for Swahili. Some of the most popular courses are: computer studies, horticulture, navigation, health and fitness, and various transport qualifications. Prisoners who are listeners often take counselling courses. Sometimes we fund tutors to come into the prison. This is especially useful for music courses. Courses can be studied at many levels, NVQs, City and Guilds as well as through GCSEs, 'A' levels and Open University modules.

A great advantage of distance learning is that prisoners can take their course with them when they are transferred between prisons. Kenny was transferred five times in just over two years — one transfer taking place just two weeks before his exams, but he still completed his course. He has been out nearly a year now and working all that time.

Some people, both in the Prison Service and outside, are still heard to say that giving prisoners educational opportunities is a soft option. All educational activities require effort, distance learning being perhaps one of the most difficult ways of learning. It requires hard work, commitment, self-discipline and the ability to study in a difficult, often-noisy environment as well as the ability to manage study time and meet assignment deadlines. Patience is also needed, especially when materials take time to arrive or there is limited access to computers. It would be fair to say that many prisoners have led chaotic lives before coming to prison: skills learned through taking a course can often be transferred to other areas of prison life.

One prison manager wrote to say that just the opportunity to study increases self-esteem. The course qualifications are vital, but the growth in self-esteem is a key additional benefit. Prisoners do not always know where a course will lead. Some years ago Jenny applied for a creative writing course — not an obvious route to a job. However, her success improved her confidence to such a degree that she was able to go on to take some courses in office administration and when she was released had a job to go to managing two shops. Drawing cartoons is another example of a course without an obvious career path. We lost contact with the man to whom we gave the course for several years. He then wrote to say that he had successfully completed the course and was now building a portfolio of work to assist his application to go to art college on release.

It is this kind of progression and flexibility which makes distance learning so valuable at all stages of a prisoner's sentence. James had a long sentence and was assigned to work in the carpentry shop where he found that he had a real talent for furniture making. He became so interested in the woods he used that he then studied arboriculture, funded by the Trust. When he leaves prison he hopes to set up his own furniture making business. The Trust has paid for a further course in how to start your own business and another charity, Business in Prison, is helping him with his business plan.



A change of career is often essential following a prison sentence. Barry chose to take up horticulture. He achieved both the certificate and the diploma from the Royal Horticultural Society. While studying the theory he worked in the prison gardens. Towards the end of his sentence he was able to work voluntarily for the National Trust and begin to build up some garden design work. He wrote to say:

*'The positive of obtaining blue chip qualifications whilst in custody is excellent evidence of motivation and self-improvement and goes some way towards reducing the negative effect of a prison record.'*

This example of co-operation runs through the Trust's work. We work closely with prison education departments to ensure that the courses we provide are suitable for men and women given their offence, educational standard and the stage in their sentence. Facilitating distance learning in prisons is not always easy and many education managers and their staff provide huge encouragement to prisoners by obtaining materials, attending to the admin, sending off assignments, finding books, and arranging examinations. Without such support, many prisoners would find it difficult to get the education and qualifications they so crave.

The Trust is often asked how far prisoners succeed with their courses and what benefits can follow. We monitor progress in two ways. Prison Managers are asked to complete a short statistical return three times a year. This shows that at any one time around 70 per cent of grant recipients have either completed their courses or are continuing their studies. Universities have a drop out rate of around 18 per cent. Colleges which supply distance learning courses do not publish their drop out figures (the information is considered commercially sensitive), so we are unable to compare our figures with those for non prisoner students. Illness, bereavement, attending offending behaviour courses are all cited as reasons for giving up or postponing completion, though some people do lose interest or find that their chosen course is too difficult.

Our second form of monitoring is more anecdotal. All prisoners who receive an award are asked to let the Trust know how they get on — and many do, telling us of their difficulties as well as their successes. Recently we have introduced a learner feed back form. From these we know that one of the things prisoners value most is the chance to study at their own pace; the difficulties are what one would expect — noise, lack of materials and so on. One of the questions asked is what would you say to some one thinking about starting to study — the

overwhelming response is 'go for it'. One of the best responses was from a previously homeless man who says he cannot now wait to get up in the morning to continue his studies. He said he found his enthusiasm for early rising was very worrying!

Sometimes the benefits of distance learning continue beyond the individual. Some prisoners go on to teach their fellow prisoners what they have learned or find that they have a talent for teaching and become peer group mentors. Occasionally we hear that a previously difficult prisoner's behaviour has changed dramatically once they have begun to study.

Prisoners' Education Trust is a charity. Its main source of funding is charitable donations, but it does work closely with the Prisoners' Learning and Skills Unit which makes an annual grant towards course costs. To receive an award, prisoners must usually have at least six months to serve and the prison must be willing to contribute ten per cent of the course fees.

This article has concentrated on the Trust's main activity, but it also provides small grants for art materials and can meet fees to enable men and women near the end of their sentence to attend college or to take vocational courses outside prison. In addition, the Trustees are interested in research into the effects of prisoner education. In 1993, the Trust commissioned a three-year study into the effects of supported distance learning on re-conviction rates. It was a very small sample, but there were indications that those who had completed their distance learning course were less likely to have been reconvicted two years following their release than those who had not. At present jointly with the University of Central England the Trust is supporting a PhD student who is looking at the motivation of prisoners who opt for education.

Since it was founded just over 12 years ago, the Trust has made over 4,000 awards (over 800 during 2002) and offers its scheme in over 90 prisons. This is, of course, a drop in the ocean compared with the numbers of prisoners in the system. Distance learning is not suitable for all prisoners, but it does open up opportunities for a substantial minority which would otherwise not be available. And it is not expensive. The total average cost of providing a course is around £250. Trustees hope that distance learning will eventually become an integral part of the prison education curriculum — as it is already in some places, alongside basic skills, vocational and creative studies.

For more information please contact Prisoners' Education Trust: Wandle House, Riverside Drive, Mitcham, CR4 7BU. Tel: 020 8648 7760.

Email: [ann@prisonerseducation.org.uk](mailto:ann@prisonerseducation.org.uk)





# Who could deny that smile?

**Dave Kellett**, Instructional Officer, Garth Prison, Butler Trust Award Winner 2002.

**Dave Kellett gained a Butler Trust Award in 2002 for sustained, imaginative restorative work in imparting technical skills to prisoners in the community workshop in Garth Prison. The work done by the prisoners enables Dave and the Inside Out Trust to meet the needs of disabled people in India to gain mobility through specialised wheelchairs developed in the prison.**

Working with the 'Inside Out Trust' Garth Prison have developed a workshop in which old, discarded wheelchairs are adapted, refurbished and personalised to the specific needs of people in India. 'Inside Out' has worked on restorative justice projects in prisons for the past ten years helping prisoners take responsibility for their behaviour and seek to do some good for others as a form of reparation. As a result of this work we were given a Butler Trust Award in 2002. I received the following e-mail message from Susan Critz who teaches at the school in southern India, to which we send the refurbished wheelchairs.

*It's a miracle! We arrived at Andhra Mahila Sabha as we do every Thursday afternoon. What was different from the beginning was that the children at the front door hailed us before we ever set foot out of our cars. And who was biggest of the bunch? — Manikandan. He proudly sat tall in his wheelchair saying hello and as we entered, turned his wheel chair to follow us. He sped through the halls to the classroom and this was the beginning of our insight into his two-day transformation. We always wondered if those little deformed hands could manipulate the wheels. The answer is a definite 'yes'.*

*In the past, the children would enter the classroom and choose a desk/chair a bit like musical chairs since there are not enough for each of them. In prior weeks, if one of us saw Manikandan, we would*

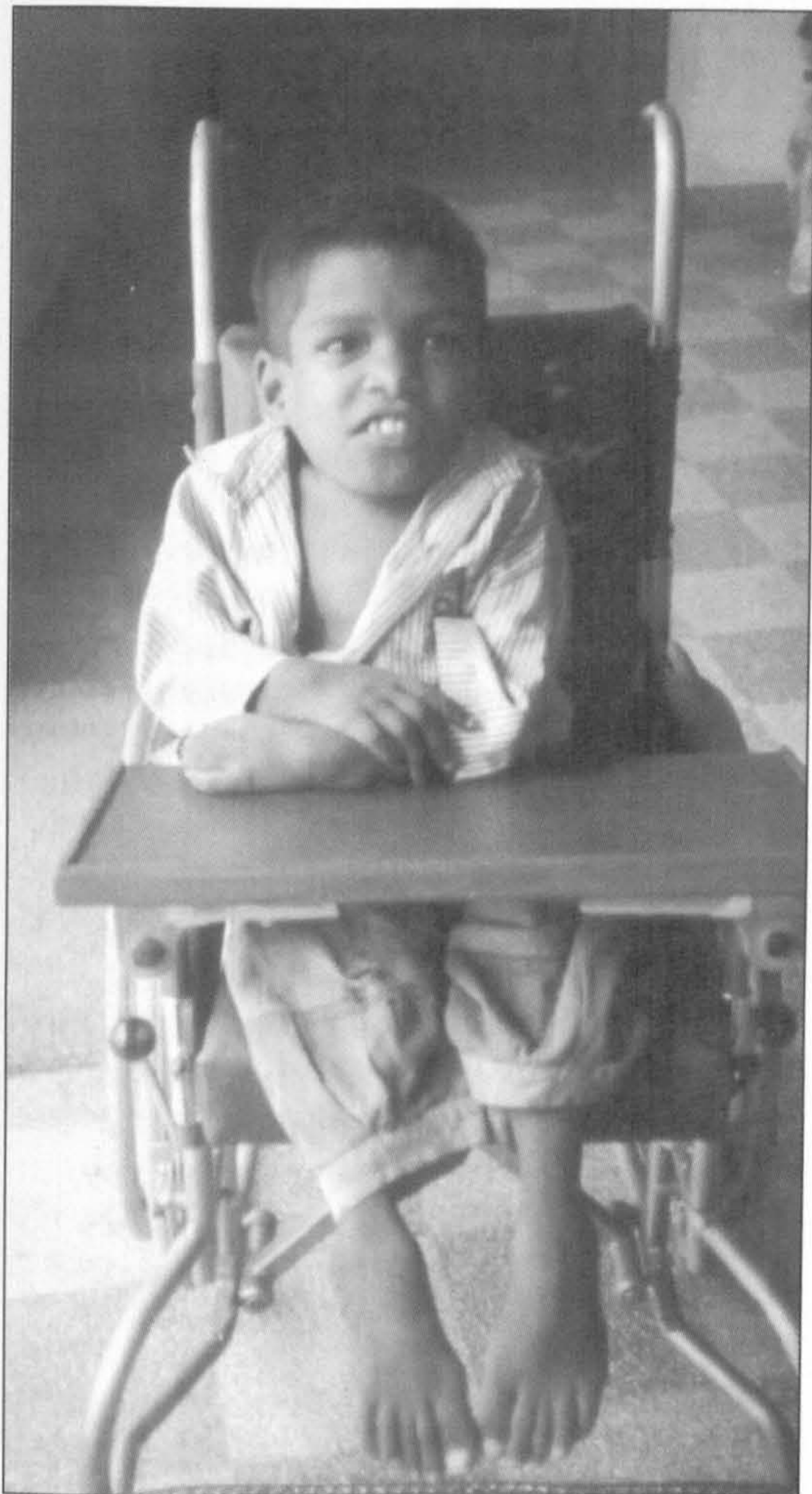
*lift him into a chair but we had noticed a growing trend where the other children would go to him and tell him to sit on the floor so they could have a chair. This had always disturbed us as teachers. The whole problem is now solved because with the addition of the wheelchair there are enough desk chairs for all children since Manikandan's desk is built into his chair.*

*Manikandan wheeled into the room with a big confident smile that would not go away. He proudly took a place with the other students. The minute the worksheets, pens, crayons came out, he went straight to work. Another transformation! In past weeks because he is left-handed and the desks are for right-handed students, his arms and hands were too weak to do any work. This week, with his arms properly supported by the table of his wheelchair, he completely finished his work with amazing dexterity. In fact, when we offered to pin one of his sheets to a bulletin board, he glowed. I am sure he has never had a piece of work displayed before this time!*

*Even on the day of the wheelchair presentation, we asked his teacher what language this boy spoke. He spoke rarely and when he did it was softly and no one seemed to understand him. He has had the wheelchair two days, and he is speaking loudly, clearly and constantly. His reluctance to speak in the past must have been due to the small stature and the conscious/unconscious way that others treated him.*

*I want everyone related to this project to know that they have truly changed a life. This boy was destined to become one of the street beggars who move between*





Manikandan with his customised wheelchair.

*stopped cars at intersections and tap on windows for a few rupees. Within two days, I can see that Manikandan is going to contribute to society and will have a wonderful life. Who could ever deny that smile?*

As the instructor in charge of the Community Workshop I have been impressed by the way that men working with us have shown an enthusiasm for personalising the wheelchairs that we are recycling to the specifications of the receiving person in India. We have ten prisoners working on the chairs which can take two weeks to alter. They know the power of personalising possessions when you are deprived. They know how important it is for the recipient of each wheelchair to feel 'Yes, this is mine' and it is something special. They know the impact of achieving greater control over your life which their work brings for those receiving the chairs. Clearly they also receive so much in terms of their own awareness of the possibility of doing good for others without expecting anything in return.

The powerlessness of being in custody can be transformed by this act of giving. They feel truly empowered by their act of reparation, taking some responsibility for their past and owning up to the need in others. This is a truly responsible action on their part and shows their maturing into citizens able to take their place in society again. They have shown their humanity and become adults through that process.

We have taken over 200 wheelchairs to Chennai (Madras) transported free by British Airways. For a few pounds, a lot of imagination,

Dave Kellett making final adjustments to Buhna's wheelchair.





ingenuity and care we take wheelchairs that would have been on the scrap heap and put them to good use.

### **'Time' for others**

The following is the testimony to the transforming power of giving 'time' for others. It is written by Martin, one of the Community Workshop crew at HMP Garth.

*My views on the sort of work you get to do in prison are fairly jaundiced to say the least, but lately my opinions have changed considerably. Having been unemployed for the past six or seven months and going through the all too familiar 'bang-up' syndrome, which you would normally associate with a local prison, I was becoming jaded and restless when out of the blue I was given a job.*

*Community Workshop was the name that was written on the ticket. I was no wiser so I asked a couple of the guys what it was like. 'Oh, it's the old wheelchair shop' they replied. So, that first morning I duly turned up with no preconceptions other than I would be bored stupid for very little reward as usual. Coincidentally, Dave the civvie in the shop had just returned from a field trip to India, where he had gone to assuage his curiosity about the recipients of the various types of wheelchairs produced in his workshop, and he (very astutely I feel) had videoed the handing over of the 'very much in demand' wheelchairs to various charitable organisations.*

*So my first task on my first day was to sit with the other guys in the workshop and watch what turned out to be a very heart-warming video of human beings*

*who had less than nothing, living in indescribable conditions and who were so obviously full of joy and gratitude at what to them was a major miracle in their lives.*

*To watch this was almost painful in a way, yet at the same time poignant. I mean it made me feel good and I hadn't, up until then, had anything to do with this project ('cos that's what it is I think, a project). So far I had been just doing my bird like everybody else, head down, getting on with it. This experience presented something tangible and worthwhile to me. In the space of one hour my whole mindset had undergone a change, 'I'll have some of this,' I thought. Forget all the tired old clichés about doing something constructive, this was doing some good and making me feel good at the same time. I mean normally you get the mind-numbing, boring, robotic work that's about as fulfilling as a migraine. The fact that the wages weren't too clever didn't bother me as much once I got started, although a decent wage would be nice, as most cons would agree.*

*Helping people who really deserve a leg-up makes a lot of difference and I'm pretty sure that most of the guys feel that way. It's not like having a conversion or an epiphany; you just know that given the option a lot of cons would sooner do this kind of work, where they can actually feel that they make a difference and can see the results by the smiling faces of those people on that video who somehow seem to have things worse than us but endure it with such admirable stoicism. Who can deny that smile?*



# Moorland's Lifers Group



*Darrell Fisher, Probation Officer, Moorland Prison and YOI on behalf of the staff team.*

**The Life Sentence Prisoners' Group is an innovative offence-focused group run by probation and prison officers for young adult offenders starting their life sentences. The 30 week programme helps them to recognise the build up to their offence and to address the risk factors which will help them progress through the lifer system and reduce the risk of re-offending. The group enables its members to become articulate young men wanting to talk about their offences and the difficult issues associated with them and with a greater understanding of their victims.**

The award of the Butler Trust Certificate to the 'Life Sentence Prisoners Group' (LSPG) in March 2002 has certainly made an impact on our work. It is our impression that young adult male prisoners, between 18 and 21 years old, who have received a life sentence, are in certain respects, a forgotten cohort of the general lifer population. Procrastination and prevarication seem to be the response when a young lifer asks about help to address and understand their offence. This can best be summed up in the oft-heard phrase, 'wait till you get to the adult estate'.

The LSPG was established to start the long and painful process of addressing their abusive behaviour that brought about the events leading to their life sentence. The award from the Butler Trust has helped our efforts in that the subsequent publicity and recognition has attracted interest and indeed validated our work.

We are able to produce a 'Treatment Profile' after they have completed the LSPG course. For those who have completed the course we can see that they can now talk about the offence and who understand the relevance of addressing their associated dynamic risk factors, a process that is the core of the management of a life sentence.

One of the noticeable consequences of the work of the LSPG has been that there has been a marked increase in the transfer rate of young lifers from Moorland to adult therapeutic community prisons such as Dovegate and Grendon. Such transfers reflect the recognition by the individual

prisoner that they have 'problems' that they need to address in order to make themselves less abusive in the future. This recognition has been prompted by their attendance on the LSPG. In some cases, such referrals have involved the prisoner electing to defer their panel hearing for release consideration as a discretionary life sentenced person. This means that these prisoners are deferring the date when such a panel would consider releasing them from custody onto licence supervision in the community. The transfer rate of our prisoners to therapeutic prison communities from December 2001 to November 2002 compared to previous years has risen nine times.

The vast majority of our young lifers have a personal history of being victims of emotional, physical and sexual abuse. Some have experienced separation from their families through periods of Local Authority residential care and have suffered the loss of significant adults. All these experiences validate the research of Gwyneth Boswell in *Violent Victims: The prevalence of loss and abuse in Section 53 offenders (Princes Trust 1995)* into the history of young people who have committed serious and grave crimes.

The LSPG is a groupwork programme based on adapting and applying various established models to help the young men begin to understand how they committed their abusive behaviour. We would look to have the programme accredited and so are involved in a rigorous professional debate with our colleagues in the Psychology Department about how we address the needs of the ubiquitous What Works agenda, the criteria of the Offending Behaviour Programmes Unit and the demands of the Joint Accreditation Panel.

Whilst the LSPG has established that there is a way to help young men address their serious and grave abusive behaviour early in their life sentence, other issues still need to be tackled.

- ❑ What to do to help prisoners experiencing Post Traumatic Stress Disorder because of their offence.



- ❑ What to do with those prisoners who express extensive denial regarding their offences.
- ❑ What range of cognitive/psychometric tests should we use to assess the criminogenic needs of our prisoners.

All these are challenges for the future.

The format of the LSPG has been extensively disseminated and was presented at the recent 9th European Groupwork Symposium in London. For those interested issues concerning the LSPG and the general management of young adults serving

life sentences can be found in the British Journal of Community Justice which contains the papers presented at the first ever Prison Service conference on dealing with that group. (G. Boswell, D. Fisher, F. Flaxington, M. Loughlin. 'Working with Young Adults Sentenced to Life' in *British Journal of Community Justice*. Vol. 1. No 2. Summer 2002. Sheffield Hallam University, pp 77-89)

Working in a prison can leave one feeling somewhat isolated and insulated. Recognition by the Butler Trust serves to remind such workers that their work is recognised and appreciated.



# Brixton's Best

## Information, Advice and Resettlement Service

*Joyce Headley, NACRO Information and Service Manager.*

*Joyce Headley was a Butler Trust Award winner in 2002: her unfailing energy and enthusiasm in the face of very difficult circumstances prompted several prisoners to nominate her. Dealing with about 100 referrals a week, she provides an essential service to prisoners to help them resettlement in the community. Advocacy work with landlords, local authority housing departments, benefits agency and potential employers is complemented by events in the prison involving outside agencies.*

**Working in a prison is like no other working environment. The fact that it is a place of incarceration means that it is important to strike the right balance between working to the regime in place whilst meeting the needs of the prisoner population.**

Gaining respect from both the prisoners and the prison staff is essential to being able to carry out an effective, professional service. Adopting a professional working approach, which seeks to build positive working relationships with staff at all levels and so becoming part of the team helps bring this about. As the representative of NACRO in the prison, I act as the information link between the prison and NACRO.

I write to say a BIG thank you for all your efforts in helping me to obtain accommodation. Without your help I would now be facing even more problems. Keep up the good work, I think that a lot of lads here really appreciate NACRO being here. I would dread to think what would happen without you.

The NACRO Brixton Prison Information Advice and Resettlement Service contributes to the prison's policy of providing purposeful out-of-cell activities, enhancing its profile as a community prison moving into the twenty-first century. Brixton Prison funds it.

I have over ten years' experience of working with offenders, both in prison and in the community. From 1990 I worked as a Job Club Manager at Pentonville prison for six years, (the first Job Club pilots scheme set-up by the Employment Service in a prison). I was responsible for getting prisoners into work on their release by developing links with employers. Through this experience I gained a thorough understanding of the diverse needs of both ex-offenders and those at risk of offending in institutional and community environments.

I have been at Brixton managing the NACRO Information Advice and Resettlement Service as its full-time worker since June 1996. My role has been to develop what was previously a voluntary service, and expand both its accessibility and also its range of services. I achieved this by creating more comprehensive referral and information procedures and networking with a wide range of other agencies. I made use of the internal means of communication such as notice boards in Reception and



the wings. I took part in the daily Induction programme to inform new comers of the service. I also relied very heavily on the co-operation of prison officers who are first point of contact for prisoners looking for answers that our service can provide.

Very early on it became apparent that the range of needs that the prisoners presented were quite diverse and complex. With Brixton Prison being a local prison, most of prisoners referring themselves were either recently imprisoned or were nearing the end of their sentence. Immediate needs therefore represent matters left unresolved due to their unexpected imprisonment such as welfare benefits, housing and landlord matters; and issues prisoners face immediately before release:

- ☐ finding accommodation;
- ☐ negotiating the welfare benefits system; and,
- ☐ employment.

Between these categories of prisoners there are also referrals from prisoners in mid sentence or on remand who presented needs that affected their time in prison such as mental health issues, family matters, substance misuse matters and so on.

The number of people we have seen in the first year of my employment in 1996 was 757. From January 2001 to September 2002 we have seen over 3,000 prisoners. The increased number of referrals generated has been accommodated through systems I have put in place, and the fact that the NACRO Information Advice and Resettlement Service is based on G and C Wings thereby allowing prisoners more immediate access to NACRO staff. There are now two more staff for whom I have responsibility. The service has developed and expanded.

The service is further augmented by information sessions provided by representatives from other organisations on particular topics. These include welfare benefit entitlement experts and assistance in the completing claim forms such as Community Care Grant forms, those for Job Seekers Allowance and arranging appointment dates and times for interview, where possible. Organisations involved have included Employment Service Job Centres, Local Authority Housing Departments, Benefits Agency, The Prince's Trust, Local Education Colleges to assist with career guidance — to name but a few. The aim is to help break down some of the barriers that exist.

Other initiatives I have taken include the organisation in the prison chapel of 'Open Day'

events. After the first event, which took place in 1999, I was nominated 'Employee of the Month' by prison officers, who vote for a member of staff who they felt the award should go to, which the Governor presented. I was very surprised and honoured to have received the award, as the only civilian worker to receive the award at the time. This was based on the success of the service NACRO provided in the prison. It was good to be recognised by our colleagues.

We have just arranged our fourth 'open day'. Previously the prisoners have heard from Sir David Ramsbotham, then Chief Inspector of Prisons; the Mayor of Lambeth, and, in October 2002, Mr. Terry Waite CBE, former Beirut hostage, whom Ann Fragniere, Director of the Butler Trust, very kindly arranged to attend. Mr. Waite talked about his own experience while held hostage in Beirut. He urged prisoners to make best use of the occasion and the opportunities provided to enable them resettle back into the community.

Lloyd Honeyghan, the former two-time undisputed world welterweight boxing champion was invited as a surprise guest. His visit went down well with both the exhibitors and prisoners alike. Some said they got a 'huge buzz' out of meeting him, others that they were inspired by both Terry Waite and Lloyd Honeyghan, who both took time to talk to prisoners individually about various issues and concerns.

A greater emphasis is being placed upon resettlement of prisoners: the Government has plans to extend this area of work in order to reduce some of the causes of crime — prisoners leaving prison unprepared — a lost opportunity to put right some of the factors behind their offending in the first place. Helping prisoners to prepare for their release from prison plays a vital role in stopping them from committing further crimes in the future. Home Office research shows that:

- ☐ unemployed ex-offenders are twice as likely to re-offend as those who go straight to a job on release from prison; and,

Just a note of thanks to say how appreciative we are of NACRO's involvement in the pre-release course — mainly by bringing in outside visitors to offer advice and direction, clarification on housing, employment, and training among other issues. To many of us this is vital if we need to break out from the vicious cycle of jail — out — jail.



Thank you for your assistance in sorting out my problem with the Borough Council, although I have not had a reply after my housing benefit form was filled in and sent by your good self, I find that it has been a problem taken off my back. It's nice to know that people like yourself and your staff are there to help.

- ☐ prisoners who are homeless on release are more than twice as likely to commit further crimes than those who have a home.

Providing prisoners with housing and employment advice therefore plays a vital role in preventing them from re-offending on release. The special events and our service have been highly successful in encouraging the community to work with prisons to help reduce crime. I believe that even if one person benefits from my effort it would be a big achievement. That is one less person who will go back to crime, one less victim. I remain determined and optimistic.



# As good as you want it to be

*John Spedding, Principal Officer, Oswald Unit, HMYOI Castington. Butler Trust Award Winners for Working with Young Offenders.*

**The Oswald Unit houses 40, 15-17 year olds serving long sentences, many with a history of serious behavioural problems. The success of the Unit lies in meticulous planning and an inspiring vision, which has engendered a vibrant, purposeful atmosphere and remarkable sense of community between staff and trainees who eat and participate in classes together. Staff use leisure time constructively and enhance already above average GCSE results by bringing their own hobbies into the Unit. There have been no positive drug tests since the Unit opened and a comparatively tiny number of assaults. Families say they cannot compare the boys with the day they arrived at the Unit.**

In August 2000, Oswald Unit opened at Castington. It is a purpose-built unit to hold 15-18 year olds serving section 53/91 sentences. These trainees are serving sentences up to and including life. Staff were volunteers for the unit. They came fully committed and excited at the prospect of being part of a new vision of what can be achieved with young people, given good staffing levels, and located on a unit ideally designed for holding a maximum of 40 trainees.

The unit ethos is all about building up a good relationship between trainees and staff through

the staff's interaction with them, breaking down barriers. The staff were taking up the role of a responsible adult and earned respect through their caring, honest attitudes.

Over the months a community has been built on the unit and mutual respect has been gained. Staff who had outside interests, brought them onto the unit and quickly got the lads involved. Hobby classes became more and more popular. The landscape of the unit, which had started bare, soon became colourful with plants and flowers. As the weather warmed up, the staff were on the sports field playing football and softball with the lads.

Academically, good results were starting to happen. One trainee who had arrived on Oswald Unit, barely able to read or write, won a prestigious 'Koestler' award for his book 'Alec the caterpillar'.

*When I came to Oswald I was only 15 years old and I am now 17 years old. Now what did Oswald do for me?*

*It gave me the belief to do things like read and write. I wrote a book about a caterpillar, which won a Koestler Puffin Award and I was given £60. It gave me the chance to control my temper and I*



*have done it so far. Sometimes you get good and bad staff, but in Oswald they are all good. You are treated like a human being and an adult, which is a good thing. I am currently on the server and that is good. All I can say is that Oswald is as good as you want it to be.*

*Tony*

The GCSE results were excellent and more than compared with any secondary school results. Two lads are already well on their way with their A Levels.

One particular trainee, Mark, who had been to nearly 50 different locations, including many foster care homes and other prison establishments, eventually arrived at the Oswald Unit. He is a lad who needed great amounts of one to one work done with him, and proved to be extremely demanding. However, through the great work of the staff, his commitment and much patience we started to make progress. Eighteen months later, Mark, now 18, had to move to a Young Offender Institution (YOI). He left a different lad and capable of making the transition that months earlier would have been impossible.

The Butler Trust Award that the unit won was for 'working with young people', an award fully deserved.

It culminated in four of the unit staff attending Buckingham Palace to accept the award on behalf of the whole unit, staff and lads. A fantastic day, it will live long in the memory of all concerned. This was probably a once in a lifetime event that was enjoyed and appreciated by all of us. There is no doubt, Oswald Unit is a model of how all juvenile units should be built and staffed. A unit that holds a maximum of 40 boys is both manageable and allows staff to get to know the lads and for the lads to know each other and the staff so that it is possible to do the purposeful work with them.

However this is only part of the story, the building is as important as the numbers. The design is open and all are able to keep in touch with what is happening. It is the commitment and ability of the staff that has made the unit what it is today and the fact that young men have used the opportunities open to them in order to risk themselves. It is due to all these personal stories that Oswald is the early success it has proved to be. As good as we all want it to be.



## Book Reviews

### Prison Architecture — Policy, Design and Experience

**Edited by Leslie Fairweather and  
Sean McConville, pub.  
Architectural Press 2002.**

Prison architecture cuts to the core of effective penal policy and prison building design. It is an increasingly important area of architecture because of the impact of unparalleled increases in prison populations throughout the world and the huge expense of construction and operation.

Almost everyone who enters a prison finds the experience daunting. There is something inherently uncomfortable in entering a place which deprives fellow human beings of their liberty. This is true whatever the type of prison and whatever its design. Yet the designs are far from accidental. They represent the accretions of more than a century of penal policy. Every prison poses a challenge for architects because of the tension between building a place where people are sent as punishment and yet where they have to live in the hope of finding new purpose in life.

Good prison design allows good relationships to develop between staff and prisoners, provides space and opportunity for a full range of activities, and offers decent working and living conditions. The Victorian radial prisons had much to recommend them. Staff and prisoners felt safe because of their good sight lines and the tax-payer benefited because fewer staff were required. In contrast, the prison designs of much of the post-war period, like post-war architecture in general, have proved shoddy, expensive and just a little inhumane. For all these reasons it is not surprising that prison architecture — and the philosophies that it reflects — have been the subject of much academic debate.

Prompted by an international symposium on penal ideas and prison architecture held in April 1998 which included architects, academics, prison administrators and staff, former prisoners, private sector providers and penal reformers, this book brings together a truly international range of views, experience and knowledge. The editors present a completely fresh look at the policies and designs of today and the future, as well as exploring important themes in current penal philosophies and legislation.

But while architecture can permit or prevent good penal practice, it is not the whole story. Prisons are living institutions. People can make them work or they can make them fail. Security is more than high walls, barbed wire and sniffer dogs. All prisons can be run in an oppressive manner. Equally, the best governors and staff will make a go of things no matter what the physical conditions or restrictions of the site.

Prison design is not the be-all and end-all — but as a topic of immense importance and research this book bears important testimony.

**Revd Canon Alan R. Duce,**  
*Chaplain HMP Lincoln.*

### English Prisons: An Architectural History

**By Allan Brodie, Jane Croom and  
James O'Davies. Published in 2002  
by English Heritage (297 pages)  
ISBN 1 873592 53 1.**

This book is the result of the first comprehensive survey of the prison estate in the modern era. It was conducted by the Royal Commission on Historical Monuments of England (RCHME), which merged with English Heritage in 1999. The Strangeways riot and the resulting Woolf Report gave impetus to the project: immediately after the riot RCHME staff from the York office were asked to make a

photographic record of the damage. The new approach to prison design, following the publication of the Woolf Report, led to the authors' survey of every prison and their research into their (our) history and the compilation of an archive of over 5,000 photographs and over 250 files. Incidentally, this archive can be seen through arrangement with the National Monument Record in Swindon (Great Western Village, Kemble Drive, Swindon SN2 2GZ).

This is a magnificent book, copiously and excellently illustrated with diagrams, plans and colour photographs (some of which are stunning images). But it is much more than a coffee table book: it is a scholarly history of prisons and imprisonment. It begins with a summary of prisons and punishment before 1775 and breaks down into six eras the development of the modern estate. The watersheds are well known: John Howard's report, the advent of the Pentonville design, the particular features of military and convict prisons in the mid-19th century (Jebb *et al*), the early years of the Prison Commission and the early modern period up until 1961.

What marks this out as being a particularly good book is the way it weaves into the history of the design and the bricks and mortar (and latterly, all the new materials of modern construction, including ships and RTUs — both with their place in the book) the important pieces of legislation and the different schools of regime philosophy. What came across as particularly striking to this reader is the account of the impact of the Prison Commission. Established in 1878, it overthrew the brutalism of Jebb's radial designs and a regime based upon 'hard labour, hard fare and a hard bed'. The Commission also began to question the supreme confidence of the early to mid-Victorians, although we will not come completely from out of their shadow until we vacate their buildings. It was



the social reforms as much as the penal changes which helped improve prisons.

The Public Health Act 1875 was in certain respects as significant as the Prison Act which established the Commission. It highlighted the importance of preventing infection from contagious diseases and as a result saw the building of separate reception and healthcare facilities which were previously located in the basements of the radial designs. The laundries and wash-houses of 31 prisons were improved or rebuilt by 1890. It is also interesting to note that it was in this era that the first anti-suicide design measures were introduced: wire meshing between the landings, raised railings, the removal of gas lighting from cells and the replacement of bell handles with electric bell-pushes.

The Gladstone Report of 1895 and the pursuant Prison Act of 1898 led to further change: within three years all treadmills (including the productive ones — that is, ones used to mill flour) were closed and their buildings converted to workshops. More impressive was that with the provision of workshops came the provision of work: by 1902, 33 per cent of the local prison population worked in association outside their cells. Other symbolic change took a little longer: it was not until 1921 that the prison 'crop' and broad-arrowed clothing were abolished and conversation allowed at work; compulsory attendance at chapel ended in 1924; and canteens and paid work introduced in 1933.

But these are details cherry-picked from the book: read it and find your own. The main text concludes with two chapters on the modern era (1961-1990 and 1990-1998). It finishes with a series of appendices and inventories including a list of local prison closures (1878-1931); all the prisons in the current estate by address and map grid reference; and a list of all local prisons in England and Wales 1777-2000. This book will please everyone who has an interest in the variously shaped and often peculiar buildings we have established to

imprison our fellow men and women. I defy the casual reader not to peruse it longer than casual intended; and, at the other extreme, it will also delight the prison 'anorak' (if there is such a fanatic).

**William Payne**

*National Probation Directorate.*

## **Situational Prison Control: Crime Prevention in Correctional Institutions**

**By Richard Wortley. Cambridge Studies in Criminology 2002**

This welcome book by the head of the School of Criminology and Criminal Justice at Griffith University, Brisbane, who worked as a prison psychologist for nine years, examines the control of problem behaviour in prisons from a situational crime prevention perspective. Following the success of applying situational crime prevention concepts to community settings, Richard Wortley argues that the same principles can help to reduce levels of assault, rape, self-harm, drug use, escape and collective violence in our prisons. He proposes a two-stage model of situational prevention, which moves beyond traditional opportunity reduction. In a closely argued and well illustrated section, he attempts to reconcile the contradictory urges to control prison disorder by 'tightening up' and hardening the prison environment on the one hand, and by 'loosening off' and normalising it on the other. 'Situational Prison Control' will be of interest both to students of prison dynamics and of crime prevention, as well as to practitioners struggling to make sense of the complexity of prison dynamics.

The book provides an analysis of disruptive influences on prison life. It is designed to assist academics and practitioners in considering alternative approaches to control. Although a controlled environment is a preferred state for prisoners, staff, administrators

and politicians, it can be argued that if development and growth are to take place in custody there should be a slightly uncertain undercurrent to a prison setting. This uncertainty enables prisoners to take personal responsibility, rather than being controlled at all times. Certainly in the prison I governed for the last ten years of my service, managing chaos was a regular theme. If we take people seriously, value them as persons and consider them capable of transforming development into pro-social behaviour then prisons must be able to take risks within the safety of relationships between prisoners and prison officers. There is little evidence in this valuable book of a recognition of this dimension.

The situational approach to crime control has given us new insights into criminal justice and prisons, using clearly researched evidence to provide a basis for assessing current environments, developing safer ones and responding appropriately to events and actions, in ways which avoid destabilisation.

Risk management is an important skill for Prison Service managers. Writing about 'dynamic security' in the 1980s, Ian Dunbar emphasised the need for managers to concern themselves with:

- the Individual (staff and prisoner);
- the development of Purposeful Regime Activity; and,
- encouraging and developing relationships between staff and prisoners.

Using ideas intuitively developed by experience and sensitivity, many current senior practitioners in the England and Wales Prison Service have managed and coped with situations that should be unmanageable on paper. This book attempts to present this intuition in a science, perhaps demonstrating something of the gulf between academics and practitioners. As an ex-prison psychologist, Richard Wortley should be well placed to bridge that gap, and one longs for the



practitioner's book arising from the insight shown in this one.

The argument is sound, but will it be heard in the right places so that practice is affected? Perhaps when the next major breakdown occurs in prisons there will be reference to this book. Richard Wortley's model is based on controlling factors that lead to misbehaviour, whilst reducing opportunities for such disruption. Rather than seeing these as conflicting approaches the author works with both dynamics as different stages of personal and situational interaction. The appropriate balance between precipitation control (control of misbehaviour) and opportunity reduction can result in a more dynamic response to issues of concern. Examples of the two approaches are set out below.

#### Precipitation control factors:

- ❑ Controlling prompts — awareness of weapons, reading the warning signs, staff providing good modelling behaviour, domestic quality furnishings.
- ❑ Controlling pressures — reducing inappropriate conformity by dispersing troublemakers, participatory management, grievance mechanisms and reducing the size of wings.
- ❑ Reducing permissibility — good staff led induction, ownership of living space, a sense of community, confrontation in wing meetings, personalising prisoner-prison officer contact.
- ❑ Reducing provocations — personal control over lights and heat, reducing overcrowding, personal decorations, personal keys, noise absorbing surfaces.

#### Reducing opportunities for disruption:

- ❑ Increasing the perceived effort — vandal proof furnishings, control gates, staggered cell release, structured activities, restrictions on fruit juice.
- ❑ Increasing perceived risks — screening visitors, CCTV, good

supervision in wings, civilian staff, defensible space principle in wings.

- ❑ Reducing anticipated rewards — removing targets such as personal property. Providing protection for vulnerable prisoners, marking property, single cell occupation, PIN for phone cards, ignoring manipulation.
- ❑ Increasing anticipated punishments — formal charges, removing privileges, increasing social condemnation through wing meetings, making an example by punishing ringleaders and publicising the punishments.

Many more factors are listed in the book. Separately, they are the sort of measures most prison managers would find useful to improve the atmosphere in any prison. The model is helpful in showing how they fit together in a rational way, to give a sound justification for their use. Such measures often provoke accusations that a manager is soft on prisoners, but when seen as part of a process of reducing precipitation factors they make much sense. Getting from A to B is the secret of combining good management and leadership. Prisons have often been accused of having too many managers and not enough leaders. Richard Wortley provides a way of combining two essential elements of prison governance. I commend this book to all practitioners. I hope there will be a follow up to make the ideas readily accessible at all levels in a Service renowned for not reading much but passing on its culture and practice through its rich oral tradition.

*Tim Newell,*  
former prison governor.

### **TV Programme: Tomorrow La Scala! Directed by Francesca Joseph (2002).**

Victoria plans to put her struggling opera company on the map by

producing Stephen Sondheim's *Sweeney Todd* in a maximum-security prison. She intends to take the residents of 'psycho city' and use them to produce a popular, media-friendly hit. This is the promising premise of this BBC film, which proved to be a surprise festival hit before its TV screening in December 2002. As one would expect, things do not run according to plan. A lack of talent, a lack of commitment and various relationship problems between the participants all beset the production. However, the show does go ahead and the first night marks the end of a personal journey for those involved.

The film takes a much lighter, more human interest in prisons than many other films and has some glorious moments. Victoria's pretensions constantly get the better of her as she constructs a set where a balloon symbolises hope and a blob of red paint depicts the post-apocalyptic tundra. The film has also been strongly tipped to win the BAFTA for best impression of a lighthouse in a TV drama. However, does the film have anything meaningful to say about prisons?

The film is set in HMP Seaworth, supposedly a maximum-security prison. However, it was filmed at Haverigg, a medium security prison. This shows in the film and it seems strange that this maximum-security prison does not even have a wall around it. Why couldn't they just say it was a medium security prison?

The film also includes some incongruous scenes of extreme violence including the rape of one prisoner by another and a subsequent revenge attack on the perpetrator. These scenes move the story on very little and one needs to question why they were in there at all. Indeed, the rape scene takes place in the drama studio, to which these maximum-security prisoners apparently have unfettered and unsupervised access after rehearsals. These scenes are so extreme they alienate the viewer; and seem so unnecessary because there are other more subtle scenes which illustrate the aggression and emotional instability of



the prisoners. Perhaps intended to be a counterpoint to highlight the humanising effects of the collaboration for all involved, the extreme nature of these scenes make them counter-productive in this function. Ultimately, these scenes appear unnecessary, unrealistic and out of touch with the rest of the film.

The prisoners are depicted as a group of oddballs, volatile nutcases or weirdoes, but it could hardly be said that anyone else in the film is exactly normal. During the story, they all have to face up to their own vulnerability and responsibilities. The scenes of Jordan and Charlie confessing their crimes, Sidney going into a frenzy over the late tea break or Walter bursting into tears with gratitude at the final meal all take us beyond the surface of the characters and into their experiences. These scenes are more powerful than any graphic violence in depicting their personalities and potential.

Victoria initially sees the prisoners purely as an opportunity to exploit, wanting to use 'the raw energy of the prisoners' to enhance the performance and attract publicity. On a personal level, she is uncomfortable with them. She panics when Sidney loses his temper and raises the alarm. She says of the prisoners, 'I think they're just Neanderthals. I think they're buffoons. I think they're animals'. In a critical scene, she loses a bracelet and automatically assumes that one of the prisoners has stolen it. However, as they support her through the ups and downs of the rehearsals, she starts to see them in a different light. By the final meal, she apologises for the accusation she had made and finally tells them; 'I think you're all very different. I probably had an idea about what you would be like before I came but you're all very different. You're talented and funny and patient, I think actually, and some of you are quite scary. But I like you'. Like the viewer, Victoria confronts her prejudices and sees the individuals for who they are. It is in this gentle altering of presumptions and perceptions that the film is at its best.

The key member of staff depicted is Kevin, the Lifer Wing Principal Officer. He initially appears as a bit slack and cliché-ridden, ordering his shepherd's pie over the radio net and counselling the company to 'be friendly but don't be their friends'. However, in time his approach becomes more apparent. We see his skill as he calmly talks down Sidney after he flies into a frenzy over a delayed tea break. He shows care and a sense of fair play as he defends the prisoners against accusations of lack of commitment ('You can't get any more committed than these lads'), and against Victoria's suspicions after her bracelet goes missing. He also defends and maintains the production against his own colleagues countering suggestions that control is being lost, saying 'I've never seen the men so happy'. Although he is depicted as fallible, limited and at times wrong he is also a compassionate, open-minded and honest person. This is a valuable antidote to the usual depiction of prison officers as ineffectual fools or bullying tyrants.

Prison food has never had a good reputation, but one of the most exceptional aspects of this film is the imaginative use of food to depict the pains of imprisonment and the loss of freedom. Following the auditions, we see the prisoners taking sloppy, unappetising food from the servery whilst subjecting each other to the casual brutality of prison life. They return to eat alone in their cells angry, frustrated and upset. In contrast, the opera company eat as a community, quaffing wine and enjoying a rich and lavish diet. This emphasises the distance between their lives and experiences. Later, they join together for a meal before the first performance, where each person is provided with their favourite dish. The prisoners are initially uneasy until finally accepting the normality and luxury of communal eating. This marks a coming together of the individuals as a group, casting aside their roles and prejudices. This is the freedom that the performance has given them all.

The film chooses to try to say something about the depiction of prisoners in the media. Victoria initially sees the sensational, media attractiveness of the prison setting. Later, when a journalist, Emma, arrives an interview is set up with one of the more talented prisoners. Impressed though she is with his singing talent, she is more interested in intrusively inquiring about his offence. Victoria goes full circle, criticising Emma for her exploitation of the situation. Just as Victoria's criticisms seem hypocritical, so does the film's depiction of an exploitative journalist. Given the inexplicable insistence on this being a maximum-security prison and depicting extreme violence, this film really cannot claim the moral high ground.

This is a gentle film that has much to commend it as a more human look at prisons. However, its more sensational aspects ultimately undermine it. This is a good film but it could have been more.

**Jamie Bennett,**  
*DSPD Manager HMP Whitemoor.*

## **Albert Park, Middlesbrough — an approach to Restorative Justice**

**The Restorative Prison Project.**  
**Available from the International  
Centre For Prison Studies, King's  
College London, 8th Floor, 75-79  
York Road, London SE1 7AW —  
free for small numbers, contribu-  
tion towards costs appreciated.**

What connects Middlesbrough Council, Kings College London, the Northern Rock Foundation, Heritage Lottery Fund, the National Probation Service, the Inside Out Trust and HM Prison Service? Answer, an imaginative restorative justice project which has redeveloped a local park (Albert Park in Middlesbrough) to wide public acclaim.

The project had a number of practical and very positive results:



- ❑ prisoners were given the opportunity to make reparation to the community, to develop skills and to regain their self-respect;
- ❑ the local community has been involved in the planning, will have the use of an excellent community facility and have seen that prisoners can make positive contributions to society;
- ❑ the local council has built up closer relationships with the prisons; and,
- ❑ funders will be pleased with the permanent return on their investment grants.

So far, so good, but the 24 pages of the report has a lot of space taken up in giving information about the partners. Two pages are given to press cuttings that almost exclusively are about the funding with just a minor mention of some of the work undertaken at one of the prisons. The final three pages describe the work undertaken by prisoners. The prisoners came from three prisons: Deerbolt, Holme House and Kirklevington Grange who, between them, have places for approximately 1,500 prisoners. We are not told how many took part in the project.

While the funding and contributions in kind are carefully listed, the contribution of prisoners and prison staff has not been quantified either in kind or time. The inputs from prisoners and the staff that have trained and supervised them to date cover:

- ❑ furniture for the café, community room and reception/offices;
- ❑ restoration of six clinker built boats;
- ❑ refurbishment of metal railings;
- ❑ creation of flags and bunting;
- ❑ production of exhibition screen that will divide the café and general circulation area in the Visitor Building; and,
- ❑ artwork and frames for permanent display in the Visitor Centre.

The benefits for the individual prisoners seem to be confined to

receiving photographs and feedback about comments from users of Albert Park. It isn't clear whether any of the prisoners did any of their work in the park itself. There is a sense of desperation on the part of the report writers when Prisoner Benefits are listed in one column as 'Ownership — photographs etc.' In the future there are plans for community service for prisoners from Kirklevington and other projects that could include work in the park.

Overall, this report has the feel of a document produced to satisfy the needs of current and future funders and to provide a platform for the activities of the major partners. I wish there had been some individual stories — from prisoners, staff, community members, funders and the partners about their experience. This would have enlivened and enhanced communicating the real gains of the project.

The Albert Park work scores very heavily on the second and fourth objectives of the Restorative Project: prisoners working for the benefit of others; and a new relationship between the prison and its community. But these don't take us any further forward from the old style community service. The first and third objectives are prisoners' work with victims; and a new basis for resolving conflicts in prison.

It is not reasonable to expect that any individual project would address all four or even three of the objectives and I understand that the Restorative Prison Project is setting up projects that will develop training for prison staff in all three prisons to enable the second objective to be achieved over the next two years.

As a secondary victim of a serious crime (my younger daughter was murdered), as a member of the team who worked with Tim Newell on his Restorative Justice Project, and having spoken at a number of courses and conferences where staff from the criminal justice system formed the major part of the audience; I am saddened at the fear I find within the system of involving victims. At one prison I visited I was told very sharply that 'there

would be nothing that prisons could do to benefit victims'. I hope the Restorative Prison Project will tackle the first objective and facilitate contact between prisoners and their victims in appropriate ways.

The introduction of restorative justice practices in prisons is going to be an organic rather than a revolutionary process. I look forward to hearing that the prisoners and staff at Deerbolt, Holme House and Kirklevington will be given the opportunity to have victims of crime involved in their victim awareness and empathy courses and, if it is suitable, to have contact with the direct victim/s of their crimes. For too long the criminal justice system has operated in a way that keeps the people who are most affected by crime as far apart as possible. With a current prison population of over 70,000, there is plenty of work to be done.

**Lesley Moreland**,  
author of 'An Ordinary Murder',  
Trustee of The No Way Trust. This  
review was first published in 'Vista' —  
the Probation Journal.

## TV Programme: Feltham Sings Channel 4 TV December 2002

*Feltham Sings*, shown on Channel 4 in December 2002, is the astonishing result of a collaboration between Simon Armitage, Dextrous and the prisoners and staff of Feltham Young Offender Institute. The film uses music, poetry and conversation to describe the lives of those who live and work at Europe's largest youth prison.

The film starts with an image of a peacock, a motif repeated throughout. At first this appears like some kind of comment on the shallow preening of youth, like the film is presenting some psycho-sexual explanation for youth crime. However, it quickly becomes apparent that this is not a pretentious or self-consciously arty film. It tells things as they are and as the people experience them. The peacocks are not symbols — they are real, roaming



round the grounds annoying the residents. They are part of the life of Feltham.

We are confronted with the cold reality of the establishment and the residents; Feltham holds 700 prisoners aged 15-21 and 75 per cent will re-offend. Paul McBride, a prisoner serving 12 months for burglary, explained the depressing inevitability of prison for him; 'I knew I would go to prison from a young age ... I've been going to visit my uncle in jail, my big brother in jail for years'. As he sings, the future does not appear any brighter 'Let me out tomorrow but I'm back again on Saturday'.

Despite the grim histories of many of the prisoners, hope shines through. As Cass Galton stands in the gloom and rain, he defiantly sings of his own potential; 'This is me, I know you don't see what I see'. Kenroy Cole, the Head of the drug counselling service, provides a role model and an example of what can be achieved by these young people. He tells of his own history of involvement in crime and his subsequent decision to change when his son was born.

However, not all of the prisoners are from deprived backgrounds or are in the early stages of a potential criminal career. James Catty is a fish out of water in all senses. A New Zealander, travelling during a gap year before University, he was caught taking drugs into a nightclub and admitted he had more at home. He ended up with a 12 month prison sentence. He reads his poem, with a sense of his own isolation, the unexpected role he has had to adopt and his surreal predicament, describing himself as 'A Kiwi with a peacock outside'. He provides an interesting diversion, but his presence also emphasises that his story is the exception. For most of the others, it is a familiar story of broken families, poor parenting, abuse, institutional care, drug and alcohol misuse and gradually escalating crime.

Life in prison is often portrayed in the media as either a hell-hole or a hotel. This film tells a far more complex story. Paul McBride complains about

the lack of privacy in using the toilet in a shared cell and sings that prison 'Ain't no picnic, ain't no holiday'. However, one anonymous voice admits that if they had not been sent to prison, they would probably be dead from a drug overdose or gang violence; 'It's probably a blessing in some way'. Spooks MC sings the ten commandments for a prisoner at Feltham, running from mind your own business to don't pretend to be tough. This is a glorious insight into prison culture. Officer Dave Worley also joins in, showing the empathy, fair-mindedness and strength required of a role model officer. In doing so, he did a great deal to challenge public perceptions and prejudices about prison officers.

Robin Skilbeck and Terrel Theusday are both serving six-month sentences for car theft but their motivation and behaviours are diverse. Robin suffered abuse and institutionalisation from a young age and appears to suffer a range of emotional problems. His song 'Nightwatchman' describes the experience of being monitored as at risk of suicide and the experiences that have shaped his life. Terrel on the other hand saw himself as the breadwinner in his house after his father left, but was then angry when his mother remarried. In his song 'On Road', he states his economic motives; 'It's not about crime, it's about earning a living'. These two songs highlight the diverse routes young men take into crime and the different motivations that drive them. In doing so, it casts some light on the complexity of the issues.

The film does not attempt to excuse the prisoners or to glamorise them. Terrel Theusday's greed and unrealistic expectations are clear when he says that crime is a temporary measure until he can get a job, but 'I don't want to work unless I'm earning sixty grand'. Cass Galton also fails to grasp the wider implications of drug dealing, seeing it as being a simple contractual transaction between adults. He is ignorant of the social implications of his behaviour even though it is right in front of him to see. He also weakly

tries to argue that most victims of crime have done something wrong in their lives so that this is some kind of rebalancing, a karma. However, he is certainly no angel of justice. Kenroy Cole considers where this failure of morality comes from. He sees its source in a lack of positive role models and the failure of the community to teach morality; 'You can teach good, but it's not a reflex'. He compares these young men to feral children who have been taught to survive according to the rules of their own game. It is our role as a community and individuals to educate and encourage the young to respect their responsibilities as citizens.

Following the New Year's Eve shootings in Birmingham, Assistant Commissioner of the Metropolitan Police, Tarique Ghafoor, blamed a 'backdrop of music' for influencing alienated young men. He blamed rap artists for glamorising guns and violence. However, this documentary shows the power of music to give a voice to those disaffected youth and to make people listen. Music is an influential medium and this film shows its power to explore the challenges facing these young people and our community. When Feltham sings, we should all listen.

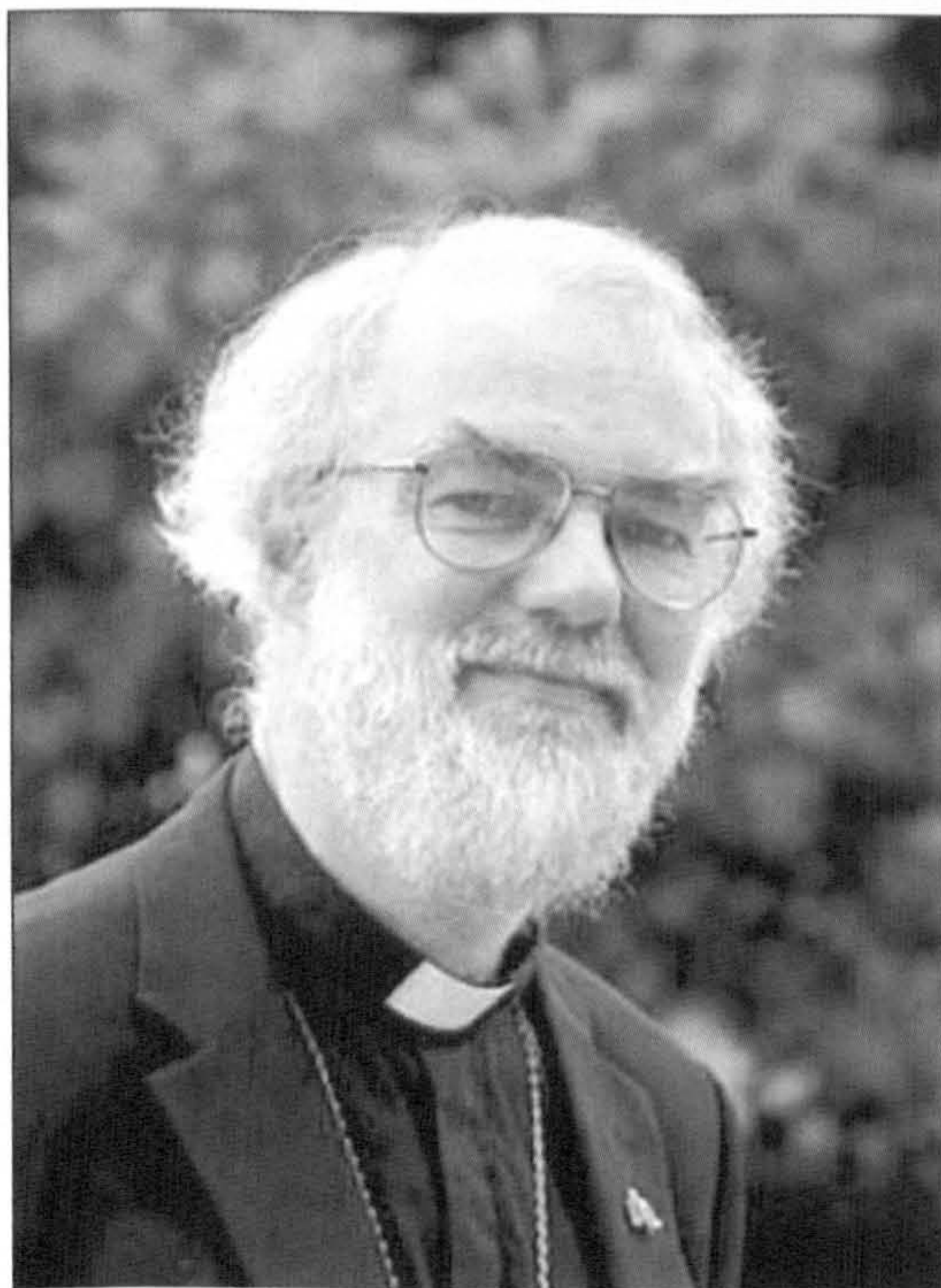
**Jamie Bennett,**  
DSPD Manager HMP Whitemoor.



# Ministry in Prison

**Rowan Williams**, Archbishop of Canterbury.

This article, which was originally given as an address to prison chaplains in April 1994, first appeared in the now defunct magazine of the Prison Service Chaplaincy *New Life*. We republish it here as one of irregular series of articles offering insights into the theological aspects of imprisonment.



Rowan Williams, Archbishop of Canterbury

**Thinking about pastoral ministry in the context of penal institutions raises — surprisingly quickly — some large issues as to the nature of pastoral ministry itself and, even more searchingly, issues about how the Church relates, pastorally and theologically, to institutions of any kind. In this paper, I want to look first at some questions about the basic character of the pastoral task as they emerge in this particular environment — especially the complex issue of what role the expectations of change might have here; then to turn to the ambiguities of the idea of ‘chaplaincy’ itself, as something that focuses the problem the Church has when it offers to provide care and the proclamation of the grace of God to corporate bodies whose rationale is not always easy to square with the gospel. In this connection, of course, prison chaplaincy is a special case of a general unease familiar among chaplains to the armed forces — or even schools.**

## Shepherding away from home

We tend to take it for granted that chaplaincy is by its very nature a ministry whose emphasis will be on support or nurture. The pastoral situations we describe as chaplaincies are those in which people are addressed in contexts other than home or family — school, industry, work, abroad, hospitals and so on. The starting point is that such people are living away from their natural support structures. Their identity, normally bound up with the primary relations of family and/or locality, is going to be that much more fragile than usual, and so the kind of ministry that is appropriate is less likely to be confrontational or disruptive. If people use the distinction between pastoral and prophetic ministry (not one I like very much, as will become clear), they will be inclined to put chaplaincy on the non-prophetic side.

Yet we are all aware, when we try to exercise an honest pastoral ministry, that this is at least a half-truth. We are all aware at some level that the temptation to be watched is the temptation to be bland: supportive in a way that asks no questions, that demands no work from the persons we are with. That is quite hard to reconcile with ministering the gospel of Christ, insofar as the gospel seems to have rather a lot to say about change and, indeed questioning. When Jesus in the fourth gospel describes himself as shepherd of his people, the primary image is certainly about nurture, feeding; but there are two aspects of the language here that do not easily reduce to unquestioning care and support:

- ❑ one is the clear insistence on the risks the shepherd runs — risk to the shepherd’s own life or identity; and,
- ❑ the other is the repeated concern with mutual knowledge.

The shepherd knows and is known: shepherd and sheep are in some way transparent to each other.



## Truthfulness

Think for a moment about this second point. It sounds very much as though the pastoral task entails a ministry of truthfulness. The shepherd's job is bound up with being truthful about himself or herself in a way that conveys a recognizable authority or attracts a level of significant trust; and also with being able to speak to the truth of someone else, to address them as they are, not as they desire or pretend to be. This too is part of pastoral authority in the sense that a pastor who only addresses the self-image of the 'flock' has no authority or power to 'lead', in the sense that this passage in John 10 envisages, leading to a place where proper nourishment is to be found. The pastor who deals in and deals with self-images cannot direct anyone to such a place because s/he will not know what the serious needs, the real hunger, are about. There can't be an effective pastorate, then, without the commitment to truth, to proper knowledge. And that commitment may be tied up with the elements of risk in this ministry also — but I shall return to that in a few minutes.

Perhaps this begins to make sense of some of the things that make 'chaplaincy' a distinctive sort of ministry. When people are away from those contexts that habitually sustain identity, they will readily cast about for new identities, new constructions that may have little to do with what their history and context has actually made them. Institutions in particular provide ready-made identity supports in the shape of ritualised behaviour, standardized dress and so on. Even the student, however convinced of his or her radical liberty, is overtly and covertly socialized into the life of a tribe, with habits and costumes available for the reconstruction of the person. To act effectively in this new and 'unnatural' setting seems to require the acquisition of new strategies in presenting or even imagining yourself. It may be that here the chaplain has his/her most central and significant role.

### Prison Chaplain — a 'remembrancer'

In such a context the easy distinction between ministry that is unquestioningly supportive and one that is prophetically transforming does not actually make a great deal of sense. It is true that, because of the isolation of people from their usual support systems, confrontation, and the explicit call to repentance or change, are not likely to be helpful, to say the least. They may have short-term effect — but only as another way of offering a new and 'safe' identity in a strange land. But a ministry that

asks no questions will not bring people nearer to what will genuinely feed or sustain them. The notion that seems to me to capture what most matters here is that of a ministry of 'reminding'.

The chaplain, to use an old-fashioned word, is a 'remembrancer'. Central to a ministry conceived in these terms is the patience to explore the vulnerability that underlies the pressure towards reinventing yourself in the way that new institutions encourage. Central also is the willingness to work with someone to bring to light a vital sense of what in fact has made them the person they are, what still shapes reactions and expressed instincts.

I do not mean to reduce the chaplain's role to that of therapist or analyst — though therapy is, of course, what is happening, in the broadest sense. The chaplain is unlikely to be working with any one developed psychodynamic theory, but simply with a commitment to assisting a person to be able to talk of their actual history without fear. It may be that in that sort of encounter, it becomes possible for someone to recognise that their identity is actually stronger than they imagined, less in need of new and consciously constructed formations. And that becomes in a very straightforward sense a ministry of liberation.

But it depends on a fundamental theological and spiritual orientation in the pastor: his or her own orientation towards truthfulness in the presence of God, enabled by the confidence that God is pre-eminently not just the reality which above all others demands truthfulness of us but, much more importantly, the reality that makes it possible for us to be truthful, because God has no fear of us or of what we say or do, no repugnance or contempt, no will to reject. God has time to hear us out, to listen to our confused attempts to come somewhere nearer the truth. The pastor, in this situation, has to witness to such a God. S/he will do so most clearly by not being afraid of his or her own vulnerability, not being preoccupied with the 'results' that justify action, being a penitent person and a hopeful person — hard as it is to spell out exactly how those characteristics make themselves visible.

### Risk and Vulnerability

This, too, is where the risk comes in. If this picture of the chaplain's ministry is accurate, the chaplain's vulnerability will be close to the surface, and the exercise of ministry will require a certain lowering of defences. This is a complex matter. I have said 'close to the surface', because it is possible to use one's vulnerability by letting it dominate — so that the pastoral encounter becomes one in which the pastor is drawing the attention or care



that s/he needs at the expense of the other person. The hard thing is to be aware of vulnerability, not to hide it from yourself or another, but to let it give you away into the experience of another so that trust is created.

The line between proper professionalism and impersonality is always difficult to draw here; but I do not think there can be effective pastoring without at least some willingness to let the encounter make a difference to the pastor, and thus to let it be a context for receiving as well as giving ministry. This may be some way short of 'giving one's life for the sheep'; but it does entail a certain kind of 'dispossession', a putting aside of the safety of status so as to give some room for truth to emerge. The pastoral encounter is most authentic when it is underpinned by a shared search for truthful ways of talking, in a way that makes sense to both partners. It is interesting that, as a matter of anecdotal observation, chaplaincies do not seem to appeal to those who have a very powerful sense of being in command of a language of solutions and cures. There is something about the sheer patience required that pulls against this sort of command or fluency.

### Remembrance

Spelling this out in terms of prison ministry is not too difficult, and I have already given a good few hints as to how it might be done in the way I have discussed the general vision. Prisons not only form a self-contained 'culture' in terms of dress, behaviour patterns, authority systems, a culture deliberately alien to the communities that nurture basic identities; they also inevitably work in ways that easily suppress or neutralise certain kinds of memories. If you conceive of punishment as the payment of a debt, which I suppose is still probably the commonest and easiest image, the temptation is to set two 'lumps' of history or experience side by side; the one offsetting the other. Recovering what has been done as a personal act with roots and consequences, human costs, human diminishment, is not at the top of the agenda.

Here, then, there is a particularly important role for the 'remembrancer', opening up the variety of relationships and decisions that form a person. Vital to this is precisely that variety: in such a context, it matters considerably that people remain aware of different kinds of relation, nudging, pulling in different ways; different sorts of memory: so that the story that emerges is not one of linear, inevitable progress towards one disastrous or violent moment. It is a process comparable to the role of creative arts in a prison; a way of asking, 'Who am I when I'm not a 'criminal'?'

### Forgiveness

Theologically speaking, one of the important things about forgiveness is the discovery or proclamation that the past is not a system that determines the future absolutely. And, as forgiveness is worked out in a believer's life, part of what is going on is the reclamation of aspects of the past that seemed fixed, determined, and their rediscovery as in some way open to a future after all. For this to happen is for a person to let go, to some degree, of whatever constructs now dominate his or her self-presentation. One implication of this in turn is that the chaplain needs a certain wariness of religious fluency in the person seeking pastoral help. All those who have been involved in pastoral work in prisons will agree that a recurrent feature is the assumption made by prisoners that the chaplain is interested in hearing religious noises being made. More seriously, they would agree that a phenomenon all too frequent in prisons is the adoption, in all sincerity, of a new religious attitude that may, again, have no living connection with the complexities of a person's history.

There is a difficult and thankless task for the chaplain in challenging whatever self-deceptions may be going on here. But this demands a response that is not sceptical or dismissive; it may mean a slow and none-too-rewarding persuasion to go on talking in a secular way for a bit longer, so as to bring more to light in a context and idiom not overcharged with premature religious interpretations. Only so will the entirety of a person's history be open to what God might do.

### Reconstruction of Story

The kind of change for which the chaplain labours, then, is not instantaneous and dramatic conversion, or even the articulation of repentance in the first instance. It is something more like the reconstruction of a person's story, without which the language of conversion and repentance is going to be another image or fiction taking them further away from real needs and real resources (inner and outer). The chaplain is a de-mythologiser; but s/he has to earn the authority for this by his or her own openness to God, and refusal to retreat behind a pseudo-professional distance. There is a real and potent challenge involved in working in this way; it is not describable simply as uncritical affirmation. What it affirms is — to put it boldly — what God affirms: that the wholeness of a human biography is the material for God's work, nothing less.



Above all, the chaplain is going to need that kind of imagination that is a sort of analogue of God's love: the freedom to communicate to someone else that they are more than they seem to themselves — more than they can easily imagine when placed in a context that defines them primarily in terms of the limiting and damaging consequences of one set of conditions and decisions in their past. The gospel here begins in the ability to say, 'You are also shaped by other relationships and these are as real and significant, even when they are distant. You are also the person with these gifts or interests, these human bonds and values which are obscured or sidelined in this institution, but which are the essential and raw material for whatever lies ahead — whether or not you want to talk of God in this connection'. But for the Christian pastor, it is God who 'holds' the lost or suppressed memories of all, God who grounds the patience and hopefulness that fuels the slow groping after an honest way of presenting oneself.

### Corporate Prison Life

The prisoner is, as I have suggested, someone whom the institution as such defines in a particular way; and the pastor will be working in some ways at an angle to this. Not that any halfway decent penal institution relates to its prisoners exclusively as criminals; but the logic of the institution demands that this is bound to dominate. The purpose of prison, at the simplest level, is the containment and regulation of law-breakers. You are there because you are a lawbreaker. How then does the chaplain relate to the institution itself? It is all too easy to see oneself as a pastor to prisoners, not to the institution as such — just as in a hospital, you sometimes find a chaplain who sees it as his or her task to minister to patients, ignoring or even battling with clinical staff, who are seen as intervening between the pastor and his or her people.

But the challenge is to be a pastor to the structure as a whole, to staff, to the systems of authority. If this does not happen, there is once again a breakdown of truthfulness. The prisoner is more than a generic criminal; but s/he is also part of a present system of corporate life, official and unofficial, within the institution. S/he is involved in relations with staff, with other and remoter legal authorities, with other prisoners; and the character of these relations is very tangled indeed. Relations with staff are marked by a range of techniques whose effect is to infantilise the prisoner; relations with other prisoners are frequently a matter of anxious hierarchical struggle. As has been pointed

out by those within the system more than once, the most secure way of establishing power or leverage in such an atmosphere is to establish a capacity for violence — itself again an infantile strategy. There is nothing to be gained from ignoring this.

### Truthteller

So the chaplain has to be a truthteller for the entire institution. For prison staff, his or her task may well be to remind them that the professional encounters of their work are formative of persons, not just the discharge of a neutral duty. The structure pulls towards a negative and potentially destructive pattern in all sorts of ways; and the chaplain has to be clear about how this works. Yet I think that his or her presence as a part of the institution means that s/he is unable to say that there is no integrity in the institution as such, or that it is impossible to do the jobs required by the institution in good faith. As in comparable chaplaincy contexts, the task of the pastor is partly to keep alive in the institution the purpose that is its justification. This is where the chaplain needs a theology of punishment and penance — here rather than in the more immediate contact with prisoners. And a Christian trying to deal with this is bound, surely, to be reflecting on crime as a collapse of trustful relations in community, a sort of breach of 'covenant' in society, and thus to see the penal institution as existing for the sake of honouring and restoring trustful relations.

There is inevitably, then, an element of protest in the chaplain's presence when the penal situation is one that consistently undermines trust in its own operations, in the sense of assuming that prisoners are properly treated as a kind of infant. There can be little or no restorative element in this; but a Christian cannot be content with a view of punishment that is essentially about 'containment' — not least because of the nature of personal pastoral work within the institution as characterised earlier in this paper. To say that there is potential conflict around this is to state the obvious. But I suppose that the respect a chaplain may need to earn in the life of the institution overall (without which s/he will have no effective authority as a critic) depends on a visible commitment to the purposes of the institution — not simply as defined from day to day, but defined in relation to intelligible goals for a society of which prison staff too are members.

The chaplain should have the capacity to connect the conduct of business in the institution with what those involved in it take for granted as goals



in their relations elsewhere and what they consider to be desirable and intelligible conditions in society at large. In other words, the pastoral role here is remarkably similar to that exercised with the prisoner — to recall relations other than those that prevail within the penal institution, and to question any tendency either to isolate relations in the prison from what is taken for granted elsewhere or to make relations in the institution 'normal'.

### **Prison Staff Problems**

Just as the chaplain works persistently at reminding the offender that his or her life is shaped by a variety of factors, and that God is not to be served or encountered by isolating one set of relations and denying or burying another, so with staff: the work is to keep in view the complex pattern of other styles of relating that form the identity of a prison staff member — bearing in mind the low esteem that society generally has for its 'jailers', and the temptations to compensatory violence and arbitrariness that easily arise in consequence. To speak with prisoner or staff member about the domestic or the imaginative or the recreational aspects of their experience, about relationships neither professional nor shadowed by systematic violence, is arguably the most important basic activity of the chaplain from a theological viewpoint.

In both kinds of encounter, the chaplain denies a kind of 'moral closure' and renews contact with the contingent, even chaotic, world of community outside the institution in the conviction that it is in contact with this sort of contingency that the crippling narrowness and polarisation of prison life can be relativised in a way liberating for both staff and prisoners. Pastoral ministry here naturally works closely with those practices in the institution that allow some space for relativising or opening the community's experience — family centres, lay visitors, the development of channels for negotiation and discussion of disputes and tensions within the prison.

### **Rightness of Chaplaincy Presence**

All this suggests that the 'chaplaincy' role in respect of a whole institution is quite a complex one. It is not that of an uncommitted 'prophet' repeatedly confronting the very rationale of the institution: institutions will not readily listen to someone demanding that they constantly produce justifications of why they are there at all (especially if they are paying the 'prophet's' salary). The chaplain is there because s/he accepts the rightness of

the job being done — the defence of society, in the case of the armed forces, the punishment of offenders in the case of a prison. There may well be room for conscientious disagreement between Christians about the role of coercion in both contexts; but I assume that, if you are there at all, it is because you have, with whatever reservations, agreed that there is a legitimate task to be done.

The specifically Christian and pastoral perspective is found in the constant struggle to connect what is decided day by day with what the place is for, what is actively and reflectively wanted in terms of human life together. A person is given a custodial sentence because he or she has offended against certain features of what we think of as desirable relations between social agents. But it is bizarre to try and show our 'abhorrence' of this by creating a structure that imposes a set of relationships in many respects equally at odds with what is assumed to be healthy or desirable. The chaplain activates this wider awareness not by a regularly adversarial stance — though you will all know that there must and will be points where protest is appropriate and necessary — but by what I have been calling the ministering of truthfulness, the recalling of people to the full range of their experience, the reality of their vulnerability and the true direction of their desires.

### **Restoring Diversity and Arbitrariness**

Some years ago, a very remarkable book appeared by a French Dominican (Jacques Pohier) under the title of *God: In Fragments*. Its final section was headed 'God is God, so God is not Everything'. What I think Pohier is saying in these pages — among other things — is that the life of faith paradoxically involves doing something of what God does as creator, letting things be themselves. Only if we do this can we realise what it is for God to be God, to be truly other than us, and thus capable of making a difference to us. If we begin by trying to treat God as 'everything', as the focus of all we are and all we want, the danger is that we make God part of ourselves, the particular system or systems that we are operating. It is our needs, or the gaps in our understanding, that God is there to fill, to make good.

It is only a God who has made us to be different from divinity, to have our own contingent and untidy being, who can actually come to us as a stranger, with a new and genuinely joyful word that is not limited in advance by our moral or philosophical shopping lists. Something of this theological vision underlies what I have said here about the chaplain's ministry of truthfulness. S/he is the



enemy of what Pohier calls 'totalitarisation', the narrowing down of human meanings to one set of relations, one chain of causes, even and especially when such a strategy is carried through in the name of religion. The pastoral priority is to restore a sense of diversity and even arbitrariness in the way people see and tell their histories. God enters in, not as a supremely organizing principle, but as the presence giving space for truth, space and time for all of a complex and painful history to be looked at and reflected on.

In an institution that can hardly avoid being a 'total' environment, the pastoral role of the chaplain is the maintenance of a perspective we might call 'catholic' — that is, a perspective in which persons are opened up to more than local or linear determinations of who they are. This is perhaps where the chaplain's ministry in a limited and limiting institution such as a prison brings into particularly sharp focus a central aspect of the whole work of the ordained ministry itself, though in a way clearly different from that of the parish pastor. This is, of course, not to suggest that such a job in the institution is restricted to the ordained — just as the ordained person's task overall is not to minister something different from what the ministry of the whole community is meant to be. But that takes us further afield than our present concerns.

### **Scapegoating**

There is one final point that might be drawn out in this connection. Prisons are natural places for scapegoats: they are places where society can very easily deposit its projections of its own interior sicknesses, externalising these wounds and weaknesses so that they can be 'expelled' in what is supposed to be a therapeutic purging. As I have hinted already, this may mean that the entire institution, not only the prisoners, may be the victim of the society at large. To the extent that the penal institution is so often conceived by those outside as essentially punitive, as somehow quite outside the discourse and practice of 'ordinary' corporate life, the whole institution carries a set of strongly negative expectations.

We, as a society, do not look to a prison to work at healthy or therapeutic relations, at nurturing responsiveness or responsibility (which is why we should not be surprised by recidivism). We thus collude in the creation of a totalising environment, where the style of relation taken for granted is divorced from or at odds with the style thought of as normal or desirable elsewhere. Everyone in the institution suffers as a result of this, staff and prisoners. I suspect that, increasingly, part of the

chaplain's ministry will also be to the wider society's perspectives — and it is again a ministry of truthfulness.

The separation and scapegoating of prison is a denial of the presence of disorder and violence in society, a refusal, just as damaging as that of the prisoner or prison employee unable to confront violence or guilt, to bring to light some of what shapes social identities. I have suggested that the prisoner often needs to be sprung from the trap of internalising the images of worthlessness and moral fixity that being a prisoner can entail. The prisoner needs to recover the memories of healing or non-violent possibilities, so as to be able to face more truthfully the distorted nature of criminal choice or action. Something like the reverse seems to be true for the wider society: here, what needs to be excavated is the unwholesome or destructive shadows surrounding decisions and policies and acts that we are accustomed to regarding as normal or harmless.

This may emerge in various ways. When prominent figures go to jail for large-scale fraud, for example, as in Britain in the 1980s, questions may and should be raised about the expectations built into financial institutions at a time when rapid and spectacular profit-making is virtually a social imperative, and when human relations and patterns of conduct within such structures are dominated by an idolising of short-term success at whatever personal cost to self or others. More painfully and controversially, the sexual offender's history should prompt us to look at structures of sexual power and imagery in society, at those relations of dominance or exploitation whose presence plays at least some part in preparing the ground for sexual violence or outrage.

### **Public Awareness**

Examples could be multiplied. It is easy to mock the approach that seems to be saying, 'We are all guilty'. Indeed, that is a formulation which can blunt the edge of judgement, and, by claiming all are responsible, end up denying that anyone really is. But, just as the prisoner needs a ministry of truth-telling to assist in putting him or her in touch with relations with positive potential, so there is a corresponding role in relation to those outside the institution, to put them in touch with the negative possibilities that the existence of a separated, enclosed penal institution makes it easier to forget. If those outside the prison can remember that the prison services the health of the whole social order, they may be less inclined to ignore injustices and immunities in the conduct of



the institution, more willing to see a continuity, however stretched, between desirable relations in the wider world and what happens within the prison walls.

Prison can then be understood not as a dump for our negative and destructive elements (think, by the way, of what is implied by that rather chilling term 'criminal elements' — as though destructive wrong-doing could be located in specific groups or persons, unconnected with the other 'elements' in society), but as part of our recognition of social unwholeness and an expression of our willingness to work at it. This would in turn involve asking how the practices and structures of prison life could work towards reintegration into a constructive engagement with the wider community.

### Church Awareness

The chaplain, if ordained, has some possibility of raising this sort of question in the context of clerical collegiality with pastors in parishes and

other contexts; and perhaps also in the public forum of discussion.

Everything I have been discussing in this address assumes that the chaplain is fundamentally concerned with holding on to the continuities between contexts of action and thought that are easily pushed apart where penal institutions are concerned. Just as the Church itself, I believe, increasingly has a responsibility in the public arena for keeping alive the question of what commitments a society is actually making in its treatment of persons, so in this particular setting, the chaplain is in a privileged position to ask about commitments and priorities, and to maintain not so much a critical stance towards the institution in which s/he serves as a critical eye on what society expects from its specialist institutions, the kind that involve the sort of quasi-monastic separation from society at large that I outlined at the beginning. I need hardly say that this holds for the hospital, the school and the factory as strongly as it does for the prison.

### Summary

I have proposed:

- (i) There are distinctive features about the kind of ministry we designate as 'chaplaincy': it occurs in contexts where sets of limited and specialised relationships obtain, relations different from those that most fundamentally form us as persons.
- (ii) The chaplain therefore has the responsibility of preserving the awareness of these more basically constructive relationships, in the name of a God who desires to relate to persons in their wholeness, including their vulnerability.
- (iii) The chaplain himself or herself must therefore be in touch with and know how to handle vulnerability, and be prepared to risk what some would see as professional reserve.
- (iv) In the prison context, this 'stewardship' of a wider network of relations is as significant for prison employees as for prisoners.
- (v) A similar ministry must in some measure be exercised by the chaplain in regard to society itself, to work against the 'scapegoat' tendency in those attitudes to prison that see it as a place of expulsion from all habitual forms of power, redress, development in maturity or sharing in the making of decisions — a place 'outside the law' in a paradoxical sense, a sense commented on by, for example, a writer with prison experience like John McVicar (quoted in Kimmet Edgar's excellent article on 'Quaker Peace and Prison Violence' in *Theology* for March/April 1992, p.107), who argues that the internal violence of prison life is connected to the absence of procedures of appeal, redress or accountability.

Much of this is contained in the idea of ministering truthfulness at various levels. Such a ministry is plausible only when conducted by people who are themselves committedly truthful about their vulnerability and about their fallibility, about their own involvement in social patterns that are not life-giving. Involvement in the structures of a penal institution is itself, inevitably, an ambiguous matter, given the corrupting possibilities at work in a totalising environment. But what sustains must be a belief

that prison can be a witness to a positive commitment on society's part, an expression of the willingness to work at corporate and individual failure, to confront wrong and to enable offenders to confront it. Also, more significantly in the ultimate perspective, a belief in the kind of God who gives space for what may sometimes feel like a very secular discovery of a fuller self, however fractured — the kind of God who, for us as Christians, is embodied in the pastoral practice of Jesus in life and death.



# PRISON SERVICE JOURNAL

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The *Prison Service Journal* is published by HM Prison Service of England and Wales. Its purpose to raise and discuss issues related to the work of the Prison Service, the wider criminal justice system and associated fields. It aims to present reliable information and a range of views about these issues.

The editor is responsible for the style and content of each edition, and for managing production and the Journal's budget. The editor is supported by an editorial board — a body of volunteers all of whom work for the Prison Service in various capacities. The editorial board considers all articles submitted and decides the outline and composition of each edition, although the editor retains an over-riding discretion in deciding which articles are published and their precise length and language.

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