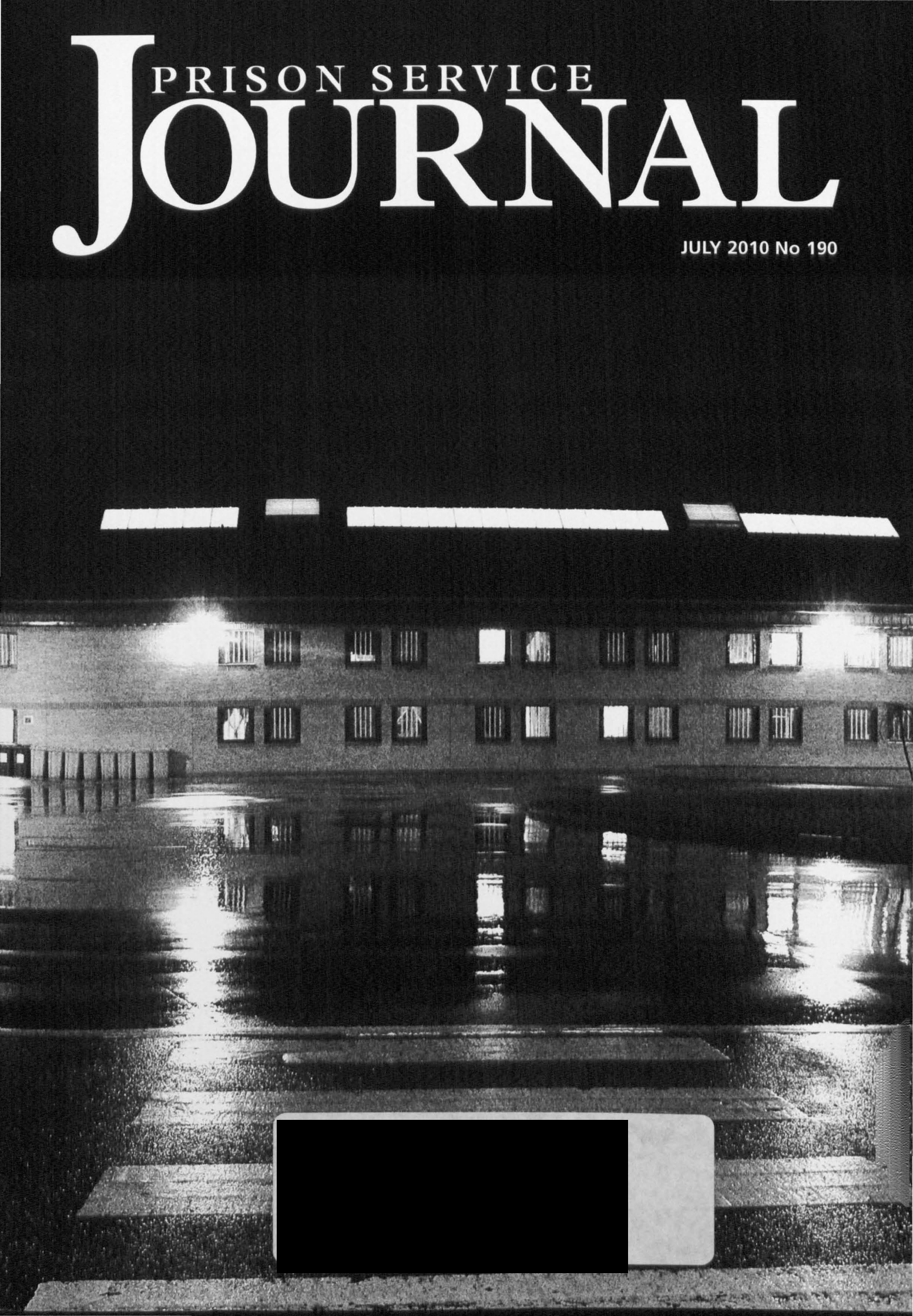
# PRISON SERVICE JOURNAL

JULY 2010 No 190



# Contents




***Professor Michael Brookes*** is Director of Therapeutic Communities at HMP Grendon and Visiting Professor at the Faculty of Education, Law and Social Sciences, Birmingham City University. ***Chas Ashton*** is an Officer at HMP Grendon and ***Amanda Holliss*** is Head of Engagement at HMP Springhill.

***Marion Wilson*** is a counsellor who has been working as a volunteer with Cruse Bereavement Care in HMP Everthorpe.

***Richard Garside*** is Director of the Centre for Crime and Justice Studies.

***Professor Nicola Lacey*** is Professor of Criminal Law and Legal Theory at London School of Economics and Political Science.

***Rosie Meek*** is a Lecturer in Psychology at the University of Southampton. ***Kate Lowe*** and ***Kate McPhillips*** work for ECOTEC Research.

# July 2010




***Catharine Phillips*** is a prison officer at Bandyup Western Australia's maximum security female prison.

***Jamie Bennett*** is Governor of HMP Morton Hall.

***Professor Yvonne Jewkes*** is Professor of Criminology at the University of Leicester.

***William Payne*** works in the NOMS' Public Sector Bids Unit in London.

***Paul Crossey*** is an Operational Prison Manager at HMYOI Portland.


Cover photograph by ***Brian Locklin***, Health Care Officer, HMP Gartree.




Printed at HMP Leyhill on 115 gsm Claro Silk
Set in 10 on 13 pt Frutiger Light
Circulation approx 6,000
ISSN 0300-3558

# Editorial Comment

This is the first edition of *Prison Service Journal* published since the General Election. The issue of crime and imprisonment featured little in a campaign that focussed more particularly on the economy, immigration and investment in public services such as health and education. The manifestos of the main political parties differed to some degree in the detail, but the broad strategies were to continue with levels of imprisonment that are high in comparison with Western European neighbours. This broad political consensus about prisons in contemporary society is picked up in several of the articles in this edition.

The issue of prison numbers is directly discussed in two pieces by a leading academic and a leading commentator. In her article, Professor Nicola Lacey argues that this 'counterproductive stalemate' where public figures are concerned about the impact of looking 'soft on crime' means that the social and economic costs of imprisonment are ignored in the public debate. She argues that if the public were presented with the opportunity to engage with this, support for high imprisonment would wane. Richard Garside from the Centre for Crime and Justice Studies takes up this theme arguing that the use of imprisonment is embedded in the wider social system and that high rates of imprisonment exist in countries were welfare provision is weaker and inequality is more pronounced. These two articles raise broad and fundamental arguments about the use of imprisonment and its relationship with society.

In his final interview for *PSJ* before his retirement, Phil Wheatley the Director General of the National Offender Management Service also explores the role of prisons in both their historical and contemporary context. Drawing upon over 40 years working in prisons and over a decade working at the most senior level of the criminal justice system, he describes how changes in prisons reflect broader changes such as attitudes to race as well the conduct of industrial relations and managerial practices. This interview provides a fascinating insight into the prison system throughout that time and its leadership over the last decade. This will be essential reading for anyone who has worked in prisons or had an interest during that period.

*PSJ* always attempts to publish articles that are of value to practitioners as well as academics and this edition provides a rich resource in that regard. There has been a great deal of attention focussed on ex-armed services personnel in prisons. It is estimated that between three and seven thousand are in prison. This issue is explored by Michael Brookes, Chas Ashton and Amanda Holliss from HMP Grendon. They address the experiences of these veterans and discuss how the therapeutic regime at Grendon can be used to meet their needs. Marion Wilson's article on bereavement also has great practical value. This describes work carried out at HMP Everthorpe and uses this to draw out lessons that can be applied more widely. Rosie Meek, Kate Lowe and Kate McPhillips have contributed an article on the experiences of the effects of imprisonment on the siblings of young offenders. This is an issues that has not been widely considered in the past and this article provides an important role in highlighting the issue, emphasising its importance and providing an opportunity to reflect on what could be done to ameliorate the negative consequences and protect these young people. The final substantive article is written by Catherine Phillips, a correctional officer from Western Australia. *PSJ* is always pleased to have the opportunity to publish international work and that of those who work on the front line of prisons, particularly when they are written with such thought and intelligence.

Finally, it is worth drawing attention to the review of Ben Crewe's recent book *The Prisoner Society*. This book was based a year of intensive research at HMP Wellingborough and provides a rich and enlightening insight into the prisoners world. This will be of value to those who work in prisons as much as those studying or researching prisons. It is set to become a contemporary classic.

# Assisting veterans at HMPs Grendon and Springhill

***Professor Michael Brookes*** *is Director of Therapeutic Communities at HMP Grendon and Visiting Professor at the Faculty of Education, Law and Social Sciences, Birmingham City University.* ***Chas Ashton*** *is an Officer at HMP Grendon and* ***Amanda Holliss*** *is Head of Engagement at HMP Springhill.*

**This article explains how HMP Grendon, a Category B prison accommodating six discrete therapeutic communities, is well placed to assist veterans. Pertinently, the genesis of therapeutic communities lay in the development of a supportive treatment environment for returning Second World War POWs who were experiencing difficulties in adjusting to civilian life. The model was subsequently applied to other mental health and forensic settings during the 1950s and 1960s, including Grendon. Explained is how the regime can address veterans' needs. This is supported by accounts showing how Grendon has assisted four current residents. The adjacent open prison, HMP Springhill, provides practical help to veterans. This will be described.**

## HMP Grendon: A Therapeutic Community Prison

HMP Grendon received its first prisoners in 1962 and was established to operate a different regime to that which prevailed in other prisons at the time. The rationale came from the 1939 East-Hubert report[1]. The report proposed that a special institution should be established in which prisoners could be *'treated by psychotherapy and other means as well as a centre for criminological research'*. It also recommended that those selected should *'live under special conditions of training and treatment to achieve alterations to their behaviour'*.

That Grendon was to be a different type of prison establishment was emphasised by the Rt. Hon R.A. Butler, Home Secretary, when laying Grendon's foundation stone on 1 July 1960:

> *The regime must be flexible with the accent on treatment; and success will depend above all on an enlightened staff-inmate relationship, together with close co-operation at all levels between the different members of the staff.*[2]

This government backed philosophy led to the setting of Grendon's three primary tasks[3]:

*(i) The investigation and treatment of mental disorders generally recognised as responsive to treatment in suitable cases*

*(ii) The investigation of offenders whose offences suggest mental morbidity*

*(iii) An exploration of problems of dealing with the psychopath*

Grendon's first senior management team adopted as the treatment approach the therapeutic community model first developed at the Mill Hill and Northfield Hospitals for prisoners of war returning to the United Kingdom at the end of the Second World War. The term 'therapeutic community' was first used by Tom Main[4] in an article in which he describes the principles underpinning the Northfield Hospital regime:

> *The Northfield Experiment is an attempt to use a hospital not as an organization run by doctors in the interests of their own greater technical efficiency, but as a community with the immediate aim of full participation of all its members in its daily life and the eventual aim of the resocialization of the neurotic individual for life in ordinary society. Ideally, it has been conceived as a therapeutic setting with a spontaneous and emotionally structured (rather than medically dictated) organization in which all staff and patients engage. Any attempt to permit or create such a setting demands tolerance, a willingness to profit by error, and a refusal to jump to conclusions; but certain matters appear to be plain. The daily life of the community must be related to real tasks, truly relevant to the needs and aspirations of the small society of the hospital, and the larger society in which it is set; there must be no barriers between the hospital and the rest of society; full opportunity must be available for identifying and analyzing the interpersonal barriers which stand in the way of participation in a full community life.*

1. East, W.N. and Hubert, W.H. de B. (1939). *Report On The Psychological Treatment Of Crime*. London: HMSO.
2. Quoted in Snell, H.K. (1963). The New Prison at Grendon Underwood. *The Medico-Legal Journal*, 31, 175-188.
3. Gray, W.J. (1974) Grendon Prison. *British Journal of Hospital Medicine*, 12, 299-308.
4. Main, T. (1946). The Hospital as a Therapeutic Institution. *Bulletin of the Menninger Clinic*, 10, 66-70.

More recently, The Community of Communities, an organisation that brings together therapeutic communities in the UK and abroad to improve standards and practices, states on its website that therapeutic communities embrace[5]:

> *A set of methods which aim to treat people suffering from emotional disturbance in a communal atmosphere. TC principles are based upon a collaborative, democratic and deinstitutionalised approach to staff-patient interaction. Highlighting this approach, patients are generally referred to as residents or members of the community. Traditional staff/staff and staff/member hierarchies are replaced by a more liberal, humane and participative culture... Members tend to learn much through the routine interactions of daily life and the experience of being therapeutic for each other. Through this psychosocial therapy the aim is to encourage members towards a better understanding of their previous behaviour and to enable them to improve their inter-personal functioning, first within the therapeutic community and ultimately in the wider community. Encouraging and reinforcing the notion of personal responsibility and sharing, members and staff meet together on a regular basis to discuss the management and activities of the community, to assess applications for admission and to support leavers.*

Therapeutic communities therefore aim to[6]:

- Care
- Create a communal atmosphere
- Be collaborative and participative
- Value and respect each individual
- Be safe and have clear boundaries
- Enable emotional and personal development
- Have a multidisciplinary approach

The challenge for Grendon, which operates as a series of therapeutic communities with five main communities for between 40 and 46 men and an assessment unit for 25 men, is to operate according to these principles. Additionally, each of the main communities has to meet democratic therapeutic community standards set by the Correctional Services Accreditation Panel in order for Grendon to continue operating an accredited offending behaviour intervention. At the same time Grendon has to satisfy the security and operational requirements of a Category B prison.

... each of the main communities has to meet democratic therapeutic community standards set by the Correctional Services Accreditation Panel in order for Grendon to continue operating an accredited offending behaviour intervention.

Grendon has been commended by Her Majesty's Chief Inspector of Prisons in 2004[7], 2006[8] and 2009[9] in the way in which it has fulfilled this dual role. How this has been achieved has been described by Genders and Player[10], in Prison Service Journal articles by Newton[11] and Bennett[12] and, in chapters by staff with Grendon connections in recently edited books by Jones[13] and Parker[14]. Also relevant is the latest collection of papers on Grendon and its distinctive regime edited by Shuker and Sullivan[15].

## Adjustment difficulties experienced by service personnel leaving the armed forces

There is some dispute concerning the number of imprisoned veterans. Kevin Jones, the Parliamentary

5. http://www.rcpsych.ac.uk/pdf/What%20is%20a%20TC.pdf
6. Brookes, M. (2009). Directing Therapy at HMP Grendon: Learning by experience. *Therapeutic Communities*, 30, 292-299.
7. Home Office (2004). *HM Prison Grendon: Report on a Full Announced Inspection 1–5 March 2004*. London: HMSO.
8. Home Office (2006). *HM Prison Grendon: Report on an Unannounced Short Inspection 31 October–2 November 2006*. London: HMSO.
9. Ministry of Justice (2009). *HM Prison Grendon: Report on a Full Announced Inspection 2–6 March 2009*. London: HMSO.
10. Genders, E. & Player, E. (1995). *Grendon: A study of a therapeutic prison*. Oxford: Oxford University Press.
11. Newton, M. (2006). Evaluating Grendon as a prison: Research into quality of life at Grendon. *Prison Service Journal*, 164, 18-22.
12. Bennett, P. (2010). Security and the maintenance of therapeutic space: A Grendon debate. *Prison Service Journal*, 187, 48-52.
13. Jones, D. (2004). *Working with dangerous people: The psychotherapy of violence*. Oxford: Radcliffe Medical Press.
14. Parker, M (2007). *Dynamic security: The democratic therapeutic community in prison*. London: Jessica Kingsley.
15. Shuker, R & Sullivan, E. (Eds.) (2010). *Grendon and the emergence of forensic therapeutic communities: Developments in research and practice*. London: Wiley.

Under-Secretary (Veterans) in the Ministry of Defence stated in the House of Commons defence debate on 29 March 2010 that veterans made up about 4 per cent of the prison population. With a prison population of 85,000, this gives a figure of approximately 3,400 prisoners. NAPO (the Trade Union and Professional Association for Family Court and Probation Staff) estimates the figure to be nearer 8.5 per cent, or 7,225 prisoners with 6 per cent of those currently under supervision being former veterans[16]. This same briefing states that:

> *The most common offence committed by veterans is violence occurring in a domestic setting. Most are either drug or alcohol related. Most of those convicted report problems of adjusting to civilian life and the lack of available support. Many report negatively of the effect of the culture of heavy drinking in the armed forces.*

Difficulties experienced by veterans adjusting to prison life came to the attention of the public in early 2009 through a newspaper interview[17] with 29 year old Lance Corporal Johnson Beharry, one of only ten living holders of the Victoria Cross, Britain's highest award for gallantry. Lance Corporal Johnson Beharry received this honour for his heroism in saving 30 comrades in 2004 by driving a burning Warrior armoured vehicle through incoming fire and carrying them to safety. Following his discharge from the army he was involved in an incident when he stood nose-to-nose with another young man on a South London street in a furious argument over a minor car accident. The police were called. He explained:

> *I actually wanted to kill the person. The police had to come. It was not about the car, it was not about the accident. I have been told that because of what happened to me [in Iraq] all my body can remember is defence. Anytime something happens I go into defence mode.*

Lance Corporal Johnson Beharry further describes how:

> *People don't realise how hard it is for soldiers. You spend six months on the battlefield and you have to defend yourself every day and then you come back to normal life and go to Tesco's and someone runs into your trolley. You have to stop and think it is only a trolley, you are not on a battlefield. We are trained to be angry. We are trained to kill and then at five o'clock you have to go home, adjust, change completely to a different person. You can't react in the same way.*

Their stories illustrate just how difficult civilian life was for them and how they failed to make the necessary adjustments, despite being successful soldiers.

Busuttil[18], drawing upon his experiences of working as the Medical Director of Combat Stress, writes that ex-servicemen can suffer from night sweats, wake up suddenly in an anxious or terrified state, have intrusive memories and flashbacks, get irritated or anxious, experience palpitations and feel on edge. Alongside this they can have numerous social problems, multiple employers, relationships and house moves.

Caesar[19] describes how some former distinguished soldiers are now serving prison sentences for grievous bodily harm with intent and affray, possession of ecstasy and hiding illegal weapons at home. Their stories illustrate just how difficult civilian life was for them and how they failed to make the necessary adjustments, despite being successful soldiers.

### Veterans at HMP Grendon

These and other needs veterans have can be addressed within therapeutic communities as what is provided is a recognised treatment environment for assisting veterans. The benefits and some of the difficulties of the Northfield Hospital experience have been detailed extensively by Harrison[20]. Veterans who volunteer for Grendon enter an establishment with an approach that is sympathetic to the issues faced by serviceman returning from theatres of conflict and that

16. NAPO (2009) *Armed Forces and the Criminal Justice System*. NAPO Briefing: September 2009.
17. 'We are trained to kill, so civilian life is tough'. *The Independent*. Saturday 28 February 2009.
18. Bututtil, W. (2009) Some veterans have traumas from four conflicts. *The Independent*. Saturday 28 February 2009.
19. Caesar, E. (2010). From Hero to Zero. *Sunday Times Magazine*. 4 April 2010.
20. Harrison, T. (2000). *Bion, Rickman, Foulkes and the Northfield Experiments*. London: Jessica Kingsley.

is likely to be of assistance in meeting their multifaceted needs. Indeed, Grendon has always received and worked with prisoners with a wide range of complex needs. Books by Parker[21], Leech[22] and Cook and Wilkinson[23] give vivid personal perspectives of the value of spending time at Grendon and of the assistance either they or other prisoners were given in changing their lives.

What Grendon is able to offer is a treatment environment in which aberrant behaviours that occur in day-to-day living can be brought into small group and community meeting processes. These behaviours are discussed alongside the individual's offending and other life-experiences so that the relevant connections are made. Every weekday morning, between 9.00am and 10.30am, the men meet in small groups, of between six to nine men, facilitated by an operational or non-operational member of staff, or, as a wing community. The community meeting is attended by all men resident on the wing and as many on-duty wing based operational and non-operational staff as possible. In these unstructured, yet focused settings, the men explore and challenge significant aspects of one another's lives, each being fully accountable to their small group and community.

What Grendon is able to offer is a treatment environment in which aberrant behaviours that occur in day-to-day living can be brought into small group and community meeting processes.

Grendon supplements the skills gained by men who have previously participated in cognitive-behavioural offending behaviour programmes. It assists those who have remaining needs identified on completion of these programmes, as well as other deficits identified through OASys assessments and the sentence planning process. These include anti-social, violent and deviant sexual behaviours; attitudes and feelings; poor social and interpersonal skills; and, distorted thinking, especially when offending is justified or minimised. Difficulties in generating appropriate strategies to cope with and manage risk can be explored and understanding offered on the impact of adverse social and/or family histories. In all of these treatment domains alternative ways of acting, thinking and feeling are proposed, though it is for each individual to determine the extent to which he wants to change.

With regard to Grendon's effectiveness, Shuker and Newton[24] noted that during the first 12 months of therapy there were statistically reliable and clinically significant mental health changes. For those who stayed longer than 12 months there was both an improvement in psychological well-being and a reduction in offence-related risk. Changes in Grendon's residents' ability to relate to others were found by Birtchnell, Shuker, Newberry and Duggan[25]. This occurred relatively early in the period of stay and was further improved during the next nine months.

A seven year reconviction study by Taylor[26] showed that prisoners selected for Grendon tended to be high-risk offenders and that lower rates of reconviction were found for prisoners who went to Grendon than for prisoners selected for Grendon but who did not go there. Time spent at Grendon was strongly related to reconviction. Reconviction rates were lower for prisoners who stayed for at least 18 months. There was a reduction in the reconviction rate for violent offences among the treatment group and for sexual and violent offences among repeat sexual offenders.

Grendon then provides an appropriate setting for the treatment of some imprisoned veterans, not only as a context in which they can address concerns connected with their offending behaviour, but also because they can address other events which have occurred in their lives, including their military experiences.

Psychometric results indicate that, in certain areas, the psychological problems experienced by

21. Parker, T. (1970). *The Frying Pan*. London: Hutchinson & Co.
22. Leech, M. (1993). *A Product of the System; My Life in and out of Prison*. London: Victor Gollancz.
23. Cook, F. & Wilkinson, M. (1998). *Hard Cell*. Liverpool: Bluecoat Press.
24. Shuker, R. & Newton, M. (2008). Treatment outcome following treatment in a prison-based therapeutic community: A study of the relationship between reduction in criminogenic risk and improved psychological well-being. *British Journal of Forensic Practice*, 10(3), 33-44.
25. Birtchnell, J., Shuker, R., Newberry, M. and Duggan, C. (2008). An assessment of change in negative relating in two male forensic therapy samples using the Person's Relating to Others Questionnaire (PROQ). *Journal of Forensic Psychiatry and Psychology,20(3)*, 1-21.
26. Taylor, R. (2000). *A seven year reconviction study of HMP Grendon therapeutic community*. London: Home Office Research Development and Statistics Directorate Research Findings No.115.

Grendon veterans are more acute than the norm for Grendon's population — which is more difficult and disturbed than the general prison population[27]. For example, veterans had elevated scores on the Personality Assessment Inventory (PAI)[28] on the following dimensions: anxiety related disorders (especially traumatic stress), depression (particularly cognitive aspects of depression) and antisocial features. On the Grendon Problem Checklist there were elevated scores on the dimensions of understanding offending behaviour, problems with alcohol, low self-esteem and self-confidence, anxiety/stress, partner issues, childhood experiences and life inside prison[29].

A veterans' support group has been also formed in recent months. This is based on guidance issued by the National Offender Management Service. The terms of reference were framed to ensure that the group did not come into conflict with the therapeutic work being undertaken in the communities. Rather the focus is on providing support and information to all ex-members of the armed services, helping families, providing links with service charities and the Veterans Agency and sharing experiences with fellow veterans. The group is facilitated by a member of staff who is familiar with the 'Working with Veterans' guide and who is also a veteran. All new members joining the support group are made aware of the terms of reference, acknowledge individuals confidentiality and also their responsibility to their respective communities. The group is scheduled to meet every three months for two hours.

Veterans seek small group and community backing to attend the support group, in accordance with the therapeutic structures operating within Grendon, and give feedback to their respective communities when requested.

It is envisaged that there could be occasions when a veteran/ex-serviceman wishes to share some service experiences with the group as it is sometimes difficult for some veterans to feel that the people around them fully understand the complexities of service life unless they have served in the armed forces themselves. Should it occur to the facilitator that what the veteran is sharing is of significant therapeutic value he/she will complete the normal group therapy feedback form and ensure that it is received by clinical staff and its content fed back to the community.

**Grendon veterans' experiences**

**Account One**

*'I was in the Royal Regiment of Fusiliers. Joined as a boy soldier.*

*Four years after enlisting I had done one tour of Northern Ireland, been to the Gulf and experienced the violence of Bosnia. I lost friends. I struggled to understand the horror of war, violence between neighbours and between religion; it conflicted with everything I had been brought up to believe in.*

*Disheartened, I left the army. I had completed four and a half years service. I was lost. I joined up with gangs. It seemed the only way to survive, 'strength in numbers you see'. But it was the wrong choice. Twelve years later I'm in prison.*

*I've been at Grendon for a while now but looking back I can see how emotionally switched off I was. Now, I feel things again. I'm much more balanced. Being here I've learnt a lot about myself. I have the tools to be myself again; the person I was before I joined the army. I can show my emotions and not feel weak; I can cry and not feel I'm letting the side down.*

*So, if you know of a man such as I, who gave something for their country, but happened to make some wrong choices and ended up in jail, tell them of this place'.*

**Account Two**

*'Royal Artillery. Nine Years. Three tours of Northern Ireland during the 70's. I, like so many others, experienced the loss of comrades. Witnessed serious injury to friends. The pain was never a problem then, I was amongst pals who shared those same experiences. We got pissed and had a laugh. There's no room for weakness.*

*'Have another drink laddie' That was the solution then.*

*I left the army with a hand shake and a pat on the back.*

*Then it hits you. You're on your own. A very different environment.*

*Who do you turn to then? Nobody wants to know your past; share those memories.*

*I put on my mask and I'm off to the pub. It's safe, it's comforting, that familiar pint glass in your hand. All your troubles disappear. When I felt exposed, vulnerable, I had my faithful friend. I met someone. We got married.*

27. Shine and Newton (2000). Damaged, disturbed and dangerous: A profile of receptions to Grendon therapeutic prison 1995-2000. In J. Shine (Ed.). A compilation of Grendon research. HMP Leyhill: PES.
28. Morey, L.C. (1991). Personality Assessment Manual. Odessa: Psychological Assessment Resources.
29. Newberry, M. (2010). *Profile of armed forces men at HMP Grendon*. Unpublished Prison Service Report.

*But I shut her out. Too emotional; too painful. I was cold and emotionless. My mood swings intolerable, my behaviour intolerable, we divorced. I was on my own again, hurting, my whole world falling down around me.*

*But I had one friend I could always turn to.*

*I met someone else, but she realised very quickly there was something wrong and wanted to end what we had. I snapped. In a jealous rage I made the fatal mistake. I'm eight years into a life sentence. How could I have done such a thing? And to someone I loved.*

*I've been at Grendon for five years. It has not been easy. It has been the hardest, and at times, the scariest place I've been. But I have dismantled all of those masks, those protective layers that kept me safe. When I feel vulnerable I have the confidence to tell people, to express my feelings and emotions. And I do this without the need for my trusted friend.*

*I may be in prison, surrounded by walls and fences, but within I feel free, and that's a refreshing feeling.'*

**Account Three**

*'Ex 3 Para. I went to the Falklands. My platoon fought on Mount Longdon. But what does that matter? I watched an eighteen year old die on his birthday. Next to him the body of my platoon sergeant. After the battle I collected up bits of broken body. British, Argentine. I was medically discharged from the army. 'Adjustment reaction'.*

*But my journey to Grendon started long before prison, long before the army. It happened with an event in my childhood. It set in motion a chain of events that I was left on my own to deal with. My transition into the army was difficult, but it was infinitely harder to settle back into civilian life. Disillusioned, alienated, barely employable, rejected, unwilling or unable to ask for help and a failed marriage. I was a ticking bomb waiting to explode. It was only a matter of time.*

*I have come to Grendon to find the real me. To exorcise the demons and strip away my defences. I've come here to reconnect emotionally with the world around me, to find the person lost to me all those years ago.'*

**Account Four**

Having enlisted in the Royal Engineers, another resident's life began to spiral out of control following his training, when alcohol and drugs became available to him. Eventually, going AWOL he was discharged and descended into a life of drugs, alcohol, fighting and crime.

*'Talking about my struggles with other like minded people with similar backgrounds has helped. It helps me understand a lot of why things went wrong for me, I can relate to thoughts, feelings and emotions. It is the hardest thing I've done in my life, but I have the support here, I'm not alone, I am sorting my life out.'*

**An applicant waiting to come to Grendon writes:**

*'Dear Sir.*

*Thank you for your letter.*

*I have been in prison for thirteen and a half years and have done everything that has been asked of me. I was in the army for fourteen years. In that time I did seven tours of Northern Ireland and served in the Falklands during the clean-up. I never complained. Just did what I was told. I eventually left the army. I had a wife, my two boys and a job. Life was good. But there was a problem.*

*I started to feel that I didn't fit in. I started to drink more. I didn't want to be at home. I was becoming more and more violent, not with my family, but anybody who crossed me. I contemplated suicide but I just couldn't go through with it. I was a coward.*

*I'm really looking forward to coming to Grendon. I feel it will be a positive move but I know it will be hard work.*

*Yours sincerely'*

Grendon is able to offer a service to veterans who are psychologically still fighting battles. It is reported[30] that when Lance Corporal Johnson Beharry met HM Queen Elizabeth II on his investiture at Buckingham Palace, she said to him that it was the injuries people could not see that would take the longest to heal. Within the Prison Service, Grendon is a facility that can assist veterans in that process. As two residents have commented:

*'I am now able to see that I was so traumatised by my experience in the army. I was completely emotionless. Grendon has taught me to show my emotions and rebuild my relationships with family, children and friends'.*

*'I've learnt a lot about myself and what made me tick. I now understand why I offended. There's always someone who understands, someone you can make links with'.*

**Help for Veterans at HMP Springhill**

Springhill, the country's first open prison, began operating in 1953. It was within the grounds of Springhill that Grendon was built. The senior team is responsible for managing both establishments.

30. We are trained to kill, so civilian life is tough'. *The Independent*. Saturday 28 February 2009.

Since early 2003, Springhill has received help and support in its work with veterans from Lieutenant Colonel Tom Ridgway. Tom served in the Army for 37 years and has devoted much of his retirement to working with the two main service charities, the Royal British Legion and SSAFA (The Soldiers, Sailors, Airmen and Families Association). He is a SSAFA County Caseworker, and Divisional Secretary of the Mid-Buckinghamshire Branch.

Tom works with the Head of Engagement at Springhill to provide the link between the ex-servicemen who find themselves in the Criminal Justice System and support services. The Head of Engagement maintains a signposting and information resource service to the Springhill veterans. Since 2004 there has been a Service Level Agreement between Springhill, the Royal British Legion and SSAFA. The SSAFA/RBL Caseworker also sits on the Resettlement Committee and quarterly Focus Groups where he reports on his work.

During the Springhill initial induction interviews, all new receptions are asked the question *'Have you been in any of the Armed Forces?'* If they have, they are given a form, which asks general questions about their service history. This information is then passed to the Head of Engagement. Veterans are then sent a letter of introduction, inviting them to meet with the Head of Engagement. At this meeting they are given a 'Veterans' Pack', which contains useful information about the many Veterans' organisations and the help that is available to them. It is at this point that the Head of Engagement offers them the opportunity to meet the SSAFA/RBL Caseworker. The SSAFA/RBL Caseworker carries out background checks to ensure the men have actually been in the forces and then makes an appointment to come in and see them. Even if the men don't actually need anything, the opportunity to meet with the SSAFA/RBL Caseworker and have a general discussion about their time in the services has been very beneficial in terms of boosting self-confidence and self esteem. The conversation provides a sense of focus and helps the veterans to have a more positive outlook on their future.

Following this meeting, any case which is considered suitable for financial assistance is forwarded to the County Manager, Royal British Legion. The application will also be inputted into the Royal British Legion computer where it can be accessed from anywhere in the UK. Funds can then be provided in the area where the veteran will reside on release or where his family are living while he is in prison.

Relevant posters and information are placed on Springhill noticeboards. The Head of Engagement also produces a local newsletter approximately four times a year, which always has something in it dedicated to or of interest to veterans.

For the last seven years the SSAFA/RBL Caseworker, the Head of Engagement and other members of staff at Springhill have assisted many veterans to receive the help and support they require and for which they are eligible. The emphasis is on ensuring that a man's needs and those of his family are appropriately met. This has been appreciated by veterans who are grateful for the assistance that has been provided.

Ex-armed forces officers in particular value the advice and encouragement they can offer to veterans who have experienced greater difficulties than they encountered in returning to civilian life.

**Concluding Comment**

Grendon and Springhill have a history of providing supportive environments for imprisoned veterans. The assistance offered is significantly different in each prison with each approach reflecting the respective role and remit assigned to the establishment by the NOMS Management Board. Ex-armed forces officers in particular value the advice and encouragement they can offer to veterans who have experienced greater difficulties than they encountered in returning to civilian life. Provided at Grendon is a therapeutic regime which offers veterans the opportunity to address issues related to their childhood and family experiences, relationships, psychological well-being, offending and time in the military. It does this in the context of veterans being members of a therapeutic community where the expectation is that all residents will support, advise, 'open-up' and challenge one another. Together they will address deficits, learn new skills and increase their awareness, understanding and knowledge of each other's behaviours and feelings. At Springhill the focus is on providing veterans with relevant information and support. This includes approaching the Royal British Legion and SSAFA for assistance that they could make available to veterans and their families. Veterans at both establishments value the support they are offered and respond positively to this.

# 'This is not just about death — it's about how we deal with the rest of our lives':

## Coping with bereavement in prison

***Marion Wilson*** *is a counsellor who has been working as a volunteer with Cruse Bereavement Care in HMP Everthorpe.*

**As human beings, we all spend our lives at differing points on a continuum between positive and negative mental health and wellbeing. Where we are at any given point in time is determined by a wide range of contributory factors, some of which we have the power to alter through autonomous choice, with others being a result of given circumstances that we are powerless to change.**

If we can muster the courage to consider the cause of our own personal dilemmas and those of our loved ones, we often find issues relating to security and attachment, identity, and control and power.

Death is undoubtedly one of the most psychologically challenging experiences we face and when the death of a significant person occurs, a further imbalance of the above states can detrimentally affect the human condition. Although death is often intensely distressing, the majority of people begin to readjust over the course of time,[1] find their own way of dealing with the changes brought about following a death, and subsequently discover a renewed purpose to life.

However, a proportion of people struggle to deal with death, and their mental health and wellbeing become affected, producing a sense of disconnection and detachment, difficulties in understanding one's self-concept, and feelings of powerlessness and helplessness.

These emotions and feelings are not only associated with death but can be triggered when many other significant, non-death related losses occur, such as loss of stability through a dysfunctional family situation or being placed in care, loss of an aspect of security through emotional, physical or sexual abuse, an absent parent for periods of time during the formative years, or the breakdown of a relationship.

As social animals, it is necessary to develop strategies to cope with death and other losses in order to function to a self-imposed or third-party-imposed standard, and these mechanisms may be instinctive (flight/fight), as a result of inherent personality traits, or through learned responses via parents, peers, social groups etc.

Often such strategies may result in a healthy resolution of emotional conflict. However, an unhealthy coping mechanism may be chosen and accessed time after time, eventually forming a block, and preventing the individual from leading an acceptably healthful life because of a failure to deal with a build-up of unresolved issues following death and other losses. We all possess a shadow side made up of emotions, thoughts and behaviours, which has the ability to get the better of us if our phenomenological security, identity, control or attachment bonds become sufficiently upset. When unhealthy coping strategies become extreme they can lead on to consequences which are negative and detrimental to society, and result in individuals finally breaking the law and becoming incarcerated.

### Dealing with death during Incarceration

In addition to the difficulties an individual experiences as a result of negative coping strategies, grieving prisoners are often isolated from the usual recognised social support systems. Due to the level of distrust often experienced, they have difficulty offloading to one another to any degree of depth in daily prison life. Further suppression frequently occurs at a time when prisoners are able to communicate face-to-face with family and friends during visiting. They may be fearful of causing additional pain to loved ones on the outside, who already have to deal indirectly with the anxiety of the sentence being served. As a consequence, important discussions concerning the loss do not take place and often such a scenario will subsequently cause a negative ripple effect amongst other family members in terms of blame, anger and added responsibilities.

Such conflict has been described by Doka[2] as disenfranchised grief:

1. Schut, H. and Stroebe, M.S. (2005) Interventions to Enhance Adaptation to Bereavement, *Journal of Palliative Medicine*, 8, supp 1: 140-147.
2. Doka, K. (1989) *Disenfranchised grief: recognizing hidden sorrow*, Lexington, MA: Lexington Books, p 4.

*... grief that persons experience when they incur a loss that is not or cannot be openly acknowledged, publicly mourned, or socially supported.*

Each prison addresses bereavement issues differently according to: the type of sentence committed; date of bereavement; manner of death; relationship of the prisoner to the deceased; level of security risk; level of chaplaincy involvement; category of prison; historic management of the establishment; economic restrictions; and particular culture of the prison in relation to death.

In conjunction with differing views on prison policy, some members of society hold the belief that prisoners should not have a right to grieve as they are being incarcerated in order to be punished,[3] and to protect society. Sadly, by taking this standpoint our society denies the root cause that is loss, meaning that society is currently reinforcing the mindset of avoidance of the reason for some individuals resorting to unhealthy coping strategies in the first place.

## How do the national figures stack up?

There were 509,090 deaths registered in England and Wales in 2008.[4] That year saw a prison population high of 84,700 (approx 4,300 of whom were female prisoners),[5] with 61 apparent self-inflicted deaths in prison custody in England and Wales (59 males), and approximately 1,500 people assessed as being at particular risk of suicide or self-harm on any one day.[6] Suicidal ideation and self-harm are often found in people with trauma-related disorders, with such thoughts, feelings and behaviours sometimes acting as a defense against confronting painful feelings of loss and traumatic bereavement.[7] Seventy-two per cent of male and seventy per cent of female sentenced prisoners suffer from two or more mental health disorders.[8]

## Cruse bereavement care

Cruse Bereavement Care, the country's leading charity specialising in bereavement care,[9] continually strives to offer an accessible, flexible, non-stigmatising and cost-effective service.[10] In 2008/09 over 95,000 people contacted Cruse for help and 32,400 people were given long-term support by 5,700 Cruse bereavement volunteers in England, Wales and Northern Ireland.[11]

Traditionally, Cruse has provided good liaison[12] and one-to-one support in many prisons and some YOI's, with a presence in approximately 30 establishments in England, Wales and Northern Ireland. Some establishments have access to the Cruse Helpline via the telephone PIN system.[13] Additionally, Cruse works closely with the NI Prison Service to promote resettlement back into the community upon release.[14] The NI Prison Service[15] found that in a small-scale study of 25 female prisoners, 76 per cent had experienced a death from someone close to them within the last 5 years and continued to feel the effects of grief, and following analysis of a study undertaken at Holloway Prison, 82 per cent had also experienced a close death within this timescale.

## Who provides help following bereavement at HMP Everthorpe?

HMP Everthorpe has an operational capacity of approximately 689,[16] and from March 2009 — March 2010 the Chaplaincy team notified prisoners of 53 deaths while they were in custody; offering appropriate faith/grief-specific, pastoral, spiritual and general bereavement support, regardless of faith, or no faith.

Significant deaths which occurred prior to incarceration or during custody in a different prison can

3. Olson, M.J. and McEwen, M.A. (2004) Grief Counseling Groups in a Medium-Security Prison, *The Journal for Specialists in Group Work*. 29(2): 225-236.
4. Office for National Statistics. (2009) *Registered deaths for England and Wales* — 2008. [online] Available at: www.statistics.gov.uk/cci/nugget.asp?id=952
5. HM Prison Service (2009) *HMIP Annual Report 2008-2009* [online] Available at: www.justice.gov.uk/...prisons/.../HMIP_AR_2008-9_web_published_rps.pdf
6. MoJ (2008) *Deaths in prison custody 2008*. [online] Available at: http://www.justice.gov.uk
7. Bloom, S.L. (2001) Reflections on the desire for revenge. *Journal of Emotional Abuse*, 2(4): 61-94.
8. Prison Reform Trust (2010) *PRT response to government's action plan on offender health* — PRT Factfile [online] Available at: http://www.prisonreformtrust.org.uk/1746
9. Cruse Bereavement Care (2009) *About Cruse*. Available at: http://www.crusebereavementcare.org.uk
10. Cruse Bereavement Care (2007). *Cruse Bereavement Care Manifesto. p 3.*
11. Cruse Bereavement Care (2009) *Annual Report* [online] Available at: http://www.crusebereavementcare.org.uk/PDFs/AnnualReport09.pdf
12. HMIP YOI (2006) *Report on a full announced inspection of HMPYOI Rochester 9-13 January 2006*. [online] Available at http://www.hmprisonservice.gov.uk/.../100032Dbannual rep 0607 appendices.pdf
13. (See 10.)
14. Cruse Bereavement Care NI (2009) *Prison Support Services*. [online] Available at http://www.cruseni.org
15. NI Prison Service (2005) *Study prepared by Resettlement Researchers: 1-31*. [online] Available at http://www.niprisonservice.gov.uk/module
16. HM Prison Service (2010) *Locate a Prison* — HMP Everthorpe [online] Available at www.hmprisonservice.gov.uk/.../prison.asp?id

be highlighted when a prisoner first enters the establishment through the induction process. Personal officers and other staff members will assess a prisoner's coping ability on a daily basis and refer on if necessary. The Healthcare team is crucial in providing assessment and treatment to help with such problems as anxiety, depression, insomnia, other psychosomatic ailments, personality disorder, etc. In addition to professional support, peer 'Listeners' are available 24/7. Despite a lack of specialist, in-depth training, they can provide invaluable, informal crisis support. However, many losses may go undetected due to a lack of disclosure on the part of the prisoner, for example, significant deaths during childhood and during adolescence.

In addition to the above in-house support, Cruse Bereavement Care works flexibly to provide support for one morning a week. Both one-to-one counselling and/or a group intervention can be accessed and the work is offered in seven-week blocks, thereby providing time-limited support. Cruse has an open-door policy and currently a minority of prisoners are able to return at a later date, depending on length of the waiting list.

As well as specific support relating to bereavement, interventions such as Enhanced Thinking, RAPt (Rehabilitation for Addicted Prisoners trust) P-ASRO (prisons addressing substance related offending), CARATs (counselling, assessment, referral, advice and throughcare), and Alcoholics Anonymous are vital in helping individuals look at fresh ways of responding and coping. However, to what extent is the national regime providing an opportunity for all prisoners to look directly at the root causes of losses they still have not come to terms with?

### Pilot study at HMP Everthorpe

When considering the optimal form of emotional support when contact with family and friends is restricted or absent — for example following death — the logical solution is to use a group whose structure most closely matches that of the preferred social network,[17] with different social networks being accessed for different emotional needs.

Consequently, a small-scale pilot study[18] was approved by Cruse to explore the efficacy of support groups for bereaved prisoners at HMP Everthorpe and following ethical advice and guidance from the MoJ Area Psychologist, and approval by the then Governing Governor, the research was undertaken from February — July 2009. A mixed methods approach was used, including completion of the Hogan Grief Reaction Checklist at pre- and post-intervention, and at 6-week follow-up. The validity and reliability of the HGRC are well documented,[19] and it measures the following empirically derived subscales: Despair, Panic Behaviour, Personal Growth, Blame and Anger, Detachment and Disorganisation.

Eleven men participated in the research and the available quantitative and qualitative evidence supports the notion that a Cruse bereavement support group in a category C prison can be efficacious for some prisoners. Within the small cohort a highly significant difference was shown in *personal growth*, and a significant difference was shown in a reduction of *despair, blame* and *anger* after the intervention had finished. However, in terms of quantitative data there was no significant change in feelings of *detachment, panic behaviour* or *disorganisation*. From such results further investigation of attachment style[20] would seem to be a useful next step. It must be borne in mind that the research was a pilot study only and as such is not empirically valid. Nevertheless, if the prisoner is not ready to wholeheartedly engage, the intervention will not be effective, however, if it is accessed at a time when someone is receptive, and feels safe and adequately supported in his vulnerability (within the group and especially on the wing), then it may be beneficial, at least in the short term.

> In addition to professional support, peer 'Listeners' are available 24/7 ... they can provide invaluable, informal crisis support.

At the end of his last group session, one prisoner reflected on the experience as being *'... the last jigsaw piece in the puzzle — it all seems to make sense now'*.

### What is helpful and what hinders?

When compared with situations where no intervention takes place, Crighton and Towl[21] recognise

17. Messeri, P., Silverstein, M., and Litwak, E. (1993) Choosing Optimal Support Groups: A Review and Reformulation. *Journal of Health and Social Behaviour*, Vol 34: 122-137.
18. Wilson, M. (2009) Pilot Study — Exploring the efficacy of a Cruse Bereavement Care Support Group for male, category C offenders. [Unpublished]
19. Neimeyer, R. A., Hogan, N. S., Laurie, A. (2008) The Measurement of Grief: Psychometric Considerations in the Assessment of Reactions to Bereavement. In M. S. Stroebe, R. O. Hansson, H. Schut and W. Stroebe (Eds), *Handbook of Bereavement Research and Practice: Advances in Theory and Intervention*, Washington, D.C.: American Psychological Association. pp 133-161.
20. Parkes, C. M. (2006) *Love and Loss: The Roots of Grief and its Complications*, London: Routledge.
21. Crighton, D.A., and Towl, G.J. (2008) *Psychology in Prisons*. Oxford: BPS Blackwell.

group-based therapy as a useful intervention, with group membership being of critical importance to individual functioning,[22] as the following describes. Prisoners who have benefited from the Cruse bereavement support groups have been found to go on to join different groups or engage more readily in other programmes and educational activities, and also show an interest in being available to help other recently bereaved men on the wings. Knowing that their group comprises members who are also struggling to come to terms with various forms of loss, facilitated by 'neutral' people who recognise the importance of working through such loss and can be relied on for non-judgmental support, seems to be valued.

Both one-to-one and groupwork have the potential to impact positively on individuals. One-to-one work undertaken exclusively or as a precursor to groupwork builds a temporary attachment with one of the Cruse volunteers when disclosure of the major problems surrounding the death are sensitively explored. Sharing experiences in a whole group helps normalize common problems. Furthermore, sub-group work serves to provide extra safety in terms of trust if sensitive information is disclosed, particularly when highlighting unique elements of the death and other losses. Benefits are also gained when peers identify one another's blind spots in a supportive manner. It is not only what is experienced within a group which is important, but perhaps more so what is processed between sessions. This necessitates having the capacity for some reflection and linking to other aspects of one's life on differing levels. Finally, a 'good-enough' ending can be experienced when the group has run its course.

A group member who initially had some one-to-one counselling, tried a group but walked out because it was too difficult, and subsequently returned to a newly formed group. During his final sessions in the last group he became more of a supporter than one who needed support. We need to be cognisant of the fact that it takes time and real courage to display vulnerability within such a harsh environment as prison where it is commonplace for many 'invisible layers' to be worn for protection on the wings. By removing such layers, other facets of what makes up the 'essence' of a person become apparent. This 'essence' has been found to alter over time if personal values are revised. Prisoners are able to identify whether their surroundings determine a 'secure base',[23] and if so, have the responsibility of acting as their own gatekeepers in disclosing a measured amount of information to enable them to keep sufficiently safe but also, at times, experience some level of discomfort. Of paramount importance are the 'secure base' and corresponding level of mutual trust experienced. Individuals often become more authentic, accepting and respectful of self and others in the bereavement support group. By starting to move away from their comfort zone and make revisions to their assumptive world,[24] they are able to discover for themselves whether or not to take a future path which will lead more in the direction of self-actualisation.

Our own mortality and the death of those we love, as well as significant others who we may have an ambivalent relationship with, can be exceedingly difficult concepts to grapple with.

The homogeneous bond of 'death', coupled with the fear of 'isolation', the pervasive absence of 'freedom' in prison and the need to make meaning out of the 'meaningless' experienced, form the natural basis of an existentially themed[25] approach to dealing with bereavement in prison. Our own mortality and the death of those we love, as well as significant others who we may have an ambivalent relationship with, can be exceedingly difficult concepts to grapple with. Death is the greatest leveller of all, but through reciprocal caring and illumination of life against the shadow of death, one can be supported:

'To the extent one brings the other to life, one also becomes more fully alive.'[26]

Failure to work through grief predisposes men to a more complicated grief reaction,[27] with maladaptive patterns of grief including avoidance, distortion, amplification and prolongation.[28] Within the prison setting tears will evoke a variety of emotions, and the

22. Brewer, M.B. (1991) The Social Self: On being the Same and Different at the Same Time, *Personality and Social Psychology Bulletin*, vol 17, No 5: 475-482.
23. Bowlby, J. (1969) *Attachment and Loss: Volume 1 Attachment*. London: Hogarth Press.
24. (See 20.)
25. van Deurzen, E. (2007) Existential Therapy, in W. Dryden (Ed) *Dryden's Handbook of Individual Therapy: Fifth Edition*, London: Sage. pp 195-226.
26. Yalom, I.D. (1980) *Existential Psychotherapy*, New York: Basic Books. p 373.
27. Martin, T.L. and Doka, K.J. (2000) *Men don't Cry ... Women do. Transcending Gender Stereotypes of Grief*, New York: Routledge.
28. Kissane, D.W. and Bloch, S. (2002) *Family focused grief therapy*, Philadelphia: OU Press.

more that tears are denied, contained or swallowed, the more they try to get 'heard' and receive attention in some other way.[29]

When asked who prisoners regard as their present key attachment figure, a variety of responses are offered. Sometimes it is a father they revere as a 'role model' who was/is imprisoned or was/is an absent parent or who has formed a separate blended family situation. Often it is a mother, young son or daughter, who provides unconditional love. Occasionally it is an aunt, older sibling or grandparent who has acted as a 'constant' when parents have for whatever reason been unable to provide a 'secure base'. Partners/spouses are sometimes — but not always — considered to be the men's most prominent, current attachment figure. When key attachment figures die, the present protocol for granting temporary release to attend death rituals such as funerals etc — while duly considering risk assessment — presently is perhaps more determined by familial relationship to the deceased rather than strength of attachment bond, arguably leading to additional anguish if an inadequate explanation is given of the strength of the bond, causing the loss to become disenfranchised, thereby resulting in compounded problems.

Some people find it surprising that productive bereavement counselling is far from a soft option, frequently being uncomfortable and thought provoking. For some prisoners, grief work is deemed to be too difficult for them to focus on while in prison, leading to internalisation of the grief — with the belief that the death will be dealt with on release. However, high levels of anxiety may naturally give rise to an avoidant coping strategy following a traumatic loss to prevent further distress, resulting in continuing refusal of support. Family members may be working through some of their grief while the prisoner is incarcerated. Incarceration either acts as a cushion to the death — out of sight, out of mind — or it serves to reinforce feelings of isolation and loss. If no feelings related to the loss are worked through prior to release, not only could this cause problems in prison but additional problems both for the family and the offender upon return into the community.

For some men, pride and fear predominate and cognitive dissonance continues to occur. Those who are still able to access drugs in prison will use such coping strategies rather than ask for help. Others say breaking the law provides a temporary means of security with little responsibility, a roof over their head and a chance to access help. For the second group, at least, is prison really the answer? In exactly how many ways are we as a society letting them down in their home surroundings? As a beginning, a change in culture to a more prisoner-centred model[30] is needed, and if outmoded cultural beliefs are changed — which with time it could be perfectly possible to achieve — then many more prisoners may start to come forward more readily.

If there is little opportunity for the men to relate to one another at anything other than a superficial level, when a temporary attachment is formed within a group and relational depth is achieved between two or more people, this is tremendously supportive. However, some prisoners feel that to become emotionally attached will only cause additional pain and hurt due to past troublesome attachments which have been inconsistent or where a mutual attachment resulted in emotional unavailability or rejection. Alternatively, they fear they may become over-dependent and will suffer if they are 'abandoned', for example if they are released before the programme ends, or prematurely transferred to another programme, resulting in yet another unsatisfactory abrupt ending.

For some prisoners, grief work is deemed to be too difficult for them to focus on while in prison, leading to internalisation of the grief ...

Male offenders seem to be more likely to access Cruse bereavement counselling in prison rather than at home. In the future, given the option of attending some kind of therapeutic programme rather than undergoing a traditional custodial sentence may have the potential to lead to a multiplicity of benefits for both prisoner and their family. For continuity of care into the community, improved liaison and partnership between agencies will be beneficial.[31] However, the ethos of a Third Sector organisation such as Cruse is to acknowledge autonomy and the charity will only work with clients who give their direct consent as distinct from third party referrals.

Although some prison staff have knowledge and expertise, grieving prisoners experience others as feeling awkward, with a number of staff having limited skills to work empathically. Relevant training would undoubtedly improve this situation.

29. Booth, A. (2006) The Land of Tears (Groupwork) *Therapy Today*, March: 44-46.
30. Royal College of Psychiatrists (2002). *Suicide in Prisons: Council Report CR99*. [online] Available at http://www.rcpsych.ac.uk/files/pdfversion/cr99
31. DH (2009) *Improving health, supporting justice: the national delivery plan of the Health and Criminal Justice Programme Board*: p 7. [online] Available at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationspolicyAndGuidance/DH_108606

### The particular problems of bereaved ex-service personnel

We have found that men who have served in the armed forces have often said they are unsure of the 'right' way to grieve, not realizing that anger and guilt are common features of the grieving process. Soldiers comprise the biggest occupational group within the prison system, the vast majority of whom are male. An estimate of approximately 2,500 will currently be serving a prison sentence, with the same, if not more, serving a community sentence.[32]

Forces personnel are seen as heroes and heroines, especially when they have worked in active war zones. Society now understands the importance of supporting children following bereavement, abuse and other losses, but a proportion of people who join the forces have also often had difficult childhoods. For various reasons, including trauma, anger, substance related problems and depression, after serving their country they sometimes find themselves in prison. Because such ex-service personnel struggle to cope with significant life events, society paradoxically shows prejudice towards these 'offenders', subsequently 'classing' them as a 'socially excluded group' of people.

Cruse and the Armed Forces have already begun to address the problems families in the community face following deaths of service personnel. HMP Everthorpe now offers a VICS (Veterans in Custody Scheme), providing practical support and signposting. This seeks to reduce the risk of re-offending by addressing resettlement and other needs. However, it could be argued that there is still a stigma attached to dealing with unresolved grief for many ex-service personnel.

... it could be argued that there is still a stigma attached to dealing with unresolved grief for many ex-service personnel.

### Research and the link between recidivism and grief

Hammersley and Ayling,[33] in reporting on a loss intervention project in a category D prison, link the effects of loss and grief with criminal behaviour as one of the potential determining factors. They also reference research in the latter half of the twentieth century which suggests the likelihood of developing criminal behaviour could be grouped under the following main risk factors: personal, family, educational and socio-economic, and community. Moorhouse,[34] a now-retired HMP Everthorpe Chaplain highlights loss as being a factor in some delinquent and criminal behaviour, and emphasises the residual effects of unresolved grief. Following a review of the evidence to ascertain whether recidivism is linked to traumatic grief, Leach, Burgess, and Holmwood[35] believe traumatic grief can be treated, but if it is not, it can contribute to mental and physical health issues and maladaptive behaviours. Leach et al call for prison programs to incorporate new approaches in order to address traumatic grief.

Notwithstanding the above, it is generally agreed there is a paucity of literature and research related to grieving offenders[36].

A comparison needs to be made between those prisoners who successfully use avoidance strategies against those who address bereavement and loss issues directly, to ascertain how beneficial either strategy is to the individual, their family, the prison and society, both during incarceration and more longitudinally. 'Avoidance' strategies are associated with more positive adaptation in the short-term, with 'attention' strategies being associated with more positive long-term outcomes.[37]

Empirical research is essential in relation to the efficacy of those bereavement interventions which are reliant on intrapersonal and interpersonal foci that is prisoners who have a distrust of others and fear social support, preferring one-to-one counselling, as distinct from those who are shown to benefit from extended social support within a group.

The above possibilities would also need to be undertaken in conjunction with awareness of each prisoner's attachment style.[38] Such research would be especially important for those serving lengthy sentences with little family support, and perhaps more crucially,

32. MoJ/NOMS/MoD (2010) *A guide to working with Veterans in Custody*. p 6.
33. Hammersley, P. and Ayling, D. (2005) *Loss intervention project for adult male prisoners — a project in progress*. Paper presented at the 7th International Conference on Grief and Bereavement in Contemporary Society, King's College, London University, UK.
34. Moorhouse, P. (2000) Loss as a Factor in Delinquent and Criminal Behaviour — A Chaplain's perspective, *Prison Service Journal*, issue 130: 40-42.
35. Leach, R.M., Burgess, T., and Holmwood, C. (2008) Could recidivism in prisoners be linked to traumatic grief? A review of the evidence, *International Journal of Prisoner Health*, June 2008; 4(2): 104-119.
36. Vaswani, N. (2008) *Persistent Offender Profile: Focus on Bereavement*. Criminal Justice Social Work Development Centre for Scotland.
37. Suls. J., and Fletcher, B. (1985) The relative efficacy of avoidant and nonavoidant coping strategies: a meta-analysis, *Health Psychology*, 4(3): 249-288.
38. (See 20.)

for those who the regime currently isolates from previously, easily accessible social support during pre-sentence/short-term sentencing.

In terms of gender, research outside prison has shown that women respond better to 'problem' focused interventions and men respond more favourably to 'emotion' focused interventions — the two strategies being their least preferred options.[39] Research on grieving, incarcerated females could greatly help reduce the impact on families, particularly if they are to benefit from 'Objective 5' in response to the Bradley Review: 'Improving Pathways and Continuity of Care', in which care liaison and diversion pathways could exist in future to focus on assessment and intervention at the earliest opportunity.[40]

The Ministry of Justice Reducing Reoffending Third Sector Advisory Group[41] is already committed to undertaking a best value review of types of work in which the Third Sector has particular expertise.

In spite of the above suggestions regarding empirical evidence collection, due to ethical and practical considerations, research on prisoners will inevitably be much more problematic than on many other bereaved client groups.

## Conclusion

How far society has progressed in response to unresolved grief in some of the most vulnerable and mentally unstable members of society would seem to be a good indicator of our level of collective ethical responsibility. There is no perfect solution to an imperfect problem, and highlighting the issues in this article in no way condones anyone who acts unlawfully. Simplified examples have been put forward to help define the resultant effects of grief and other significant losses for some prisoners, along with suggestions that help and hinder grief work within a custodial setting, with the distinct possibility that the current regime is exacerbating the problems if viewed in a wider context.

Clearly, working with bereavement and loss is often complex, but much more so in prison. Death affects our spiritual, psychological, social and physical make-up, and it could be argued that no one form of support in prison will ever be sufficient, with a nationally driven structure of tiered support being preferable. Prisoner mental health and wellbeing is currently funded through local Primary Care Trusts, with seemingly patchy recognition and support of bereavement issues. An integrated budgetary system[42] would be much more appropriate in terms of the prisoners' healthcare, social welfare, and spiritual needs. From that, a prisoner-centred, multidisciplinary approach could be developed which:

- Places emphasis on the therapeutic, spiritually related, and self-educative aspects of rehabilitation following death and other losses;
- Incorporates the untapped resources and skills of the prisoners and considers the subjective human experience and attachment style as a fundamental starting point;
- Acknowledges and values the vital roles Chaplaincy, Healthcare, Personal Officers, Education, peer support, and the Third Sector play;
- Offers a range of interventions including one-to-one and groupwork.
- Provides appropriate support for young offenders and females, those undergoing pre-sentence/short-term sentences, and specialist interventions to address complicated/prolonged/traumatic grief.[43]

Heightened emotions, which are removed from the drama of the courtroom, can be used destructively or constructively following death and other losses, particularly if there are issues of attachment, identity and power to contend with.

Appropriate research, macroeconomic appraisal and an integrated funding mechanism will be pivotal for any kind of paradigm shift to occur in order to deal more effectively with unresolved grief amongst those at present acting unlawfully.

39. Schut, H., Stroebe, M.S., van den Bout, J. and de Keijser, J. (1997) Intervention for the bereaved: gender differences in the efficacy of two counseling programs, *British Journal of Clinical Psychology* 36: 63-72. Cited in Parkes, C.M. (2006) Love and Loss — The Roots of Grief and its Complications, London: Routledge. p 150.
40. DH (2009) *Improving health, supporting justice: the national delivery plan of the Health and Criminal Justice Programme Board:* p 16. [online] Available at http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationspolicyAndGuidance/DH_108606
41. MoJ (NOMS) (2010) *'Working with the Third Sector to Reduce Reoffending — securing affective partnerships 2008-2011.'* Annual progress review. [online] Available at http://www.justice.gov.uk/publications/third-sector-progress.htm
42. Mrinska, O. (2010) IPPR: *Integrating Health and Social Care Budgets: A case for debate.* p 10.
43. Rubin, S.S., Malkinson, R., and Witztum E. (2008) Clinical Aspects of a DSM Complicated Grief diagnosis: Challenges, dilemmas and opportunities. pp 187-206. In M. S. Stroebe, R. O. Hansson, H. Schut and W. Stroebe (Eds) *Handbook of Bereavement Research and Practice: Advances in Theory and Intervention.* Washington, D.C.: American Psychological Association.

# Why does Britain have such a high prison population?

***Richard Garside*** *is Director of the Centre for Crime and Justice Studies.*

**Various explanations for Britain's high prison population do the rounds among campaigners, commentators and others concerned with our high incarceration rate. Among the more common explanations are:**

1. Punitive public attitudes, due to ignorance about the ineffectiveness or cost of prison; and/or ignorance about the effectiveness of alternatives to custody; and/or a base desire for punishment and retribution.

2. Opportunistic politicians who seek to play to punitive public attitudes for electoral advantage.

3. Irresponsible media reporting that stirs up public sentiment, pushing even responsible politicians into ever more symbolic gestures of punitiveness.

4. A judiciary that lacks confidence in the efficacy of alternatives to custody and/or is not fully aware of the available options.

There is an element of truth in some or all of these explanations. Anecdotally, I have met plenty of journalists out to make the big splash headline that boosts circulation by stirring up public sentiment. Crime and punishment is rather more eye-catching than fisheries policy. Unsurprisingly, politicians out to make a name for themselves tend to choose criminal justice policy over cod. Some judges and magistrates probably do have doubts about alternatives to custody. There are some members of the public who probably would gleefully string up a burglar from the nearest lamp post.

But however plausible, in part or when combined, these explanations might be, there is something quite fundamental that is missing from them: any clear explanation for how we have ended up where we have. If punitive public attitudes have driven up prison numbers, why have the public become more punitive? If law and order is a party political issue in the way it used not to be, why is that? If irresponsible journalists have stirred things up, why do the often idiotic stories in our print and broadcast media have traction with the public and our politicians in a way that might not have been the case in the past?

In short, the common explanations for the state we are in might work as a commentary on some of the factors influencing contemporary criminal justice policy making. But they tell us little about the broad processes that got us to this depressing state of affairs. Understanding these processes is far from being a mere intellectual exercise. The failure of criminal justice reformism over years is in no small part down to its failure to integrate an understanding of these processes into campaigning strategies.

To shed light on this problem, I want to consider some recent research looking at the drivers of prison populations internationally. First is Michael Cavadino and James Dignan's comparative analysis, published in their book *Penal Systems*[1]. Their analysis is informed by the highly influential study of welfare state regimes by the Danish sociologist GØsta Esping-Andersen, whose 1990 book, *The Three Worlds of Welfare Capitalism*, sought to analyse the different welfare state arrangements of advanced capitalist countries according to three 'regime-types': 'liberal', 'corporatist' and 'social democratic'[2].

The 'liberal' welfare state regime is one in which welfare benefits are minimal and welfare recipients tend to be marginalised and stigmatised. Countries such as the US, Canada and Australia are exemplars of this type of welfare state regime, according to Esping-Andersen. The second regime-type is the 'corporatist' welfare state of countries such as Austria, France, Germany and Italy. Corporatist welfare-state regimes tend towards maintaining a dualism between the capitalist marketplace and the delivery of social rights through state institutions. The third regime-type is the 'social democratic' welfare state, characteristic of the Scandinavian countries. Policies pursued under social democratic welfare-state regimes have tended towards promoting equality and the provision of high quality welfare services. The broad terms of Esping-Andersen's typology do not correlate precisely to any existing country. Many will exhibit aspects of all of these types, to a greater or lesser degree. Moreover, much has changed since he first posited this typology. A number of Scandinavian countries have started to unpick aspects of the social democratic settlement in recent years, for instance. But as a general typology it is useful for understanding different welfare state configurations.

1. Cavadino, M. and Dignan, J. (2006) *Penal Systems: A Comparative Approach*, London: Sage.
2. Esping-Andersen, G. (1990) *The Three Worlds of Welfare Capitalism*, Cambridge: Polity Press.

Cavadino and Dignan adapt Esping-Andersen's analysis, mapping the penal systems of 12 contemporary capitalist countries according to his welfare-state typology. They find a strong correlation. Countries with liberal welfare-state regimes have high imprisonment rates. The US is the exemplar in this regard, with an imprisonment rate of over 700 per 100,000 of its population. Other liberal countries, such as New Zealand, the UK, and Australia also have high imprisonment rates, sitting in the range of some 140 to 200 per 100,000 of the population.

Countries with corporatist welfare-state regimes, such as Italy, Germany, The Netherlands and France have mid-level imprisonment rates, ranging from around 75 to 115 prisoners per 100,000 of the population. Countries with social democratic welfare-state regimes, such as Finland and Sweden, have lower-level imprisonment rates at around 70 per 100,000 of the population.

David Downes and Kirstine Hansen also find a strong correlation between imprisonment rates and welfare state arrangements, although their analysis looks at the correlation between a country's imprisonment rate and the percentage of its gross domestic product (GDP) it spends on the welfare state[3]. Their figures relate to the situation in 1998 so are now a little out of date, but their conclusions reinforce those of Cavadino and Dignan. Countries that spent a small proportion of GDP on their welfare states — such as the US, New Zealand and the UK — had high rates of imprisonment relative to other countries. Those that devoted much larger proportions of their national wealth to the welfare state — such as Sweden, Finland, and Denmark — had, relative to other capitalist countries, much lower imprisonment rates. Japan is the main outlier here, having both a relatively low imprisonment rate and relatively low expenditure on its welfare state (similar, in fact to the US). This suggests that welfare state regimes or expenditure might not be the only, or indeed strongest, factor influencing prison numbers in capitalist societies.

In their 2007 study Richard Wilkinson and Kate Pickett take a different tack from Cavadino and Dignan and from Downes and Hansen, examining the correlation between levels of relative income inequality and a range of negative social outcomes, including the imprisonment rate[4]. They find a strong correlation. Countries such as Japan, Sweden and Norway, which have low levels of income inequality, have correspondingly low imprisonment rates. Countries with high levels of income inequality — such as the US, Singapore, the UK, Portugal and New Zealand — have high rates of imprisonment.

A number of implications flow from these three studies. First of all, capitalist countries are not consistent in the degree to which they resort to imprisonment. But the resort to mass imprisonment does appear to be a consistent feature.

Countries that spent a small proportion of GDP on their welfare states — such as the US, New Zealand and the UK — had high rates of imprisonment relative to other countries

Second, where there is variation in the *degree* to which capitalist countries resort to imprisonment, this appears to be correlated with a wider array of a country's social, economic and political arrangements. Capitalist countries with strong welfare state arrangements have, generally speaking, lower prison populations. Those with weak welfare state arrangements have, generally speaking, higher prison populations. But the correlation is not precise, as the example of Japan makes clear. Though the role of welfare state arrangements as a means of addressing underlying inequalities is important, the stronger fit appears to be between levels of income inequality, rather than particular welfare state regimes *per se*. Countries that are less equal have higher rates of imprisonment.

Third, regardless of the variation in prison populations between capitalist countries, the general trend in the use of imprisonment within capitalist countries is an upward one. Most capitalist countries have witnessed significant growth in their prison populations. The US prison population has doubled in the past twenty years. The UK population has nearly doubled in the same period. Even those countries with historically low prison populations, such as Norway and The Netherlands, have seen marked growth over the past two decades. This suggests that the shift towards neoliberal forms of governance that have reduced

3. Downes, D. and Hansen, K. (2006) *Welfare and punishment: The relationship between welfare spending and imprisonment*, London: Centre for Crime and Justice Studies.
4. Wilkinson, R. and Pickett, K. (2007) 'The problems of relative deprivation: Why some societies do better than others', *Social Sciences and Medicine*, vol 65, pp.1965-1978.

welfare support and led to increases in poverty and inequality — exemplified by Thatcherism and Blairism in the UK — is intimately linked to the rise prison population over recent years.

In many ways these observations are simply to restate the point, made many years ago by Rusche and Kirchheimer in their 1939 study Punishment and Social Structure, that the dominant economic and social relationships of any given society will determine the nature and scope of penal interventions[5]. But it is an observation worth repeating if only because it seems to be a point so often forgotten.

So, what are the implications for contemporary criminal justice reform strategies? It means taking seriously the relationship between penal regimes and wider social structures and economic inequalities. Welfare-state regimes and penal regimes are ultimately different mechanisms for addressing (to a greater or lesser degree of success) underlying social antagonisms, inequalities and the problems that they give rise to.

Campaigning to control and reduce the prison population therefore requires serious thought being given the role of the welfare state in regulating and addressing social problems, as well as serious thought being given to the means by which poverty can be tackled and unequal societies be made more equal. Criminal justice reformers, in other words, need to articulate a vision for a broader range of social arrangements rather than merely digging around in the narrow terrain of penal policy. The cause of criminal justice reformism is intimately tied up with a wider set of social and political questions. Criminal justice reformists need to step out of their narrow and siloed frame of reference if they wish to be relevant and make an impact in the coming years.[6]

This article originally appeared in 'Transforming Justice: New approaches to the criminal justice system', published by the Criminal Justice Alliance and available at http://www.criminaljusticealliance.org/transformingjustice.pdf



5. Rusche, G. and Kirchheimer, O. (1939/2003) *Punishment and Social Structure*, Piscataway, NJ: Transaction.
6. This contribution is based on an article that originally appeared in *Criminal Justice Matters* magazine in December 2008. See http://www.crimeandjustice.org.uk/cjm. html for more information.

# Escaping the prisoners' dilemma:

## Strategies for a moderated penal politics in England and Wales

***Nicola Lacey** is Professor of Criminal Law and Legal Theory at London School of Economics and Political Science.*

### The prisoners' dilemma in England and Wales

**Over the last three decades, an ever-increasing prison population, along with a continuous law and order bidding war between the two main parties, have come to seem almost inevitable features of our political world. As governments struggle to establish their credentials for taking effective policy action, the support for strong law and order policies among a growing group of 'floating' voters has led to an extreme politicisation of criminal justice policy. In the context of this politicisation, 'law and order' has become a salient electoral issue within our adversarial political system, and it has become impossible for even the left-of-centre party, Labour, to sustain a focus on the social and economic causes of crime, or a welfarist approach to responses to crime. On Tony Blair's accession to the position of shadow Home Secretary, Labour accordingly began to abandon its traditional analysis in favour of a 'tough on crime, tough on the causes of crime' platform[1].**

However, in his understandable quest to make Labour electable Blair created a phenomenon whose dynamics were out of his control. As law and order has swept into the flow of party political competition, both sides have had little option but to strive to be the tougher on crime. Thus Blair as leader of the Labour party and then Prime Minister, and successive Labour Home Secretaries, have put the emphasis firmly on the first part of the two-part equation. Notwithstanding some hopeful early signs of a more measured approach, the Brown administration soon moved to adopt a similar posture. And though policies oriented to social inclusion — particularly in education, housing, social welfare and the introduction of the minimum wage — have formed an important object of Labour policy, and have had some impact[2], it has been assumed that the stigmatising and exclusionary rhetoric and policy of the 'tough on crime' side of the criminal justice equation are entirely consistent with its inclusionary 'tough on the causes of crime' side.

It is tempting to deplore the impact of this policy stance as a straightforward breach of New Labour's vaunted commitment to defending both human rights and a more inclusive approach to citizenship. But it is important to acknowledge that the 'tough on crime' position had a clear place in the Government's democratic agenda. The rights of citizenship were argued to bring with them responsibilities which were breached by crime. And the rights of offenders were constantly pointed out to be in need of adjustment to accommodate proper recognition of the rights of victims and potential victims — groups whose interests had been marginalised in the tradition of penal welfarism. The Blair government accordingly defended its tough penal policy as evidence of its responsiveness and accountability to the needs of citizens.

The sad fact, however, is that the size and demographic structure of the prison population suggest that the socially exclusionary effects of the 'tough on crime' part of the criminal policy equation have systematically undermined the inclusionary 'tough on the causes of crime' aspiration. The rate of imprisonment has continued to rise inexorably even in a world of declining crime, increasing by 60 per cent since the inception of the downturn in crime in the mid-1990s. This increase in imprisonment was unplanned. The fact that it formed no part of the Government's conscious strategy — notwithstanding the Home Office's own research unit's projections of the increase likely to result from prevailing policy[3] — is vividly and distressingly reflected in the inadequacy of prison capacity, which has become particularly evident in the last two years.

1. Downes, D. and Morgan, R. (2007) 'No turning back: The politics of law and order into the millennium' in M. Maguire, R. Morgan and R. Reiner (eds) *The Oxford Handbook of Criminology* (4th edition), Oxford: Oxford University Press, p.201 and Newburn, T. (2007) '"Tough on Crime": Penal Policy in England and Wales', in M. Tonry (ed) *Crime and Justice*, vol 36, Chicago: University of Chicago Press, pp.425-470.
2. Machin, S. and Hansen, K. (2003) 'Spatial Crime Patterns and the Introduction of the UK Minimum Wage', *Oxford Bulletin of Economics and Statistics*, vol 64, p.677.
3. Councell, R. and Simes, J. (2002) *Projections of Long Term Trends in the Prison Population*, Home Office Statistical Bulletin 14/02, London: Home Office.

Where are politicians to turn for an escape from this counterproductive stalemate? Both parties are locked into a strategy of competition over the relative 'toughness' of their law and order policies; each is terrified of sustaining electoral defeat if it fails to reassure the 'floating voter' of its determination to promote security by tackling crime. On 16 November 2007, the day after the Lord Chief Justice, Lord Phillips of Worth Matravers, made a public statement describing the shortage of prison spaces as 'critical' and as a direct consequence of ministers' failure to build the impact of their sentencing policies into prison planning, the prison population in England and Wales stood at a record 81,547[4]. Less than two years on, it stood at a further high of 84,622[5]. Yet the huge social and economic costs of an ever increasing penal establishment seem to have disappeared from the landscape of political debate, and along with them any informed and reasoned discussion of the real contribution of criminal punishment to reducing crime or improving public security. Unmediated penal populism leads, it seems, to a world for which perhaps few, even among the relatively advantaged, would choose, rationally, to vote.

Unmediated penal populism leads, it seems, to a world for which perhaps few, even among the relatively advantaged, would choose, rationally, to vote.

The structure of this political prisoners' dilemma is not peculiar to Britain, but is rather a feature of adversarial, majoritarian political systems under contemporary economic conditions[6]. The focus on the supposed views of the median voter sets up a highly unstable and unsatisfactory dynamic in criminal justice policy-making. There is, of course, much evidence about the complexity of public opinion about crime, demonstrating among other things a less punitive response to more contextualised questions about crime and punishment, and the extent to which public opinion may itself be led by political posturing[7]. Recent examples of the latter in the UK are, unfortunately, plentiful. For instance, in November 2007 the Ministry of Justice issued a press statement publicising an ICM survey whose results illustrated the complexity and context-dependence of public attitudes to punishment, while reflecting relatively strong support for community sentences and a concern with prevention through rehabilitation and reparation as well as deterrence. Jack Straw, the Lord Chancellor and Secretary of State for Justice, contributed a statement supporting 'rigorous effective community sentences.' Yet the press release went out under the emotive heading 'Victims of crime want punishment'.

Even without this sort of political manipulation, the malleability of 'public opinion' makes it an unsound basis for policy development. To take just one example, recent empirical research in England and Wales found, within less than six months, the following apparently contradictory 'facts': first, that more than half those surveyed did not support an expansion of the prison estate and thought that government should find other means of punishment and deterrence; second, that 40 per cent of those surveyed thought that sentencing was 'much too lenient', with a further 39 per cent regarding sentences as 'too lenient'[8]. Yet notwithstanding such evidence of the ambivalence of 'public opinion', it seems that politicians' fear of the electoral costs of moderate criminal justice policy remains acute. In this context, the relative lack of insulation of criminal policy development from popular electoral discipline in adversarial, majoritarian systems, and the lack of faith in an independent professional bureaucracy[9] are major problems.

Yet this is not a tale of inevitability for liberal market countries with majoritarian political systems[10]. Canada, for example, has seen a relatively stable imprisonment

4. Carter, Lord P. (2007) *Securing the future: Proposals for the efficient and sustainable use of custody in England and Wales*, London: Ministry of Justice p.2.
5. HM Prison Service (2009) *Population Bulletin — Weekly 30 October 2009*, http://www.hmprisonservice.gov.uk/resourcecentre/publicationsdocuments/index.asp?cat=85 (Accessed 6 November 2009)
6. Lacey, N. (2008) *The Prisoners' Dilemma: Political Economy and Punishment in Contemporary Democracies*, Cambridge: Cambridge University Press.
7. Downes, D. (2001) 'The *macho* penal economy', *Punishment and Society*, vol 3, p.61, see also Beckett, K. (1997) *Making Crime Pay: Law and Order in Contemporary American Politics*, New York: Oxford University Press, Roberts, J. and Hough, M. (eds) (2002) *Changing attitudes to punishment: Public opinion, crime and justice*, Cullompton: Willan Publishing and Beckett, K. and Sasson, T. (2004) *The Politics of Injustice: Crime and Punishment in America* (2nd edition), Thousand Oaks, CA: Sage.
8. Glover, J. (2007) 'More prisons are not the answer to punishing criminals, says poll', in *The Guardian*, 28 August, http://www.guardian.co.uk/uk/2007/aug/28/ukcrime.polls (Accessed 3 November 2009), see also Jansson, K., Budd, S., Lovbakke, J., Moley, S. and Thorpe, K. (2007) *Attitudes, perceptions and risks of crime: Supplementary Volume 1 to Crime in England and Wales 2006/7*, Home Office Statistical Bulletin 19/07, London: Home Office.
9. Lacey (2008) see n.6
10. Ibid.

rate over the last twenty years[11] and the Australian state of Victoria, while participating in the national trend towards higher imprisonment rates, has maintained its low level relative to other states within the federation[12]. In Canada's case, important factors seem to have included the checks and balances attendant on Canada's distinctive federal structure; the influence of Francophone culture, particularly in the large province of Quebec; a relatively robust consensus orientation in politics; and a conscious sense of the desirability of differentiating Canadian politics and society from those of the United States[13]. Victoria's historically low imprisonment rates — little more than half of those of its neighbour New South Wales over the last decade — have been bolstered, notwithstanding some increase in the 1990s, by state-level policies such as liberal use of the suspended sentence and the development of plentiful non-custodial sentencing options. Our understanding of these differences is as yet relatively shallow, and a thorough analysis would need to look closely at the circumstances and institutional features of particular countries which either buck, or lead, the general trend towards penal harshness.

An empirical study following up my analysis, in other words, would have to tackle the question of why it should be that the US and, to a somewhat lesser extent, Britain, most of Australia and New Zealand, are particularly strongly in the grip of the prisoners' dilemma of penal populism, notwithstanding their traditions of democratic freedoms and, hence, relatively robust histories of critical penal reformism. Some aspects of the challenge facing these countries are, however, clear, even pending this larger and much-needed empirical analysis. One of them has to do with the impoverished quality of the public debate about penal reform, dominated as it so often is by emotive rhetoric and a concern with short term political interest, rather than a careful and reasoned assessment of long term priorities in the light of the relevant evidence.

## Debating the social and economic costs of imprisonment

How, then, might governments in liberal market economies like the UK help to generate a more expansive public debate about punishment? As the sub-title of the most recent report on imprisonment — 'Proposals for the efficient and sustainable use of custody in England and Wales'[14] — reminds us, public analysis tends to be as much preoccupied with economic efficiency as with victims' rights (as well as markedly more preoccupied with each of these than with fairness to offenders). This is hardly surprising given the salience of perceptions of economic competence to political credibility. But given that public money spent on criminal justice has a knock-on effect for resources available in areas such as health and education, there are reasons beyond purely economic ones for being concerned about the 30 per cent increase in the proportion of GDP spent on 'public order and safety' between 1987 and 2005, or about a £2.7 billion prison expansion programme[15].

There is a substantial literature on the economics of mass imprisonment, much of it from the US.

There is a substantial literature on the economics of mass imprisonment, much of it from the US. In a review of this literature, Marcellus Andrews has shown that, although on the most widely accepted calculations of the expected medium term benefits in crime reduction of incapacitative imprisonment the net costs outweigh the benefits, the policy is nonetheless economically sustainable in the medium term[16]. But sustainability is, of course, a different thing from optimal economic policy. Moreover, like criteria of macro-economic success, the way in which these economic calculations are made is highly contestable. In particular, the criminogenic effects of imprisonment, which decisively uncouples offenders from economic, family and social networks which could lead to reintegration, not to mention the damage to communities wrought by the mass imprisonment of

11. Doob, A. and Webster C. (2006) 'Countering Punitiveness: Understanding Stability in Canada's Imprisonment Rate', *Law and Society Review*, vol 40, pp.325-368.
12. Freiberg, A. (1999) 'Explaining Increases in Imprisonment Rates', paper presented at the 3rd National Outlook Symposium on 'Crime in Australia: Mapping the Boundaries of Australia's Criminal Justice System', Australian Institute of Criminology, see also Cavadino, M. and Dignan, J. (2006) *Penal Systems: A Comparative Approach*, London: Sage.
13. Tonry, M. (2004) 'Why aren't German Penal Policies Harsher and Imprisonment Rates Higher', *German Law Journal*, vol 5, no. 10, pp.1187-1206.
14. Carter (2007) see n.4.
15. HM Treasury (2007) *Public Expenditure Statistical Analyses 2007*, Cm 7091, London: HM Treasury p.52.
16. Andrews, M. (2003) 'Punishment, markets and the American model: an essay in a new American dilemma', in S. McConville (ed) *The Use of Punishment*, Cullompton: Willan Publishing, p.116.

certain groups, notably young black men, are inadequately acknowledged in many of these calculations. When we add in these social costs of mass imprisonment, the cost-benefit calculation looks fragile[17].

In a world in which it is the case both that high rates of imprisonment make, at best, a modest difference to crime levels, and that politically feasible increases in the size of the prison system make either a marginal difference or possibly even have counter-productive effects[18], it seems sheer economic irresponsibility to invest an ever growing proportion of GDP in the prison budget. In this country, it is high time for these arguments to be confronted directly by politicians and informed commentators. Given that governments' competence in managing the economy is key to their electability, even those of us who see the issue in terms other than the purely economic must surely acknowledge the importance of pressing home the message that increased prison spending is a form of fiscal mismanagement.

A further, baleful feature of the current public debate about the relative costs and benefits of punishment in the UK, as in several other liberal market economies, is its failure to set the social costs of crime in the context of the costs of other socially produced, and avoidable, harms. This point has been made forcefully by Hillyard and others in their focus on the costs of harms such as environmental and corporate harms, and on the impact of social policies such as welfare cuts on harms — including harms associated with criminal victimisation — which find their impact disproportionately among the least socially advantaged[19]. Only once our public debate is mature enough to compare the relative costs of crime as conventionally defined and of these broader harms will we be able to grasp the relative significance of punishment to social safety, and begin to assess rather than assume the relative contribution of punishment to the welfare of even victims of crime.

A further, baleful feature of the current public debate about the relative costs and benefits of punishment in the UK ... is its failure to set the social costs of crime in the context of the costs of other socially produced, and avoidable, harms.

### Taking the politics out of law and order: The bipartisan escape route

How are we to generate the sort of debate which is needed here? Clearly, it will not be an easy task. Happily, however, there is one major difference between the situation of political parties locked into the strategy of competitive penal populism in majoritarian electoral systems and the prisoners of game theory's dilemma. This is that they are able to co-ordinate with one another. And this, surely, is where the beginnings of an escape from the cell of penal populism can be glimpsed. But this will only be possible if the two main political parties can reach a framework agreement about the removal of criminal justice policy — or at least of key aspects of policy, such as the size of the prison system — from party political debate. This might be done by setting up something akin to a Royal Commission, in an effort to generate an expanded debate which takes in not only the widest possible range of social groups but also a broad range of the non-penal policies and institutions on which criminal justice practices bear. In committing themselves to act on the outcome of such a Commission, the two parties would distance the issue of crime control from the upward pressure created by electoral competition. Institutional initiatives which provide a buffer between electorally driven political decision-making and criminal justice decision-making — carefully structured sentencing commissions would be an obvious, and topical, example — would also be worth considering[20].

17. Pratt, J. (2006) *Penal Populism*, London: Routledge, see also Western, B. (2006) *Punishment and Inequality in America*, New York: Russell Sage Foundation.
18. Freeman, R. B. (1996) 'Why do so many young American men commit crimes and what might we do about it?', *Journal of Economic Perspectives*, vol 10, p.25.
19. Hillyard, P., Pantazis, C., Tombs, S. and Gordon, D. (eds) (2004) *Beyond Criminology*, London: Pluto see also Hillyard, P. and Tombs, S. (2004) 'Towards a political economy of harm: States, corporations and the production of inequality', in P. Hillyard, C. Pantazis, S. Tombs and D. Gordon (eds) *Beyond Criminology*, London: Pluto, p.30.
20. Sentencing Commission Working Group (2008), *Report: Sentencing Guidelines in England and Wales: An evolutionary approach*, London: Ministry of Justice.

But this would not be enough in itself to guarantee any success. A further important condition would be the re-constitution of some recognition of expertise in the field. It would be important not only to have any wide-ranging Commission serviced by an expert bureaucracy but also, following implementation of its conclusions, to consign the development of particular aspects of future criminal justice policy to institutions such as sentencing commissions encompassing both wide representation and expertise. In other words, the distancing of criminal justice policy from party political competition would open up the possibility of the kind of solution to fiscal policy implemented through the Monetary Policy Committee (MPC) — a policy which, notwithstanding the recent financial crisis, is widely regarded as one of the successes of the New Labour administration. By conferring the task of setting interest rates to an independent body of experts located in the Bank of England, making this body's deliberations transparent, and setting up robust mechanisms of accountability to parliament, Gordon Brown crafted a strategy which has commanded remarkable public and political support.

But is this strategy which Brown developed as Chancellor one which he should now, as Prime Minister, regard as broadly applicable to criminal justice policy? Significantly, both the bipartisan and the expert orientation of my suggestion here are prefigured in his creation of cross-party Task Forces in a number of areas, including security, since his selection as leader of the Labour Party. The early signs, however, are not encouraging. Lord West, chair of the Security Task Force, explained in introducing his first report that it did not propose lengthened periods of pre-charge detention for terrorist suspects because he had not seen a strong enough case for such a curtailment of civil liberties. The reaction from his political masters must have been swift. Within an hour, he was back on Radio 4's flagship news programme, *Today*, to tell listeners that he had misspoken. Since then, the evidence that the Brown administration will follow the Blair track on law and order has accumulated, notably in the decision to propose an expansion of pre-trial detention from 28 days — a period which is already significantly longer than that permitted in other comparable democracies[21] — to 42 days.

The publication at the end of 2007 of Lord Carter's Review of Prisons underlines the ambivalence of the messages emerging from the policy process. On the one hand, Lord Carter recommended that a working party be set up to consider the advantages of a sentencing commission, drawn broadly from the judiciary, the legal profession and those with statistical expertise as well as victims' representatives, with the goal of producing the sort of structured sentencing practice which is thought to have helped to moderate imprisonment levels in Minnesota. He further acknowledged the need for an informed public debate about sentencing, proposed the restriction of indefinite sentences for public protection, and hinted at the desirability of effecting some degree of insulation of sentencing policy from the political process[22]. On the other hand, these recommendations were nested within a report whose main substantive proposal was to build a number of prisons so as to expand prison capacity by 6,500 by 2012. This was in addition to the existing programme for an expansion of 8,500, resulting in an overall increase in net capacity to 96,000 by 2014. Against this background, the more hopeful decision to establish a Sentencing Council seems unlikely to have much impact.

The idea of removing aspects of criminal policy from the arena of partisan competition along the lines of the MPC model may seem impossibly utopian.

The idea of removing aspects of criminal policy from the arena of partisan competition along the lines of the MPC model may seem impossibly utopian. Why, after all, would politicians give up what has incontrovertibly become one of their favourite cards in the game of adversarial party politics? I would suggest, however, that it is entirely in their interests to do so. Under conditions in which both main parties have unambiguously adopted a 'tough on crime' stance, neither has very much to gain from pushing it. The inevitable result is a highly reactive environment in which short term policy development is the order of the day; in which the longer term effects and costs of criminal justice policy are far from the political agenda; and in which the interaction between criminal justice policy and other aspects of social and

21. Russell, J. (ed) (2007) *Charge or release: Terrorism pre-charge detention comparative law study*, London: Liberty
22. Carter (2007) see n.4.

economic policy exist only in the rhetoric of 'joined-up policy making'.

This is not, of course, to underestimate the challenge which the existing dynamics of law and order in this country pose for politicians. These are challenges which reach deep into the political-economic structure of the country. The main keys to unlocking the dynamic towards ever greater inequality, social and political conflict and criminalisation lie in a bipartisan approach at the political level and in interventions at the level of the labour market, education and training with a view to economic integration. The economic aspects of this challenge will not be met merely by creating a new tier of low-skilled and low-paid jobs which do not generate the kind of income or welfare support which allows those who hold them to feel fully members of the polity[23]. And this, sadly, will be a tall order in Britain's political economy, whose competitive position has become increasingly dependent on low labour costs, low labour protections and job flexibility — implying a significant barrier to providing incentives to less skilled workers in the legitimate labour market capable of matching those in the illegitimate economy.

The political dimension of the prisoners' dilemma may, in short, be easier to escape than its economic counterpart. But since the prisoners' dilemma implies our being locked into a policy scenario for which, properly informed about its long-term implications and able to co-ordinate decision-making, it seems likely that a majority would not vote, an escape from its political dimension would itself be a worthwhile achievement[24].

This article originally appeared in 'Transforming Justice: New approaches to the criminal justice system', published by the Criminal Justice Alliance and available at http://www.criminaljusticealliance.org/transformingjustice.pdf



23. Young, J. (2003) 'To these wet and windy shores: Recent immigration policy in the UK', *Punishment and Society*, vol 5, p.449.
24. The argument set out here is explored in greater detail in Lacey, N. (2008) 'The Prisoners' Dilemma in England and Wales' in M. Hough, R. Allen and E. Solomon (eds) *Tackling Prison Overcrowding*, Bristol: Policy Press, pp.9-23.

# The Impact of a Custodial Sentence on the Siblings of Young Offenders:

## Matching Services to Needs

***Rosie Meek** is a Lecturer in Psychology at the University of Southampton.*
***Kate Lowe** and **Kate McPhillips** work for ECOTEC Research.*

**Little policy or practice directly relates to the wellbeing of siblings of young offenders and only a scattering of services are in place which engage the siblings of young offenders by means of positive activities or constructive family support. A review of policies in England and Wales reveals that few services have been designed to address a young person's needs arising directly from sibling imprisonment. It comes as little surprise that much of the relevant service provision targets siblings of offenders indirectly, or as one of a number of target groups, and evidence of policy that directly concerns the siblings of those in the criminal justice system remains scant. Where services have been designed specifically for young people with a sibling in custody, they tend to relate to the young person's own risk of offending rather than the effect on their welfare of their sibling being imprisoned[1]. Although a growing body of research has acknowledged that the siblings of young people in custody do have specific and additional welfare needs[2] in reality, few support mechanisms are implemented to address those needs.**

Adult perceptions of how a young person will (or indeed 'should') react to the imprisonment of a sibling clearly shape the way support is delivered to this group, but it is telling that research with prisoners' families has discovered that 80 per cent of siblings have never been asked about how they are coping following their sibling's imprisonment[3]. Nonetheless, the detrimental impact of sibling incarceration on young people is clear and there are strong indications that welfare can be significantly affected both inside and outside of the home.

Indirectly, the two main areas of policy that have an impact on the siblings of young offenders are those that centre on families (specifically parenting) and the prevention of offending through early intervention targeting those considered at-risk of becoming offenders. The main connection to siblings in this context is the recognition that the risk of engaging in offending is considered to increase when other family members are known to have a history of offending. In 2004, the Home Office, YJB and DfES published 'Prevent and Deter' as part of its Prolific and Other Priority Offender Strategy[4]. This guidance relates to the third of three strands of the strategy (alongside 'Catch and Convict' and 'Rehabilitate and Resettle') and the main purpose of the 'Prevent and Deter' strand is to target those most at-risk through youth justice and community based interventions. Consequently, siblings of young people who offend could potentially be one of the groups of children and young people targeted as part of the service provision delivered under such a strategy.

### Academic study of the siblings of young offenders

Literature surrounding the imprisonment of a family member tends to focus on the children of prisoners[5], with research concerning family members having a strong focus on the partners of prisoners[6]. The impact of being a sibling in adverse circumstances is well documented in other domains such as mental and physical health, disabilities and the care system, but with few exceptions very little research attention has been paid to the siblings of offenders.

The precise number of children and young people who experience separation from a sibling through imprisonment each year is unknown. This group of young people has, until recently, been overlooked and it is only now that efforts are being

1. Nee, C. and Ellis, T. (2005). Treating offending children: what works? *Legal and Criminological Psychology,* 10, 1-16.
2. Meek, R. (2008). Experiences of younger siblings of young men in prison. *Children and Society,* 22, 265-277.
3. Brown, K., Dibbs, L., Shenton, F. and Elson, N. (2001). *No-one's Ever Asked Me: Young People with a Prisoner in the Family'* London: Action for Prisoners Families.
4. Home Office, YJB, DfES (2004) *Prolific and Other Priority Offender Strategy Guidance Paper 3: Prevent and Deter.* London: The Home Office.
5. Murray, J. (2007). The cycle of punishment: social exclusion of prisoners and their children. *Criminology and Criminal Justice,* 7, 55-81.
6. Condry, R. (2007). Families outside: the difficulties faced by the relatives of serious offenders. Prison Service Journal, 174, 3-10.

made to acknowledge the difficulties that they face and the specific needs that they have. A number of barriers are in place that prevent the collection of accurate figures representing children affected by sibling imprisonment. As well as the failure of prisons to collect routine data on family members, professionals in the children and young people's workforce may be unaware of a young person being affected by sibling imprisonment. Previous research[7] has established that young people and their parents or carers may not tell teachers, youth workers or members of the community about a relative's imprisonment due to a fear of discrimination or bullying as a result. Although official figures are not available, a modest estimate can be calculated by multiplying the number of children and young people held in custody by the average number of siblings each dependent child has. The most recent figures available indicate that in England and Wales there are 2,631 children under 18[8] and a further 9,558 young people aged 18-20[9] in custody, resulting in a total figure of 12,189 children and young people in custody. Official figures indicate that each dependent child has an average of 0.8 siblings[10] although the actual figure is likely to be far greater since the calculation doesn't take into account evidence that young offenders tend to come from large families[11].

However modest the estimates for the number of children affected by sibling imprisonment are, it is clear that the substantial number of children who do experience sibling imprisonment are significantly likely to suffer detrimental consequences of such disruption to family life. According to Murray[12]:

> *The effects of imprisonment on families and children of prisoners are almost entirely neglected in academic research, prison statistics, public policy and media coverage. However, we can infer from prisoners' backgrounds that their families are a highly vulnerable group (p.442).*

A substantial body of research has established that the siblings of offenders are at an increased risk of becoming offenders themselves[13], particularly the brothers of offenders[14], and a range of citations show that siblings with a family history of anti-social behaviour (ASB) are at increased risk of delinquency and conduct disorder. Slomkowski *et al.*[15] argue that theories have traditionally focused on the role of parents in transmitting ASB within families although recent attention has now focused more on shared experiences between siblings in families as key risk factors. This could be either in providing training models through observation of negatively reinforced interactions with parents which are then practised with each other or as the result of becoming partners in crime and committing offences together[16].

A substantial body of research has established that the siblings of offenders are at an increased risk of becoming offenders themselves ...

As well as being significantly more likely to demonstrate offending behaviour than children with non-offending siblings, children with a prisoner in the family may experience physical and mental health problems, become withdrawn or secretive, display anger

7. Meek, R. (2008). Experiences of younger siblings of young men in prison. *Children and Society*, 22, 265-277.
8. Youth Justice Board (2009). *Youth Justice System Custody Figures* http://www.yjb.gov.uk/en-gb/yjs/Custody/CustodyFigures/ (last accessed 7/7/09).
9. Ministry of Justice (2009). *Population in Custody Monthly Tables May 2009 England and Wales*. London: Ministry of Justice.
10. The most recent figures (from 2006) suggest that the average number of dependent children in a family is 1.8. Office for National Statistics (2007). *Families in Focus*. http://www.statistics.gov.uk/CCI/nugget.asp?ID=1865&Pos=2&ColRank=2&Rank=224. Last accessed 7/7/09. The resulting estimation of 0.8 (1.8 - 1) refers only to the number of dependent children who are siblings so the actual figure will be substantially higher given that for the purposes of the present research the imprisoned sibling can be up to 21 years of age.
11. Biles, D. and Challinger, D. (1981). Family size and birth order of young offenders. *International Journal of Offender Therapy and Comparative Criminology*, 25, 1, 60-66.
12. Murray, J. (2005). The effects of imprisonment on families and children of prisoners. In Liebling, A. and Maruna, S. (eds.) *The Effects of Imprisonment*. Devon: Willan.
13. Margo, J. and Stevens, A. (2008). *Make Me a Criminal: Preventing Youth Crime*. London: IPPR.
14. Farrington, D. and Painter, K. (2004). *Gender Differences in Risk Factors for Offending*. Findings 196. London: The Home Office.
15. Slomkowski, C., Wasserman, G., Schaffer, D., Rende, R. and Davies, M. (1997). A new instrument to assess sibling relationships in antisocial youth: the social interaction between siblings (SIBS) interview: a research note. *Journal of Child Psychology and Psychiatry*, 38, 2, 253-256.
16. Arnull, E., Eagle, S., Gammampila, A., Archer, D., Johnston, V., Miller, K. and Pitcher, J. (2005). *Persistent Young Offenders*. London: Youth Justice Board.

or defiance, exhibit attention-seeking or self-destructive behaviour, and have a lowered self-esteem[17]. A qualitative study of the needs of young people affected by the imprisonment of a family member in Scotland[18] found that, for young people, loss of a family member to imprisonment creates multiple problems and the specific needs of this disadvantaged group of young people are largely unrecognised.

Other research focuses specifically on young people's ability to maintain contact with a family member in prison, with Salmon[19] claiming that *'Children will never maintain a healthy emotional link with their parent or sibling in prison whilst there are so many hurdles to jump over to gain a visit to the prison'* (p.6). For example, although some prisons have crèches, play areas and play workers, others have no facilities for children, and establishments vary enormously in the extent to which they provide child-friendly visiting facilities.

Aside from the practical and emotional difficulties of visiting a sibling in prison, other studies emphasise that young people and their families may have other, distinct needs at different points in the whole process of their family member entering the youth justice system. Indeed, the effects of having a family member involved in criminal proceedings go beyond the imprisonment itself and include the different stages of investigation[20]. This understanding is underlined by research conducted by Families Outside[21] which states that:

> *The impact of losing a family member to imprisonment is not a one off trauma. It starts at the point of arrest, reverberates through court and trial, imprisonment itself and then the readjustments demanded of all family members after release (p.2).*

It has also been found that young people report high levels of emotional distress immediately after their sibling has been taken into custody, with additional concern about maintaining contact, the well-being of their older brother both in prison and after release, and the manner in which the sibling relationship might have changed as a result of the imprisonment and resulting separation[22].

The current research aims to extend upon the small body of previous research concerning the experiences of the siblings of young people in custody. By drawing on qualitative interviews carried out in the North of England, the research seeks to explore the perspectives of the young people themselves, incorporating a specific focus on the young participants' attitudes towards and use of support services in relation to their experience of sibling imprisonment.

## Methods

A total of six young people participated in the research. Ages ranged from 11-15 years (mean age 13 years). Four of the participants were female and two were male. A summary of the research participants can be found in Table 1.

The participants were all interviewed in their own homes by a female researcher and with at least one parent nearby but out of earshot. In the cases of sibling groups, the young people were given the option to be interviewed either together or separately; each of these opted to speak to the researcher together. The interviews lasted approximately an hour and followed a semi-structured format with questions relating to school, home, peer groups, relationships with the offending sibling(s), experiences of the criminal justice system and aspirations for the future.

Interviews were recorded and transcribed verbatim, with all identifying information removed to protect the anonymity of participants. The transcripts were subjected to a thematic analysis[23] with illustrative quotes extracted from the transcripts in order to give voice to the rich interview data generated by the participants.

**Table 1: Research participants**

| Identifier | Age | Gender | Sibling | Other information |
|---|---|---|---|---|
| A | 11 | Female | 19, male, recently released | Sibling of B |
| B | 14 | Male | As above | Sibling of A |
| C | 14 | Male | 16, male, in custody | |
| D | 11 | Female | 16, male, recently released | Sibling of E |
| E | 13 | Female | As above | Sibling of D |
| F | 15 | Female | 17, male, recently released | |

17. almon, S. (2005). Prisoners' children matter, *Prison Service Journal*, 159, pp 16-19.
18. McCulloch, C. and Morrison, C. (2001) *Teenagers with a Family Member in Prison*. Edinburgh: Families Outside.
19. Salmon, S. (2006) *Good Childhood Inquiry Final Submission*. London: Action for Prisoners' Families.
20. Condry, R. (2007). Families outside: the difficulties faced by the relatives of serious offenders. *Prison Service Journal*, 174, 3-10.
21. Families Outside (2006). *"It's No Holiday" — The Experiences of Young People Affected by Imprisonment*. Edinburgh: Families Outside.
22. Meek, R. (2008). Experiences of younger siblings of young men in prison. *Children and Society*, 22, 265-277.
23. Boyatzis, R. (1998). *Transforming Qualitative Information*. Thousand Oaks: Sage.

## Findings

Following the process of a thematic analysis, a number of themes and sub-themes were identified from the interview transcripts. Responses were categorised according to the themes of 1) emotional distress; 2) the arrest event; 3) maintaining contact; and 4) support services.

*Emotional distress*

It was clear from the interviews that siblings reported being affected by different aspects of their sibling's imprisonment, with different emotional trigger points for each. Though arrest and visiting were the most common themes which arose, other emotionally distressing aspects of sibling imprisonment were raised by many of the young people interviewed. One such example centred on the affect on the family at the post-release stage. The interview findings suggested that many young people quickly adjusted to their sibling not being there, particularly as their behaviour was often disruptive and had an impact on family life. Though interviewees reported missing their siblings while they were away, many found it equally difficult to adjust when they returned to the family home. For instance, one interviewee's brother left home again only a week after being released:

> *When he came back [from prison] it was right different ... it all just went back to normal when he left again, because it was like normal when he wasn't here ...*

Others reported the way in which their relationships with their siblings had changed after release:

> *He never talks to me though...he used to tell you he loved you when he used to ring up ... but now he only rings when he wants something. I don't want all that.*

Many of these quotes were characterised by feelings of ambivalence, reflected in the manner in which the emotional health of the young people interviewed was clearly affected by worry for their brother or sister alongside an awareness of the potentially negative influence of the older sibling:

> *I do want to see him but I know he's going to get me into trouble. Like before when I used to hang around with him I used to get into loads of trouble.*

*The arrest event*

The participants identified the process of their older sibling being arrested as being particularly stressful. Searches of personal property and homes were seen as an invasion of privacy, destructive and unnecessary on the part of the police, and this provoked anger in a number of the young interviewees. For example, participants A and B explained how, although they weren't present at the time of their siblings arrest, the police had *'turned the house upside down'* and B had returned to the family home to discover his bedroom (which he shared with his older sibling) *'wrecked'* by the police.

Searches of personal property and homes were seen as an invasion of privacy, destructive and unnecessary on the part of the police ...

Others found the public nature of their sibling being arrested humiliating; one reported how her friends had seen her brother's arrest, leading to her being taunted about it afterwards:

> *They were like, oh, look at your brother, ah shame, he's not that big hard man no more. And I was like, so what? They just got annoying. Then people kept coming up to me and saying oh, where's your brother and everything.*

Keeping the issue private, or not wanting others to know, was a recurrent theme, reflected in a reluctance to disclose what had happened to teachers and the wider community.

*Maintaining contact*

Visiting a sibling in prison was a recurrent theme in the interviews and clearly had an impact on the young people involved. The majority of the young people interviewed had only visited their siblings once or twice and a number of those involved in the research found visiting to be traumatic and upsetting. One sibling recalled:

> *We were in a big hall and everyone could hear what you were saying. We could never talk properly.*

Some of the participants described the process of visiting as difficult on a practical level too; many were placed too far away from home to enable visits on a regular basis. The only two interviewees (a pair of sibling) who reported being able to visit their incarcerated sibling regularly were driven there by family members; those who

relied on public transport had more difficulty making visits to what were typically remote locations.

*Support services*

None of the young people involved in the research were receiving any support directly as a result of their sibling being in custody. Those who were involved with services were so coincidentally: for example one was receiving extensive support from the Youth Offending Team as a result of her own offending behaviour; another as the result of a family friendship with a Police Community Support Officer.

When asked whether they would like any external support, and what they would like this support to be like, most of the young people interviewed were unable to conceptualise what they would like. While some of the interviewees stated that they did not want external help because they had enough familial support *('I've got my mum and my family and that's all I need')*, others suggested that it might have been beneficial to have someone to talk to about their problems, especially at particular times of crisis. A key example of this was provided by one participant who confirmed that she would have liked support when she was experiencing bullying at school as a result of her brother's arrest. Another indicated that he would have benefited from having a conversation with someone similar to the research interview; an opportunity to discuss feelings with someone outside of the family. For another young person, who was receiving individual support from a key worker at her YOT (Youth Offending Team), having someone she trusted and felt able to talk to outside the family was invaluable. In this case, the young person reported that the time she spent with her keyworker was unstructured with no specific aim, but the supportive relationship had transformed her behaviour. The same young person also reported the benefit of YOT support in resolving education issues and helping her to access college courses after expulsion from school.

It was clear that siblings set both their own and their family's privacy as a priority, and in particular many felt reluctant to let others know that they were, or could potentially be, engaged with support services. One spoke about a friend whose sister was in prison. She had to take time off school to meet with a support worker and for that reason, the friend did not want the sessions:

> *She didn't like it at all. Because people obviously knew what were going on and stuff ... and people see these cars all coming to the house ... if too many people find out, if loads and loads of people are coming to the house and they haven't seen their faces before they start saying things. There's loads of nosey people around here.*

Similarly, few of the young people interviewed had made a point of telling people outside the family about their siblings' imprisonment. Teachers and friends generally only knew through hearsay, and not through direct information from the young person or their parent/carer.

The findings highlight the need to be aware of the effects, not only of the physical incarceration of a sibling, but also the emotional effects of the arrest and the transition of roles and expectations after release from prison.

**Discussion**

The research findings build upon existing research and also serve to highlight some original insights regarding young people's perceptions of, and receptiveness to, engaging in support services in relation to the imprisonment of an older sibling. The findings highlight the need to be aware of the effects, not only of the physical incarceration of a sibling, but also the emotional effects of the arrest and the transition of roles and expectations after release from prison.

The research has highlighted the fact that emotional distress can manifest itself in many ways for the siblings of young offenders. Research from Families Outside[24] concludes that substance misuse is often one outcome, impacting on the physical health of young people as well as their mental health. The report notes:

> *Without acknowledgement and support young people can end up expressing their stress through substance abuse, behavioural problems, deterioration of school performance, poor mental health. The key message for professionals is to recognise and address the support, information and signposting needs of these young people. Most important is simply to acknowledge the impact of imprisonment of*

24. Families Outside (2006). *"It's no Holiday" — The Experiences of Young People Affected by Imprisonment.* Edinburgh: Families Outside.

*a family member... and to listen to what that means for the young person. In effect, applying good practice in child centred approaches to help these young people deal with a burden which can rob them of their childhood (p.4).*

The research findings presented here echo the message that Families Outside convey: that young people face a significant emotional impact relating to the imprisonment of a sibling, which without support can lead to severe problems. There is a clear need for services to engage with young people to provide support while taking into account the reservations that the young participants spoke about.

There are potentially a wealth of opportunities to engage young people in service provision and support, but currently there are only pockets of good practice. No national approach or policy exists to support siblings, which means that service provision is generally localised and disjointed. What service provision is available is not usually offered specifically to siblings of offenders; it may be targeting children of offenders as well for example, and siblings are a secondary or coincidental target group.

... young people face a significant emotional impact relating to the imprisonment of a sibling, which without support can lead to severe problems.

**Recommendations: what do practitioners need to do to support siblings?**

Two reports, one conducted in Scotland[25] and another by Action for Prisoners' Families *et al.*[26] have made recommendations for better addressing the needs of children and young people with a family member in prison. The two studies approach the issue from different perspectives — the first making the case for better professional support, and the latter setting out terms for improved visiting and contact with the imprisoned relative. The current research supports the recommendations made by both reports, but taking into account the research findings, the following additional recommendations are made:

- Policy makers and sentence decision makers should be more aware of the wider detrimental impact of imposing custodial sentences on young people, there is clear evidence that having a young offender in the family can impact on other vulnerable children, creating a 'ripple effect'.
- Practitioners should be aware of the emotional trigger points for siblings and be equipped and ready to deal with them at all stages of a sibling's journey through the criminal justice system.
- Teacher training should include awareness of the issues surrounding siblings of offenders as a vulnerable group.
- Families need support from an early stage in the process. Effective communication between services and providing services from the point of arrest onwards would support young people at their most distressing times.
- Practitioners should understand how siblings are affected practically by a sibling being in custody, and develop services to fit. For example, services should not impinge on school time as this highlights their 'difference' to peers. Consideration should be given to the young person's need for discretion.
- As well as making sure that visiting procedures are as non-threatening to children as possible, prisons should provide (or collaborate with support services that can provide) family-oriented support and guidance, making better use of visits as a way of engaging with and providing information for families of prisoners, including siblings.

**Conclusion**

As well as encouraging service providers and policy makers to take the specific needs and experiences of the siblings of young offenders into account and make greater efforts to engage with this largely invisible population of the criminal justice system, these findings highlight a clear need for good quality longitudinal research which can inform policy development and provide a solid evidence base for effective practice in this domain. The present research was based on in-depth interviews with a small representative sample of children with older siblings in custody, but whilst the sample size allowed for a depth of understanding less achievable in large samples, the findings and resulting conclusions remain tentative and further efforts need to be made to track the development of larger samples of siblings in order to contribute further to this important but largely overlooked area of research.

25. McCulloch, C. and Morrison, C. (2001) *Teenagers with a Family Member in Prison*. Edinburgh: Families Outside.
26. Action for Prisoners' Families, CLINKS, Prison Advice & Care Trust and the Prison Reform Trust (2007). *Parliamentary Briefing – The Children and Families of Prisoners: Recommendations for Government*. London: APF/CLINKS/PACT/PRT.

# Is there Gender Bias in Prison Disciplinary systems?

***Catharine Phillips*** *is a prison officer at Bandyup Western Australia's maximum security female prison.*

## Introduction

**Prisons in most developed countries have one general aim: to encourage prisoners to improve themselves through purposeful activity in prison[1] in order to rehabilitate them for re-entry into the community at the expiration of their custodial sentence and to discourage re-offending upon release[2].**

To achieve these objectives, prison authorities allow prisoners to remain out of their cells for up to 12 hours per day to interact with other prisoners and staff, engage in prison employment or education and to complete programs designed to reduce their offending behaviour[3]. These interactions can and do lead to infractions of prison rules and regulations[4], which are in place to maintain the good order and security of the prison and to ensure the safety and security of the prisoners, staff and the general public[5]. When these infractions occur and are brought to the attention of prison officials, prisoners can be informally warned or cautioned, given an immediate sanction such as a loss of privilege or can be formally charged in accordance with prison legislation.

Existing research suggests gender bias exists in relation to the severity of the penalties imposed for prison offences, suggesting that women receive harsher penalties than their male counterparts for similar offences committed in prison[6]. Similar research has been conducted as to the existence of gender bias in court imposed sentences, yielding mixed results[7].

The issue of prison punishment has not been extensively studied, however, as discussed, some available research suggests that punishments are more severe for female prisoners[8].

Females in the general population have a relatively minimal role in offending and make up only a small proportion of prison populations, typically 6 per cent[9]. In 2008, men were almost fourteen times more likely to be in prison in Australia than women, with women constituting only 7 per cent of the Australian prisoner population[10]. However, women offend more frequently against prison discipline than men in Western Australia, other Australian States and in overseas jurisdictions[11].

In Victoria, in June 2001, 31 per cent of prisoners in the main women's prison were subjected to Governor's hearings whereas in the men's prisons, male prisoners were subjected to Governor's hearings at a rate of between 8.7 per cent and 11.7 per cent for the same month[12]. Similarly, although females make up only 8 per cent of Victoria's prison population, they are much more likely to be subject to a disciplinary hearing and more likely to be charged with offences relating to 'good order' than male prisoners[13].

These results are replicated in the Western Australian prison system where, between November 2004 and April 2005, 250 women at Bandyup Women's Prison[14] — Western Australia's maximum security women's prison — were subject to 219 loss of privilege orders. Over the same period 570 men in Hakea Prison — Western Australia's maximum security

1. Australian Capital Territory Corrective Services (2009) *Annual Report 2007-08* Canberra: Government Printer.
2. Mahoney, D. (2005). *Inquiry into the management of offenders in custody and in the community.* Western Australia: State Government Printer.
3. Naylor, B. (2002). *Prison disciplinary systems: Process and proof.* Paper presented at the International Institute of Forensic Studies Conference, Prato, 2-5 July 2002.
4. Ibid.
5. Carlen, P. & Worrall, A. (2004) *Analysing women's imprisonment.* Devon: Willan Publishing.
6. Ibid.
7. Reuter, T. (1996). Why women aren't executed: Gender bias and the death penalty. *Human Rights, 23* (4), 10-12.
8. Sisters Inside. (2004). *Culture within women's prisons.* Retrieved March 29, 2009 from http://www.sistersinside.com.au/media/Culturesubmission.pdf
9. Godfrey, B.S., Farrall, S. & Karstedt, S. (2005). Explaining gendered sentencing patters for violent men and women in the late-Victorian and Edwardian period. *British Journal of Criminology,* 45, 696-720.
10. Quinn, K. (2008). *Gender Impact Assessment: Corrections.* Melbourne: Women's Health Victoria.
11. McClellan, D. (1994). Disparity in the discipline of male and female inmates in Texas prisons. *Women and Criminal Justice,* 5(2), 71-97.
12. Naylor (2002) see n.3.
13. Dugan, J., Roche, V, Tucker, I. (2003). *The prison discipline regime review.* Report to the Correctional Services Commissioner into prison discipline provisions, sanctions and privileges.
14. All figures from . Western Australian Inspector of Custodial Services. (2006). *Report of an announced inspection of Bandyup Women's Prison, Report 36.* Western Australia: Office of the Inspector of Custodial Services.

male prison — were subject to 215 loss of privilege orders and 370 men in the male maximum security Casuarina Prison had 250 loss of privilege orders. Staff at Bandyup Women's Prison have reportedly explained the high incidence of loss of privilege orders by suggesting that they tended to use the immediate sanction of a loss of privilege rather than proceeding with formal prosecutions. Bandyup held 4.2 per cent of Western Australia's total prison population in 2002/2003 but administered 12.4 per cent of its total prison charges. In 2003/2004 Bandyup held 5 per cent of Western Australia's total prison population but issued 16.7 per cent of its total prison charges. Incidents and penalties for discipline offences are reported to be notoriously difficult to research in prisons due to privacy legislation and the availability of documents to the general public[15].

### Purpose of Research and Methodology

The purpose of the current research was to investigate differences and similarities in the rate of offending against prison discipline between male and female prisoners in the England and Wales prison system and to investigate whether any difference exists between the sentences imposed on male offenders and female offenders in regards to particular prison offences.

### Research Results

The population of prison establishments in England and Wales has increased in recent years, however no such rise has been recorded in the rate of offences against prison discipline. The male prisoner population in England and Wales increased from approximately 58500 prisoners in 1997 to almost 76000 prisoners in 2007. The female prisoner population increased from almost 2700 in 1997 to just below 4400 in 2007. Although offences against prison discipline have remained relatively stable in both male and female prison populations despite the significant rise in population, female prisoners have continued to be punished for offending behaviour at a higher rate than male prisoners over this period.

Female prisoners are punished at a higher rate for most groups of offences including violence, wilful damage and other offences whereas males are punished at a higher rate for unauthorised activities and possession. The greatest rates of offending in both male and female prisoner populations are recorded for disobedience and disrespect, however, females are almost twice as likely to be punished for this type of offending as male prisoners. Female prisoners exhibit a higher rate of violent offending for assaults on staff, assaults on other prisoners and assaults on any other person where the total rate of punishment for 'assault' offences in the female prison population was found to be more than double the rate for male prisoners. In addition, female prisoners are punished more frequently for all disobedience and disrespect offences, with the exception of the offence of 'falsifying a drug test sample' where male prisoners were slightly more likely to be prosecuted for this offence. Male prisoners were less likely to receive punishment for offences such as 'threats/abusive words or behaviour' with 19.31 offences punished per 100 compared to 31.16 offences punished per 100 for female prisoners, and 'disobeys any rule or regulation' with males recording 3.29 offences punished per 100 compared with 15.82 offences punished per 100 female prisoners.

The greatest rates of offending in both male and female prisoner populations are recorded for disobedience and disrespect, however, females are almost twice as likely to be punished for this type of offending as male prisoners.

Male prisoners were more frequently punished for unauthorised use of controlled drugs and possession of controlled drugs, whereas female prisoners were punished more frequently than male prisoners for having an unauthorised article. Female prisoners were more likely to be punished for knowingly consuming alcohol than male prisoners; however male prisoners were more likely to be punished for conducting drug transactions than female prisoners.

### Rates of Punishments Issued for Prison Offences

Similarities are evident in the relationships between the use of punishments in regards to the male and female prisoner populations, Forfeiture of privileges'

15. Cerveri, P., Colvin, K., Dias, M., George, A., Hanna, J., Jubb, G., Vidyasagar, A. & Weigall, C. (2005). *Request for a systemic review of discrimination against women in Victorian prisons.* Federation of Community Centres and the Victorian Council of Social Services.

was the most frequently used punishment in both male and female prisoner populations, and stoppage or reduction of earnings was the second most frequently used penalty, followed by confinement to cell or room. The one notable difference occurred in regard to the use of prisoners' removal from their wings or living units — male prisoners were subject to this penalty at a rate of 3 punishments per 100, whereas this punishment was not used against female prisoners who offended. The proportion of each available punishment being used in each group of offences showed very little variation between male and females. For example, 47.15 per cent of male prisoners charged with offences (excluding escape or abscond) received the penalty of forfeiture of privileges and 47.87 per cent of female prisoners received the same penalty. Similarly, 30.26 per cent of male offenders received the penalty of confinement to cells or rooms for all offences (excluding escape or abscond) as did 30.07 per cent of female offenders.

### Explaining Gender Bias in Offending and Punishment

A theory which may explain why women are possibly treated more severely in terms of being punished for offending behaviour is that of the 'evil woman thesis' or 'selective chivalry theory'[16]. The theory is predicated on the belief that women whose criminality violates the conventional norms of femininity are treated more harshly than men convicted of comparable offences. Female offenders can be seen by some as 'doubly deviant' and are punished for the offence *as well* as for defying gender and social norms, representing a threat to the stability of family life and of social order[17]. Similarly, with regards to prison systems and prison discipline, female prisoners may be seen to abrogate socially constructed ideals of compliant, law abiding women and they may also be seen to have contravened their primary maternal role as nurturing responsible parents[18].

Female offenders can be seen by some as 'doubly deviant' and are punished for the offence *as well* as for defying gender and social norms, representing a threat to the stability of family life and of social order.

In the case of the current research, female prisoners may be subjected to gender bias similar to that previously described in terms of their offending coming to the attention of prison authorities. Rules may be ignored by prison officials in male prisons whereas they may be strictly enforced in female institutions. For example, swearing by male prisoners may be socially acceptable for male prisoners and ignored, whereas female prisoners are challenged and punished for such behaviour.

This may explain the disproportionately higher rate in the current research for the offence of 'threats/abusive words or behaviour', along with other offences, in the female prisons. Prison staff may choose to ignore offending behaviour in male populations or issue informal cautions for offending behaviour in male prison populations, whereas prison staff may choose to formally charge prisoners in female prison populations.

Further research was conducted to examine whether prison incidents were a reflection of the offending behaviour which caused the offender to receive a custodial sentence[19]. Data indicated that this is not the case, as 63 per cent of male prisoners were imprisoned for violence offences, sexual offences, robbery and burglary compared to a total of 36 per cent for these offence groups for female prisoners however female prisoners were more often punished for violence offences within the prison environment than male prisoners, where 22 per 100 male prisoners were punished for violence offences in comparison to 30 per 100 female prisoners.

Other explanations for the disparity in the rate of punishment for offending against prison discipline might be that female prisoners indeed commit proportionately more offences than males. If prison officials and other individuals required to make decisions regarding the punishment of offending for male and female prisoners show no bias in terms of

16. Rodriguez, Curry & Lee. (2006). Gender differences in criminal sentencing: Do effects vary across violent, property and drug offences? *Social Science Quarterly, 4.*
17. Noblet, A. (2008). *Women in prison: A review of the current female prison system:* Future directions and alternatives. *Internet Journal of Criminology.* Retrieved September 2, 2009 from http://www.internetjournalofcriminology.com/Noblet%20-%20Women%20in%20Prison.pdf
18. Farrell, A. (1998). Policies for incarcerated mothers and their families in Australian corrections. *Australian and New Zealand Journal of Criminology*, 31(2), 101-119.
19. Garde, V. (2003). Profiling violent incidents: An explorative study. *International Journal of Forensic Psychology*, 1(1), 142-146.

whether or not punishments for offending are applied, other variables may become relevant. For example. female prisoners may simply be more difficult to manage and more resistant to authority than male prisoners[20]. In addition, the rate of offending against prison discipline may have a direct correlation with the incidence of instability, aggression and violent behaviour resulting from drug or alcohol related mental disorders[21] within the female population. Female prisoners in United Kingdom prison establishments were almost twice as likely to be imprisoned for drug offences as male prisoners (28 per cent of the female prison population in comparison with only 15 per cent of the male prison population). This may in turn influence rates of female prisoners' drug or alcohol induced mental disorders as 23 percent of sentenced female prisoners were reported to be drug dependent compared with 11 per cent of male prisoners in the United Kingdom[22].

To reduce the likelihood of disparities, prison staff may benefit from training in gender differences in conflict and dispute resolution to reduce the frequency by which female prisoners are charged with offending against prison discipline, conversely staff that work with male offenders may also benefit from training to ensure that male prisoners are not foregoing formal sanctions for offences that they should, indeed, be punished for. Another possible explanation for the disparity in punishments between male and female prisoners is that male prisoners may offend *covertly* and therefore be harder to detect. Similarly more staff may be employed or available in female establishments which may aid in the detection of prison offending, or female prisons may have less access to meaningful activities which results in female prisoners being idle for much of the day[23] thus resulting in more altercations and disobedience due to boredom.

The lack of programs designed and available for women in the Western Australian prison system in terms of reducing violence and drug use in preparation for prisoners' release into society[24] may also have an impact on prison offending, as without access to such programs female prisoners may be less equipped to desist from violent behaviour and drug activities prior to their release into society than male prisoners who have accessed similar programs in male prisons. More research is clearly needed in this area.

### The Need for Equitable Punishments

It is evident that penalties should reflect the seriousness of the offence and act as a punishment for the offender and as a deterrent to future offending by the offender and others[25]. It has been suggested that the gender of an offender in itself should not be a matter relevant to sentencing[26]. However, the problems faced by female offenders should not be ignored: with high incidences of complex drug abuse, unhealthy family relationships and physical and emotional abuse[27]. In society, women's lives are very different to those of men in ways that should be taken into account in sentencing in open court where a gender-neutral stance would not tackle these pre-existing disadvantages[28]. However, it would be wrong to not to highlight that similar issues also affect male prisoners — both populations possess the same criminogenic factors such as poor cognitive skills, strong ties to and identification with anti-social role models, weak social ties, anti-social attitudes and feelings, dependency on drugs and alcohol and adverse family or social circumstances[29]. Furthermore unfairness of discipline in the prison system is a major cause of dissatisfaction among inmates[30]. In addition, offenders who perceive punishment for prison indiscipline as fair are more likely

... female prisoners may simply be more difficult to manage and more resistant to authority than male prisoners.

20. Naylor (2002) see n.3.
21. Noblet (2008) see n.18.
22. Worrall, A. (2002). Community sentences for women: Where have they gone? Probation and Community Corrections Officers' Association. Re.
23. Western Australian Inspector of Custodial Services. (2006) see n.14.
24. Ibid.
25. Queensland Government. (2004). *Legislation Review, Corrective Services Act 2000.* Offences and penalties consultation paper. Queensland: Department of Corrective Services.
26. Queensland Taskforce on Women and the Criminal Code. (2008). *Taskforce Report. Queensland Government.* Retrieved March 29, 2009 from http://www.women.qld.gov.au/resources/criminal-code/documents/ chapter-10.pdf
27. Sisters Inside (2004) see n.8.
28. Queensland Taskforce on Women and the Criminal Code. (2008) see n.28.
29. Noblet, A. (2008).see n.18.
30. Weatherburn, D. (1982). *Prisoner perceptions of the prison environment.* Retrieved April 4, 2009 from http://www.criminologycoucil.govau/reports/1-82.pdf

to be compliant, while offenders who perceive punishment as unfair are more likely to be defiant[31]. In Victoria, Australia, complaints are regularly received regarding the absence of reasons for the imposition of penalties and in regards to inconsistencies in the administration of the disciplinary process and disparities in the withdrawal of privileges and the impositions of sanctions[32]. One of the most common complaints in the Victoria prison system is the lack of consistency between prisons — prisoners charged with identical offences can receive substantially different penalties — for example, a prisoner assault resulted in six different outcomes in Victoria, ranging from a reprimand at Won Wron to 28 days loss of privileges at Fulham Correctional Centre[33]. It must be noted, however, that while offences may appear the same, extenuating circumstances make each case different and may therefore warrant a different penalty — there must be flexibility and discretion allowed in imposing penalties which are ultimately fair and reasonable and take into account the circumstances of each particular case[34].

## Conclusion

Female prisoners were punished more frequently for offending against prison discipline than male prisoners, however both male and female prisoners received similar penaltles in terms of the type of punishments issued.

This study has shown that females were recorded as being punished for offending behaviour consistently more often than men in terms of all groups of offending, aside from the offence groups of 'Escape/Abscond Offences' and 'Unauthorised Transactions/Possessions Offences'. The total rate of punishment for offending against prison legislation in the female population remained, in 2007, as per previous years, higher than that recorded in the male prisoner populations in United Kingdom prison establishments. In addition, this study has shown that female prisoners were recorded to be treated relatively equally in terms of punishments issued for offending against prison legislation to male prisoners. This study found little or no difference in the type of punishments issued to female prisoners in comparison to those issued to male prisoners in United Kingdom prison establishments, although the available data was insufficient to ascertain whether there were differences in terms of the severity of the penalties imposed on the male and female prisoner populations.

The collection and analysis of additional information such as the severity of the offences committed and offenders' prior history of prison offending would provide a full examination into whether male and female prisoners are treated equally in terms of prison punishments when the severity of punishments is taken into account and will also give prison policymakers guidance on where resources should be allocated, in terms of staffing, training and program development and implementation in regards to reducing prison offending

31. Dugan, J., Roche, V, Tucker, I. (2003) see n.13.
32. Law Institute of Victoria. (2003). *Prison discipline review.* Retrieved April 5, 2009 from https://www.liv.asn.au/members/sections /submissions /20030507_20/20030603pris.pdf
33. Duggan, J., Roche, V. Tucker, I (2003) see n.13.
34. Ibid.

# Reviews

Book Review

***The Prisoner Society: Power, Adaptation and Social Life in an English Prison***

By Ben Crewe

Publisher: Clarendon Press (2009)
ISBN: 978-0-19-957796-5 (hardback)
Price: £60.00 (hardback)

In 2002, French sociologist Loic Wacquant lamented the 'curious eclipse of prison ethnography'[1]. In the past, he argued, there had been landmark studies[2] that involved researchers spending long periods of time in prisons and in intimate contact with prisoners developing a close understanding of their lives. These studies deepened and expanded our knowledge of prison, prisoners, prison staff and the wider social forces that shaped them. However, Wacquant lamented the decline and virtual extinction of this form of research. In *The Prisoner Society*, Ben Crewe from the Institute of Criminology at Cambridge University has produced an impressive book that revives and revisits the grand tradition of ethnographic prison research and is worthy of a place in that illustrious pantheon of works.

Crewe's research was conducted over a year at HMP Wellingborough, a category C prison. It was selected partly because category C prisons form the larger part of the prison estate in England and Wales; and partly because these prisons can be seen to typify the experience of imprisonment. The research involved prolonged periods of participant observation, interaction and interviews with prisoners. In a fascinating annex to the book, Crewe explores the research process in detail, not only elaborating the technicalities, but more importantly providing a sense of the emotional texture of this type of prison research.

The research is located within the contemporary penal context, or what Crewe describes as the 'late modern' period. The first three chapters describe the main features of this period, noting in particular that the use of prison has been expanding, that prisoners are largely drawn from socially excluded groups, and that prison management has come to be increasingly based on economic and business techniques. Crewe explores this as a global phenomenon, and how this has been realised locally in the UK and in Wellingborough in particular. The subsequent chapters take these macro-level social changes and describe how they have affected and changed the social life of the prison.

Chapter 4 looks at the issue of power. Crewe argues that there has been a move away from the use of pure authority and overtly oppressive forms of control including the overuse of force and impoverished regimes. Instead, this has been replaced by 'soft' power, for example the use of discretionary decisions such as incentives and earned privileges and decisions about release. He also argues that power has been dispersed and become more intangible, particularly through the way that it has been passed to professionals such as psychologists and bureaucratic processes. One of the purposes of this 'soft' power is to enlist prisoners in regulating and policing their own behaviour as their access to desirable goods and potential release are dependent upon compliance. Although this has the appearance of being less oppressive, Crewe is able to illustrate how this is experienced by prisoners as being more pervasive and intense as they feel that more is expected of them and more is at stake.

Of course, not all prisoners are identical and in chapter 5, there is an exploration of how different prisoners adapt to prison, and how they comply with and resist the use of power. Crewe describes four different groups of prisoners. The first he calls 'Enthusiasts' and are those prisoners who embrace a process of personal change, engage positively with the opportunities available and actively comply with the prison. The second group are 'Pragmatists', who comply for a range of instrumental or fatalistic reasons, including those who are disengaged and unmotivated by what is on offer and those who lack the power or inclination to do anything else. The third group are 'Stoics' who were generally longer-term prisoners who were conscious of the dynamics of prison life but accepted the ebb and flow of institutional life in order to secure their eventual release and avoid the negative consequences of non-compliance.

1. Wacquant, L. (2002) *The curious eclipse of prison ethnography in the age of mass incarceration* in *Ethnography* Vol.3 No.4 p.371-98.
2. For example Sykes, G. (1958) *The society of captives: A study of a maximum-security prison* Princeton: Princeton University Press, Cohen, S. and Taylor, L. (1972) *Psychological survival: The experience of long-term imprisonment* Harmondsworth: Penguin and King, R. and Elliott, K. (1977) *Albany: Birth of a prison, end of an era* London: Routledge and Kegan Paul.

A fourth group, 'Retreatists' were described as having minimal interaction with the prison, negligible contact with people outside of the prison and leading isolated lives inside. These are often people who have substance misuse problems. The final group are described as 'Players' and are those who are involved in criminality inside and outside and are financially motivated. These people often try to 'play the system' by feigning compliance whilst subversively resisting the exercise of authority. Although there are of course limitations to the value of typologies, Crewe has provided analytical descriptions that will feel familiar to those working in prisons. These descriptions also provide a lens through which variances in the conduct and experience of prisoners can be more sharply observed.

The interaction between prisoners is the focus of chapters six and seven. In these, Crewe describes how the popular image of a highly organised and unified prisoner hierarchy led by a 'top dog' is not seen in reality. Instead, the prisoners' social world is more fragmented with the small 'clique' being the basic unit. Friendship and social relations are described as being limited and tenuous, with an air of artificiality in prisons, only melting into something more substantial in a limited range of circumstances. Crewe is describing here a social world that is dissolving, becoming more fragmented, atomised and ephemeral.

In the final empirical chapter, Crewe examines specific elements of the everyday social life and culture in prisons, including the drug trade, debt, relationships with staff, views on 'grassing', the informal rules about fighting and the use of violence, attitudes towards women, and the management and presentation of emotions. This chapter goes beyond common assumptions and draws out the complexities, inconsistencies and contradictions that exist in prisons as much as any other social space.

This book is an impressive achievement. To say that it is old school sociology is intended to be a complement. It has the feeling of an instant classic. It is particularly effective in showing how the changes in the role and operation of prisons have had an impact on prisoners individually and collectively. The deliberate focus on prisoners and the wide use of their own words in lengthy quotations not only provides a liveliness and accessibility, it also empowers by foregrounding their experiences, giving them relevance and prominence. This book is highly recommended and deserves to be read widely by prison professionals and will also undoubtedly be a source of reference for academics for years to come.

***Jamie Bennett** is Governor of HMP Morton Hall.*

Book Review

***Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders***

By Vanessa Barker

Publisher: Oxford University Press (2009)
ISBN: 0195370023
Price: £22.50 (hardback)

While it is well known that the United States has the highest incarceration rate in the world — one in every 100 adults in the US is currently imprisoned — less well rehearsed is the fact that there are huge differences in incarceration rates across the nation. Some states imprison 700 or more inmates per 100,000 population (with Louisiana heading the table at over 800) while others — Maine and Minnesota — have the lowest rates at 159 and 181 respectively. And, as is now well established, imprisonment rates and severity of punishment move independently from crime rates and trends. Tennessee, for example, ranks second in violent crime rates but twenty-second in imprisonment rates.

The reasons for these disparities are the starting point for Vanessa Barker's book, *The Politics of Imprisonment: How the Democratic Process Shapes the Way America Punishes Offenders*, which seeks to add a more nuanced understanding to the existing literature which, on the whole, generalises patterns and trends of imprisonment in the US. But as the subtitle suggests, this volume is about much more than attempting to explain variances in criminal justice policy across the States. Barker focuses on three case studies — Washington, New York and California — in order to explain how American citizens are mobilized to engage in the democratic process and, in turn, how the democratic process shapes the criminal justice system and the punishment of offenders. All three states have maintained relatively high crime rates but each has pursued different penal strategies, especially since the late 1960s and early 1970s; a critical period in the history of crime control policy as the shock of high crime provoked unsettling social change. In California, an emotive, passionate and punitive approach to crime control has dominated since the late 1960s when Governor Ronald Reagan introduced a more victim-oriented approach, emphasizing the pain and suffering experienced by victims of crime, while at the same time characterizing the permissive society of the 1960s as a threat to democratic order. Of the three states, California adopted the

most punitive crime policies and punishment had a distinctly resentful edge as officials sought to create a society in which 'winner-takes-all' and losers (i.e. offenders) must be punished for their moral failures. All notions of rehabilitation were abandoned as retribution became the main goal of punishment. The legislation introduced since that time gives a flavour of the expressive nature of punishment in the state, for example; Death Penalty Proposition (1972), Murder Penalty Proposition (1977), Crime Victim Justice Reform Act (1989) and 'Three Strikes and You're Out' (1993). Barker tells us that imprisonment has become a harsh and inevitable reality for thousands of Californians, particularly African Americans and Latinos, who make up 66 per cent of the state's prison population.

By contrast, Washington State began to face up to immense problems within its penal system in the 1960s and 1970s. Prisons had become too expensive and too ineffective; mere warehouses holding an undifferentiated mass of inmates. In response, state officials adopted the principle of 'parsimony', employing the least restrictive punitive sanction possible to maintain public safety. Where California used imprisonment extravagantly and with the aim of invoking pain on the offender to restore equilibrium, Washington diverted offenders away from prison via a strategy of decriminalization of some offences and minimum use of custody where viable alternatives exist. Not only did the prison population drop substantially but the new philosophy in criminal justice in Washington challenged the idea that victims must be avenged and punishment should inflict pain.

In New York, analogies were made between crime and disease and policy makers favoured solutions based on quarantining perceived risks, as if managing a public health campaign. Committed to eradicating the 'dreaded cancer' of crime, resources were directed at the offences believed to be most threatening to social order and public security (notably unprovoked assaults by violent strangers). At the same time, the perceived root cause of much crime was tackled via a series of far-reaching and draconian drug laws. The aim was not to 'cure' offenders, however, but rather to 'manage' them. This pragmatic mode of governance is not immune to punitive pressures but, on the whole, the state's policy of incarcerating violent and drug offenders and diverting others has remained intact and today 83 per cent of New York's prison population is made up of violent and drug offenders, while non-violent, non-drug offenders enjoy high rates of early release or avoid prison altogether.

These brief summaries do not do justice to the book's immensely detailed socio-historical analyses of how and why such divergent penal policies were arrived at, or how ordinary people made sense of, and responded to, crime and punishment in localized contexts. In highlighting variation rather than uniformity in the way that governance is practised, Barker not only demonstrates that the disparities between states' handling of penal sanctions are not simply related to crime rates, but also counters the idea that democratic participation necessarily has severe penal consequences. *The Politics of Imprisonment* offers evidence that increased democratization can support less, not more, coercive penal regimes and counters the orthodoxy that mass imprisonment is an inevitable feature of punishment in the United States.

***Yvonne Jewkes** is Professor of Criminology at the University of Leicester.*

Book Review

***The Rule of Law***

by Tom Bingham
Publisher: Allen Lane (2010)
ISBN: 978-1-846-14090-7 (hardback)
Price: £20.00 (hardback)

Lord Bingham of Cornhill was the first person to hold the offices of Master of the Rolls, Lord Chief Justice and Senior Law Lord (and was the first to be *appointed* to the latter office, from which he retired in 2008). That the book's author is referred to simply as 'Tom Bingham' says much about the unstuffy way in which he seeks to describe the concept of the rule of law. The term was coined in 1885 but what is meant by it remains (or did remain until this outstanding book) ill defined.

Those who are not lawyers should not be put off reading it:

> *This book, although written by a former judge, is not addressed to lawyers. It does not purport to be a legal textbook. It is addressed to those who have heard references to the rule of law, who are inclined to think that it sounds like a good thing rather than a bad thing, who wonder if it may not be rather important, but who are not quite sure what it is all about and would like to make up their minds.*

Anyone who works in prisons who is not interested in making up their mind has no business working in prisons: this book truly should be required reading for everyone who works in the National Offender Management Service and the Ministry of Justice.

Bingham begins by offering a general definition of the rule of law. Acknowledging that this is not comprehensive, he goes on to

explain how 12 'historical milestones' have contributed to its development. He then sets out the eight constituent parts of his definition. By listing the milestones curiosity may prompt those unable instantly to recognise each to research them — or better still to read this book.

1. Magna Carta.
2. Habeas Corpus.
3. Abolition of Torture.
4. Petition of Right 1628.
5. Sir Matthew Hall's resolutions.
6. Habeas Corpus Amendment Act 1679.
7. Bill of Rights 1689 and Act of Settlement 1701.
8. The Constitution of the USA.
9. French Declaration of the Rights of Man and Citizen 1789.
10. The US Bill of Rights 1791.
11. The law of war.
12. The Universal Declaration of Human Rights 1948.

One of the most important aspects of the rule of law is regulating how and when fundamental rights are infringed. This is why imprisonment — and other exercises of the state's coercive powers, by the police and immigration authorities for example — were the subject of cases taken to the European Court of Human Rights before the Human Rights Act incorporated the European Convention of Human Rights (ECHR) into domestic law. Bingham is perhaps the ECHR's most distinguished defender — if you seek a rebuttal of the argument that it needs to be amended to include 'responsibilities' as well as rights, do read Bingham's 2009 lecture delivered in June 2009 to mark the 75th anniversary of the founding of *Liberty*. The eight components of the rule of law Bingham describes are:

1. Law must be accessible, intelligible, clear and predictable.
2. Questions of right and liability should he determined by applying the law not by exercising discretion.
3. The laws of the land should apply equally to all.
4. Ministers and officials must exercise powers in good faith, fairly, for the purpose they were intended and reasonably.
5. The law must protect human rights.
6. The means for resolving the civil disputes must be made at reasonable cost.
7. Adjudicative procedures should be fair.
8. The rule of law requires compliance with international law obligations.

This list touches upon almost every aspect of prison routine and procedure. It might usefully be inscribed on the wall of every Governor's office and form an oath everyone working in and for prisons should take. These components of the rule of law might also usefully replace some of the many 'strategies' and 'action plans' and other impedimenta with which the administration of the severest sanction of the law is encumbered. Indeed, Bingham suggests that Clauses 39 and 40 of Magna Carta (which formed part of the curriculum of the training this reviewer undertook to become an adjudicator of disciplinary charges against prisoners) 'should be inscribed on the stationery of the Ministry of Justice and Home Office in place of the rather vapid slogans which their letters now carry.'

This book goes further of course than providing a source of principles and references for prison practitioners. In his chapter on the international law implications of the rule of law, Bingham presents a very clear and balanced analysis of the Attorney General's advice upon which the legality of the UK's participation in the invasion of Iraq was based — an analysis that concludes that the invasion of Iraq violated the rule of law. This chapter also provides a consideration of the British and American conduct in that invasion and its aftermath (Guantanamo, the breach of the Torture Convention, Abu Ghraib and the murder of Baha Mousa). In his conclusions in this chapter, Bingham laments as a weakness of the rule of law the fact that only 62 of 192 member states of the United Nations have accepted the compulsory jurisdiction of the International Criminal Court (and that only one of the five permanent members of the Security Council, the UK, has).

The book concludes with important considerations of terrorism and the rule of law and the sovereignty of Parliament. In the former, Bingham draws attention to the risks of a political rhetoric which promotes the importance of security above liberty. Reference is naturally made to the 2004 'Belmarsh case' in which the House of Lords declared unlawful the continued detention of nine foreign nationals suspected of being terrorists. Bingham draws attention to how the language of the 'war on terror' has redefined the terrorist as an enemy rather than a criminal suspect. He quotes Professor Conor Gearty's description of 'the supersession of the criminal model based on justice and due process by a security model that is based on fear and suspicion'. Bingham goes on the highlight the differences between the UK's and the USA's approach to dealing with the threat of terrorism.

At just over 170 pages this is a short as well as a compelling and an important read.

***William Payne*** *works in the NOMS' Public Sector Bids Unit in London.*

Book Review

***Gang Leader for a Day***

By Sudhir Venkatesh
Publisher: Penguin Books
ISBN: 978-01-141-03091-3 (paperback)
Price: £8.99 (paperback)

Sudhir Venkatesh appears to be well and truly fearless. And perhaps a little mad. This book charts his 'ethnographic' study of African-American Chicago gangs during the nineties. What begins as a naïve inquiry into why he and his fellow undergraduates are warned of not crossing to the other side of the local park, ends up with a decade's worth of partly aimless research into the poor community of the notorious Robert Taylor Project.

The story goes that Venkatesh, feeling a bit of an outsider due to his ethnic origin, becomes fascinated by the local poor black community. In order to answer his many queries he decides to go straight to the local projects and ask the controlling Black Kings gang all about their lives. Following an initial night being held hostage by the menacing gang, Venkatesh is released, but not before developing an affinity with the gang leader, JT. This prompts Venkatesh to return the next day and it is his special relationship with JT that allows him to open up this world in a way sociologists never have before.

Venkatesh appears to want to provide the voice of middle class American optimism. This should have been crushed following his initial, sometimes shocking, encounters with the gang. However, he also lays bare his naïvety to the extent that he is happy to outline the embarrassing situations that this causes. His frankness though, also encourages other members of the community, away from the gang, to tell him their stories.

What follows is an interesting but somewhat laboured dissection of the workings of the entire project. Venkatesh explains in detail the management structure and workings of the gang. This includes his access to the street, project, city and national organisation of the Black Kings. JT is portrayed here as filling a regional manager type role in a legitimate business. Interestingly the legitimacy of the various businesses from drug dealing to robbery to prostitution is something that the gangs and others are keen to emphasise. The Gangs have a surprisingly benevolent side, investing in community events and empowering the local people in democratic activity. In the end however, it is often merely a clever way to maintain their control over and exploitation of the masses.

Venkatesh goes on to explore the underground economy of comprising mostly of crack-cocaine dealing. He exposes the lack of a glamorous side to the work where street dealers are barely paid more than minimum wage for the risks they take. He also uncovers the economic decisions the local prostitutes have to make, along with the complex interaction between rival gangs, local police, community leaders, homeless people, building presidents and the unfortunate regular tenants of these properties, who always appear to bear the brunt of the consequences.

There is some focus on the strong patriarchs of the community, particularly amongst the corrupt building presidents. The building presidents are supposed to be the effective link between the tenants and the housing authority. Unfortunately they are power hungry, receiving bribes and top slicing assistance offered to tenants for themselves, as well as using drug money and resorting to gangs to solve tenant problems. However, the authorities appear either to frightened or not interested in responding to the needs of tenants and coupled with the building president actions, this becomes a self-perpetuating situation. Linked to this issue is the slightly under explored role of the police, who all appear to operate in much the same way as a gang but with the added ability to incarcerate people.

Ethically, Venkatesh was always going to run into issues with research like this. He witnesses numerous crimes including two drive-by shootings and actually takes part in a beating on the spur of the moment. With his supervisors at the University always a step behind him, it is only the fact that things get a bit hairy that makes him conclude his research after ten years in the projects.

Overall, this book is a good read. However, I felt I was left with a feeling the author was chasing sensationalism in some sections. JT is often glorified and seen as an enigmatic leader. At one point Venkatesh even admits what he sees is like a 'movie coming to life'. The book reads almost like a work of fiction and could easily have been converted into film. But, mainly for the sheer entertainment factor, I do recommend this book to those interested in this area of sociology.

***Paul Crossey** is an Operational Prison Manager at HMYOI Portland.*

# Interview: Phil Wheatley

***Phil Wheatley*** *retired as Director General of the National Offender Management Service in June 2010. He is interviewed by* ***Jamie Bennett*** *who is Governor of HMP Morton Hall.*

**Phil Wheatley has been the Director General of the National Offender Management Service since 2008. He is responsible for the management of prisons and probation, including a budget of around £5 billion to manage over quarter of a million offenders each year.**

He joined the Prison Service in 1969, working as a prison officer at HMP Leeds and Hatfield Borstal. After a year he was selected for the Assistant Governors Course and moved into the management grades. As an Assistant Governor he held posts at HMP Hull, HMP Leeds and at the training college in Wakefield.

In 1982 he took up post as Deputy Governor of HMP Gartree, a 'dispersal' prison holding Category A prisoners. This was a post he held for the next four years. This was an important transitional period for the prison as it had suffered a series of disturbances during the 1970s. His role was to rebuild staff confidence, develop industrial relations and improve security and control.

He returned to HMP Hull in 1986 as Governor, just as the prison was coming out of the 'dispersal' estate and changing to become a local prison, albeit with a control unit for disruptive prisoners. Again, this was a post he held for four years as he saw the prison through the transition and through the crisis that followed a prisoner escape.

The role of Area Manager was created in 1990 in order to provide closer management and direction for prison governors. He was appointed Area Manager for the East Midlands and for two years established this role. Following this he took up the role of Assistant Director in charge of the headquarters department known as DOC 2, which managed prisoner movements, category A security, order and control. He managed this department during the follow up to the escapes from Whitemoor and Parkhurst in 1994 and 1995.

After a short period as Area Manager for London North in 1996, he took up post as the first Director of Dispersals. In this role he followed through the recommendations of the reports into the escapes of 1994 and 1995 and introduced changes that have contributed to the prevention of category A prisoner escapes since then. He is also credited as introducing changes during that period that reasserted order and control in those prisons, including developing the incentives and earned privileges scheme.

In 1999, he was appointed Deputy Director General for the Prison Service and took on responsibility for the operation of all prisons. During this period, he introduced more extensive monitoring of prisons through the development of key performance targets to measure prison performance. He also advocated a clear moral agenda for prisons and in 2002 made a speech at the Annual Conference in which he set out the tests for decency, suggesting that the 'a basic test of whether a prison is running decently is whether or not staff would be happy with their relatives being held there'[1].

In 2003, he became Director General of the Prison Service, the first person to join as a prison officer and rise to hold that post. He held this role during a period of significant organisational change as the National Offender Management Service was created to bring together prisons and probation. He was then appointed the Director General of NOMS in 2008 with a remit to introduce the revised organisational structures and make the vision of NOMS a reality.

At his final NOMS Annual conference in 2010, he delivered an address in which he set out some of the achievements of the last decade. This included: a reduction in escapes from almost 40 a year down to five last year; the halving of absconds, a reduction in reoffending of almost 10 per cent in prisons and over 7 per cent in probation; a 40 per cent reduction in further serious offences over three years; a 500 per cent increase in community programmes and a 300 per cent increase in prison ones; and in addition suicide in prison is at its lowest level for almost a quarter of a century. These are the achievements that underpin his time in charge of prisons and NOMS.

His longevity and achievements in a challenging and politically volatile environment mark out Phil Wheatley as arguably one of the most important and successful figures in the post-War criminal justice system.

*This interview took place in April 2010*

1. Cited in Coyle, A. (2003) *Humanity in Prison: Questions of definition and audit* London: International Centre for prison Studies.

**JB: Why did you join the prison service?**

**PW:** I'd done Law at University, which included an option for criminology and I became really interested in it. Tony Bottoms, or Professor Sir Anthony Bottoms as he is now, was in his first year lecturing and he was very interested in his subject and we also visited some prisons, so that got me interested. I decided that I didn't want to be a solicitor, which at that time seemed to mostly involve divorce or conveyancing. I thought about both the Probation and Prison Services. A friend of the family suggested prisons to me. I visited three more prisons through more family friends: Gaines Hall Borstal, Wakefield and Leeds. I was too young to join as an assistant governor, so the idea was that I would join as a prison officer and transfer over if I liked it and was any good.

**JB: What do you see as the purpose of imprisonment?**

**PW:** It's complicated. We've always existed to punish people. We have to be careful not to be mealy-mouthed about that because it is something that is experienced as a punishment by our punters and it is not our job to make it more of a punishment. We have always existed to protect the public. We hold a number of dangerous people and sometimes for a long time. I've also always believed that we should work to reduce the risk of reoffending and work to ensure that the right people get out on discretionary release. It's a mix of those objectives, no single one. Trying to keep a sensible balance so that we are achieving all of those objectives is part of what good prison governors and good senior managers do.

I've also always believed that we should work to reduce the risk of reoffending and work to ensure that the right people get out on discretionary release.

**JB: Can you bring your values into the role, your sense of what is right and wrong? Have you carried out work in the prison service that reflects those values?**

**PW:** I think everything I have done has been influenced by my values. It's a values-driven business and that is part of the attraction of it. It is not a moral-free zone here. There are difficult moral judgements and that makes it interesting. I have never had to do anything thought was immoral and I've always been able to play in my judgement and take account of what I have believed to be right.

**JB: What achievements are you most proud of during your time in prisons?**

**PW:** Playing a major role as Deputy Governor of Gartree getting it into the position where it has become a very good prison. After a difficult time it learned how to do its job again. I also enjoyed making Hull a successful local prison. As an Area Manager, I was part of creating for the first time a set of regional managers for governors who knew what they did and were interested. Prior to that, I had rarely seen my regional manager or their assistants because Hull was too far away for them to turn up or show an interest. Creating real management has had a positive impact over time. In Dispersals, we stopped category A escapes and riots, we got them back under control. Looking back, they were places that were unsafe for prisoners and staff, there was a high murder rate for prisoners and staff were never quite sure if they were going to lock up. They have been made more ordered places, which is better for prisoners, staff and the public. I am also proud of the major improvements since 1999 in making sure that everything is based on the idea of 'decency' and we have driven improvements in performance that make sense operationally, not just meeting targets when underneath nothing has really changed or is adrift. Everyone who has worked through the last ten years or so has seen significant improvement: reduced escapes; reduced reoffending; reduced suicides; reduced absconds. These are things we would never have thought were possible and they have been achieved without the major losses of order that were endemic in the 70s, 80s and 90s.

**JB: Is there anything in your career that you look back upon and regret or wish that you had done differently?**

**PW:** I try not to look back in a negative way as that is the enemy of making things happen. I try to look back and learn from experience. Having a category A escape at Hull wasn't a triumph but we did learn from it quickly and learn for the rest of the Service. We were pointing out issues that later became part of Woodcock Recommendations[2]. I have tried to use events that have gone wrong in order to learn.

2. Woodcock, J. (1994) *Report of an Inquiry into the Escape of Six Prisoners from the Special Secure Unit at Whitemoor Prison in Cambridgeshire on Friday 9 September 1994* HMSO: London.

**JB: How would you describe your management and leadership styles?**

**PW:** I usually work with stable management teams and get good people around me. If you look at the churn of people who work with me anywhere it has been low. I don't put up with people who don't do good work, or are lazy or lack integrity. I like people who work hard, know what they are doing and have high standards. When I get those people, I'm happy to acknowledge their skills, not second guess them and not claim their work as my own. That usually works well. Attention to detail is important in our job. A broad brush approach in our area often means that things go wrong, whether that is serious further offences in probation or escapes in prison. I have a style that means I'm on top of the job, understand the job, I am interested in the people and like the area of work. That's also been true of working with probation.

**JB: have you had to change your style since also taking responsibility for probation and NOMS?**

**PW:** The work with probation has been really interesting. I have been working with some really good people to find a way in which we can improve performance. In particular if prison and probation work together more effectively there will be benefits on both sides. Probation is an organisation where a straightforward command approach is not part of their history and is not appropriate. However, I do try to give a sense of direction. We are also trying to simplify processes and operating procedures, and ensure they don't get in the way of their staff making a real difference.

My job is to look after the people the courts send to us. That matters to me.

I have changed over time. I often start by trying to drive things forward by doing it myself; that is also true of when I went into high security prisons, but then quickly governors came on board so I wasn't really on my own. From being an Area Manager onwards I was much more conscious of the need to work through other people and develop them over time. I like to get the right people, give them the right systems, manage the environment so that they don't get distracted, give some direction and pay enough attention to detail to make sure everyone else pays attention. They are all things I have learned to do better.

**JB: How would you describe your ideal prison officer?**

**PW:** I can think of an officer in Hull who for me represented the ideal prison officer. He was absolutely dependable, really interested in the people he looked after and good at understanding people. He was able to be robust and he wouldn't put up with things that were not right. He could be directive when required. However, he was appreciated by prisoners as being someone who was genuinely interested in them and understood them. He had that ability to use authority based on sound relationships and to understand prisoners without condoning what they have done or when they misbehave. They are all the qualities of a good prison officer. There are a number of people who match that, but that particular officer is my touchstone for a good prison officer.

**JB: What do you remember about that first day in Leeds prison in 1969?**

**PW:** I remember being told it was not a good idea to smoke as all prisoners would be after your 'dibs' or fag ends, so if you didn't bring in fags you wouldn't be pestered or conned. That saved me from smoking so that was good advice. I was advised never to go drinking with the officers who went out to the pub at lunch time and came back breathing beer all over prisoners. That was simply a provocation that no good prison officer would do. Despite all its problems, Leeds was a lively place that had a good sense of humour. In those days there was a contrast between the grim, castle-like prison architecture, which looked like a dungeon, and the brighter atmosphere inside with people getting on with their imprisonment, getting on with staff okay with a sense of humour. I remember that even from the first day in the prison.

**JB: One issue that has changed significantly since you joined is the number of people in prison. Your tenure as Director General has seen the prison population expand to its highest ever level and Britain become one of the most extensive users of imprisonment in Western Europe. How do you view and feel about this change?**

**PW:** I have always regarded it as not my job to worry about the size of the population. I have said that my job is as a gaoler not a sentencer. My job is to look after the people the courts send to us. That matters to me. As someone who trained in law originally, I like the idea that we have an independent judiciary and that people like me do not decide what happens to offenders. That is perfectly proper.

For society it is a real issue. Do we really want to pay for this number of people to be locked up and are we really sure that it is the right thing to be

doing? But that's a political issue and not an issue upon which I should have public views, but one that we as a society should think about and decide where we want to spend our money because if we spend our money on prisons we cannot spend it anywhere else. We should consider what effect it has on offenders and on victims if we choose to do something different and on those who are relatives and dependents of prisoners. It is a complicated issue and something we should do knowingly and having thought about it as a society.

Although we have the highest prison population in Western Europe, if you cut the data differently and look at our prison population against offences, it does not look like the highest in Europe[3] We should take account of the fact that we are an urbanised society compared to a number of our comparators, and crime is mainly an urban issue. It is important to be careful when comparing things as we are not always comparing like with like.

**JB: How has imprisonment changed for women during that time? As Baroness Corston argued[4], should women even be held in prisons?**

**PW:** It is not for me to decide whether they are or they are not. I expect the courts to dispense justice carefully according to the individual circumstances of the cases they are dealing with. That should not be based on gender but it should be based on what people have done and their culpability. If the courts have done their job properly, it is then a question of how I lock up women offenders. They come with some particular difficulties. Women commit less crime, so there are fewer of them in prison and they have always been a small part of the estate, so they are less likely to be held near home. In our society women are more likely to be the primary carers of children so there are more likely to be children's issues, but not exclusively for women. As a statement of fact it seems that the women who are sent to prison are more likely to have extensive drug problems, and come with more addiction to hard drugs. There are also issues around the number of foreign national women whom we are holding, sometimes for smuggling drugs. That courier activity has often been done by women under the control of men who are organising the importation. There are therefore people we are holding who have no relatives or dependents in the country and are being held on comparatively long sentences — that creates a different dynamic. We need to adjust to those dynamics rather than simply saying that things should be done differently for women. It should be justified on the hard facts of the women we are dealing with.

I expect the courts to dispense justice carefully according to the individual circumstances of the cases they are dealing with.

**JB: What about children? There are over 2500 children in prison, how has this changed and how do you feel about the imprisonment of children?**

**PW:** We looked after them very badly at one stage because we were looking after them alongside older prisoners and with scarce resources. My experience at Hull was that we had a Blundeston-style wing with every cell doubled. We were holding juveniles alongside the under-21 group with a maximum capacity of 200 in a wing that should not really have held more than a hundred. At any one time during the main shift there would be eight staff to make this system work. It was not well resourced, it was poor accommodation and the provision of occupation was limited. We did our damnedest but it was not a good way of looking after what were quite young children.

The Youth Justice Board arrived with the dowry of additional money, which came as part of the spending review. Martin Narey[5] bid for this identifying it as an area needing investment. That combination of new money and focus has undoubtedly improved the way that we look after those under eighteen. We call them children and they are legally children, but many of them are big children in for serious offences. It can be a problematical group for staff to look after, although they are immature and many have had grim lives and come with multiple problems.

**JB: There have been significant changes in race equality over the last decade. Are prisons different from when you started and are we at the end of the line, is equality a reality?**

**PW:** We have improved the way that we deal with black and minority ethnic prisoners, visitors and staff. When I joined in the late 60s there was little attention

3. This claim is based on research by the think tank Civitas, see Grove, E. (2005) *What's our problem?* in *Prison Service Journal* No.159 p.25-29. However, their claims have been controversial and have been challenged, see for example Garside, R. (2005) *Wrong question; wrong answer* in *Prison Service Journal* No. 161 p.10-14.
4. Baroness Corston (2007) *The Corston Report: A Review of women with vulnerabilities in the criminal justice system* London: Home Office 2007.
5. Martin Narey was Director General of the Prison Service 1999-2003.

to the needs of BME people at all and probably outright discrimination at a number of levels. If you go far enough back there is a section in the book the Morrises did on Pentonville[6] which described the view at the time that they could not possibly have black staff because the white prisoners would give them a hard time. In the early 60s it was okay to say that and it was okay for academics to write that up as if it was probably right. If you go from that base to where we are today there has been a real improvement. We cannot ever say as a society that we have got race right. The potential for societies to splinter around lines that include racial divides is substantial. If you want a successful society, you have got to make sure that it is never allowed to happen. That means you have to be alert all of the time to discrimination, and work hard to make sure you eliminate it. We have made improvements, but if we ever turned around and said we have done that, it would be a sign that we had become complacent. Racial discrimination is much more complex than what I would call an 80s view where you simply have 'white' and 'black' and do not recognise that the racial tapestry of the country is complicated. We have to be alert to the possibility of discrimination between lots of different groups. We have to be conscious of this and work in ways that help to bind society together and do not cause it to splinter.

The potential for societies to splinter around lines that include racial divides is substantial. If you want a successful society, you have got to make sure that it is never allowed to happen.

**JB: Have industrial relations changed during the time you have been working in prisons? If so, what has led to these changes?**

**PW:** I joined a Service where we did not believe as officers that we could take industrial action and never did. I went through the 70s where following the disturbances generated by the prisoner rights movement, officers discovered they could take industrial action and as a result of this things happened, so consequently industrial action flourished. It became a tool to ensure that overtime payments were maintained, so whenever you got new staff along came the POA with a list of another ten jobs that were essential and if the governor did not concede to quickly there would be industrial action. That was grim and ran throughout the 70s and 80s. These were mostly locally generated issues rather than national. The only national action was the 1986 withdrawal of overtime that led to a wave of riots and the national refusal to take prisoners above CNA, which led to the opening of Frankland as an emergency and another army camp, staffed by the army and governors. That was all grim. Derek Lewis used the legal position which apparently senior people had known for years, although I didn't, that it was probably unlawful for prison officers to take industrial action. He took this to court to get an injunction and sure enough the courts agreed and the injunction was granted. This was followed by a much more stable time and more positive work was possible.

Most of the main improvements in performance have occurred since industrial action has not been the order of the day. I hope I have played a part in settling disputes where it made sense and when it did not, we made sure the right thing happened. We have worked constructively with the POA nationally and locally. It is particularly locally where relationships have got much better, and most local POAs work well with their governors. That was not true in the 70s, 80s or even much of the 90s. We also worked well nationally during the period when we introduced performance testing and worked successfully as a public service to win back Buckley Hall and Blakenhurst with POA co-operation and finding innovative ways of doing things. I have been disappointed that in later years that level of cooperation has not been there and the POA have been preoccupied unhelpfully with winning back the right to strike, which from my point of view led to the government re-imposing the restrictions that were originally introduced as section 127. As a result, the current government and probably future governments will not be willing to give prison officers the right to strike. It would be better to stop worrying about that and start worrying about how to make prisons better so that they are better places to work in.

**JB: One of the changes that you are most closely associated with is the development of what has been called 'managerialism'. This has included the development of closer monitoring of prisons through audit, key performance targets and closer managerial control. What led your**

6. Morris, T. and Morris, P (1963) *Pentonville: A sociological study of an English prison* London: Routledge.

**commitment to these developments and what impact do you think they have had?**

**PW:** I have always been interested in how you stop escapes, stop prisons having riots, stop reoffending, things that most of us and certainly the public want. In my view you do not get those things without attention to detail and making sure things happen. For me the issue is the right kind of managerialism. I fly regularly on Easyjet whose planes turn up, work perfectly, with a staff that are well drilled and do a proper job. They have flown me backwards and forwards for the last six years roughly once a fortnight, with only one major delay in all that time. They do that by managerialism. They don't approach the engine on a whim and think I'll do a bit of it today or we might just bother to check our instruments before we set off or tell the passengers what to do in an emergency. They make sure that things happen properly. Much of what we do is the same. We have to make sure that what we do is done properly so that gives us security, control and enables us to do that regularly, not simply when one shift feels like doing it or the governor of the day thinks it might be worth bothering with. If that is managerialism, to make sure that things happen properly, then I am unrepentantly proud of it. The important thing is to manage the right things. Easyjet make sure they manage the right bits of the engine and what they decide to manage is based on a real understanding of how a plane works. We are the same. In the main, we have been able to decide what we are going to measure and manage. Key performance targets were developed by a group of young operational people who identified what mattered and what could be measured without torturing ourselves. That has played a major part in making us perform much better with real outturns that we can see and the public can be very pleased with.

**JB: What is next for you?**

**PW:** My official last day is 30 June and I hand over to Michael Spurr before that. I am currently a non-executive member of the Northern Ireland Prisons Board, I enjoy doing that. I will look around for work not in the immediate area as I do not want to be haunting my successor. I am delighted that Michael has been appointed and I want to give him a clean run at it. I do not want another full time job but I want a portfolio career with a number of interesting things. I have still got something to give and I have not run out of steam.

PRISON SERVICE
JOURNAL

## Purpose and editorial arrangements

The *Prison Service Journal* is a peer reviewed journal published by HM Prison Service of England and Wales. Its purpose is to promote discussion on 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 have worked 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.

**From May 2005 selected articles from each edition are available in the Resource Centre of the HM Prison Service website. This is available at www.hmprisonservice.gov.uk**

## Circulation of editions and submission of articles

Six editions of the Journal, printed at HMP Leyhill, are published each year with a circulation of approximately 6,500 per edition. The editor welcomes articles which should be up to c.4,000 words and submitted by email to **psjournal@hotmail.com** or as hard copy and on disk to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8HL. All other correspondence may also be sent to the Editor at this address or to **psjournal@hotmail.com**.

Footnotes are preferred to endnotes, which must be kept to a minimum. All articles are subject to peer review and may be altered in accordance with house style. No payments are made for articles.

## Subscriptions

The Journal is distributed to every Prison Service establishment in England and Wales. Individual members of staff need not subscribe and can obtain free copies from their establishment. Subscriptions are invited from other individuals and bodies outside the Prison Service at the following rates, which include postage:

| | | |
|---|---|---|
| United Kingdom | | |
| single copy | £5.00 | |
| one year's subscription | £25.00 | (organisations or individuals in their professional capacity) |
| | £18.00 | (private individuals) |
| Overseas | | |
| single copy | £7.00 | |
| one year's subscription | £35.00 | (organisations or individuals in their professional capacity) |
| | £25.00 | (private individuals) |

Orders for subscriptions (and back copies which are charged at the single copy rate) should be sent with a cheque made payable to 'HM Prison Service' to *Prison Service Journal*, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge, Gloucestershire, GL12 8BT.

PRISON SERVICE JOURNAL

This edition includes: