Special Edition
Prison Management

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Dr Ben Crewe is Deputy Director of the Prisons Research Centre at the University of Cambridge and **Professor Alison Liebling** is Director of the Prisons Research Centre at the University of Cambridge.

Øyvind Alnæs is the governor of Oslo Prison and was formerly the governor of Bastøy prison, both in Norway. He is interviewed by **Dr Thomas Ugelvik**, associate professor at the University of Tromsø.

Dr Jamie Bennett is Governor of HMP Grendon and Springhill.

Damian Evans, Governor of HMP Whitemoor. He is interviewed by **Dr Jamie Bennett**, Governor of HMP Grendon and Springhill.

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Dr Tom Daems Associate Professor of Criminology at Leuven Institute of Criminology (LINC), University of Leuven.

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Ian Bickers is the governor of HMP Wandsworth and was formerly the governor of HMP High Down. He is interviewed by *Dr Ben Crewe*, Deputy Director of the Prisons Research Centre at the University of Cambridge.

Philippe Kennes is a research and teaching assistant at the research group Crime and Society, Research line Penality and Society of the Vrije Universiteit Brussel and *Rudy Van De Voorde* is a former prison governor and currently working at the Belgian Prison Service as program manager (Public Private Partnership).

Dr Jamie Bennett is Governor of HMP Grendon and Springhill.

Paul Crossey is Head of Corporate Services at HMYOI Feltham.

Cover photograph by *Brian Locklin*, former officer at HMP Gartree and *Pete Waddington*, officer at HMYOI Portland.

Editorial Comment

The work of prison managers has largely been discussed in two conflicting ways. One approach has emphasised the distinctive features of prisons, and has suggested that managers act in ways that are idiosyncratic or individualistic. From this perspective, prison managers are heroic leaders who shape the culture and moral climate of their establishments. The second approach has focussed on the restructuring of prison management as a result of changes in public sector management over recent decades, including the growth of 'managerialism' with performance measurement, developments in IT and increased central monitoring and control. From this perspective, prison managers have become constrained and compliant, caught within the iron cage of contemporary bureaucracy. The contributions in this special edition of *Prison Service Journal* attempt to address such simplifications and offer a broader, more complex and illuminating account of prison managers and their working lives.

The approach in this edition is to combine academic articles that come from a range of disciplines including sociology, law and criminology, but also span a range of European countries. The edition also includes interviews with four current prison managers, from the UK and Norway. These represent differing backgrounds, experiences and approaches. This includes those who are very experienced having governed several prisons and those who are new to the role, it includes those who have spent their working lives in prisons as well as those who have previous careers outside of the public sector, it includes both men and women, and it includes those working in very different types of prison. The unmediated voice of those who work in the field is a vital element of this edition.

The edition opens with the latest article by Ben Crewe and Alison Liebling from their on-going work interviewing prison governors in England and Wales. This has yielded a rich body of data from which they have produced impressive research that reveals the changing nature of prison work and the effects upon prison managers and their craft. Their contribution to this edition touches upon important aspects including the role of individuality through discretion and moral communication, as well as the emotional texture of labour and the problems of power, including gendered power. They illustrate the complexity of the work not only from a technical perspective but more importantly from human, moral and emotional perspectives.

The article by Jamie Bennett, serving Governor of HMP Grendon and Springhill, is based upon research conducted in prisons, observing and interviewing operational, non-operational, uniformed and non-uniformed managers. This focuses on the changes in prisons since 2008 and the initiation of what has been termed an 'age of austerity'. The article particularly focuses on the structural changes in prisons and prison management, including reforms in staffing and services. He pays attention to the ways in which this increasing centralised control and direction has affected prison managers and altered the nature of their work.

Thérèse Murphy and Noel Whitty offer a provocative article about the potential and limitations of quantitative performance measures in the human rights field. The authors highlight that this is a growing practice in which organisations such as the United Nations are increasingly viewing such measures as a means through which good intentions can be turned into reality. Critics, however, point out that such measures do not always encompass what is important but instead seek out elements of work that are readily measurable. Additionally interactional and emotional aspects of work are not easily reduced to such measures and so can be ignored despite their critical importance. Murphy and Whitty argue that careful reflection is needed in the construction and use of quantitative measures.

The last two substantive articles come from the Belgian prison system. Tom Daems offers a close analysis of attempts to reform the use of strip searching. This case study reveals the ways in which organisations and occupational cultures can be a source of significant resistance and 'clawback' reforms that are perceived as being contrary to organisational interests. Philippe Kennes and Rudy Van De Voorde focus on the uneven implementation of managerialist approaches in Belgium, including the development of strategic plans. This article highlights the inchoate nature of the managerialist project, but also shows how it is through re-shaping occupational culture that this can have the most significant impact.

Together these articles offer an examination of prison managers from a diverse range of perspectives. They show that prison management has evolved in a way that has been influenced by the world outside, through globalisation, the development of managerialism, and legal or regulatory reform, but also remains characterised by a distinct set of cultures and concerns. The role of prison managers is to navigate and negotiate between these various pressures and constraints, moulding them into a coherent sense of direction. As all of the authors and interviewees suggest, this direction is one that is not solely technical nor is it entirely based upon compliance with central dictates, but it is also shaped by individual priorities and a sense of values.

Governing Governors

Dr Ben Crewe is Deputy Director of the Prisons Research Centre at the University of Cambridge and Professor Alison Liebling is Director of the Prisons Research Centre at the University of Cambridge.

Despite their key role in shaping prison life, prison governors have been subject to considerably less research than prisoners and uniformed staff.[1] While a number of governors have written memoirs about their working lives,[2] none have done so recently. DiIulio's *Governing Prisons* — a book which has been highly influential in the US — is a text about governing, rather than governors per se, while Rutherford's *Criminal Justice and the Pursuit of Decency* constitutes an analysis of working 'credos' or orientations across the criminal justice system, and although scholars such as Julian Le Grand have written about public service reform in ways that are highly relevant to prisons, the wealth of literature on changes in management structures in healthcare and education have not been matched by studies of the changing organisation of prisons.[3] The exceptions to this pattern — including work by Bennett — are well represented in this volume.

Our own contribution to this area of research is based on two connected studies. The first took place between 2007-09, as part of a broader research project on values, practices and outcomes in public and private sector corrections. One part of this project was an analysis of the motivations and professional orientations of senior managers working in both sectors, involving 90 long, career-biographical interviews with a range of practitioners, including governors and private sector directors, (what were then) area managers, and a few informed outsiders. 16 of these interviews were with representatives from the private sector.[4] More recently, in 2013, we were asked by NOMS to contribute to the 'Role of the Governing Governor' programme by undertaking a smaller study, with some revised questions to supplement those we

asked in our original study. For such purposes, we have so far undertaken 28 interviews, both with governors who were already known to us (some of whom we had interviewed before) and with some who are new to the role or whom we had not encountered previously. Among the questions we asked are: what are the new demands of the role, how is it changing, and — perhaps most fundamentally — what is it like to be a governing governor in a rapidly changing organisational, financial and political context?

In neither of these studies have we sought to empirically answer the question of what makes a good governor, although this is a question that is often asked of us, and one on which we have an informed position. The difficulty in answering it is that it is far from easy to know what 'good' is, or to identify the right 'outcome measure'. Good governors are not simply those who are successful within the organisation, since the organisation may have blindspots and biases. Nor are good governors always to be found in high-performing prisons — indeed, the opposite is sometimes the case, since skilled managers are often sent into the most difficult establishments in order to make headway in improving them. Furthermore, the definition of 'good' might depend on the particular needs and culture of an establishment, as much as the qualities of its leader. This does not mean that we have nothing to say about what constitutes good governance; only that what we say is tentative, and that, in our research, we are just as interested in describing the general characteristics of governors, the nature of their role, and the ways in which they relate to the organisation and it relates to and 'governs' them. We have carried out other related research which addresses the leadership style and effects of individual Governors (or the trajectory of individual establishments) and we often draw on these findings as we develop our current thinking about the

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1. For exceptions, see Bryans, S. (2007) *Prison Governors: Managing Prisons in a Time of Change*, Cullompton: Willan, and Wilson, D. and Bryans, S. (1998) *The Prison Governor: Theory and Practice*, Leyhill: Prison Service Journal publications.
2. For example, Clayton, G.F. (1958) *The Wall is Strong*. London: John Young; Grew, B.D. (1958) *Prison Governor*. London: Herbert Jenkins; Kelley, J. (1967) *When the Gates Shut*. London: Longmans, Green and Co.
3. DiIulio, J. (1987) *Governing Prisons: A Comparative Study of Correctional Management*. New York: The Free Press.; Rutherford, A. (1993) *Criminal Justice and the Pursuit of Decency*. Winchester: Waterside Press; Le Grand, J. (2003) *Motivation, Agency and Public Policy: Of Knights and Knaves, Pawns and Queens*. Oxford: OUP; Le Grand, J. (2007) *The Other Invisible Hand: Delivering Public Services through Choice and Competition*. Princeton University Press.
4. More can be read about some of the findings from these interviews in the following publications: Liebling, A. and Crewe, B. (2012) 'Prisons beyond the new penology: the shifting moral foundations of prison management', in J. Simon and R. Sparks (eds.) *Handbook of Punishment and Society*. London: Sage; Crewe, B. and Liebling, A. (2011) 'Are liberal humanitarian penal values and practices exceptional?', in Ugelvik, T. And Dullum, J. (eds.) *Penal Exceptionalism?: Nordic Prison Policy and Practice*. Cullompton: Willan.

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changing role of the Governor in contemporary corrections.

In this article, we therefore present a number of observations about prison governors and prison governing, as well as some brief reflections on the components of good leadership.

Governors are emotional about their work, and wish the organisation were more emotional about them.

Almost all of our interviews, during both research projects, have been undertaken in Cambridge, over a sandwich lunch, with both of us present. The location seems to enable interviewees to obtain some distance from their everyday working lives and to open up to us about their professional lives. We have been struck by the number of times that our interviewees, including a number of men with reputations for toughness and personal fortitude, have found themselves tearful or choked up when describing their career experiences and feelings about their work. Typically, these emotions have come out in discussions of the personal and professional toll of dealing with difficult staff members or POA committees, or perceived mistreatment by the organisation. Some interviewees have described facing extraordinary levels of personal abuse and hostility from staff, including the circulation of rumours about marital infidelity, accusations of paedophilia, and the vandalism of personal property (e.g. cars). Many of the women have been demonstrably upset and angry about their treatment, both as officers in a macho occupational culture, and as senior managers (see below).

Meanwhile, in describing their orienting values and career ambitions, many interviewees communicated a clear emotional investment in certain kinds of aims: a striving to please or prove wrong parental figures; the desire to become a number one governor ('realising my dream of Governing my own prison'), particularly of an establishment which they had worked at early in their career ('I just thought I would love to be able to go back to XX as governor'); and the prioritization in their work of stamping out abuses of power ('I always want to challenge bullying … I hate it, I react to it'). Many of those who had left the public sector to work in private prisons spoke in explicitly emotional language about their decision:

Q: Had you always been committed to a career in the public sector?

Yeah and I cried myself to sleep the last day, I went down to London to give my phone back and stuff like that and went home and cried myself to sleep that night.

Emotionally it was quite hard to leave the prison service because it was a family that I'd kind of grown up in but … not much of a family, a bit of dysfunctional family [laughs] when no-one really loves you [laughs] that much.

I wasn't sleeping — for three or four days. I love the Prison Service. I love the colleagues and the networks.

> Many of the women have been demonstrably upset and angry about their treatment, both as officers in a macho occupational culture, and as senior managers.

In the current operating climate, governors are also describing the emotional impact of trying to do a good job: sleepless nights, personal stress, and the knowledge that everyone is carrying more risk:

Q: And what kind of toll does it take on you personally to be surviving in this environment?

It is not hours. It is the emotional drain and the complexity and difficulty with human relations, and the worry you have about the people you lock up every night. You worry about your staff and you worry about your management team.

The significance of these emotional dimensions of the governing task is twofold. First, the academic literature on 'managerialism' presents management as a matter of systems, logistics and information flows: essentially rational and mechanical processes. Yet this is inconsistent with the essentially human aspects of managing and being managed by *people*, in which decisions, experiences and — as we suggest below — career development are shaped by emotional investments and responses, and by interpersonal loyalties and conflicts. Here, then, an interviewee reflects on the relevance of emotion management to the governor's role:

There is a much more human aspect to managing change than there is to managing compliance. […] what's underlying that is

people feeling uncomfortable about a change which they feel is being imposed. So it's all about the human emotions of it. […] You have to try and acknowledge and understand, and at least to some degree accommodate, people's feelings about it. So that does seem like a different... require a different approach, and a different set of skills.

Helen Arnold has shown that a characteristic of high-performing prison officers is that they have high levels of both emotional awareness and emotional independence.[5] This means that they can identify what they are feeling and why, but are also sufficiently controlled not to let their emotions overwhelm them. Something similar may be relevant for governors: that is, to do the job well, they need to take seriously the emotional dimensions of their work, be attuned to its responsibilities, and be able to express their emotions (indeed, we have seen governors benefit from wearing their hearts on their sleeves, in full staff meetings, for example). But they also find ways of 'switching off' their emotions, at the end of the working day, and of avoiding battles that are trivial or based on pride or ego.

Second, as an organisation, the Prison Service and the culture among governors seem uncomfortable in acknowledging the emotional dimensions of prison work and the importance of being attentive to the emotional needs of its senior staff. While some interviewees have described having strong support networks among their peers, most have said— like prisoners, and prison staff — that showing emotions to their peers or expressing self-doubt is 'taken as weakness'. In other words, governors rarely talk to each other about the personal and emotional experience of their work, and many feel that such conversations are not enabled by the wider organisation:

One of the things I struggle with a little bit in [my region], is I don't find there's all that much scope to have those conversations about how things are. Much less about how we are feeling. […] There just doesn't seem

> ...to do the job well, they need to take seriously the emotional dimensions of their work, be attuned to its responsibilities, and be able to express their emotions...

to be much space given to that. And I don't feel like we are given much opportunity to really share.

Similarly, a consistent criticism of the Service arising from our interviews has been a lack of 'personal touch', or a kind of carelessness in the way that it treats some its key personnel:

What I really wanted was for [my Deputy Director of Custody (DDC)] to turn around and say, 'You've worked really, really hard, thank you' and I didn't feel I got that.

It was very arbitrary. It was like: 'we are removing you as a governor. I was called to London and then told to catch the train home and clear my desk the next morning. […] I wouldn't have treated anybody who works for me that way. And it was devastating…

This is not to say that governors feel unsupported by their line managers. Most have said the opposite — that is that their relationships with their DDC are strong and trusting — and some have certainly recounted times when they have received 'personal phone calls' at critical moments, as well as more mundane forms of care. However, most interviewees have drawn a distinction between forms of managerial support, and something more akin to 'emotional intelligence'.

In the interviews that we conducted several years ago, many of the people we spoke to who had left the Service explained that they did so because they felt that no-one cared about their individual needs, and some outstanding Governors (whose departure constituted a significant loss to the organisation) claimed that they would have stayed in the public sector had they received a personal phone call from a senior member of the organisation. For example:

Had [senior person X] phoned me and said: 'I've heard that you're leaving please don't go, we want you to do this job and it might

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5. Arnold, H. (in press) 'The prison officer', in Jewkes, Y., Bennett, J. and Crewe, B. (eds.) *The Handbook on Prisons* (second edition). London: Routledge.

be in six months time, hang in there', I would have stayed.

There are echoes in such criticisms of the ways that prison officers expect their governors to 'look after' them, and we are not suggesting that the Service has such a duty in practice or that it does not seek to meet it. Many governors are highly competitive, and are reluctant to show their emotions in front of their peers or managers, so there is an unresolved question as to how receptive governors are to precisely those forms of support that they say they are missing. It is the case that organisational 'respect' matters and is related to valued outcomes, like commitment, loyalty, and hard work. It is telling that many staff at all levels of the organisation (though perhaps decreasingly — see Bennett, this volume) conceive of it as a kind of 'family', with its implications of nurture and mutual obligation.

The organisation, and governors' experiences of it, is gendered.

In our interviews with senior female practitioners, one consistent narrative has been the experience of having to deal with 'predatory men', and the perception that such men are tolerated by the organisation so long as they are rated as governors:

The problem is, people openly talk about, 'Oh, he's a bit of a ladies man', but it doesn't stop them from being promoted. […] Predatory, macho, testosterone-fuelled, beer swilling, rugby playing men.

Implicit in such discussions is the issue of whether 'operational grip' trumps 'moral leadership' in decisions about promoting and protecting some men, with 'moral leadership' defined here not just in terms of the promotion of decent prisons, but also personal behaviour. Much of the recent organisational reflection about such issues — both formal and informal — has centred on the activities of some specific male governors and their relationships with junior, female staff. In this regard, the Service seems to have experienced something of an awakening about the cultural waters in which women in the Service are forced to swim in order to survive and thrive. Historically, women have not been well represented at the most senior levels of the organisation, and when we undertook our first set of interviews, it struck us that a disproportionate

number of people who had moved from the public to the private sector — and had subsequently forged successful careers — were women. Many talked positively about the experience of being female in the private sector, comparing their experiences favourably with those in the public sector.

I don't think the [public sector Prison] service treats women that well, I think it doesn't understand how to treat women and I think it is still very male, and I think it's done a lot of soul searching about race and a lot of work around that, [but] it's done none around gender, and it doesn't ask itself questions around how it treats women, and it doesn't ask itself questions about why people like me leave.

> The wider issue here relates to a particular kind of masculine culture among some governors...

The wider issue here relates to a particular kind of masculine culture among some governors, 'managing from the pub and the curry house', which may also marginalise certain kinds of men. According to a number of our interviewees, this culture also leads to some men being 'protected', despite inappropriate behaviour or poor performance, because forms of male camaraderie make them effectively 'bulletproof'. Such a culture is encouraged by a discourse of 'manning up' and a particular interpretation of terms such as 'resilience', which most of our female interviewees have found alienating, and no doubt many men do too. It is significant that many of the most successful female Governors are very highly rated by their staff, but somewhat invisible to those higher up in the organisation when we ask for examples of outstanding leadership.

This raises a related issue: the importance of patronage in determining career success. Being favoured or disfavoured by a Deputy Director of Custody, or being under the wing of a senior governor, can be career defining, and some governors and directors report having to move regions or sector in order to find recognition. Again, this suggests that prison work — like work in almost any sector — is about emotions, affiliations and affinities, as well as rational decision-making. These informal dimensions of organisational dynamics are double-edged. One of the perceptions that has been expressed more often on our recent interviews than in previous years is that promotions are not always transparent:

There's too much looking after the 'right people' — favoured people, given good jobs. It's not transparent, or consistent with the values being espoused at the top

I don't necessarily think the processes are always transparent, […] There's always been an issue about transparency and we always get told it is an operational necessity that people get moved to this jail or that jail, and everybody understands that. But I don't think it explains necessarily the way we do things. [...] And I think it is annoying too, because we wouldn't get away with it at a local level, and yet it seems to be okay at top level sometimes.

As suggested in these quotations, such processes matter because of the messages they send about the organisation. Governors talk to each other about who is promoted or removed from post, and interpret the Service on the basis of such decisions. They also evaluate the integrity of the Service according to how they believe it treats and promotes the people within it.

Prison governors cannot do their job by the book, and good governors do not try to.

In *The Prison Officer*, Liebling and Price[6] argue that prison officers do not do their job 'by the book'. Instead, because of the number and complexity of official rules and practices, their work involves the selective enforcement of the rule book and the use of intelligent discretion as to what rules to enforce, at what times, with which people. The same is the case for all frontline workers, or what Lipsky refers to as 'street-level bureaucrats',[7] who have to deal with a vast range of unpredictable situations, and, in doing so, are the translators of policy into meaningful practice. The predicament described to us by prison governors differs somewhat, in that it reflects the difficulty of knowing what tasks to focus on in the context of intense operational pressure. In our recent interviews, the most common metaphor used to describe such pressure has been that of 'spinning

plates' — the implication being that not everything can remain forever in the air:

I wouldn't say I can't cope, but there's just that many plates to spin, and I think, you know, if I've got twenty plates to spin I can probably spin about twelve of them successfully.

As suggested in the following quote, many governors have reflected on the sheer difficulty of 'making things work' in the current climate:

I feel like I'm someone who can make most things work, and this is probably the first time in my career where I've felt like I'm failing, like I can't make it different or better. […] I'm reasonably resilient. I'm not shy of hard work. […] But, however which way I look at the problem at the moment, other than having a few more people, I can't make it work. [...] It does feel a bit like juggling jelly.

The sheer volume of work that governors say they are managing means that one of the challenges of the job is to *prioritise*, and to avoid being drawn too closely into matters of process at the expense of moral issues and strategic concerns:

I pride myself in getting around the prison, but actually there's days when I can't get around the prison, because you are tied up. You get tied up with employment tribunals. …. a decision that you can make can then cost you six, seven, eight further days where you should be focussing on prisoners. [You get] caught up in the change, the finances, all that sort of stuff.

There's a danger that by getting sucked into the operational stuff, [governors are] sucked onto the dance floor instead of being on the balcony. And then there's a danger that some of the bigger stuff, the more strategic stuff, doesn't get sufficient attention.

In part, what we are highlighting here is that governors need to distinguish between 'noise' (that

> …their work involves the selective enforcement of the rule book and the use of intelligent discretion as to what rules to enforce…

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6.   Liebling, A. and Price, D. (2001) *The Prison Officer* Leyhill: Prison Service Journal.
7.   Lipsky, M. (1980) *Street-Level Bureaucracy: The Dilemmas of the Individual in Public Service*. Russell Sage Foundation.

is, the deluge of policy directives and the sheer weight of operational demands that they confront) and 'message' (that is, the set of values and objectives Good Governors are able to hear and communicate key organisational messages above the volume of all else that is occurring. They do not follow rules slavishly, or pursue performance targets as an objective in itself, recognising that prisons that perform well on MQPL measures are not always the most rule-compliant establishments. Instead, they are willing to sacrifice 'performance' for the sake of moral outcomes.

What this means in practice is that good governors are somewhat under-compliant. Certainly, in a climate in which governors have reduced professional discretion but are no less accountable, it has become difficult for them to discharge their duties without deviating from formal policies and structures. Some governors are engaging in forms of 'creative compliance', in which they operate in accordance with the organisation's stated values, but in a way that is not completely consistent with its procedures. As suggested in the first quotation below, this requires considerable personal confidence and an intelligent reading of organisational risk.

> Some governors are engaging in forms of 'creative compliance', in which they operate in accordance with the organisation's stated values, but in a way that is not completely consistent with its procedures.

I do feel as though I can get away with things [...] partly reputational, and partly because I'm trusted. But I'm not sure that everyone would get away with it, or have the confidence to do it, actually.

What is it that gives you that confidence?

I'm not breaking any rules, and I know where the risk lies, and I'm telling the right people that I'm doing it.

I've just talked about integrity, haven't I, and playing by the rules. And here I am [finding] a way of getting round and subverting it. I think I could do it legitimately. I mean I can justify it to myself.

You're being creative.

I'm being creative. I'm doing it within the rules, performance recognition rules. But yeah, officially I can't temporarily promote this person to cover that role.

As also suggested above, one of the things that enables some governors to act in this manner is a relationship of trust with the people above them.

Trust matters

Focussing primarily on staff-prisoner relationships, Liebling (2004) has described prisons as essentially 'low-trust'environments. It is striking, then, that in our recent interviews with governors, trust has been among the most consistently discussed themes and preoccupations. To a large degree, this reflects the kinds of changes in the role of the governor to which Bennett refers in his article in this volume:

[By] taking away our ability to manage our finances, for example, then setting all the management structures for us. I understand why we had to do Fair and Sustainable, but there isn't any movement in there. There is no wiggle room. They've standardised our budgets, and every year that goes by they are taking more and more to the centre. That really does make you feel as though they don't trust you, and there are probably all sorts of organisational reasons why they are doing that.

It is an environment where you put somebody in charge of a prison and yet they can't actually decide how many pairs of boxer shorts a prisoner can have. It is ridiculous.

So do you feel your room for manoeuvre or discretion as a governor has been curtailed?

Yes. In all those areas where I could have more of a say or an influence over things that prisoners could benefit from: how they can order their canteen, how much private cash they can have. All those things where you can actually make a practical difference to the kind of domestic aspect of [prisoners'] lives, have been eroded.

As expressed here, one of the unintended consequences of ensuring compliance and minimising organisational risk has been to make governors feel less trusted. To be clear, most interviewees stated that

they felt trusted and supported by the specific individuals who line managed them, and by the Public Sector Prisons (PSP) Board. They also recognised the need, within the political and economic climate, for some level of centralised control and budgetary restraint. Their discomfort was the outcome of an organisational logic that was organised around 'risk' and compliance. Risk-thinking has an economic logic, being about the calculation of possibilities, based on aggregates and probabilities. In contrast, trust-thinking has a humanistic logic, and a moral or relational dimension, as in the bond between a child and a parent, because it assumes moral integrity in the person to whom trust is given. To some degree, then, risk and trust are in tension, and it is this tension that prison governors are currently trying to negotiate. For many, the feeling of not being trusted as a professional serves to compound the frustration of having less power to do the job:

> *The system we have does disempower people. [...] It's very frustrating to be told 'you can't' [recruit a new administrator]. [...] It does feel like you're not trusted.*

Problems of risk and trust are critical in relation to the management of prisoners, needless to say, and it is increasingly clear that the 'placing of intelligent trust' is important throughout the organisation if risk is to be managed and reduced rather than inflamed. Governors and prisoners seem somewhat preoccupied with this tension. At a whole organisation level, the problem of balancing risk with trust needs attention. Prison officers take their cue from above. If Governors do not feel professionally trusted and supported, they withdraw their best professional uses of discretion from the landings.

Governors have power as symbols and moral translators.

While our recent interviewees have consistently complained about reductions in their discretion, some (more than others) have acknowledged their continuing influence as symbolic and moral figureheads. Governors who are fairly new in post have described a realisation not just that 'the buck stops' with them, but that their acts and statements carry enormous consequence, regardless of whether they intend them to:

> *When you're the governing governor, every contact does matter ... [staff] hold what you say with importance .... you are quotable even when you're on the loo.*

> *If you walk past it and don't correct it, nobody else behind you will do that, so it sits on your toes as governor.*

Governors are hyper-visible. One interviewee described to us a day when he accidentally slammed his car door in the prison car park, and was asked by his PA as soon as he reached his office what had put him in such a bad mood. Prison staff do not always do what governors wish, but they observe them closely, and seek to interpret their preferences and priorities. Good governors recognise this aspect of their power, and make deliberate use of it through high-impact symbolic acts (queuing up with prisoners to taste their food, for example). They also act as moral translators and boundary-setters, specifying the kinds of behaviours that they want to encourage or will not tolerate, providing examples of what they understand by 'decency', and reminding staff of the experience of imprisonment:

> *I say to the court escorting staff, 'just think, you know, she's come out of Prison X, she'll have had 40 minutes in that van, she wants to go to the toilet because she forgot [to go before leaving], and she didn't get her fags, and she can't smoke in the van or in the court, and [so] she's going to be stroppy, and you don't have to tolerate stroppy, but there's a way … you know, and just understand that frustration … I know some of you are [smokers] and you're out there quick enough aren't you, when you want to smoke, so [think] how she's going to be…'*

Such examples foreground prisoners' humanity, conveying a message that they are fundamentally the same as any other citizen. This ability to keep in mind the prisoner as a fully sentient being, and to convey to others what it might feel like to be imprisoned, is characteristic of many of the best governors we have interviewed. Yet, as a senior NOMS practitioner outlined to us, some years ago, it can be placed at risk by an excessive emphasis on performance and delivery:

> For many, the feeling of not being trusted as a professional serves to compound the frustration of having less power to do the job.

There's less mavericks than there used to be and with that I think you do lose some of the custodial care elements. That doesn't mean governors don't care; they do care a lot. [But] I think there's a tendency for them to value performance a bit higher than other things, which is a worry. […] Governors will think they're being successful if they manage to implement the core day, get the savings out, get the Unions to agree the profiles, not have too much prisoner kickback. They'll say 'I've delivered it for you'. I don't think we always think [about] what it feels like to be told 'right, you're going to be locked up on a Friday night for the next thirty years'.

Concluding comments

It used to be said that prison officers were the 'invisible ghosts of penality'.[8] The upsurge of interest in prison officers means that this claim applies much more now to prison governors than to uniformed staff. Studies of prison management are few and far between, despite the fact that the role of governors in shaping the quality of life in prison is crucial. Their abilities, interpretations of their role, and the values they bring to it, influence life in an establishment to a very significant extent. Much more attention could be paid to succession planning, to the matching of individual governors to particular establishments, and to the understanding of the skills and abilities of those who perform exceptionally well. The role of the governor has changed with the onset of managerialism, financial accounting and perhaps especially performance measurement, since the days of charismatic 'mavericks' and individual 'fiefdoms' described by Jacobs during the 1950s and by Adler and Longhurst and others during the late 1980s.[9] It remains the case, however, that personal and moral qualities remain critical to the art of Governing. The best governors seem to combine humanity with professionalism, and to like, and see the best in, prisoners and staff, whilst retaining a sharply well-developed sense of what can go wrong. This is highly skilled and demanding work. It is moral and emotional as well as bureaucratic work. Infusing management with moral leadership takes qualities of character and leadership that 'show up' and make a difference in better and improving prisons. We have tried, in this article, to offer some informed reflections on the contemporary role of the governor, and hope to develop our analysis more fully in the future.

8. Liebling, A. (2000) Prison officers, policing and the use of discretion. *Theoretical Criminology*, 4(3): 333–357.
9. See Liebling, assisted by Arnold (2004) Prisons and their Moral Performance. Oxford: OUP.

Interview: Øyvind Alnæs, Governor of Oslo Prison

Øyvind Alnæs is the governor of Oslo Prison and was formerly the governor of Bastøy prison, both in Norway. He is interviewed by **Dr Thomas Ugelvik**, associate professor at the University of Tromsø.

Thomas Ugelvik, associate professor at the University of Tromsø, Norway, interviews Øyvind Alnæs. Alnæs is the governor of Oslo Prison, Norway's largest prison centrally located in the country's capital. He is formerly the governor of Bastøy prison, the world's first human-ecological prison.

Oslo prison opened in 1851. The prison was originally placed on the hills overlooking the city. Today, Oslo has expanded to include the prison, which is now located in a multi-ethnic residential area close to the city centre. The high security all men's prison employs around 400 full-time staff (uniformed and non-uniformed staff combined) and has a capacity of 420 prisoners, or about 11 per cent of the total national prison population. It predominantly holds remand prisoners awaiting trial, but one can at any time also find a small number of prisoners serving shorter sentences in Oslo prion.

TU: Can you describe your background before you joined the prison service?

OA: That can be done very quickly, since I started working in the prison service at 21. I was the youngest student in my year at the Correctional Services Staff Academy. I actually decided very early in my life that I wanted to study criminology. I was interested in crime as a social phenomenon, I wanted to understand why some people turn to crime and why some people are marginalized and excluded from society. So I wanted to study criminology. But then I became a father quite young, so I needed money. And in Norway, the two-year prison officer training is a paid education. So I applied and was accepted, and then I decided to attend university courses in criminology as well on the side that first year. I have worked in the prison service ever since. I have continued my part-time education as well though; I combined criminology, psychology and public law courses in my undergraduate degree and then completed a masters degree in sociology of law at the University of Oslo in 2005. I have always wanted to do the job well, to be able to make a difference, and that has motivated me to continue to search for more knowledge, more insight, new perspectives.

TU: What led you to prison work?

OA: I had an interest and an engagement in these issues from early on. I come from a very typical working class background, so I wanted to do something for the people that are excluded, and I wanted to understand what we as a society can do for these people. I also had a teacher at school that meant a lot to me. I think I can remember every single thing that he tried to teach me. He was a Maoist, and although he tried to be a very proper and professional teacher, he also thought me that you should always try to see things from different sides. You should never just accept the common sense ideas as given; you should always try to see things from several perspectives. He taught me that. So when I later met Nils Christie, I was fascinated, because was like that too, he was always looking at things from a different angle than anybody else.

TU: Can you briefly describe your career to date?

OA: I finished my prison officer education in 1985. My first job was at Ila, a prison for prisoners with long indeterminate sentences at the time, just the most serious cases, really. In 1986, I got the opportunity to be part of the so-called Ila project. The goal was to find a new way to approach the 'most difficult' violent offenders and sex offenders; the dangerous and deviant. Ila had a few prisoners who were difficult to keep on a normal prison wing, and we were asked to come up with something new. That project ended in tragedy when a prisoner — one of my contact prisoners — murdered one of my colleagues in 1989. After that, I spent a couple of weeks trying to decide whether this job was something I wanted to do. I needed to figure out if I really wanted to work with these people, these horrible people who were killing my colleagues. And I decided that yes, I am going to do this, and I am going to make a difference. I left Ila to take over Bastøy in 2000. At Bastøy, we created the world's first human-ecological prison, which opened in 2007. We wanted to create a prison that could actually teach prisoners to live like ordinary people. And then I came here in 2008.

TU: How would you describe the role of the Governor? Is it different from other management roles in other organisations?

OA: Yes, I think it is different. Some people might not agree, but I think my role as prison governor is to inspire people in the difficult and important work that they're doing. I need to talk to people, to be close to my staff. I like to motivate people, use the big words, show

them that I am enthusiastic and see the enthusiasm spread. And I think I'm fairly good at it. I wasn't 30 years ago, but I have gotten better. My job is to inspire people. It can be hard, working in a prison. Prison officers have to say no all the time. As human beings, we're not made to say no, we would like to say yes, to be positive. But officers have to say no a lot of the time. That's why I have to inspire them, why it's so important. To be able to do that, I have to really know what I'm doing. I need to be able to guide my staff and show them that I know the trade. There was a time when people used to say that you just need to know management, and you can manage any kind of organisation. I don't think that's true. You need to know something about the kind of people we have here, know their needs and what we can do to help them with their needs.

When it comes to the prisoners, my job is to make rehabilitation easier, that's my most important task. Some people think that Norwegian prisons are like hotels. They aren't. Those people don't know what they're talking about. Being a prisoner in Oslo prison is rough. It is a sad and bleak existence. My job is to offer activities, education and work to make that life a little bit better and at the same time make it possible for prisoners to learn something and, if possible, grow as human beings.

TU: What do you consider to be the purpose of imprisonment?

OA: The purpose of imprisonment is rehabilitation. In Norway, that's stated plainly in the laws, regulations and policy documents. Punishment by itself doesn't do any good to anyone. Punishment by itself just makes things worse. If your kid hits the kid next door, and you hit him, he learns nothing. You accomplish nothing. Perhaps he won't hit anyone while you're watching, because he's scared, but that's it. History has told us time and time again that pure punishment is destructive. For punishment to have an effect, you need to fill it with something constructive. We have been looking for 'what works' and we're still looking. I think we need to stop looking. We know that the people in prison come here with a rucksack full of problems. They have health related problems, substance abuse problems, work and education problems, housing problems. If we can help them solve some of these problems while they're in prison, we have done our job. People aren't born criminals. As human beings, the experiences we have and the people we meet in life shape us into who we are.

> History has told us time and time again that pure punishment is destructive. For punishment to have an effect, you need to fill it with something constructive.

TU: What are the most important risks you manage?

OA: I'm responsible for everything. This is a prison in the very centre of Oslo. I'm responsible for making sure that our prisoners don't escape. I'm also responsible for our staff. Their security is my responsibility. But if they treat prisoners badly, that's also my responsibility. When people are treated like people, they behave like people. Respect begets respect. I believe that when people are treated decently, they behave well. The pressure of the prison existence is much easier to handle if staff treat you respectfully.

TU: How much power do you feel you have to shape your team and the prison? Who do you share power with? What constrains you?

OA: I have a lot of power to shape my team and the people working for me. But people cannot be shaped against their will. If you are working with people, you have to work systematically and patiently. And I have the power to do that. As long as I stay within my budget and work according to the prison service core values and the relevant laws and regulations, I am free to do a lot.

TU: What role do you have in shaping the experience of prisoners? Do you have much interaction directly with them? Has this changed in recent years?

OA: Unfortunately, there is less interaction than there used to be. I would like there to be more, I feel comfortable with the people who live here. There are some people here that I have known for 15 or 20 years. I would like to talk with prisoners on the wings regularly, take the time to listen to their thoughts and ideas and frustrations or whatever. My goal is to spend a whole day every week doing that, but I don't always have the time. The decisions I make impact them in all kinds of ways. I have a lot of power over the everyday life in here. In principle I decide whether to parole someone or not. That's my decision. So I have tremendous power over people's lives. That's why I have to meet them and talk with them, keep my finger on the pulse so to speak.

TU: Are prisons places where prisoners can change their lives? What role do you have in influencing that?

OA: Yes they are. People can change their lives in here. Together with my staff, I can create a life where prisoners are able to receive and make use of new knowledge and skills, new impulses. A life where change

is possible. A recent example is our new beehives. To me, it's important to think about the environment. We should all do what we can. Right now, bees are dying all over the world and I thought that we should try to do something here, locally, if we could. Therefore, I went together with a group of prisoners and staff on a course in beekeeping and we bought five beehives. That's a good example. As a prison governor, you have to create opportunities for prisoners to show that they are able to take responsibility for something. We need to give them meaningful activities. A lot of the time, the work that we're offering them in the prison system is meaningless and worthless. We're not paying them for it, so it's slave labour, basically. I think prisoners should get minimum wage. Of course they would be taxed, and they would pay for room and board. That would teach them responsibility and give them a sense of pride and personal worth.

TU: Has the role of financial and performance management changed in your day to day role?

OA: The budget situation is monitored more closely today. I'm spending more time on those things than I used to. And I have to report up the chain on more items now. I have to report all kinds of information to the Correctional Services Directorate three times per year. Things like escapes, positive urine samples, any drugs seized, staff sick days, and not least our capacity. We're supposed to be at 94 per cent of our capacity at any time. We have been at 98 per cent on average over the last three years, though.

TU: How do you get people to do what you want? What is the right kind of relationship between staff and managers? Is this reflected in how you manage your staff and how your managers manage you?

OA: People are different, so you have to choose your strategy carefully. Some people can be talked around, others need me to give them an order at the end of the day. If we're solving a problem, I try to invite people to give their opinion on how to solve it. And if I'm not a 100 per cent certain that I know they way forward, I will listen to the various opinions. But if I have made up my mind, I have made up my mind. I think it is important to have a good working relationship with staff at all levels of the institution. I want them to know where to reach me and I want the distance from the wing officers to my office to be as short as possible. I want them to think that they can come to me when they need to. I feel that the shorter the distance, the easier it is for me to get the results that I want.

> The clientele has also changed. There are more foreign citizens and more prisoners have a history of psychiatric problems.

TU: Do you have relationships with other organisations and the local community? What is the significance of these relationships? How do you approach them?

OA: We cooperate closely with the Red Cross and with the Salvation Army. And of course with the state and municipal authorities and the various welfare state agencies that are responsible for the various parts of the prisoners' welfare, like the health and social services, the local municipal library service and so on. We also have a close cooperation with the probation services. These are all strong relationships with traditions that go back a long time.

TU: How have prisons changed during your working life?

OA: The number of staff has changed. Following the Ila tragedy in 1989, the staff levels doubled many places. More recently, our budgets have been a bit tighter over the last five years. You can see it when it comes to the maintenance situation. Norwegian prisons are falling apart and we're not spending the money needed to fix them. The clientele has also changed. There are more foreign citizens and more prisoners have a history of psychiatric problems. When psychiatric hospitals and institutions close down, some people find their way to prison instead. The deinstitutionalisation process in the 1980s and 90s have had a strong impact on the prison system.

TU: Can you say `something about the relationship between your world at establishment level and what is going on above you? Do you feel 'in tune' with the direction the Prison Service is taking? Do you feel you belong to an organisation you are proud to be part of, or that you are comfortable with how the organisation is modernising?

OA: I am proud of the work we do in the prison estate. We do an important job, and we do it well a lot of the time. And I think my work is in line with the direction set out by my superiors. The current government has stated that we need to build high security prisons. I don't necessarily agree with that though. I think many prisoners in high security today could have served their sentence in lower security regimes. They are less expensive and the recidivism rate is lower.

TU: What significance do issues of race and gender have in your working life?

OA: As for staff, we have more female wing managers than male here. All levels of staff combined,

we're at 40 per cent women. Sometimes you hear people say things like 'we're more women than men at work today' like it's a bad thing. I disagree; they have the same training, the same role. When it comes to prisoners, we have many foreign national prisoners from all over the world. On a given day, our population is around 60 per cent foreign national. But we're also the prison with the highest number of staff with different ethnic backgrounds. I have staff here with backgrounds from Pakistan, India, Tunisia, Somalia and so on. It's a great asset to me. It makes communicating with prisoners that much easier.

TU: Are you aware of or engaged with the wider social context of imprisonment, such as links with social exclusion and inequality?

OA: Yes I am. Like I said, the links between crime and social exclusion and inequality were my primary motivation for applying to the Correctional Staff Academy in the first place.

TU: How do you view political and media discourse about imprisonment?

OA: In the media, you get one of two things. Either prisons are almost like hotels, with fancy rooms and flat-screen televisions, or they are depicted as horrible dungeons. There is nothing in between; it's either heaven or hell. If we want to talk about what it's actually like here, and what we actually do, the initiative has to be ours. Getting journalists to tell a story about the mundane, everyday normal life here can be difficult. We manage to get them interested sometimes though, like recently with the beehives. That story was exotic enough to catch their interest, and it gave us the opportunity to talk about the work that we do in a realistic way.

TU: What are the achievements that you feel best reflect your approach to managing prisons? Can you describe your work at its best?

OA: I'm proud of what we accomplished at Bastøy. Oslo prison is a very different kind of prison. I'm also proud that we are now able to offer daytime activities to more people than ever before here. This is an old prison, and it's showing its age, but we managed to convince the powers that be that we needed a new activity wing. When it opened, it was the result of the work of many people. I was among the people that made it happen.

Managing prisons in an age of austerity

Dr Jamie Bennett is Governor of HMP Grendon and Springhill.[1]

 The financial crisis of 2007 and 2008 has left in its wake what David Cameron has described 'the age of austerity'.[2] **This has a wide ranging impact in public services such as prisons. This article is concerned with the effects upon prison managers. This is based upon a research study conducted in two category C prisons in 2007 and 2008, as well as additional fieldwork conducted in one of the original research sites in 2014 and 2015.**

The focus of this article is on the working lives of prison managers, particularly since 2010, but will start by outlining the developments in prisons that preceded the financial crash. Following this, the changes from 2010 will be summarised and two particular aspects elaborated. The first is the alteration to the structures of management, in particular the shift in focus from performance management to change management. The second aspect is the everyday experience of work and in particular how far this has come to replicate what has been described as 'new capitalism'.[3] The article then closes by drawing some conclusions regarding the relationship that prison mangers have with their work in the 'age of austerity'.

Before austerity: Prisons in the age of managerialism

From the 1980s onwards, the erosion of the post-War welfare society became more acute, being replaced by the emergence of what as been termed 'neoliberalism'. This is primarily concerned with a return to laissez faire economics including facilitating the mechanisms of production and exchange, enabling mass consumption, expanding the reach and control of commercial organisations, and legitimising inequalities in wealth. This is not solely an issue of economics but has complex social, political, legal and cultural dimensions that have permeated the life of the contemporary Western world.[4]

In organisations, it has been observed that a hegemonic form of management now dominates.[5] This includes a movement towards larger organisations with hierarchical structures that attempt to monitor and control the behaviour of employees through target setting and the use of information technology. It also encompasses the use of Human Resource Management techniques such as recruitment, reward, appraisal, development, communication and consultation in order to shape the ways that employees think about their work, enlisting them as corporate citizens. This trend has sometimes been termed as 'managerialism'.

These developments have influenced prison management since the late 1980s. In particular, there has been the proliferation of technologies and techniques of target setting and monitoring in a quite pronounced form over the last twenty five years. This has included the introduction of key performance targets and indicators, audits, and ratings systems. These approaches were imported directly from the commercial sector and were part of a broader trend across the public sector to promote 'New Public Management'.[6] A further, and not unconnected, development has been the introduction of commercial competition, with the first privately operated prison being opened in 1992. This was controversial and contested but replicated changes in other parts of the public sector and reflected the dominant ideology regarding public services reform.

It is important to recognise that such changes are not merely technical, but also have significant cultural impact. In particular, they have a role in altering professional orientations and outlooks. It has been argued that managerialism has been part of a shift from a welfare orientation amongst prison managers

1. This chapter draws upon material from the forthcoming book Bennett, J. (2015) *The working lives of prison managers: Global change, local culture and individual agency in the late modern prison* Basingstoke: Palgrave Macmillan.
2. Clarke, J. and Newman, J. (2012) *The alchemy of austerity* in *Critical Social Policy* Vol.32 No.3 p.299-319.
3. Sennett, R. (2004) *The Culture of the New Capitalism* New Haven: Yale University Press.
4. Bell, E. (2011) *Criminal justice and neoliberalism* Basingstoke: Palgrave Macmilla.
5. Parker, M. (2002) *Against Management: Organization in the age of managerialism* Cambridge: Polity Press.
6. Hood, C. (1991) *A Public Management for All Seasons* in *Public Administration* Vol. 69 p. 3-19; Pollitt, C. (1993) *Managerialism and the Public Services: Cuts or Cultural Change in the 1990s?* Oxford: Blackwell; Ferlie, E., Pettigrew, A., Ashburner, L. and Fitzgerald, L. (1996) *The New Public Management in Action* Oxford: Oxford University Press.

to greater 'economic rationality'.[7] With such an outlook comes an altered perspective and set of priorities encompassing:

[the] introduction and promotion of short-term, cost-benefits thinking within the public sector…[and]…the language of economics, efficiency and technological solutions is…favoured at the expense of more normative, long-term…policy debates[8].

A further aspect of the development of managerialism is the intensification of control and the erosion of professional discretion. This is partly the result of surveillance through performance monitoring and measurement. It is also the result of attempts to develop managers as corporate citizens, whose thinking is aligned with the organisation, and who exercise self-control. This attempt to draw the subjective capabilities of individuals within the sphere of organisational control has been described as 'governing the soul'.[9] The capacity of contemporary organisations to control workers through these strategies has facilitated greater central direction or what has been described as 'management at a distance'.[10]

Despite these attempts to exercise power, total control is not possible. Individuals still bring their own values, beliefs and preferences into their decision-making, their relationships at work and other aspects of their professional practice.[11] It is also important to recognise that whilst globalised changes such as managerialism have significant influence, local practices remain commonplace.[12] In prisons, this can be particularly seen in the continuing relevance of local occupational cultures. The last quarter of a century has therefore seen the rise of managerialism, but this has been accommodated and adapted within the particular circumstances of the prison, forming a blend that could be described as '*prison* managerialism'.[13]

> A further aspect of the development of managerialism is the intensification of control and the erosion of professional discretion.

Prisons in the age of austerity

In the UK and other countries, the response to the financial crisis of 2007-08, and subsequent recession, has been to control and reduce national debts. Although this has been, in part achieved through increased taxation, this also entailed reductions in spending. This strategy has garnered wide international governmental and institutional support and general public acquiescence[14] but has also been controversial due to concerns about the social costs and its economic validity.[15]

For prisons, the impact of austerity was felt particularly following the election of the Coalition Government in 2010. As part of the plans to reduce public expenditure, the National Offender Management Service was required to deliver savings of £900million, or 24 per cent, between 2011 and 2015.[16] This was achieved through a range of means such as reducing the size of headquarters. Other major changes included the 'benchmarking programme'.[17] This operated by providing a framework against which the resources and service delivery expected of similar security category prisons would be standardised. However, there would be some flexibility to reflect local circumstances. Further, wholesale competition for existing public sector prisons was not proceeded with, but facilities management services including maintenance and cleaning, have been contracted out so as to 'maintain the momentum of our reform work to open up the delivery of public services'.[18] In addition, the prison estate has been undergoing 'restructuring' in order 'to open new efficient places at

7. Liebling (2011) *Perrie Lecture: The cost to prison legitimacy of cuts* in *Prison Service Journal* No.198 p.3-11; see also Rutherford, A. (1993) *Criminal Justice and the Pursuit of Decency* Oxford: Oxford University Press; and, Bryans, S. (2007) *Prison Governors: Managing prisons in a time of change* Cullompton: Willan.
8. Aas, K. (2013) *Globalization & crime* Second edition London: Sage p. 156.
9. Rose, N. (1999) *Governing the soul: The shaping of the private self* Second Edition London: Free Association Book.
10. O'Malley, P. (2004) *Risk, uncertainty and government* London: The GlassHouse Press.
11. Bennett (2015) see n.1.
12. Kennedy, P. (2010) *Local lives and global transformations: Towards world society* Basingstoke: Palgrave Macmillan.
13. Bennett (2015) see n.1.
14. Clarke and Newman (2012) see n.2.
15. Blyth, M (2013) *Austerity: The history of a dangerous idea* Oxford: Oxford University Press.
16. National Offender Management Service (2014) *Business Plan 2014-15* London: National Offender Management Service.
17. Mulholland, I. (2014) *Perrie Lecture 2013: Contraction in an age of expansion: An operational perspective* in *Prison Service Journal* No. 211 p.14-18.
18. National Offender Management Service (2014) see n. 6, p.24.

lower cost'.[19] This has included the closure of 12 smaller prisons, being replaced by new larger prisons such as the 1600 place HMP Oakwood, the 900 place HMP Thameside and the 600 place HMP Isis. A number of prisons were also extended through the construction of additional houseblocks. There has additionally been a contract awarded to construct a new 2000 place prison at Wrexham. Finally, staff pay and conditions have been reformed. The *Fair and Sustainable* programme[20] introduced a consolidated pay structure for all staff based upon an objective job evaluation system to weight and grade posts. It also introduced revised pay levels for new staff, which reflected market rates and where therefore in some cases lower than that for existing staff. The intention of these changes was to save money in the long term (over 15 years) and 'Enable public sector prisons to remain a competitive force in an increasingly diverse market place'.[21] The Prison Service as with other public sector organisations has been subject to public sector pay restraint, and civil service pensions were reformed including increased employee contributions, a change from final to average salary calculation and a raised retirement age.[22] As a consequence, most staff experienced a reduction in the real value of take home pay since 2011 and this was having a negative impact on morale and motivation.[23]

The effects of the changes have been felt amongst prison managers and the prison estate. HM Chief Inspector of Prisons, Nick Hardwick, in particular has warned of the operational challenges experienced and risk faced during this period.[24]

The years following the financial crisis can therefore be seen as ones in which neoliberal approaches have continued, expanded and intensified, albeit in altered form. Direct opportunities for the private sector have come through construction, and competition, but there has been retained and extensive core public service. However, marketisation has intensified within that core public service with practices,

> It also introduced revised pay levels for new staff, which reflected market rates and where therefore in some cases lower than that for existing staff.

techniques and approaches being imported from the private sector.

From performance management to managing change

This article now turns to the experiences of prison managers in the age of austerity, drawing upon empirical research conducted in 2014 and 2015.

As has been described, one of the central features of managerialism in prisons was the development of performance monitoring, in particular key performance targets and audits. After 2008, the structure of performance management was changed. The weighted scorecard, effectively a league table of prisons based on key performance targets, was replaced in 2010 by the 'performance hub'. This drew upon a wider range of measures including external audits for security and safer custody, HM Inspectorate of Prisons assessments and Measuring the Quality of Prison Life (MQPL) results, as well as a reduced number of quantitative targets.[25] This was used to derive an overall performance rating for each prison from the lowest (1) to the highest (4). There have also been changes to the audit system, with in-house audits being replaced by less structured management checks and assurance statements. There has also been a change to the methodology of external audits, with a move away from a strict compliance approach towards a 'risk assessment' approach, which allowed greater qualitative judgement by auditors on the risk presented by non-compliance.

In 2014-15, managers often stated that performance management and targets had a reduced prominence, in particular key performance targets no longer dominated. During the original fieldwork in 2007-08, weekly meetings were held to monitor and manage performance, but they had now been discontinued. Instead, there was a routinisation of data reporting within meetings such as the daily operational meeting[26] where

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19. Ibid p.24.
20. National Offender Management Service (2012) *Fair and sustainable: Revision to proposals for working structures in HM Prison Service following the consultation with trade unions* London: Ministry of Justice.
21. Ibid p.8.
22. Prison Service Pay review Body (2014) *Thirteenth report on England and Wales 2014* London: The Stationary Office.
23. Ibid.
24. HMCIP (2013) *Annual report 2012-13* London: The Stationary Office; HMCIP (2014) *Annual report 2013-14* London: The Stationary Office; HMCIP (2015) *Annual report 2014-15* London: The Stationary Office.
25. See Bennett (2015) n.1 for description of each of these measures.
26. This meeting took place at none o'clock each morning and provided a review of the previous day and identified significant events for the forthcoming day. It was attended by a wide range of managers from around the prison.

staff absenteeism and attendance at workshops or education would be reported and relevant actions identified. There was also more targeted preparation when an external inspection or audit was anticipated. Overall, performance monitoring was less prominent, to the extent that one manager stated:

You have to want to be involved in performance now…It is now becoming something that is remote and happening in the background.

There was also a sense that the alterations to performance management had also shifted focus and purpose. One manager described:

Rather than operational management, it is business management measures that are being given the weight. This feeds into how competitive we are. That is the climate we are in.

These changes in the prominence of performance measures in part reflect changes to the techniques, but they also reveal shifting dynamics of power and new priorities, in particular managing business processes.

The period since 2010 has seen significant organisational changes in order to realise cost reductions. For many managers the pace and extent of change was intense:

It feels like the most disjointed period of my career. We have changed to the point where what we do is completely different… Sometimes the change seemed relentless.

The techniques and language of change management had seeped into the work of prison managers. They described how they had to manage the process of implementing changes through the stages of 'mobilisation, transition and transformation',[27] using project plans, resource profiles and communication briefings provided by external, national project teams. The role of prison managers was to ensure that these processes were followed and the changes implemented in accordance with national plans. This sometimes involved reducing or recruiting staff, redeploying and retraining existing staff for new responsibilities, changing prisoner routines, and revising local policies. There was also regular

reporting upwards to the national project teams in order to monitor progress. This was therefore a structured process of co-ordinated and planned change. However, at times it could be a painful, emotional experience as described by one manager who was holding 'closed competitions' in order to select staff where there were more than were required:

I had to do the interviews with people for closed competitions and redeployment. There were a lot people who were good at their job but didn't get it and were told that they were surplus. To them this was devastating…We are still seeing the impact of that now. I've not had to deal with situations like that before. It left a lot of people feeling unnerved and unsettled. There was massive uncertainty for people.

As well as implementing the structural change, there was an ongoing process of reviewing and smoothing the way as the changes were implemented. In some cases, this involved building a case that certain activities had been under-resourced and requesting alterations to the resources allocated through a formal process. In other cases, it meant working more informally:

It is an ongoing process of finding our feet and ironing out the problems.

Again, another manager described managing the tensions between the nationally prescribed change programme and the experiences on the ground, in particular absorbing and dispersing the emotions that it generated:

On a daily basis for the first six months we had to soak up the negativity… I felt a bit stuck in the middle, holding a line between uniform staff and senior management. Some times the change seemed relentless and it was important to be a sounding board for staff…We had to bear the brunt of it from staff and prisoners and we did feel the impact. There were times when I thought 'bloody hell, I don't know what I'm going to get today'. I felt powerless, all I could do was appease people.

Local managers had a significant role in managing people through the process of change. This included

It feels like the most disjointed period of my career. We have changed to the point where what we do is completely different…

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27. Mulholand (2014) see n.17.

having meetings and briefings with staff, guiding them through the changes so as to reduce resistance and ensure compliance. Managers at all grades described how they played a role in this communication process:

> I took the corporate line: that the change is necessary, make sure they understood what was happening and how things would be changing.

> I could only be sympathetic. There was not really a lot I could do with it, it was going to happen. It was like the atom bomb being dropped, I can try to push it a bit but I can't stop it from happening.

These comments reveal that the communication of changes penetrated deep into the organisation, with managers at all levels participating. However, there was some inconsistency within the narratives. For some, there was an active acceptance of corporate responsibility, for others acquiescence was a reflection of powerlessness.

The role of managers in change was centred on compliance. They had to ensure that national programmes were implemented and also had to manage the local impacts, including guiding staff. Managers had therefore become local agents of national change. This marked a shift in the power structures as managers become increasingly the objects of 'management at a distance' and enmeshed by various apparatus of control, not through performance monitoring but through change management. The next section turns to some of the effects of this upon prison managers.

Prisons as 'new capitalist' workplaces

The term 'new capitalism' is an attempt to encompass changes that have taken place in the workplace arising from the emergence of neoliberalism. It has been argued that organisations have become more flexible in which employment is more fluid and short-term, with skills changing rapidly and workers having to adapt and move.[28] The employment relationship envisaged by new capitalism is one characterised by 'a more tenuous connection between employers and workers'.[29] It has also been argued that this has altered the character of workers, that is 'the personal traits which we value in ourselves and for which we seek to be valued in others'.[30]

This section is concerned with the question of how far features of new capitalism have seeped into the working lives of prison managers. The section will focus on four areas. The first is the feelings of insecurity and uncertainty reported by many workers as change intensified and they were exposed to the market. The second is concerned with the feelings of some staff that they have been left behind by changes and that their experience is not valued. The third issue relates to prison management as emotional labour, that is the display of particular emotions as part of their work. Finally, there is a discussion of the effects on everyday social relations between staff and prisoners and between managers and staff.

> The term 'new capitalism' is an attempt to encompass changes that have taken place in the workplace arising from the emergence of neoliberalism.

Insecurity and uncertainty

There are at least three ways in which a greater sense of fluidity, risk and insecurity has come to characterise the experience of work.[31] The first is that the 'job for life' may be disappearing, being replaced by casual and short-term work. The second is that exposure to markets and competition itself creates insecurity. The third way in which insecurity is manifested is through the subjective experience of workers, in other words, they feel insecure. This section will consider how these were reflected in prison work.

Some managers felt that prisons, along with other organisations were experiencing a generation shift in which newer employees had a different orientation towards work:

> The job is different now. When I joined there were older staff, ex-military and it was a job for life…Younger people don't think like that…I don't think the prison service wants to retain staff now because of the costs and the pension.

For prison managers, there was also insecurity arising from the recent changes. Whilst no one faced compulsory redundancy, some faced significant changes such as moving to different establishment, whilst almost all staff had to deal with taking on new responsibilities,

28. Sennett (2004) see n.3.
29. Doogan, K. (2009) *New capitalism? The transformation of work* Cambridge: Polity Press, p.3.
30. Sennett, R. (1998) *The Corrosion of Character: Personal Consequences of Work in the New Capitalism* New York: W.W. Norton, p.10.
31. Heery, E and Salamon, J (eds) (1999) *The insecure workforce* London: Routledge.

joining new teams, changing working hours or developing new skills.

For those moving establishments, the impact could be dramatic. For example, one manager described some of the effects of the closure of a prison:

There were people working at [the prison] that lived in [the town], that had worked [there] for an awfully long time, so it did seriously affect them. It was a massive change for them… you come to a prison like this and you've got whole families in here that live just down the road. You had that [there], you had husband and wife and suddenly the husband is sent to [one prison] and the wife is sent to [another prison], they are suddenly split up, massive impact…

Others faced internal competitions for a limited number of posts with those who were not successful being identified as being 'surplus' and potentially facing moving establishment. However, managers would attempt to mitigate the impact of such changes:

There's nothing worse if there's a group of 23 people thinking 'which five of us is not going to be here?'. So I was able to… make it a bit positive and look at the… opportunities elsewhere, so I got figures from other establishments were they were short of that grade locally…so it didn't look like they'd be walking out the door on Friday with nothing to come back to on Monday. As it turned out, through natural wastage we were able to make that transition down to 18 fairly effectively. It took us a while but we got there. The staff appreciated having that understanding because they were all panicking to start with, once the figures were out, they were quite upset.

Others faced changes to personal routines such as working hours, which could be disruptive:

There were changes to their pay and their routines as they would have to work different times and shifts — it was a huge impact. But there was no other option for them, they either had to seek employment elsewhere or find another job within the establishment.

For others, there was a concern about the changing demands that would be placed upon them and new skills that they would have to develop:

I felt concerned for them because a lot of them had been doing the same job since they started…It wasn't just about the reduction in numbers, it was about having to work differently as well…There was some anxiety about capability…

All of this change and uncertainty induced in some a profound concern about themselves and their working world:

There was a lot of uncertainty. It was the worst part of my career. I found myself some days in the car park, thinking 'where are we going?'. There was so much uncertainty…It was an unhappy time. As a manager it was difficult to look forward and put it in a good light when you didn't know what was around the corner yourself. …There was a big bulldozer coming through and you had to jump on board.

> All of this change and uncertainty induced in some a profound concern about themselves and their working world.

Whilst the reality was that no staff faced compulsory redundancy and very few faced having to move establishment or compete for their roles, there was nevertheless a pervasive sense of insecurity that arose from the changes and the potential for disruptive change.

Exposure to the market and the uncertainty that induced was important. Reforms in prisons were widely justified on this basis of market forces:

Everyone realised that we couldn't continue if we were going to position ourselves to compete with private prisons, we had to change…We lost some jails. It was the reality of that happening…we weren't indestructible.

However, for some, the changes were not the end of the story, and once the Pandora's box of commercial competition had been opened, it could not be closed again:

We were told 'that is what has kept you your jobs', but in the back of my head, I still think that it could be tendered out. I'm not sure of the safety of the S[upervisory] O[fficer] role.

There are more changes to come. I think there is an inevitability about privatisation. The back services will go. I also think about rehabilitation, commissioners will ask about the outcomes and

I'm not sure whether they will think the investment is worth the outcomes. The commissioners will get more teeth.

Many also described that they felt uncertain about the successful operation of prisons under the new conditions and wondered whether resources had been reduced too far. For those, there was a concern that 'we can't just keep cutting', that already there may be a situation were the reforms had 'cut too deep and too much' and that 'it feels like we've gone to the extreme'.

Even in altered circumstances, it could not be claimed that prisons feature the flexibility and fluidity envisaged in the concept of 'new capitalism'. Indeed, compulsory redundancy was entirely avoided and managers worked hard in order to reduce and manage the anxieties of staff and minimise disruption. However, many staff were affected by changing roles, teams, working hours and skills. In addition, the exposure to the market place had become prominent in the thinking of managers and staff. The insecurity that this induced enabled significant organisational changes to be accepted and implemented.

The 'specter of uselessness'

In one of his works on 'new capitalism', Richard Sennett describes that contemporary organisations are in a constant process of change and reorganisation.[32] Employees are haunted by 'the specter of uselessness' or the fear of unemployment. Sennett explains that this takes several forms, but the primary focus of this section is the fear that age and experience count for little and indeed it may be an impediment to change, as more experienced workers may be more confident in applying critical thinking to what they are being asked to do and be more willing to resist.

As has been described above, some staff have accepted the changes that have taken place in prisons without resistance, whilst others have found it more difficult. Managers attempted to ameliorate this through their actions. However, there were two groups, supervisory officers and custodial managers, where the changes had a particular impact and reflected the tensions encapsulated in Sennett's work. Under the new pay and grading systems, *Fair and Sustainable*, the two uniformed management grades, senior officer and principal officer, were abolished and two new grades, supervisory officer and custodial manager, were created. Unlike senior officers, supervisory officers did not directly line manage staff, nor were they responsible for a specific team or area, instead they would have supervise a number of wings or part of the prison on a shift or duty basis. They therefore moved from a permanent and embedded part of the structure to a more flexible and disconnected presence. The changes also meant that they only worked as supervisors on a part-time basis, spending the other part of their role working as offender supervisors assessing prisoners, writing reports and structuring prisoners' work through their sentence and towards release. Principal officers had previously managed part of the prison, such as a number of wings or a department such as security and would act as line managers for the senior officers. Custodial managers had a range of responsibilities encompassing managing a part of the prison, including being line manager for all of the officers in that area, and they would also take operational responsibility for the prison, as orderly officer, on a shift basis, including at nights. They therefore had a wider range of responsibilities.

For many of the supervisory officers, the change was a painful experience. They had built up their skills and honed their craft over many years. For example:

> *I did feel that I had 16 years of having the skills of a senior officer, a manager and was then being told that wasn't good enough. I felt that I was being told 'you're going to be demoted'.*

These feelings often reflected concerns that their skills were not being fully utilised, that they could not contribute as effectively as they could in the past and that they had to adapt to new demands:

> *As a senior officer I had a staff group, I had a good rapport with staff and prisoners. There was continuity so you could run things as they should be run. Now there is not sufficient time…As [supervisor] you have to cover several wings, do ACCT reviews [for those at risk of self harm] V[iolence] R[education] S[cheme], I[ncentives and] E[arned] P[rivileges], that's all you are doing, you are not getting good continuity and rapport… you get inconsistency and poor relationships…I felt frustrated as I couldn't work at the level I wanted due to the time…I felt like that was being taken away from me. I was getting down, taking it home with me.*

> ## Employees are haunted by 'the specter of uselessness' or the fear of unemployment.

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32.   Sennett (2004) see n.3.

For custodial managers, there were similar views about the effects of adapting to new roles and expectations. Many discussed the challenges of completing all of the roles in a meaningful way and this led to them questioning their own professional character:

It's a big difference. You are spread over more. We don't have enough time with staff and everything is more rushed. We have a lot of time at meetings and it is difficult to be out and about and visible. We've had to spread out our time and we can't do everything…We have to focus on daily priorities. We don't have the same handle. The role has changed so much and we are trying to do so much that we've lost our identity.

The creation of the custodial manager group also drew out a number of tensions as some of the group were comprised of those who were experienced principal officers moving into the new grade, whilst others were being promoted into it without that previous experience. The contrast between the two was widely discussed and commented upon:

There was a perception that the new C[ustodial] M[anager]s were brilliant and the old POs were dragging us down…The old P[rincipal] O[fficer]s were seen as not as good, not flexible enough. The new CMs were seen as more eager and able to do all of the paperwork that came with the role such as attendance management, but they had less experience in managing the prison operationally. The old POs saw their role as essentially operational and were stronger in this area. Others wanted them to spend more time ticking boxes. This assessment wasn't entirely fair as it looks at only one element of the job.

There was some discussion of custodial managers. They suggested that those who had not been PO's often took up the role more fully, as they did not come with pre-conceived ideas or established practices. However, some of the resistance was seen as being due to 'mind set and attitude' and their 'willingness to change'. (From field notes)

For many their experience did not appear to be valued and they were concerned that the new expectations brought with them a dilution of their role.

These discussions reveal how age and experience can be seen as barriers to change, in particular because of the potential for critical responses and resistance from those who have built up their craft over time. In contrast, new managers were seen as more malleable and flexible, able to adjust quickly and realise the shift in culture and practice envisaged by the reforms.

The 'specter of uselessness' loomed over the managers who were navigating change. For many their experience did not appear to be valued and they were concerned that the new expectations brought with them a dilution of their role. In contrast, bringing in new managers offered the opportunity to select those who would embody the new approaches being demanded.

Prison management as emotional labour

Emotional labour is where employees are required to display particular emotions as part of their work.[33] This is relevant to managing change as there has been an expectation about how this is presented and led, emphasising positivity. Many managers have had to deliver organisational changes despite misgivings they have about them and also despite the fact that they themselves have been affected, in sometimes profound ways.

Managers understood that they had to present a positive and optimistic representation of change and to emphasise key information which formed part of a centrally produced narrative, including that change was necessary, that this would secure the future of public sector prisons and that existing staff would be protected. Managers described their typical role in presenting this corporate image:

I met with the team and had a series of 'toolbox' talks…The content was largely taken from centrally produced narratives which we had to use. We…put a more positive spin on it saying it might not be all bad. Basically we said you have to go with it.

Managers generally saw their role as leading the change, representing the corporate perspective and attempting to role model appropriate engagement.

Privately, many managers had reservations about the changes or did not personally support them. As has been described above, many felt that resources had been reduced too far. Given these views, some felt a dissonance

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33. Hochschild, A. (1985) *The Managed Heart: The commercialisation of human feeling* Berkeley: University of California Press.

between the expectations placed upon them as a manager and their own feelings:

> *From a senior management level we were told we had to be positive, be corporate. I'm an honest chap, I would say that I didn't agree but let's get on with it. It was almost as if we were being asked to be dishonest.*

Many managers were also personally affected by the changes. Some had to lead their teams despite the fact that they themselves might be made surplus, would have to change role or would be affected in other ways. For example, a manager who faced being displaced described how he had to compartmentalise his feelings:

> *If you are leading on something and you express your anxieties, you can transfer your anxieties onto others…if you are transferring your anxieties, what faith are they going to have in you in leading through that change? … sometimes you have to swallow hard and get on with it, take a deep breath and go for it. That is what I did..*

During this period of reforms, expectations had arisen not only about the activities of managers but also about their emotional presentation. They were expected to role model the new corporate citizenry, where they would either positively engage with or stoically comply with centrally directed actions identified as beneficial, be adaptable and flexible in meeting new requirements, enlist support from colleagues and demonstrate deep commitment and loyalty to the organisation. The fact that managers would do this despite their own personal interests illustrated how deeply embedded this had become in their working lives and within their own professional identity.

The remaking of everyday social relations

Many managers observed that one consequence of recent developments was that everyday social relations were remade and re-imagined in profound ways. In particular, reductions in managers along with their widening span of control would mean less opportunity to interact with staff and prisoners. This was summed up by one manager:

> *I used to love being out on the landing, it helped me to understand prisoners and staff. You can see any changes in mood and behaviour and you can nip problems in the bud.*

> *It's difficult to be a good manager if you don't know your staff and prisoners. …You're not there enough to offer support and help things run smoothly. You are flitting about, popping your head in, signing books, responding to the radio and alarm bells.*

This description captures a hollowing out of everyday interactions with staff and prisoners in place of a more flexible, adaptable, portable role with shallower, more constrained and less holistic relationships.

This new form of management is highlighted in two comments which emphasise the new techniques. Firstly, one manager described management as a specific role conducting formal responsibilities such as prisoner reviews, suggesting that this marked a shift so that 'staff will have to rely on using tools rather than relationships'. The second addresses the impact of automation, in particular information technology, and also the new corporate notion of 'every contact matters, which:

> *…neatly encapsulated the idea that however small or fleeting, experience and desistance research shows that even the most common day-to-day interactions between everyone who works in a prison and prisoners can and do make a difference.*[34]

This manager questions this representation:

> *This idea of 'every contact matters' seems like a way of saying that it matters more now because there is less opportunity…For me personally, there is less direct interaction…They don't know who I am as much these days. We put people in offices and tie them down to computers. We communicate through a machine. We get office bound. But prisoners used to see us.*

From this perspective it is not only the reductions in staff and managers that impact upon the nature of interactions, but also transformations in the role through information technology and bureaucracy. In addition, the notion of 'every contact matters' acts to highlight this reduction in interactions whilst at the same time offering greater legitimacy by emphasising the productivity of sometimes limited and fleeting social contact, offering them up as a precious commodity to be consciously deployed.

> **Many managers were also personally affected by the changes.**

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34.   Mulholland (2014) p.17, see n.17.

Whilst these accounts suggest a profoundly altered, even impoverished, set of social relationships, prison managers themselves were reluctant to accept and enact such a dystopian outcome. Many expressed personal commitments to the importance of meaningful interactions with staff and prisoners, ensuring that this remained a central aspect of their work. This acted to mediate and ameliorate some of the potential for new capitalist reforms to hollow out everyday social relations.

Conclusion: *Prison* managerialism, austerity and legitimacy

The age of austerity has undoubtedly resulted in significant changes in public sector prisons in terms of structures, cultures and individual identities. During this period, managerialism has evolved to become more concerned with achieving economy. At a structural level, this has meant that there has been a shift from performance measurement to managing change, characterised by strong central direction, managed from a distance, with those in prisons becoming local agents of change. Through this process, prisons and prison managers have become entangled to a greater extent in the values and accomplishment of neoliberalism.

Prison managers are not, however, automatons. There remains a local culture across prisons and within individual sites, and managers themselves continue to bring their own values into their work. Concerns about an over-emphasis upon economics were articulated by the Chief Executive of NOMS when he described that:

There is an understandable fear that over the next few years — not only will we be unable to tackle the deficiencies identified — but that the Service will suffer real decline — impacting adversely on the experience of imprisonment for individuals, undermining our values and reversing the progress we have made in reducing re-offending and in maintaining safe, secure and decent prisons.[35]

This concern was apparent in the working lives of prison managers as they felt anxieties about the impact of changes but also worked hard to prevent the deterioration of relationships with staff and prisoners.

The pace, extent and nature of changes that had occurred has left many managers feeling disorientated and unsettled. Whilst they seem to have acquiesced in the reforms, they do not wholeheartedly embrace this and experience some dissonance. This discomfort has been observed more broadly in response to austerity:

It is precisely this complex condition — the unfinished and unsettled field that Gilbert's idea of 'disaffected consent' points to so effectively. It suggests a delicate balance in which consent is (still) being given: there is only limited dissent and active counter-mobilization…But this consent is conditional and grudging, rather than enthusiastic. It may be compliant (and even calculating). But it is certainly characterized by forms of 'disaffectedness': unsatisfied, uncommitted, disgruntled and, perhaps, disengaged.[36]

Many managers found themselves in this liminal state, not fully committed to changes taking place, but not resisting either. There was a form of estranged managerialism developing, in which managers were compliant, even active in delivering corporate change, but experiencing a sense of dissonance. They did not feel in control of the changes, which were largely driven by national policy directives, and were sometimes unsettled by having to contain their emotions and presented themselves in ways that masked their real feelings.

Inside and outside of prisons all is not yet stabilised, there is an ongoing period of flux. Many are still coming to terms with the situation that faces them and making sense of this new terrain. Indeed, prison managers appear to be seeking ways in which they can adapt and maintain important aspects of organisational culture including everyday social relations. They are acting as agents, engaged in a search for legitimacy. Yet, many questions remain unanswered and will only be fully understood in the future. Over time, will prison managers be able to find meaning and value in a changing world? Will they be able to achieve an accommodation between those new global forces, the local cultures and their own values and aspirations? Is this state of flux to be prolonged or become a more chronic feature of public services? Will they be able to accommodate the expectations of staff, prisoners and the wider organisation whilst also expressing their own values? In other words, can prison managers move beyond acquiescence in order to create a sustainable sense of legitimacy from the forces that play upon them? To a significant extent, the future of prisons over the coming years will be determined by the answers to these questions.

35.   Spurr, M. (2011) *Perrie Lecture: Reducing costs and maintaining values* in *Prison Service Journal* No. 198 p.12-16, p.14.
36.   Clarke and Newman (2012) p.315, see n.2.

Interview: Damian Evans, Governor of HMP Whitemoor

***Damian Evans**, Governor of HMP Whitemoor. He is interviewed by **Dr Jamie Bennett**, Governor of HMP Grendon and Springhill.*

Damian Evans joined the Prison Service in 1992 on the Accelerated Promotion Scheme. He has worked in a range of different prisons during his career including being Governor of HMP Morton Hall, at the time a semi-open women's prison holding around 400 prisoners, HMP The Mount, a 750 place category C prison, and HMP Highpoint, a 1300 place category C prison spread across two sites.

He is currently Governor of HMP Whitemoor, a high security prison holding over 450 category A and category B prisoners. It has two specialist units, a close supervision centre for those who are violent or disruptive in prison, and a joint Department of Health and Ministry of Justice unit for dangerous people with severe personality disorder.

JB: What led you to prison work?

DE: Partly by accident and partly by design. Prior to joining in 1992 I had been studying (Politics, and then Soviet and East European Politics at Masters level) and then spent some time teaching English in the then Czechoslovakia. When I was back in this country I started to think about my long term future, and saw an advert in a national paper for the Prison Service's Accelerated Promotion Scheme. I always thought I'd go into government / social policy in some way or other and this seemed to fit the bill. As I prepared for the extended interview process I remember reading some prisoner biographies and I became more interested in the concept of the prison, the cultures and behaviours within it, and the problematic issues it raises — it really is at the cutting edge between the rights of citizens and the duties and responsibilities of the state.

JB: How would you describe the role of the Governor? Is it different from other management roles in other organisations?

DE: For me the most important thing is to get an SMT to believe in a way forward and then to get them to work well together. If the rest of the establishment sees the SMT working well together then they tend to follow suit. That's not really different from other organisations, but what does make the prison distinct is that it is one of those organisations which, to lead effectively, you have to be absolutely in touch with what is happening at ground floor level — because where you have people in an organisation who have power over others, there is the ever-present risk that power will be abused. I'm not talking so much about intentional abuse of power, though that occasionally happens, but human nature is such that there will often be unintended actions or inactions which, put together, can make the prison experience intolerable and unacceptable. We have a responsibility to guard against this, and that requires ongoing vigilance from all managers, including and most importantly the Governor. This is why I have deep reservations about over-sized prisons and the 'Chief Executive' style of governing. I found Highpoint, with its two sites and over 1300 population, to be at the outer limits of what was governable — by which I mean being able to stay in touch with ground level activity. And however a large prison is structured, there is no substitute for the person at the top of the organisation. And performance indicators and audits will only tell you so much. You have to see it for yourself as well.

JB: What do you consider to be the purpose of imprisonment?

DE: I have always believed there is a purpose, confused though it sometimes seems. I don't think any jurisdiction has ever found the absolute answer to this question. It is a mixture of punishment, incapacitation, prevention, deterrence, reform, rehabilitation, reparation, and different jurisdictions tend to emphasise some purposes over others at different times. For me there has to be an element of reform and rehabilitation — from a utilitarian point of view so that when released prisoners are less likely to re-offend, and from a belief that human beings do have the capacity to improve. If I didn't believe in this I couldn't do the job. And it's important even in high security — just because a sizeable number of prisoners may never be released doesn't mean they can't lead decent and productive lives in custody.

JB: What are the most important risks you manage?

DE: In the high security context, holding some of the country's most dangerous criminals serving the most eye-wateringly long sentences, safety and security. And very much connected to these risks is the

part we play in preventing radicalisation and extremism — with a population that includes criminals convicted of terrorist offences and quite a few sympathisers, it is a risk that has to be managed daily at Whitemoor.

JB: How much power do you feel you have to shape your team and the prison? Who do you share power with? What constrains you?

DE: In purely structural terms, I have no power to set my management team. It is prescribed for me, along with my staffing structure. In theory I can pick from a range of job descriptions, but in reality I have very little room for manoeuvre. But I understand the reasons for that: when large organisations need to economise the centre wrests back control. I can also live with it. I deal with the person in front of me and I'm less concerned about the precise role they perform or the exact structure we're operating to. Why? Because good people will find their way round imperfect structures, whereas even if you had the most perfect structure in the world (you never will anyway), if you don't have the right people it still won't work. On that note I do wish as an organisation we were a little less obsessed with structure!

It's also important to say that, in spite of the degree of central control these days, there is still enormous scope to shape your prison — the priorities, values and culture within it. That is the essence of governing.

JB: What role do you have in shaping the experience of prisoners? Do you have much interaction directly with them? Has this changed in recent years?

DE: As I've indicated in earlier answers, you can shape the experience of prisoners and influence them. That comes about by talking to them on the landings, in the workshops etc. And sometimes you will need to get closely involved in their matters of concern, such as a complaint or a sentence planning issue. The important thing is to judge when it needs your personal involvement. I also place a huge importance on attending prisoner consultation meetings: it says a lot to prisoners when they see you are interested enough to spend a couple of hours with them. Finding the time is difficult, but each Governor has to judge what are his or her priorities.

One of the most frustrating things about dealing with prisoners is the very limited scope you now have to make a material difference to their lives, in matters such as canteen, private cash, clothing etc. Sometimes that local flexibility would prove useful and I wonder if the level of prescription we now have is necessary or even advisable.

JB: Are prisons places where prisoners can change their lives? What role do you have in influencing that?

DE: Unquestionably prisoners can change their lives whilst in prison. We offer a range of opportunities for that. I won't list them or describe them here as there are many better qualified than me to do so, but one aspect of change that is often overlooked is the responsibility of the individual to decide to make that change. That is an inward or personal process — the light bulb moment, if you like. We can help or nudge the prisoner on, but ultimately it has to be his decision. And until they reach that moment, there is only a limited amount we can do, though we can encourage.

And that leads me on to the other overlooked aspect of changing prisoners' lives — the role of the officer on the landing and the position of enormous influence he or she is in. I have seen many excellent officers during my career and their work in slowly chipping away the resistance, encouraging prisoners to behave more properly, and in setting a good example as role models is the most effective but (thankfully) not yet formally measured tool we have in the box.

JB: Has the role of financial and performance management changed in your day to day role?

DE: Not really for me. I never did pore endlessly over performance information. That's not to say it's not important: it is, provided it is contextualised and used with other sources of information — such as what you see yourself, and what staff, managers and prisoners tell you. I make sure I have trusted people around me who excel at this sort of work and I get as involved as I think I need to.

JB: How do you get people to do what you want? What is the right kind of relationship between staff and managers? Is this reflected in how you manage your staff and how your managers manage you?

DE: For me it's about enthusing staff and managers around an agenda and some outcomes and then giving them scope to create and innovate within that space. As managers we should really be concentrating more on outcomes, but the trouble is, every time something goes wrong we insist on a new procedure. I sometimes wonder how many procedures some of our staff have to remember, and I think we can become too reliant on

> One of the most frustrating things about dealing with prisoners is the very limited scope you now have to make a material difference to their lives...

procedures as some sort of safety blanket for managers — once the procedure is in we feel protected. Management presence and support, and using the talents of those around us are just as important.

JB: Do you have relationships with other organisations and the local community? What is the significance of these relationships? How do you approach them?

DE: Yes, we try to foster such relationships, because outside organisations can bring a richness to the otherwise closed world of the prison in terms of additional activity. They also bring with them a challenge to how we operate, and we should be open to such external perspectives and scrutiny and use them to improve our organisation.

JB: How have prisons changed during your working life?

DE: Undoubtedly they have improved. We now have an organisation that is much more committed to concepts such as decency and personal change. When I joined there were many good people around doing great things and setting high standards but the organisational commitment didn't seem to be there. What concerns me at the moment is that we are giving staff the right message that every contact with every prisoner really matters but they are probably struggling to make sense of this commitment as they see reducing numbers of staff around them. We need to help our staff to understand that financial constraints do not mean our commitment to what we believe in has lessened.

JB: Can you say something about the relationship between your world at establishment level and what is going on above you? Do you feel 'in tune' with the direction the Prison Service is taking? Do you feel you belong to an organisation you are proud to be part of, or that you are comfortable with how the organisation is modernising?

DE: I have to be honest and say I do feel a bit of a disconnect. The language from Headquarters is highly technocratic and organisational whereas I prefer to deal in plain English! It is also perhaps unfortunate that the organisation is simply having to go in certain directions as a result of the public finances whereas it would probably prefer to be concentrating more on other agendas. But throughout this I don't doubt the commitment of our leadership to fundamentally good values and I have every respect for the tough path they are having to follow.

> We need to help our staff to understand that financial constraints do not mean our commitment to what we believe in has lessened.

But if there is one thing I'd ask, it's that we have a little less of the 'one size fits all' approach to problem solving across the Service, and a little more focus on tackling problems down the management line.

JB: What significance do issues of race and gender have in your working life?

DE: We all have duties under the Equalities Act and in respect of race, we have to ask ourselves why certain ethnic minorities are so disproportionately represented in the prison system and why they feel less well treated. This requires an ongoing commitment to dialogue with these groups.

JB: Are you aware of or engaged with the wider social context of imprisonment, such as links with social exclusion and inequality?

DE: I don't think you can do this job properly and not be aware. Our resettlement pathways are quite rightly linked to the factors that contribute to social exclusion. But for me the biggest factor in offending is parenting. How to raise standards of parenting is one of the biggest challenges facing us as a society.

JB: How do you view political and media discourse about imprisonment?

DE: I sometimes wonder whether the highly charged political nature of the debate in our country about crime and imprisonment is a good or bad thing. On the one hand it means many clearly operational matters are unfortunately not left to those who know best simply to get on with it within the broad confines of government policy; on the other it means our political system is about as accountable as any system in the world. But I do find it frustrating that as an organisation we frequently don't seem to have a voice and public profile on the issues that matter when I think the public could reasonably expect a view from it. It is also frustrating that Governors are not able to comment more freely about criminal justice policy. I often reflect that it would be perfectly reasonable for citizens in a locality to want to know the views of their local Prison Governor about criminal justice policy and what works best. They will, after all, regard us as experts and we do, after all, have some expertise. And who knows, it might even enhance the debate!

JB: What are the achievements that you feel best reflect your approach to managing prisons? Can you describe your work at its best?

DE: I look back with particular pride on my time as Governor of Morton Hall and then The Mount. Both of those prisons had deep-rooted challenges: in the first

how to care for a vulnerable female foreign national population and develop a diverse, tolerant and caring environment; in the second how to reduce out of control drug supply and improve safety in a young, macho, street-wise jail full of offenders from the London estates. Both required a huge organisational push and commitment over a sustained period of time, and both required marshalling the talents of many managers and staff. But in both cases we did it and received external acknowledgement and recognition of those successes. The point here is that good governing doesn't involve going for the quick, easy wins in performance terms: it involves working out what the biggest challenge is that your prison faces, whatever that is, and then motivating and enthusing your staff towards it. And if you do that, most of the time the performance rewards will follow, and will mean a lot more when they do.

Prison suicide:

A role for human rights indicators?

Professor Thérèse Murphy is Professor of Law at Queen's University Belfast and Professor Noel Whitty is Professor of Human Rights Law at the University of Nottingham.

Are human rights indicators for prison suicide a potential development? We pose this question because of recent trends in the human rights field — and, perhaps more obviously, because of the culture of measuring 'performance' which is embedded within the English and Welsh prison system. In particular, we ask: if a human rights standard was to be expressed as *numbers,* what might this mean for existing modes of measurement within the penal realm? Equally, what might be the implications for prisoners' rights?

To give an example: what if the quantification of levels of prisoner distress, or numerical indicators of prison environments such as cell dimensions, were to be considered relevant to interpreting the duty to minimise suicide risk under Article 2 ECHR's right to life? There are, to be clear, no such human rights indicators in the European detention context at present. But, as we explain in this article, there are trends that could generate these and other human rights indicators, both for detention in general and for prison suicide in particular. In describing these trends, the article does not advocate for or against such indicators; the aim instead is to point to the importance of ongoing critique of measurement trends within prison governance and, in more recent years, within the human rights field.[1]

Why prison suicide?

We have chosen to focus on human rights indicators for prison suicide for three reasons. First, in the prison system in England and Wales, both suicide and the risk of suicide are a constant reality. The risk affects all categories of detainee, but especially female, young offender and asylum populations. Where a prisoner commits suicide, it causes distress to fellow prisoners and to prison staff. Bereaved families are deeply affected too — a suicide in prison can 'traumatize families'.[2] A prison suicide also raises hard questions: in particular, questions about whether the state has complied with its *positive* duty under human rights law to protect life (and minimise risk). These questions are often left to be addressed through inquests and investigations, or by campaign groups and media coverage.[3]

It has also been argued that suicide risk will increase as a result of the growth in indeterminate sentences and the time being served in conditions of maximum security. It is also relevant that prisoners are changing too: imported vulnerability (a term used to capture the elevated suicide risk a person brings into prison) is now at higher levels than in the past. Thus, prompted by one prisoner's admission that he did not intend to serve his 28-year tariff ('One day I'll save up my pills'), Alison Liebling has drawn attention to 'a new and distinctive development': long and indeterminate sentences under maximum security conditions have made '[t]he very structure of the environment *un-survivable*'.[4]

Second, studies of prison environments indicate that 'some prisons are more survivable than others'.[5] This difference between prisons comes through clearly in the Measuring the Quality of Prison Life (MQPL) survey — described as a mode of 'moral measurement' — wherein prisoners and prison staff rank their own experiences in relation to a number of factors, including: respect, humanity, staff-prisoner relationships, fairness, support, trust, order, safety, well-being, personal development, family contact, power, meaning, and decency.[6] The survey, which has been adopted by the Standards Audit Unit within the National Offender Management Service (NOMS) and by

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1. Carlen, P. (2001) Death and the triumph of governance: Lessons from the Scottish Women's Prison, *Punishment and Society,* 3(4): 459–471; Merry, S.E. (2011) Measuring the world: indicators, human rights and global governance, *Current Anthropology*, 52(3) S83–S95.
2. Liebling, A. (2007) Prison suicide and its prevention, in Y. Jewkes (ed.) *Handbook on Prisons,* Cullompton: Willan Publishing, 423–446, 424.
3. See e.g. www.inquest.org.uk.
4. Liebling, A. (2011) Moral performance, inhuman and degrading treatment and prison pain, *Punishment & Society,* 13(5): 530–550, 532.
5. Ibid 533, emphasis added.
6. See e.g. Liebling, A. assisted by Arnold, H. (2004) *Prisons and Their Moral Performance: A Study of Values, Quality and Prison Life,* Oxford: Clarendon Press; Liebling, A., Hulley, S. and Crewe, B. (2012) Conceptualising and measuring the quality of prison life, in D. Gadd, S. Karstedt and S. Messner (eds) *The Sage Handbook of Criminological Research Methods*, London: Sage, 358–372.

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the Independent Monitoring Boards, has now been used at a range of prison sites and in a range of ways, including in a 12-prison evaluation of a suicide prevention initiative. In the latter study, there was a strong and significant correlation between institutional suicide rates and mean levels of distress among prisoners. Furthermore, differences in levels of distress among prisoners could be explained by differences in quality of life across the 12 local prisons in the study — specifically, by differences in the levels of respect and fairness and, above all, feelings of safety experienced by prisoners.[7] More recently, there were similar findings from an adapted MQPL survey of immigration removal centres: detainee perceptions of the quality of life in detention were correlated to levels of depression, distress and isolation, and to the quality of relationships.[8]

Third, within prison management in England and Wales, modes of measurement — from MQPL surveys to conventional tools such as audit processes, key performance indicators (KPIs) and key performance targets (KPTs) — are deeply embedded. The MQPL surveys are seen as an essential complement to the conventional measures: NOMS, for instance, has said that the survey has 'taken the [Prison] Service beyond the measurement of quantity, beyond the measurement of quality of process, and into the measure of the quality of relationships, which the Board recognises lie at the moral heart of imprisonment'.[9] More significantly, in recent work Liebling, the driving academic force behind the survey, has asked: 'Can the two worlds of 'moral measurement' and apparently abstract 'human rights standards' in penology be brought together in a way that deepens the conversation about, and reform efforts around, prison life and experience?'[10]

Quantifying human rights

Liebling's question is interesting in part because measures and measuring — more accurately, *better*

> …detainee perceptions of the quality of life in detention were correlated to levels of depression, distress and isolation, and to the quality of relationships.

measures and *better measuring* — are a growing preoccupation within the human rights field. Evidence of this can be seen both within the United Nations (UN) and regional human rights organisations, and also within individual courts, non-governmental organisations (NGOs) and national human rights institutions (NHRIs). Academic commentary bears its traces too, with some offering strong support to the better-measurement boom, others who are best described as curious, and others again who urge caution and care.[11] Admittedly, part of what divides opinion is that there are numerous measurement options either in development or already in play. That said, amidst the expanding range of options, there is one measurement mode — the *quantitative indicator* — that continues to claim more attention than its counterparts.

Quantitative indicators, their supporters claim, are a new frontier in human rights compliance: they have the capacity to pinpoint violations, to assess the enjoyment of rights and to calculate rights-realisation over time (which is especially pertinent with respect to economic and social rights which call for 'progressive realisation'). The aim, their supporters say, should be to use these indicators to help with the move from human rights advocacy and standard-setting towards implementation and monitoring; from rights 'in principle' to rights in practice, and relatedly to reduced opportunities for what Cohen once described as 'magic legalism'[12] — that is, the tendency on the part of some states to present their signature and ratification of international instruments as proof of their human-rights credentials.

At the UN, quantitative indicators have the active support of both individual Special Procedures (e.g., the Special Rapporteur on the right to health) and some of the treaty bodies (the quasi-judicial committees charged with checking on state compliance with the core international human rights treaties). The Office of the High Commissioner for Human Rights (OHCHR), the UN's lead agency for

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7. Liebling, A., Durie, L., Stiles, A. and Tait, S. (2005) Revisiting prison suicide: The role of fairness and distress, in A. Liebling and S. Maruna (eds) *The Effects of Imprisonment,* Cullompton: Willan Publishing, 209–231.
8. Bosworth, M., Kellezi, B. and Slade, G. (2012) Quality of life in detention, Oxford Centre for Criminology.
9. NOMS, Race Review 2008: Improving race equality in prison–5 years on, 102–103.
10. Liebling (2011), n. 4, 533.
11. See e.g. Davis, K.E., Fisher, A., Kingsbury, B. and Merry, S.E. (eds) (2012) *Governance by Indicators: Global Power through Classification and Rankings,* Oxford: Oxford University Press; Langford, M. and Fukuda-Parr, S. (eds), (2013) Quantifying human rights, *Nordic Journal of Human Rights,* 30(3): 222–394; Murphy, T. (2013) *Health and Human Rights,* Oxford: Hart Publishing, 126–158.
12. Cohen, S. (2001) *States of Denial: Knowing About Atrocities and Suffering,* Oxford: Polity Press, 108.

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human rights, is also on board. Recently it issued a detailed guide on the subject in which it tackles what might be called 'what', 'why' and 'how' questions concerning human rights indicators. In so doing, it emphasises a series of key points which we outline below. It also offers both a definition of a human rights indicator and a set of illustrative indicators (covering, for instance, the right to life and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment).

The guide's definition, which is designed to cover both quantitative and qualitative indicators for human rights, runs as follows:

> *A human rights indicator is specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights.*[13]

The broader guidance that accompanies this definition has four key features. It emphasises, first, that designing an indicator for a human right calls for the *attributes* of that right to be identified. The guide points to the UN human rights treaties and treaty-body jurisprudence as core sources for this task.[14] Secondly, it emphasises that three different types of indicators will be needed: namely, *structural* (institutional arrangements), *process* (the taking of steps) and *outcome* (the enjoyment of rights). An example might help to make this concrete: in its illustrative indicator on the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the guide highlights the legal maximum for incommunicado detention (a structural indicator); actual prison occupancy as a proportion of prison capacity (a process indicator); and the incidence and prevalence of death and physical injury in custody (an outcome indicator).

Some see a symmetry between this structure-process-outcome trilogy and what human rights legal actors refer to as the obligations on duty-bearers (typically, states) to *respect, protect* and *fulfil* human

rights. Others are more cautious or cynical on this issue. More generally however, as the guide explains, the hope is that by converting the narrative of individual rights into a set of key attributes, and then using these to generate the structure-process-outcome trilogy of indicators, there might be a reduction in complaints concerning the broad, often vague terminology of human rights.

The OHCHR guide emphasises, thirdly, that *universal* indicators for human rights are not the end-point. For the OHCHR, bottom-up, contextually meaningful indicators are crucial (even if, within international instruments, human rights norms are expressed as universal standards). Fourth and finally, there is a strong emphasis on disaggregation: human rights indicators must include disaggregated data, drawing out the circumstances of a variety of vulnerable populations (e.g., children, women, migrants) so that the cross-cutting human rights principle of non-discrimination can be upheld. This need for disaggregation is also echoed elsewhere. For instance, following a review of Honduras, the UN Committee against Torture recommended that the state:

> *Monitor and document incidents of inter-prisoner violence with a view to revealing root causes and designing appropriate prevention strategies, and provide [it] with data thereon, disaggregated by relevant indicators.*[15]

We do not however want to give the impression that the turn towards quantitative indicators is exclusive to the UN. Regional human rights systems, NHRIs and numerous NGOs are on board as well, and certain states seem supportive too. Brazil, for instance, has committed to creating a national system of human rights indicators in the context of the review of states (called Universal Periodic Review (UPR)) undertaken by the UN Human Rights Council. In addition, in a recent UPR of Brazil, there is evidence of indicator-use by NGOs: the leading international NGO, Amnesty International, drew the Council's attention to the fact that figures released by the Brazilian prison system showed that inmate deaths as a result of homicide were six times higher than the rate observed among the

We do not however want to give the impression that the turn towards quantitative indicators is exclusive to the UN.

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13. OHCHR (2012) Human rights indicators: A guide for measurement and implementation, 16. Available at: http://www.ohchr.org.
14. As of 2015 there are 10 human rights treaty bodies.
15. UN Committee against Torture, Concluding Observations: Honduras, UN Doc CAT/C/HND/CO/1 (23 June 2009), para. 17.

general population in the country.[16] Meanwhile as regards NHRI engagement with indicators, in the UK the Equality and Human Rights Commission and the Scottish Human Rights Commission commissioned a research team to develop a human rights measurement framework.[17] Finally, there is a sense that national and international courts could also make use of human rights indicators — whether as evidence, or as part of a judgment, or perhaps as a mechanism for helping the court to supervise implementation of a judgment.

Problems with numbers

Alongside this interest and enthusiasm there is also, and increasingly, a range of positions *against* quantitative indicators for human rights. Some of the critics focus on conceptual problems, whereas others raise technical concerns. Viewed together however their criticisms are perhaps best seen as part of a wider phenomenon: namely, a low level of trust in numbers and, relatedly, concerns about their institutionalisation across many different parts of life today.[18] To illustrate this phenomenon, we draw on research by two criminologists: Pat Carlen and Sarah Armstrong, each of whom has provided a biting critique of the effects of numbers in the UK prisons field.

Armstrong, in a paper that focuses on the increasing use of prison projections, notes how such numbers have both dampened debate and limited options. The 'statistical worldview' has, she says, 'come to colonize the policy imagination, so that all sides articulate their positions in terms which are knowable and validated through the numerical'.[19] In Carlen's paper the focus is on the attempts made by Cornton Vale, the primary

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prison for female offenders in Scotland, to prevent detainees committing suicide. Her conclusion, which resonates with her broader critique of 'imaginary penalities',[20] is that 'faced with inmates on the edge of despair or even death' or one of 'the other emotionally draining experiences characteristic of prison life', there is both necessity and value in staff-prisoner relations that *do not* fit a 'performance and programming' mould. In particular:

[Q]ualitative inputs from staff are called for, the value of which are not amenable to measurement as performances; *and, moreover, that time consuming but life-supporting responses involving listening, kindness and comfort, together with other* non-programmable *therapies, may be* good in themselves.[21]

If we put these claims by Carlen and Armstrong alongside critiques of quantification's effects within *non-prison* sites,[22] the following begin to seem incontrovertible. First, that which is easy, or easier, to measure does not necessarily reflect what should be the priority; yet, that which is measurable, and measured, does tend to become the hard priority. Secondly, both the experts who craft numerical measures, and the behavioural and knowledge effects that are produced by use of the measures, are often 'out of view'. Relatedly, number-producing organisations achieve new status, service industries are produced, and powerful networks can emerge around shared interests in particular numbers or number-production.[23] To put that differently, numbers garner publicity, 'numero-politics'[24] do not. The upshot is that it becomes harder

16. UNHRC, Summary prepared by the OHCHR, in accordance with paragraph 15(c) of the Annex to Human Rights Council Resolution 5/1 – Brazil, UN Doc A/HRC/WG.6/1/BRA/3 (6 March 2008), para. 28.
17. Candler, J. et al (2011) Human rights measurement framework: Prototype panels, indicator set and evidence base, Equality and Human Rights Commission Research Report 81; Vizard, P. (2012) Evaluating compliance using quantitative methods and indicators: Lessons from the Human Rights Measurement Framework, in M. Langford and S. Fukuda-Parr (2013), n. 11, 239–278.
18. See e.g. Porter, T.M. (1995) *Trust in Numbers: The Pursuit of Objectivity in Science and Public Life,* Princeton, NJ: Princeton University Press; Power, M. (1997) *The Audit Society: Rituals of Verification*, Oxford: Oxford University Press.
19. Armstrong, S. (2012) The quantification of fear through prison population projections, SCCJR Working Paper, 16. Available at SSRN: http://ssrn.com/abstract=1991866.
20. Carlen, P. (ed.) (2008) *Imaginary Penalities*. Cullompton: Willan Publishing.
21. Carlen (2001), n.1, 467.
22. See e.g. Davis et al (2012), n. 11.
23. See e.g. Davis et al (2012), n. 11; Sarfaty, G.A. (2013) Human rights meets securities regulation, *Virginia Journal of International Law,* 54(1), 97–126.
24. Martin, A. and Lynch, M. (2009) Counting things and people: The practices and politics of counting, *Social Problems*, 56(2): 243–266.

to see, and to talk about, the ensuing changes in behaviour and the ways in which measures can alter the concepts they were meant to capture.

Human rights as numbers?

Proponents of human rights indicators need to engage with these concerns, even if number-use by the UN treaty bodies remains quite basic (i.e., counts, percentages and ratios, rather than composites that draw together diverse data sets and, typically, generate rankings or 'league tables'). Indicators, as the OHCHR points out, are merely a tool. More than this, they should never stand alone:

> [Indicators] cannot and should not be seen as a substitute for more in-depth, qualitative and judicial assessments which will continue to be the cornerstones of human rights monitoring.[25]

There are, therefore, growing questions about human rights indicators — questions such as what should be counted, what can be counted, and what effects it has to count one thing but not another, or indeed to count anything at all. There are also questions about who is, or should be, doing the counting.

The potential attractions of human rights indicators are being identified more precisely too. In part, as we have said, these indicators signal a move towards implementation and monitoring as the essential next-stage in human rights work — the stage beyond advocacy and standard-setting. In part too they signal a desire for improved communication with non-law actors and that, in turn, might enhance non-judicial mechanisms for protecting rights (thereby reducing demand for litigation). At the same time, carefully-crafted indicators might offer courts more concrete and systematic evidence on alleged rights violations, as well as a tool for monitoring the implementation of judgments.

There could be benefits for organisations too. As Philip Alston has pointed out, many NGOs see individual cases as 'time-consuming and backward-looking', perhaps even a barrier to 'the overall picture that is needed'.[26] Better data, moreover, could well be a pre-requisite for legal actors who have to operate in fields where measurement is already part of the everyday — whether a prison organisation faced with different (political, financial, legal) accountability mechanisms, or an NGO which has donors who expect figures demonstrating performance and impact.

Representing and calculating prison suicide

For some, human rights indicators for prison suicide will be just another alternative — one part of an expanding menu of methods in human rights work. Equally, amidst growing questions about quantification's effects on human rights and on other fields too, it is possible that proposals for human rights indicators will either stall or drop away. In any event, the purpose of this article has not been to advocate for or against such indicators, nor to suggest how they might be developed and used. The aim has been a narrower one: first, to draw attention to two parallel streams of measurement that are relevant to detention — an established one within prison management, and an emerging one within human rights law and practice — and, second, to point to the importance of more critical engagement with these streams and their potential interactions.

One key question concerns the possible effects — both discursive and practical — of human rights indicators for prison suicide. How, for instance, will these effects be shaped by the array of other powerful 'representations and calculations'[27] in the penal field, including both *non-numerical* modes of human rights engagement by NGOs, lawyers, quasi-judicial bodies and courts, as well as *numerical* modes of engagement such as MQPL, KPTs and KPIs? Will disagreements over whether prison suicide is a psychiatric or environmental problem, or both, be exacerbated by expanded use of 'measurement expertise'? What will be the impact on bereaved families and friends if the death of a prisoner is represented as a question of human rights numbers? More generally, is it not obvious that there is already enough information on vulnerable individuals, the effects of imprisonment and the history of prison suicide? The key issue, in other words, is not the presence or absence of particular measurement methods but the failure to take action on what is well-known.

> ...carefully-crafted indicators might offer courts more concrete and systematic evidence on alleged rights violations...

25. OHCHR (2012), n. 13, iii.
26. Alston, P. (2005) Promoting the accountability of members of the new UN Human Rights Council, *Journal of Transnational Law and Policy,* 15(1): 49–96, 78.
27. Sparks, R. (2007) The politics of imprisonment, in Jewkes, n. 2, 73–94.

There are also important questions about how human rights indicators will affect the task of judgment: will they enhance it, or (if indicators become institutionalised) will they circumscribe or displace it? Equally, will the human rights emphasis on disaggregation help to bring forward gender, racial and other differences within vulnerable prison populations?[28] And will pro- and anti-prisoners' rights discourses be challenged or strengthened by the arrival of indicators — in particular, will the 'management' of rights within the prison sector (both public and private) alter, and in what ways?[29]

These are just some of the reasons why the movement towards quantification within the human rights field needs to provoke critical reflection and debate within the penal field. Human rights indicators, if they materialise, will produce changes in behaviour, in ideas and in the norms that are being measured. These effects will differ across penal contexts, but where 'measurement' is already deeply embedded within prison management (as in England and Wales) the potential consequences need to be thought about now, not in the future.

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28. On vulnerable prison populations and suicide risk, see Ludlow, A. et al (2015) 'Self-inflicted deaths in NOMS' custody amongst 18-24 year olds: Staff experience, knowledge and views', RAND Europe.
29. Whitty, N. (2011) Human rights as risk: UK prisons and the management of risk and rights, *Punishment & Society,* 13(2): 123–148; G4S (2013) Human rights guidance. Available at: http://www.g4s.uk.com

Interview: Laura Sapwell, Governor of HMP Huntercombe

*Laura Sapwell is Governor of HMP Huntercombe. She is interviewed by **Dr Jamie Bennett**, Governor of HMP Grendon and Springhill.*

Laura Sapwell is one of the Prison Service's newest Governors, having taken up post at HMP Huntercombe in November 2014. the prison has changed roles several times in recent years, functioning as a juvenile establishment, an adult category C prison and currently as a specialist site holding up to 430 foreign national prisoners.

Having joined the Prison Service on the Accelerated Promotion Scheme in 1996, Laura Sapwell worked in prisons around the South Central region including Grendon, Aylesbury, and Woodhill. She became Deputy Governor of HMP Bullingdon within five years of joining the Prison Service and was involved in leading the establishment through a performance test. After becoming a parent, she worked part time for several years before taking up a second Deputy Governor post at HMP Grendon and Springhill in 2011, until her promotion to Governor of HMP Huntercombe.

JB: What led you to prison work?

LS: My father was in the Prison Service. I wanted to be a lawyer from about the age of thirteen. I went to university and studied law, but also with French so I had the opportunity to also study French Law at the university in Nice. As I went through that, I began to realise I didn't want to be a lawyer, although I loved my studies. I had some naive ideas of what being a solicitor was about, and also I wasn't at the top of the people on the course, who I thought were going to get the corporate law jobs I had originally dreamed of. I then stopped and thought about what I wanted to do. I wasn't sure what I did want to be but was sure I didn't want to be a lawyer.

I hadn't previously thought about working in prisons, even though my father had and I'd grown up around them. I began to apply for everything and anything I thought I might be qualified for. I looked at various graduate entry schemes, and Prison Service was one I applied for. Initially I wasn't sure but as I went through the process and spoke more with people who were applying, and visited a number of prisons, the more I realised I wanted to do it. I wanted something where I could make a difference, could be useful. The Prison Service offered that. It was a very structured progression into a senior position. My school report always said I was bossy! When I think about it, I have always wanted to lead, be in charge and that is hopefully what my teachers were identifying.

JB: What is it like becoming a Governor? How does it feel walking in on the first day?

LS: I was nervous, like anyone on the first day in a new job, you want to make a good impression. I was aware that coming in as a Governor, people have high expectations of what a Governor is like, what they ought to be like, and they are watching you. I felt that. No one wants to make a mistake or slip up on their first day, but I also wanted to create a good impression, I wanted people to get me, know what I am about and I wanted to be able to connect with people. You don't come in and start announcing your policy changes on the first day. It's about the people, making a connection. I made it clear I wanted to listen, look and understand what was going on before I could consider what I wanted to do and what my vision was. Those first days were about creating a connection and letting people know I was someone who wanted to be here, would do right by them and do right by Huntercombe.

JB: How would you describe the role of the Governor? Is it different from other management roles in other organisations?

LS: There are bits that are like other roles, that involve management of people and processes, but it's not a management role like any other. It is very varied. With the combination of prisoners, staff and everyone else who is on the site at any time — this makes for a large community of people who all need to fit together. The role of the Governor is different from other leadership or management position because of the complexity of the needs of all those people.

Primarily I am a civil servant, I have responsibilities I am required to deliver on behalf of the state and the public, and there are regulations and laws regarding keeping people in custody. That is my civil service responsibility. As with any large organisation, there is also the corporate responsibilities including regulation and financial management, and a lot of administration.

As part of the local organisation, in my case Huntercombe, you are the leader, providing the vision and deciding what we are doing, when and how, setting the direction of travel and making sure that staff know what we are doing and why, and helping us get there. It is also about the responsibility for prisoners.

What makes the role of Governor unique is that responsibility for prisoners: making sure it is safe, purposeful and provides the right environment to meet their needs. As well as their basic needs, it is also addressing those needs that have not been met in the past and taking the opportunity to meet them now, such as education and other work to reduce reoffending.

That variety makes it one of the most complex jobs there is.

JB: What do you consider to be the purpose of imprisonment?

LS: At its most basic level, this is society's form of punishment, which it deems appropriate for those who have broken the rules. Primarily it is a form of punishment. There has to be a consequence for those who break the rules, as well as protection from those who may be a danger to others. We have a responsibility to keep apart those who are a risk to others.

The whole act of imprisonment creates damage in an individual's life, including their family life, their house, their job, their attitudes. That is not within my control. The decision to imprison happens elsewhere. What happens next is my responsibility. My job is to minimise the damage and use the opportunity to create something positive. While prisoners are here I have to keep them in custody and keep them safe, but prison can also be a place were positive things can happen if you have the right environment. You have a captive audience so there is the opportunity to provide education, work, reduce dependence upon alcohol and drugs, and also challenge the thinking and behaviours that have led them to be in prison. Given that they are here, I have to make it the most positive and useful experience it can be.

JB: What are the most important risks you manage?

LS: Managing a prison is a big responsibility and I feel the weight of being in charge. That is a responsibility for prisoners, staff and others who come in and out. I have the responsibility for safety of all of those people. There is a risk that they may be hurt, injured, assaulted. The biggest risk is safety. Security is also essential, making sure prisoners are kept in custody and are where they are meant to be. That not only relies upon physical measures but also people following the procedures and having the right relationships. There is also the risk of missing the opportunity for change or getting it wrong, failing to make a difference to the lives of prisoners.

> There has to be a consequence for those who break the rules, as well as protection from those who may be a danger to others.

JB: How much power do you feel you have to shape your team and the prison? Who do you share power with? What constrains you?

LS: 'Power' is a loaded word. For me it feels less like 'power' and more like responsibility for what is in my control. For example, I am one of the newest managers at Huntercombe and I have only been involved in selecting two of the team since I arrived. In effect they have got me and I have got them. I can shape the team but I can't select and create a team. I can set out what I want to achieve and how I want to do it. That creates an environment where everyone, including me, can do their best. I feel more of a responsibility for shaping the prison so it can be most effective. I share this with everyone else. I have tools such as 'poor performance' procedures, same as everyone else and sometimes the ultimate decision falls to me, such as dismissing someone. All of those decisions I am accountable for and can be challenged on, so it's not that I have absolute power. I rely more on persuading and influencing people rather than having control over them.

With prisoners, it is also about responsibility. I cannot control their actions, I cannot make them chose a direction if they don't want to change. For me it is about creating an environment where people are able to comply, feel safe to do so, and take the opportunities that are available. Equally, those who don't want to have to face consequences and there are tools and processes to deal with that too.

I am constrained by national policies which I have to comply with. There are also financial pressures which mean I can't do all of the things I would like to for staff and prisoners. I have to work within that.

JB: What role do you have in shaping the experience of prisoners? Do you have much interaction directly with them? Has this changed in recent years?

LS: I have less daily contact than when I was in uniform, but strangely more than I did as a functional head. I try to have as much interaction as I can do. It is important to be out and about interacting, observing, being present and available. I want to be able to see things as they are and as they happen. My role is to make sure that the physical environment is right, such as showers, meals, services are in place and we have a positive impact on the prisoners' experience. More importantly, my job is to set the tone, to create a culture where there are clear standards of behaviour, people know what they are expected to do and why.

JB: Are prisons places where prisoners can change their lives? What role do you have in influencing that?

LS: Prisons can and should be, but they aren't always. Most managers feel that. There is always more that could be done given a free hand and the resources to achieve it. Prisons and the act of imprisonment can be damaging, but our role is to make sure that damage is minimised and the experience of imprisonment is turned into a positive. For some people, of course, their prison experience can be very harmful.

JB: Has the role of financial and performance management changed in your day to day role?

LS: The language has changed as has the emphasis. It has moved from 'performance' to 'delivery'. The previous competition strategies were about poor performance and driving an improvement in performance through market testing. The language of 'delivery' is more about performance with a purpose, we are delivering a service that people require rather than just putting on a performance in order to be viewed as a successful organisation. It feels that there is less focus on targets and more on doing the right things and achieving the right outcomes. That sits better with me.

With finance, I have a very good business partner who gives me sound advice, knows what I can and can't do and helps me in decision making. I rely upon that individual and our working relationship. Resources are limited so I don't have much discretion, it's more about making decisions about least worst options about what I won't spend money on, rather than making positive decisions about investment to improve our service.

JB: How do you get people to do what you want? What is the right kind of relationship between staff and managers? Is this reflected in how you manage your staff and how your managers manage you?

LS: You can't control what people do and how they behave, but you can create the right environment so that people feel able to engage. The first issue is that it is important that I understand, and can explain, why I want someone to do something and what is in it for them. Sometimes there won't be anything in it for them, but I still have to persuade them of why they should do it. Most people are sensible, rational, want the prison to be effective and want to be part of

something worthwhile. Sometimes there are bigger corporate messages about what is going to happen and you are not able to persuade them but you still have to explain that this is what is going to happen and this is why. People have to have confidence that I am in charge and I know what I am doing, so that they trust that when I explain what we have to do, that there is a reason for that and I am only asking because it is right to do so.

The relationship also needs to be built with a team. They need to know me and I need to know who they are and what they are about. They also need to feel that I will be honest and treat them fairly, not ask them to do anything unreasonable or unsafe and not expect more from them than they are able to give. I try to build good relationships so that my team feel that they are listened to, that I trust them to do a good job and will give them support when they need it.

JB: Do you have relationships with other organisations and the local community? What is the significance of these relationships? How do you approach them?

LS: I've met with the senior police commander and had an article in the local press, but Huntercombe is a bit tucked away. We are in the community but not directly linked to it, because of our population, but I am working hard to try to raise the profile and build connections.

We have organisations such as education and health where there are established relationships. At Huntercombe we also have a particular relationship with the Home Office Enforcement and Immigration Team. That is relatively new and we are working hard to understand each others objectives and work together to achieve what we both need to do. With all of those partners I rely upon them to deliver and whether they do or not will impact enormously on the business here. I need to know what their aims and objectives are, ensure that these align with mine, and when things go wrong I need to know about that because it has an impact upon prisoners and their experience, which is my overall responsibility. The partnership must be based upon good communication, sharing information and involving each other in decisions. Individual relationships also make a difference. I have worked with individuals in other organisations who have been fantastic, really motivated and they have built good

> Prisons and the act of imprisonment can be damaging, but our role is to make sure that damage is minimised and the experience of imprisonment is turned into a positive.

bridges with my staff. I have also worked with people who don't do that and the partnership has been difficult. I try to be respectful of individuals and their organisations and build a relationship where we can both achieve what we need.

JB: How have prisons changed during your working life?

LS: Yes. I have worked in prisons for nineteen years. There are now more prisoners and prisons are much busier places. There is more activity and more opportunity for prisoners. It feels that there is more focus on the experience of prisoners and what it means to them rather than just process and custody. There are less staff, but we also work more efficiently than we used to. One of the main changes I see is that our relationships are more professional than they used to be. I walk around with my eyes and ears open and what I see now is more professional and appropriate relationships between staff and prisoners and between staff of different grades. That contributes to an environment where people can work more effectively. It feels that it is more co-operative and less hostile in terms of staff-manager relationships too. There is also more interaction with the outside world and we have more partner organisations working with prisoners. When I started prison staff were delivering education and health care services, that change feels healthier. There are also changes that are more frustrating, which are often outside of my control, such as my budget, media and public interest.

JB: Can you say something about the relationship between your world at establishment level and what is going on above you? Do you feel 'in tune' with the direction the Prison Service is taking? Do you feel you belong to an organisation you are proud to be part of, or that you are comfortable with how the organisation is modernising?

LS: I am new to this, having been a Governor for only nine months, but I do feel proud of what I do. That doesn't mean that I agree with and welcome all of the changes, but I know why they are happening. That is important because if I know why they are happening I can work through it. We have had to focus on the organisation in recent years, with changes to the structures, pay, how we are organised. I feel we have focussed on that and less time thinking about the work

itself; what we are doing and why, what is important for prisoners and the outcomes, and the quality of the work we do. There have been some unintended, and unhelpful, consequences along the way. For example, the impact of *Fair and Sustainable* on my staff has produced some difficult choices for people. 'New ways of working' at Huntercombe has staff all over the prison throughout the day, so they are on one wing for unlock, somewhere else for the morning, somewhere else at lunch time. That makes it difficult for those staff to build relationships with prisoners and their colleagues. Larger staff groups means lots of cross deployment, which most staff dislike. Staff always used to say that one of the best things about working in the Prison Service was the camaraderie and the good relationships with their colleagues. I don't hear that much now and many staff say they really miss that because they are not so much part of a team now, they are here, there and everywhere, they feel transient. That has an impact and could be an issue for us going forward.

We have a high turnover of staff here and we have lost a lot of experience with that. People from Huntercombe are able to get other well paid jobs in the local area. Our pay rates just aren't attractive enough to keep them. That is a real concern. In the new world we might see a higher turnover of staff, people coming and going. That has consequences, you lose experience and it is harder to maintain relationships and engage with a constantly changing staff group. My concern is that this will be a risk for decency, there is less time to spend with prisoners and people may be distracted by all of the changes that affect them.

At Huntercombe specifically, I also have a concern about the experience of foreign national prisoners. The changes in resettlement arrangements mean that there is a lack of services for those being deported. I want to see what we can do outside of the new arrangements with Community Rehabilitation Companies to meet this need.

JB: What significance do issues of race and gender have in your working life?

LS: I personally have never felt unequal due to being a woman in the Prison Service, other than specific one-off instances with individual colleagues, which would happen in any organisation. I have always felt I have been treated equally by the service and had equal

> I walk around with my eyes and ears open and what I see now is more professional and appropriate relationships between staff and prisoners and between staff of different grades.

opportunities for progression. I have three young children and for a period of six years I worked part-time. I was very fortunate to be allowed to do that and I was supported by colleagues and the Governors I worked for at the time. I was enabled to work in that way and then supported to return to work full-time. My worry is that it would be difficult for a Governor to do that now; to have someone on their senior management team working in that way, because of the constraints of our structures.

For race, at Huntercombe, which is a foreign national prison, it does highlight how complex issues of culture can be. We have more than eighty nationalities here and over forty languages spoken. Staff are experienced and patient, they take care to ensure people are understood, can communicate and get the care they need. But like many prisons, we do still have issues where Black prisoners are over-represented in the use of force, adjudications and other outcomes. We work hard to understand the reasons for that and address it, including engaging with prisoners themselves.

JB: How do you view political and media discourse about imprisonment?

LS: In my view the media representation is not usually done with any intention to improve the circumstances, it is not intended to build understanding. Prisons are always going to be intriguing to people, but the media is more concerned about sensational aspects, so they want to know about particular prisoners, or present a view that prisons are easy or brutal even. It is about creating a story rather than identifying genuine issues and building public understanding. In regard to politicians, they often talk about prisons when there is a particular reason, such as presenting an approach towards tackling crime, or responding to a particular event. That is the focus rather than changing people's lives. While it is important that as a public sector organisation we respond to public opinion, there isn't enough emphasis on helping the public to understand what prison is like and what the Prison Service can do for the good.

JB: What are the achievements that you feel best reflect your approach to managing prisons? Can you describe your work at its best?

LS: Ask me again next year. A lot of the good things here where in place long before I arrived. The establishment has been through a huge amount of change in recent years, including changing role, but it has remained a high performing and effective prison. That is down to my predecessors and many of those who are still here now. I want to build on that and sustain it. I want to engage with staff so that they feel valued and supported, and build our resettlement services for prisoners.

The foreign national group have not been included in the potential benefits of the new Through the Gate arrangements. They do have anxieties about their futures and need help with the basics of resettlement including housing and employment, whether they are being released into this country or another. That helps reduce the risk of them reoffending, but I also feel a moral responsibility to help those people in the same way that we would help those in this country. If I can put those services in place, that will be my work at its best.

Between human standards and institutional efficiency:

The regulation and deregulation of strip-searches in Belgium

Dr Tom Daems Associate Professor of Criminology at Leuven Institute of Criminology (LINC), University of Leuven.

In total institutions, so Erving Goffman wrote over half a century ago, there is a '…constant conflict between human standards on one hand and institutional efficiency on the other'.[1] Since the publication of Goffman's 1961 classic *Asylums* penal institutions in the West have experienced major transformations. Goffman's analysis therefore no longer applies in full to 21st century prison life. Nonetheless, even in todays 'post disciplinary'[2] or 'post authoritarian'[3] penal institutions, where some of those total and oppressive characteristics have become more relaxed and where new techniques of prison management have transformed prison life, the question of striking a balance between dignity and security is still a daily preoccupation.

This so-called constant conflict between human standards and institutional efficiency surfaces in particular when inmates are being subjected to strip searches. A strip search typically implies that prisoners have to undress fully and that their naked bodies are exposed to — and inspected by — prison staff in order to verify whether no forbidden substances or weaponry are being smuggled into the prison. Such security procedures are an integral and indispensable part of prison management but these are also, by nature, invasive and potentially degrading measures. It should not come as surprise, then, that strip searches are controversial and contested security measures and that they have been widely debated and regulated.

In this article we will first briefly discuss how strip searches have become the object of European regulation. We will then reconstruct how strip searches have been regulated and, subsequently, deregulated in Belgium. Throughout this article we will illustrate that the regulation of strip searches is far from self-evident: because strip searches are perceived to be a central and indispensable part of security by prison administrations and staff alike attempts to restrict their application and promote parsimony often tend to fail.[4]

Dynamic security and the European regulation of strip searches

Nowadays the regulation of strip searches usually forms part of a larger set of issues of prison management and security which touch upon the legitimacy of decision-making and procedures as well as the quality of life behind bars, that is, dynamic security. Penal Reform International defines dynamic security as follows: '…an approach to security, which combines positive staff prisoner relationships with fair treatment and purposeful activities that contribute to their future reintegration into society'.[5] The *UN Prison Incident Management Handbook* formulates it as follows:

> *Prison staff members need to understand that interacting with prisoners in a humane and equitable way enhances the security and good order of a prison …Irrespective of staffing ratios, each contact between staff and prisoners reinforces the relationship between the two, which should be a positive one, based on dignity and mutual respect in how people treat each other, and in compliance with international human rights principles and due process.[6]*

Such an approach towards prison management and security, in fact, seems to be backed up

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1. E. Goffman (1961). *Asylums*. London: Penguin, 76.
2. G. Chantraine (2006). La prison post-disciplinaire. *Deviance et Société*, 30(3), 273-288.
3. D. van Zyl Smit & S. Snacken (2009). *Principles of European Prison Law and Policy: Penology and Human Rights*. Oxford: Oxford University Press.
4. This article is a shorter and reworked version of a previously published paper. For a more elaborate discussion of the subject of this paper, see my original full-length chapter: T. Daems (2014). 'Ceci n'est pas une fouille à corps': The denial of strip searches in Belgian prisons. In: Deflem M. (Eds.), *Punishment and Incarceration: A Global Perspective (Series: Sociology of Crime, Law and Deviance, vol. 19)*. Bingley, UK: Emerald Group Publishing, 75-94.
5. Penal Reform International (2013). *Balancing security and dignity in prisons: A framework for preventive monitoring*. London: Penal Reform International, 4.
6. United Nations (2013). *Prison Incident Management Handbook*. New York: United Nations. 21-22.

empirically by the findings of recent studies on prison life. Indeed, over the past two decades or so the sociology of imprisonment has increasingly become interested in issues of legitimacy, that is, '…the extent to which the staff of different prisons succeed or fail in legitimating their deployment of power and authority and the techniques and strategies which they deploy in seeking to secure such legitimacy'.[7] Relatedly, prison researchers have drawn attention to the so-called 'moral performance' or 'moral climate' of prisons. This type of research aims to go one step further then the question about legitimacy because, as Alison Liebling suggests, '…prisons are about more than power relations'.[8] Indeed, as she explains, '…what matters to those who live and work 'where the action is' in prison is a set of concepts that are all about relationships, fairness, and order, and the quality of their respective treatment by those above them'.[9]

In Europe we find the clearest support for dynamic security in the European Prison Rules of 2006, which emanate from the Council of Europe. Rule 49 and rule 51.2 stipulate the following:

> *49. Good order in prison shall be maintained by taking into account the requirements of security, safety and discipline, while also providing prisoners with living conditions which respect human dignity and offering them a full programme of activities in accordance with Rule 25.*

> *51.2 The security which is provided by physical barriers and other technical means shall be complemented by the dynamic security provided by an alert staff who know the prisoners who are under their control.[10]*

It should not come as a surprise that strip searches have come to be debated and regulated within such a context of striving toward improving the moral performance of prisons. Indeed, strip searches are an integral yet controversial part of prison systems across the globe as they are deemed to be indispensable in order to detect prohibited or dangerous items or substances. But how can such procedures be made more fair and legitimate? Rule 54 of the European Prison Rules offers the following guidelines to member states of the Council of Europe:

> *54.1 There shall be detailed procedures which staff have to follow when searching:*
> *a. all places where prisoners live, work and congregate;*
> *b. prisoners;*
> *c. visitors and their possessions; and*
> *d. staff.*
> *54.2 The situations in which such searches are necessary and their nature shall be defined by national law.*
> *54.3 Staff shall be trained to carry out these searches in such a way as to detect and prevent any attempt to escape or to hide contraband, while at the same time respecting the dignity of those being searched and their personal possessions.*
> *54.4 Persons being searched shall not be humiliated by the searching process.*
> *54.5 Persons shall only be searched by staff of the same gender.*
> *54.6 There shall be no internal physical searches of prisoners' bodies by prison staff.*
> *54.7 An intimate examination related to a search may be conducted by a medical practitioner only.*
> *54.8 Prisoners shall be present when their personal property is being searched unless investigating techniques or the potential threat to staff prohibit this.*
> *54.9 The obligation to protect security and safety shall be balanced against the privacy of visitors.*

… strip searches are an integral yet controversial part of prison systems across the globe as they are deemed to be indispensable in order to detect prohibited or dangerous items or substances.

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7. R. Sparks, A. Bottoms & W. Hay (1996). *Prisons and the Problem of Order*. Oxford: Clarendon, 35.
8. A. Liebling (2004). *Prisons and their Moral Performance. A Study of Values, Quality, and Prison Life*. Oxford: Oxford University Press, 473-474.
9. A. Liebling (2004). *Prisons and their Moral Performance. A Study of Values, Quality, and Prison Life*. Oxford: Oxford University, Press, 458.
10. Council of Europe (2006). *Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies)*. Strasbourg: Council of Europe.

54.10 Procedures for controlling professional visitors, such as legal representatives, social workers and medical practitioners, etc., shall be the subject of consultation with their professional bodies to ensure a balance between security and safety, and the right of confidential professional access'[11]

Next to such explicit guidelines, as formulated in the European Prison Rules, it is interesting to note how a number of European institutions which are active in the field of the protection of human rights and the prevention of torture have drawn attention to the issue of strip searches. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), for example, which regularly visits and inspects detention centres across the 47 member states of the Council of Europe, has at several occasions reflected upon the practices of strip searches which it has observed during its visits. In its report about a recent visit to the Netherlands (10 to 21 October 2011) it commented as follows on the fact that it received numerous complaints concerning the frequency of strip searches in Dutch prisons:

A strip search is a very invasive — and potentially degrading — measure. Therefore, resort to strip searches should be based on an individual risk assessment and subject to rigorous criteria and supervision. Every reasonable effort should be made to minimise embarrassment; detained persons who are searched should not normally be required to remove all their clothes at the same time, for example a person should be allowed to remove clothing above the waist and to get dressed before removing further clothing. In addition, more than one officer should, as a rule, be present during any strip search as a protection to detained persons and staff alike. Further, inmates should not be required to undress in the presence of custodial staff of the opposite sex.[12]

The European Court of Human Rights has dealt at several occasions with the question whether strip searches are acceptable under Article 3 of the European Convention of Human Rights.[13] In principle, prisoners continue to enjoy all the fundamental rights and freedoms guaranteed under the European Convention; they should not forfeit their Convention rights merely because of their status as persons detained following a conviction. Restriction on those rights must be justified in each individual case.[14] The Court acknowledges that strip searches may at times be necessary to ensure prison security or prevent disorder in prisons. Nonetheless, they must be conducted in an appropriate manner and show respect to the human dignity of the inmate.[15] Moreover, they should not be conducted in an arbitrary way.[16] In addition, the Court has argued that strip searches should not take place in a systematic way and need to be precisely motivated with reference to the behaviour of the inmate who is subjected to such a procedure.[17]

> The Court acknowledges that strip searches may at times be necessary to ensure prison security or prevent disorder in prisons.

The regulation of strip searches in Belgium

In the previous section we have briefly discussed how strip searches have come to be regulated within a European context and how such safety procedures relate to dynamic security. But, obviously, this does not imply that state authorities automatically conform to such European regulation and that they obediently adapt their safety procedures accordingly. In the remainder of this article we will reconstruct the recent history of the regulation and deregulation of strip searches in Belgium in order to illustrate how the constant conflict between human standards and institutional efficiency, as discussed by Goffman, has interfered with attempts at regulating strip searches.

11. Council of Europe (2006). *Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies)*. Strasbourg: Council of Europe.
12. European Committee for the Prevention of Torture (2012). *Report to the Government of the Netherlands on the visit to the Netherlands carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 10 to 21 October 2011*. Strasbourg: Council of Europe, 23.
13. For a discussion of this issue, see e.g. D. van Zyl Smit & S. Snacken (2009). *Principles of European Prison Law and Policy: Penology and Human Rights*. Oxford: Oxford University Press, 285-290.
14. See e.g. European Court of Human Rights (2011). Stummer v. Austria, Decision n° 37452/02 of 7 July 2011, para 99.
15. European Court of Human Rights (2001). Iwanczuk v. Polen, Decision n° 25196/94 of 15 November 2001, para 59.
16. European Court of Human Rights (2007). Frérot v. France, Decision n° 70204/01 of 12 June 2007, para 47.
17. European Court of Human Rights (2010). Ciupercescu v. Roumania, Decision n° 35555/03 of 15 June 2010, para 117.

It has taken a very long time before Belgium adopted its first prison law. In June 1996 the then Minister of Justice published a white paper on prison policy and penal policy which acknowledged that Belgium lagged behind within Europe in terms of the enactment of prisoners' rights. In this white paper the Minister argued that immediate legislative action was necessary in order to fulfil Belgium's international treaty obligations. The Minister had requested Lieven Dupont, a professor in criminal law and penitentiary law at the University of Leuven, to write a draft text for Belgium's first prison act. One year later, in September 1997, professor Dupont finalised his assignment. In his draft proposal Dupont observed that strip searches had become routine procedures which were perceived and justified as indispensable instruments in the fight against drug smuggling and drug use inside Belgian prisons. However, so he added, strip searches were not regulated by law and were probably being used way too often. Dupont therefore adviced to substantially revise existing practices in order to restrain the use of strip searches.[18]

Dupont's recommendations were subsequently forwarded to a newly created commission of experts, chaired by Dupont himself, whose task was to evaluate, elaborate, rework and translate the contents of his report into a draft legal text. In February 2000 this commission published its report which supported Dupont's recommendation to restrain the use of strip searches. To this end the commission adviced to introduce an extra procedural barrier: strip searches should no longer be possible without an individualized decision of the prison governor, based on an individual case-by-case assessment.

After several years of parliamentary debate the Prison Act of 12 January 2005 was eventually adopted. Article 108 of the Prison Act introduced a clear distinction between a search of an inmate's clothes on the one hand, and a search of the body, that is, a strip search, on the other. The searching of clothes has as objective to verify that the inmate does not have any objects or substances in his possession that are forbidden or potentially dangerous. In case such a search of a prisoner's clothes is judged to be insufficient, the prison director could by means of an individual decision, order for a search of the body. This includes, if necessary, stripping an inmate of his clothes and inspecting his naked body without touching it. It was explicitly stated that such searches of the body are particularly invasive measures of control and that they should never be executed in a routine way:

> *The search of the body is …a much more intrusive measure which is in itself an encroachment of the feeling of honour. Such a search may certainly never be executed in a routine way and is only justified when given specific circumstances or suspicions a search of the prisoner's clothes is not sufficient.*[19]

Moreover, it was emphasised that there is an important, gradual difference between the search of an inmate's clothes and the search of the body. Searching one's clothes could therefore never include the obligation to fully undress:

> *The search of an inmate's clothes means that the clothes are touched and searched in order to verify that the inmate does not have any objects or substances in or underneath his clothes that are forbidden or dangerous. In this respect, one can request an inmate to take of his outer clothes, but one cannot force him to fully undress. The search of the body is a measure that goes much further. This measure not only gives prison staff the permission to force an inmate to fully undress but even to inspect the cavities of his body externally without touching the body.*[20]

These new rules for strip searches were explicitly related to the concept of dynamic security (see above), as formulated in Article 105 of the Prison Act.

The deregulation of strip searches in Belgium

On 15 January 2007 Article 108 of the Prison Act came into force but it rapidly became the object of

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18. L. Dupont (1998). *Op weg naar een beginselenwet gevangeniswezen*. Leuven: Universitaire Pers Leuven, 224.
19. House of Representatives (2001). Final Report of the Commission 'Principles Act on the prison system and the legal position of detainees'. *Parliamentary Documents of the House of Representatives*. DOC 50 1076/001, 179 (translated from Dutch).
20. House of Representatives (2001). Final Report of the Commission 'Principles Act on the prison system and the legal position of detainees'. *Parliamentary Documents of the House of Representatives*. DOC 50 1076/001, 250 (translated from Dutch).

serious controversy. Indeed, notwithstanding the law's rationale to restrict the use of strip searches prisoners were still forced to strip naked as a standard procedure. On 19 February 2007 the prison administration sent a Collective Letter (n° 86) to all Belgian prisons in order to explain and clarify the new framework for executing strip searches. This Collective Letter introduced a distinction between three different searches of an inmate's clothes: a summary search, a thorough search, and a full search of the clothes. In the last case, that is, the full search of an inmate's clothes, prisoners were instructed to fully undress and to hand over their clothes to a prison officer. The prison officer, then, verified — by looking briefly at the naked body of the detainee — whether the inmate had handed over all his clothes and subsequently inspected his clothes. According to the prison administration there was no individual decision of the prison director required for such a procedure since it was, in its opinion, a search of the clothes and not a search of the body.[21]

This interpretation, however, provoked critical responses. A number of prisoners openly disagreed with these new procedures and objected that they violated Article 108. Because some prisoners were sanctioned by local prison governors for lack of cooperation with the safety procedures, they filed formal complaints with the Council of State in order to nullify such sanctions arguing that a legal basis was absent because the evidence that led to the disciplinary sanctions was obtained by means of searches that violated Article 108. Between 2007 and 2013 a substantial number of disciplinary sanctions were nullified by the Council of State. In line with the argumentation of the prisoners and their lawyers, the Council of State argued in a large number of cases that the prison administration's so-called 'full search of an inmate's clothes' was, in fact, a search of the body which required an individualized decision of the prison governor. This interpretation was also supported in a number of commentaries on judicial decisions by Belgian legal scholars.[22]

This situation proved to be annoying for the Minister of Justice and her prison administration. In April 2012 the Minister of Justice declared in the House of Representatives that she planned to revise the whole policy of strip searches. In the wake of a number of violent incidents in prisons and various strikes of prison officers throughout the country, she promised to amend the Prison Act of 12 January 2005 in order to make it possible for prison officers to strip search inmates without prior order from the prison governor. In February 2013 the Council of Ministers approved a draft law that would make the necessary adaptations to Article 108. In May 2013 the House of Representatives approved the new rules. On 16 September 2013 the law of 1 July 2013, which introduced a number of important changes to the policy of searches, came into force.

The new Article 108 no longer formulated the search of the inmate's body as an exceptional control measure that was only permitted after an individualized order by the prison governor. Rather, the search of the prisoner's body became standard procedure in three cases: upon entrance in the prison; prior to being detained in a safety or disciplinary cell; and after a visit at a table in the visiting room or after a conjugal visit. In these cases a separate order from the prison governor was no longer required. In a new Collective Letter (n° 125) of 6 September 2013 the prison administration explained that searches of the prisoner's body were permitted without order from the governor when an inmate had been in contact with persons that were not to be considered as prison staff.[23] It was hoped that this legal change would discourage inmates to challenge the strip searches before the Council of State since they were deprived of their ammunition to contest the now legalized practice of standard strip searches. Moreover, the government added an additional justification for making searches of the prisoner's body a standard procedure: it was not only necessary for security reasons but it also helps protecting vulnerable prisoners since they are often put under pressure to smuggle forbidden goods and substances into the prison.

Nonetheless, this legal reform aimed at rewinding the clock proved to be quite controversial. In its advice of 14 March 2013 the Council of State had already formulated serious objections to the draft law. In

> This interpretation, however, provoked critical responses. A number of prisoners openly disagreed with these new procedures and objected that they violated Article 108.

21.   Prison Administration (2007). *Collective Letter n° 86 of 19 February 2007*. Brussels: FOD Justitie.
22.   See, e.g., K. Hanoulle & F. Verbruggen (2009). 'Fouille'-arrest? Foei, arrest! Het schaamteloos uitkleden van (de rechten van) gedetineerden. *Nullum Crimen*, 208-211; P. De Hert (2011). Onderzoek van gevangeniskledij of fouillering op het lichaam? *Tijdschrift voor Strafrecht*, 80-83.
23.   Prison Administration (2013). *Collective Letter n° 125 of 6 September 2013*. Brussels: FOD Justitie.

particular the standardization of the search of the inmate's body, with no possibility to abstain from such a procedure when there is no threat for security, could possibly violate Article 3 of the European Convention of Human Rights, so the Council of State warned. Moreover, the Council of State was very critical about the paucity of the justification for the planned changes to the procedures: the government restricted her explanation to some vague notions about 'multiple problems' and the 'inefficiency' of existing procedures but failed to clarify clearly why the substantial changes were necessary. In addition, some Members of Parliament had objected that the new procedures would be detrimental to the philosophical foundations of the Prison Act and raised doubts about whether it would pass the test of Strasbourg.[24] Expressions of concern about the changes were also heard in other corners of Belgian society: in August 2013 a major Flemish newspaper published a critical article about the standardized strip searches on its cover page[25] and, one month later, the Belgian section of the *Observatoire International des Prisons* criticized the law of 1 July 2013 and warned, again, that the new policy would violate Article 3 of the European Convention of Human Rights.[26]

Against the background of the earlier post-2007 phase of prisoners' litigation against the rules as introduced by the prison administration (see above), it was to be expected that inmates and their lawyers would also challenge this new policy. And, indeed, on 12 September 2013, less than a week after the publication of the law of 1 July 2013 in the Belgian *Official Journal*, and just a couple of days before these rules entered into force, a former inmate who ran the risk of being returned to prison, filed a complaint with the Constitutional Court, arguing *inter alia* that the new policy violated Article 3 of the European Convention of European Rights. With its arrest of 30 October 2013 the Constitutional Court suspended the new rules relating to strip searches: it found that the automatic strip searches in the three cases mentioned in the reformulated Article 108, were not sufficiently justified on the basis of the behaviour of the detainee and, therefore, went beyond what is strictly necessary.[27]

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Shortly thereafter also the UN Committee Against Torture (CAT) joined the debate. Under the heading 'Full body searches' the CAT adopted the following concluding observations at its 1201st meeting, held on 18 November 2013, when it considered the third periodic report of Belgium:

> *The Committee is concerned about the amendments made to the Principles Act by the Act of 1 July 2013, which authorizes routine full body searches when a detainee has been in contact with the outside world. Although the Constitutional Court has ruled that the application of these measures should be suspended, the Committee is still concerned that they have not yet been repealed and could be implemented in the future... The Committee urges the State party to repeal the provisions of the Act of 1 July 2013 which authorize systematic body searches. The State party should ensure that body searches are conducted only in exceptional cases and by the least intrusive means possible, with full respect for the dignity of the person. The State party should take steps to adopt precise and strict instructions to restrict the use of body searches.[28]*

On 29 January 2014 the Constitutional Court, which had provisionally suspended the new rules related to strip searches in October 2013, repealed the relevant sections of Article 108, based on its earlier reasoning, that is, that systematic strip searches which are not being justified precisely with reference to an inmate's behaviour, are excessive measures of control.[29]

The repeal of the relevant passages of Article 108 may, at first sight, seem like a victory for those inmates (and their lawyers) who have fought a long battle over the admissability of strip searches in Belgian prisons. However, the story does not end here. The day after the decision of the Constitutional Court the prison administration issued a new Collective Letter (n° 126) of 30 January 2014 which intended to clarify the new rules on strip searches. In this Letter the prison administration introduced a new distinction, that is, between the so-

24. T. Daems (2013). De geest is uit de fles: wijzigingen titels V, VI en VII van de basiswet gevangeniswezen en rechtspositie van gedetineerden. *Panopticon*, 34(6), 513-522.
25. N. Van Hecke (2013). Harde kritiek op naaktfouilles. *De Standaard,* 12 August.
26. Observatoire International des Prisons (2013). *Notice de l'état du système carcéral belge.* Brussels: OIP – section belge, 56-57.
27. Constitutional Court (2013). Decision n° 143/2013 of 30 October 2013, para B.9.
28. Committee against Torture (2014). *Concluding observations on the third period report of Belgium.* CAT/C/BEL/CO/3, 5.
29. Constitutional Court (2014). Decision n° 20/2014 of 29 January 2014, para B13.

called 'one-off search of the inmate's body' on the one hand, and the 'recurrent search of the inmate's body' on the other. In the latter case, the prison governor can decide that an inmate's body has to be searched systematically, over a fixed period of time, on a number of occasions, as mentioned in the decision.[30]

Conclusion

Our reconstruction of the recent history of the regulation — and deregulation — of strip searches in Belgium demonstrates how the intended effects of legal reform aimed at restricting the use of strip searches have become neutralized by bureaucratic manoeuvres which intend to redefine what goes on when prisoners are forced to strip naked. This seems to be a classical case, then, of what Stan Cohen once referred to as interpretive denial:[31] since 2007, when Article 108 came into force, inmates (and their lawyers) and the prison authorities (and their lawyers) have disputed the meaning of what actually happens when inmates are being searched. The Collective Letter n° 86 of 19 February 2007 clearly intended to neutralize the innovative aspects of the Prison Act of 12 January 2005 and to prevent realizing its overall objective, that is, to restrict the use of strip searches. By introducing a new figure (the 'full search of an inmate's clothes'), which was neither mentioned in Article 108 nor in the Parliamentary preparatory documents, the prison administration circumvented the procedural barriers that the legislator had erected: it cleverly re-classified what it was doing and continued forcing prisoners to strip naked.

The large number of disputes that inmates brought before the Belgian courts since 2007 demonstrates how vigorously this interpretation came to be challenged — and partly with success. The government's attempt to stop prisoners' litigation by turning strip searches into a standard procedure via the law of 1 July 2013, backfired. The Constitutional Court re-instated the original wording of Article 108 and therefore endorsed the original objective of the Prison Act of 12 January 2005, that is, that strip searches should not be treated lightly. Nonetheless, as we have seen, the story does not end here. One day after the decision of the Constitutional Court the prison administration conjured up yet another creative manoeuvre by introducing the so-called 'recurrent search of the inmate's body' which is, arguably, again violating the original intentions of the legislator.

Framing the history of strip searches as a history of interpretive denial helps us better appreciate the limits of legal reform and top down (European) regulation of strip searches. Undoubtedly, some major progress has been made throughout Europe in terms of prisoners' rights. Moreover, the basic fact that rules that are written in law books can be challenged before the courts, is a major step forward, in particular in an area of social life that has for too long been literally closed off from legal regulation. Nonetheless, new rules and stricter regulations are no guarantee for practices to change or disappear. A focus on processes of denial demonstrates that, notwithstanding major legal reform, the same old practices can continue happening but that they are just named differently. Moreover, as the Belgian case demonstrates, such struggles to define reality can go on for many years with various twists at the level of discourse, but with little changes in the field.

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30. Prison Administration (2014). *Collective Letter n° 126 of 30 January 2014*. Brussels: FOD Justitie.
31. For more details on this application of Stanley Cohen's sociology of denial, see my original full-length chapter: T. Daems (2014). 'Ceci n'est pas une fouille à corps': The denial of strip searches in Belgian prisons. In: Deflem M. (Eds.), *Punishment and Incarceration: A Global Perspective (Series: Sociology of Crime, Law and Deviance, vol. 19)*. Bingley, UK: Emerald Group Publishing, 75-94.

Interview: Ian Bickers

***Ian Bickers** is the governor of HMP Wandsworth and was formerly the governor of HMP High Down. He is interviewed by **Dr Ben Crewe**, Deputy Director of the Prisons Research Centre at the University of Cambridge.*

Ian Bickers has recently been appointed Governor of HMP Wandsworth, one of the largest prisons in Western Europe, with a capacity of over 1800 prisoners. It is a local prison, holding men on remand, those recently sentenced, those serving short sentences or approaching release into the nearby area. He was formerly Governor of HMP High Down, also a local prison, which held up to 1100 men.

BC: Can you tell me a bit about your background before you joined the prison service?

IB: I joined the Prison Service twelve years ago, having worked in industry for 20 years. My career was split between nine years working in financial service sales, predominantly focused on corporate work dealing with company pension schemes and corporate financial planning. I then moved into the world of training and development, and built a career over eleven years. My last role before joining the Prison Service was as National and European Training and Development Manager at PC World.

BC: What was the attraction of the Prison Service?

IB: I left school at 16 with no qualifications, and in my early- to mid-thirties I started a psychology degree with the Open University, and decided that I wanted to use my psychology degree. Having researched it, I decided to peruse a career as a forensic psychologist, most of whom were employed the Prison Service. I contacted Woodhill, which was my local prison at the time, spoke to the senior psychologist there and went in and had a conversation with her. Her advice to me was join the Prison Service to see if you like it before you finish your degree and do my Master's. And so I made a transition into the Service as the Head of Learning and Skills, which was a non-operational senior management role, with a view that I'd do two years to see whether I liked it, and make a decision then about progressing to a Master's in forensic psychology. But my career path took me in a different route. That's how I made my way in to the Prison Service: it wasn't to be a prison governor at all, really, it was very much to be a forensic psychologist.

BC: So can you give me a very brief summary of your career in the service so far?

IB: I did nearly two years as a Head of Learning and Skills at HMP Bullingdon. During my last year in that role I won a place on the graduate scheme within NOMS, and so having won a place on that I spent time as a prison officer at HMP Woodhill. I then progressed into a senior officer post at Aylesbury where I then also did a stint as a principal officer. I moved from Aylesbury to Spring Hill where I spent nine months as the resettlement lead, then three months in Grendon as the head of security. From there, I moved back to Woodhill as the head of security and operations where I did about two and a half years. I was then selected to go and do a secondment at the Home Office dealing with serious organised crime, basically being a representative amongst the disciplinary team of the law enforcement agencies, which was a really interesting piece of work and put me at the centre of politics. From there, I left on promotion to be the deputy governor at Wandsworth, which I did for nearly three years, then went to High Down as the governor for two and a half years, and have just recently been appointed as the governor back at Wandsworth.

BC: How would you describe the role of the governor, and how does it differ from senior management roles in other organisations?

IB: I think the role of the governor has changed quite significantly over the last five years. When I first joined the service, governors were that very archetypal person that we think of as a prison governor, who was in control and responsible for everything. Over the last 12 years the world has changed significantly, where we are not just in charge of the prison, but also contract managers, relationship managers, and partners. Much of what we do now is prisons now is outsourced. So health and education are now all outsourced, and we do lots of contract management work that was never there before. I see the role of the Governor as much more of a CEO role now than it has ever been before: having to deal with a multidisciplinary team, which isn't just direct prison staff, it's partner agencies coming in and dealing with their issues and their concerns.

BC: What do you consider to be the main purposes of imprisonment?

IB: The loss of liberty is the punishment. What we do with people whilst they're in prison is to try to reduce the risk that they pose to the community when they go back out. I believe very strongly in reducing risk and rehabilitation, and I have a really strong focus around education and work provisions to try and provide prisoners with the skills that they need to be

able to go out and reduce that risk. For me it's very simple; if somebody is going to go out and commit a crime to pay their rent or to get their next load of drugs, then our job in prison is to try to make sure they're not in that position, by giving them the skills they need to move away from that life.

BC: What are the most important risks that you manage?

IB: Keeping people alive is an important risk that we manage, as well as maintaining safety. Making sure that prisoners are in the best possible position to remain safe, and not be subjected to violence or bullying, or intimidation. I think that reducing people's risks, as I said, to be able to put them in a better position to go out into the community. Reputationally we have risks to deal with as well, not just ours but our partners as well. So I suggest that probably most of what we do is about managing risk, but those two or three things will probably be the most significant things. Finally of course the whole principle of managing escape, and maintaining security.

BC: How much power do you feel that you have to shape the prison, and shape your management team?

IB: Our power has reduced quite significantly over the last 12 years that I've been in the service — especially if I think back to when I first joined. But it's incumbent upon me to use my influence, with the resources that we have, to get the best out of that. There is a lot of opportunity to think about how we use the system to better maximise outputs. So having people say to me, 'Oh, we can't do that because the rules say we can't, or can't do that because we haven't got the resources', as the governor, it is about trying to work out at a strategic level how we then develop our teams to better their skills, to be able to influence the outcomes that we might want to be able to achieve.

BC: So you still feel that you've got quite a lot of influence over what goes on in your establishment, all of those sorts of things?

IB: Absolutely, I've listened to colleagues who say they feel like they've had their power taken away over the years. I don't think that that is the case at all. We have centralised a lot of the Prison Service much more than we've ever done before, and we're much more accountable for things that we wouldn't have expected five years ago. So being measured on how

well we use our detailing system doesn't feel like a good outcome for prisoners, but is a good indicator of how we run our business. And I think that the mind shift that governors have had to go through has been quite significant, and many would see that as undermining their power. But, actually, the reality of it is, it's an opportunity to be better at the things that have a better outcome for prisoners.

BC: Does it change the sorts of skills that you need to do the job well?

IB: Absolutely. Because you have to be much more focused on being able to run your business, and I use that word very deliberately. You have to be skilful in how you deploy your resources to maximise outputs for prisoners. So, yes, absolutely you have to have a different skill set.

BC: What role do you have in shaping the experience of prisoners and what do you think are your most important mechanisms are for shaping their existence?

IB: It would be really easy just to be able to go and hide in an office, and pretend to be managing lots of important things like figures and budgets. The reality of it is shaping what we deliver to offenders is the key part of the job. The most obvious mechanisms for dealing with that are things around management information and data. But probably the most important way of being able to determine whether we're doing the right thing for prisoners is to go and ask them, and talk to them. So I spend quite a lot of time in the prison talking to people — predominantly prisoners — and finding out how staff are with them, what their issues and concerns are, how they feel that it is in the prison, and whether they getting the things they need. So we find out really obvious things like our systems for being able to distribute kit are failing, but nobody's told me that. So being able to bring that information back to the table is hugely important, and it has day-to-day outcomes for prisoners.

BC: Do you think prisons are places where people can change their lives for the better?

IB: Yes, absolutely.

BC: What's your role in influencing that?

IB: I have a very big focus on making sure that the environment that we create in the prison, and in all the roles that I've worked in, is as 'real-world' as possible. So that means giving prisoners responsibility for getting

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up, for going to work, for taking responsibility for reducing their own risks, helping them to understand what those risks are, and what they need to do moving forward. Creating an environment where people can engage in the world around them, and not be just passive within it, but to take an active participative role within it.

BC: Has the role of financial and performance management changed in your day-to-day role?

IB: Yes. Finances have become more centralised so the reality of it is, is that I don't manage finance at all now, really. Performance has changed: the things that we were being measured on ten years ago have changed quite significantly, so the role that we had ten years ago as governors probably was much more directly focused around outcomes for prisoners, whereas a lot of the measures that we have now are around the efficiency of our business. So where we were very focused on doing things like, for example, classroom activity and making sure we had bums on seats in classrooms, that's been replaced by measures of the efficiency of the education contract.

BC: What's your interpretation of that shift?

IB: The centralised control is about what the business wants us to do from an efficiency perspective, and we've seen much more of that in the last three or four years whilst we've been working within an austerity agenda. In many ways it has been a good thing — I know no one likes significant change, and we have had to work through that a lot much more recently. But change can take your key focus off your main business and, at the end of the day, my primary function, I believe, is to do the best I can by prisoners. To give them a safe and secure environment in which to live, and enable them to develop and flourish. If I were too focused on spreadsheets and budgets, and whether my detail system was as efficient as it could be, then that could take that focus away and I think that can be quite dangerous for governors — to be focussed that way, and not on outcomes for prisoners. There is a balance to strike and getting that right can sometimes be very challenging.

BC: How do you get staff to do what you want?

IB: It's about sharing a vision, talking about what I want to achieve for the prison, being very clear about what our outcomes have to be, and, again, that's very

focused around what we need to deliver by way of reducing risks for prisoners. It's been really interesting that over the last couple of weeks we've had to go through the process of filling out an HMIP action plan, which is backwards looking; if we just focus on that we won't be focusing on doing the right things for prisoners. So I am using HMIP expectations as an outcome — balancing the need for an action plan with doing the right things for prisoners. We are looking forward to those expectations and working back on what we need to do every day to maximise those outcomes for prisoners. For me, there's a bit about being very clear and sharing a vision with staff about what it is that we want to achieve, and then working as a team to deliver that to prisoners. And testing it out along the way: talking to staff, talking to prisoners and making sure we're doing the things that we've signed up to do.

BC: What's the right kind of relationship between frontline staff and managers, from your point of view?

IB: It is just as important as the relationship between staff and prisoners. So in the way that we would expect staff and prisoners to be interacting on a daily basis, talking to each other, sharing problems, finding solutions, the same principle applies between a management team and a staff group. It's been quite a while since I walked a landing as a prison officer or as an SO. I find that by talking to staff they know the answers to the problems that we've got. It's about having that same sort of dialogue up and down the chain to make sure that they are able to help us solve the problems that we have. So having been at Wandsworth now for nine weeks, one of the things that we have fundamentally changed is having managers visible throughout the day at key times: free-flow in the morning, or when food is being served, for example. Because we know they're our volatile times, and we have seen our incidents reduce over that period as a result. So that visibility provides support to staff, it enables managers to challenge prisoners and their behaviour, discuss issues with staff, and also to work with staff around certain expectations about order and control for example.

BC: Can you tell me about the relationships that you have with other organisations, and with the local community?

IB: Manchester College provide our education provision, and there is a consortium of providers that provide health for us at Wandsworth. They are our

> For me, there's a bit about being very clear and sharing a vision with staff about what it is that we want to achieve, and then working as a team to deliver that to prisoners.

biggest providers and along with other contracted services they make about a quarter of our staff group in total. We have much smaller organisations that come and help work with us to give advice and guidance to prisoners, so the Samaritans and Citizens' Advice Bureau are key players in what we do, and we work very hard to ensure they understand our vision. Our outward facing in to the local community is delivered by a very proactive chaplaincy department who work with a lot of volunteers that come in from various community organisations. It's been really interesting, since my arrival back at Wandsworth, we've engaged with the borough council to the point where we have the mayor in the prison probably on a weekly basis, who's actively involved in what we're doing as part of her community. And through her we're hoping to start to do a lot of work in a much wider community, with schools and other voluntary sector organisations as well. So I hope that that will get better as we progress.

BC: Can you tell me a little bit more about the most important changes that have occurred in prisons and to prisons in your time in the service?

IB: The two things that have happened that are most significant are the introduction of Fair and Sustainable, and benchmarking, which, as we know, has reduced the amount of staff that we have within prisons. And those two things have fundamentally challenged the way that we work in prisons and, in many ways, the attitudes around prisons. And although there aren't many people around who are now pre-Fresh Start, I suspect that this will be that once in a generation shift, like Fresh Start was in the eighties that will have moved the Prison Service forwards to a point where it is now able to deliver much more clearly with much more transparency.

BC: Do you think if you're a prisoner that being in Wandsworth now is better than it would have been 12 years ago, or being in High Down now is better than it would have been 12 years ago?

IB: Prisoners report that it isn't. They report that they spend more time behind their cell doors. They report that there is more attempt at order and control, because there are fewer staff around. From talking to prisoners, they absolutely get the transition to Fair and Sustainable, and didn't feel that one, but benchmarking, yes, they did feel it. And the tag of 'new ways of working', basically, has meant that prison officers do their jobs differently. Having said that, the conversations I have with prisoners

> My staff group also is very diverse and that helps enormously in being able to break down a whole lot of barriers and I think we do that work very well as a result.

on a regular basis are that if they are engaging with work, and they're engaging in a way that is positive, which is what benchmarking is all about, then they are no worse off, but it's persuading them to do that.

BC: Can you tell me something about the relationship between your world at establishment level, and what's going on above you? So by that I mean do you feel in tune with the values and direction of the Service, and are you proud to be part of the service?

IB: I'm very proud to be a prison governor, and it's one of those things that I'm very keen to share with people, that I'm proud to be part of an organisation that delivers the public service that we do. Right now the business is going through a fairly significant shift and so I do think that there is a disjoint between what people are doing at headquarters, and how that feels at an establishment level. Of course politics also has its part to play and sometimes you can see that as a Governor. But does that stop us doing our job? Not at all. I know what needs to be done, I understand the vision that is being shared and I can interpret that and get on and deliver it.

BC: What significance do race and gender have in your working life?

IB: Working in an inner-London prison, a huge one. When I left the prison on Friday, half of my population was foreign national — that's half of an overall population of 1,635. English is not the first language for the majority of my prisoners. Gender is also important, we are dealing with more openly transgendered prisoners than we have ever done before and we also have the issues of gay and bisexual prisoners who want a voice in prisons but find it difficult to establish a proper foothold to be as open as the rest of society and we have to balance that very carefully. My staff group also is very diverse and that helps enormously in being able to break down a whole lot of barriers and I think we do that work very well as a result.

As far as staffing is concerned, my staff group is split roughly 35 per cent female, 65 per cent male. I've always been a huge advocate of what women in the prison service do, and how they deal with men which is very different from the way that male staff do. What disappoints me is the fact that socially some people think it's acceptable now to hit a woman; prisoners hitting a female prison officer, which is a significant shift in my 12 years in the Service. In my career, I have seen other prisoners standing in front of a prisoner that was going

to assault a female member of staff to prevent it happening, and you don't see that so much now. Potentially might scare women out of our organisation, but the women that work within it are hugely impressive, not just because of the tenacity of the way they do their job, but because of the skills that they bring with them.

BC: Do you think much about the links between imprisonment and social exclusion, or social disadvantage?

IB: Yes, what's really interesting is that we have put on the agenda 'care leavers' because there's a political priority now about care leavers. We also have the issues of ex-service men in prisoners and the work we do with them. Whether it's social exclusion or the deprivation of specific groups: care leavers, ex-military, those that left school or were excluded from school all having specific issues. I would prefer not to label people, and what I'd much rather do is see the individual for their individual needs. That becomes a challenge when you're dealing with 1,635 men every day, because in ways you have to do that, but, actually, everybody's got individual needs. Some of the people we are dealing with probably wouldn't win the local citizen of the year competition in their local town. So, simply by the fact that people find themselves in prison, we're dealing with socially excluded and vulnerable people and it's our responsibility to do the best we can by them.

BC: How do you view the way politicians and the media, popular media talk about imprisonment?

IB: It frustrates me because the media just portray the negative work that we do and not the positive. I will always try to do the best I can to try and portray the work that we do in prisons in a positive way, and will always take the opportunity, if I can, to directly talk to the media. Politicians? As a civil servant I shouldn't really have a view on that! I think society has a really poor view of the way that we collectively look after prisoners, and what prisons do for them. So they are only ever going to have that negative perception and that is driven by politics. One problem is that Ministers are generally only there for a short period of time. Sometimes, we've only just bedded in the last set of changes and we're asked to do something different, and that can be very challenging.

BC: What are the achievements that you think best reflect your particular approach to managing prisons, and can you describe your work at its best?

IB: My best achievement over the last three years has been my last HMIP inspection report at High Down. Given everything that has happened, in terms of changes in our organisation, including reduced resources, we had a very good HMIP report that reflected good staff/prisoner relationships, good levels of decency and good levels of safety. And I think that that is a real testament to our SMT and staff group there and the way we worked with our partners. Importantly, although we knew what the expectations were we did not use them as our primary focus we worked at doing the right thing for the prisoners in our care. And by doing that, we created an environment where people were able to grow and develop, and where safety and decency were high on the agenda. And that was recognised by HMIP. I think that would demonstrate my work was at its best.

Governing the governors?

The impact of New Public Management on Belgian prison governors' leadership

*Philippe Kennes is a research and teaching assistant at the research group Crime and Society, Research line Penality and Society of the Vrije Universiteit Brussel and **Rudy Van De Voorde** is a former prison governor and currently working at the Belgian Prison Service as program manager (Public Private Partnership).*

Introduction

Notwithstanding the considerable academic interest in prisons, little is known about the people who govern these institutions.[1] Though, *prison governors*[2] are seen as key actors who have a considerable impact on prison life and 'set the tone of an establishment'.[3] In Belgium, this topic remains largely unexplored.[4] Given the dynamic nature of prisons subject to continuous change,[5] one can assume that the function of the prison governor and the way he or she governs prison, has changed. Belgian prisons are subjected to several societal and penal changes such as growing and changing prison populations leading to overcrowding since the 1980s and causing more tensions for staff and prisoners;[6] a shift from authoritarian to post-authoritarian prisons with more horizontal oriented relations between staff and prisoners and a greater emphasis on dynamic security;[7] an increasing regulation of prison praxis, including the recognition of prisoners' rights and more precisely the (partial) implementation of an internal and external legal position of prisoners[8] along with several administrative rules; the changing influence of staff unions on prison management;[9] a humanisation of prison regime from 1975 onwards, and contacts with the outside world were fostered and led to the introduction of external services;[10] increasing 'psychological power' and importance of psychological expertise;[11] an increasing influence of the media and public opinion; a wave of managerialism which has affected several criminal justice agencies and changed their orientation, value base and ways of working,[12] etc. However quite a lot is written about the impact of managerialism on various criminal justice organizations, very little has been done to assess its impact on the deliverers of criminal justice.[13] In this article we will elaborate the implementation of managerialist techniques in the Belgian Prison Service and more precisely its impact on Belgian prison governors' leadership. After a brief explanation of the concepts management and leadership, we will have a closer look at its implementation in the public administration in Belgium.

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1. A. Coyle, 'Change management in prisons' in J. Bennett, B. Crewe, A. Wahidin (eds.), *Understanding Prison Staff*, Cullompton, Willan Publishing, 2008, 231.
2. Prison governor: A public servant who is entitled with the local government of an (entire) prison or a prison department. (Based on article 2, 13° Belgian Prison Act 2005: "De ambtenaar die belast is met het lokaal bestuur van een gevangenis of een afdeling ervan").
3. S. Snacken, 'Forms of violence and regimes in prison: Report of research in Belgian prisons' in A. Liebling & S. Maruna (eds.), *The effects of imprisonment*, Cullompton, Willan Publishing, 2005, 335.
4. P. Kennes, 'De gevangenisdirecteur in zijn zoektocht naar orde in de gevangenis', *Fatik: Tijdschrift voor Strafbeleid en Gevangeniswezen* 2010, 28(1), 13-22; S. Snacken, 'Réaction' in P. Mary (ed.), *Le système pénal en Belgique: Bilan critique des connaissances*, Bruxelles, Bruylant, 2002, 241-252.
5. A. Coyle,, see fn.1., 238.
6. S. Snacken, 'Penal Policy and Practice in Belgium' in Tonry, M. (ed.). *Crime, punishment, and politics in comparative perspective*, Chicago, The University of Chicago Press, 2007, 145-148.
7. D. van Zyl Smit & S. Snacken, *Principles of European Prison Law and Policy*, Oxford, Oxford University Press, 2009, 263-267.
8. See Prison Act of 2005 and Act on the External Legal Position of Prisoners of 2006.
9. T. Daems, 'Editoriaal: De ene staking is de andere niet: over (de gevolgen van) syndicale acties in de Belgische gevangenissen', *Fatik: Tijdschrift voor Strafbeleid en Gevangeniswezen* 2011, 29(2), 3-4.
10. H. Tournel & S. Snacken, *Vorming, opleiding en arbeidstoeleiding in zeven Vlaamse gevangenissen*, Brussel, Koning Boudewijnstichting, 2009, 86; A. Hellemans, I. Aertsen & J. Goethals, *Externe evaluatie Strategisch Plan Hulp- en dienstverlening aan gedetineerden*. Leuven, KULeuven, 2008, 109.
11. B. Claes, *Herstel en detentie: een etnografisch onderzoek in de gevangenis van Leuven-Centraal*, Brussel, VUB, 2012, 449 p.
12. R. Van De Voorde & R. Bas, 'Gevangenismanagement voor dummies', *Panopticon: Tijdschrift voor strafrecht, criminologie en forensisch welzijnswerk* 2011, afl. 4, 42-47; J. Raine en M. Willson, 'Beyond Managerialism in Criminal Justice', *The Howard Journal* 1997, 36, afl. 1, 94.
13. L. Cheliotis, 'Penal managerialism from within: Implications for theory and research', *International Journal of Law and Psychiatry* 2006, 29, 398; A. Liebling, *Prisons and their Moral Performance: A Study of Values, Quality, and Prison Life*. Oxford, Oxford University Press, 378.

Management, leadership and managerialism

Aware of the interconnectivity between both concepts, leadership can be described as 'the ability to influence a group toward the achievement of a vision or set of goals' while management refers to 'implementing the vision and strategy provided by leaders, coordinating and staffing the organization, and handling day-to-day problems'.[14] In this article, we will focus on the prison governors' role in creating an operational plan. This plan reflects partly, as we will explain later, the leadership task of the prison governor.

While scholarship on leadership is vast, literature on correctional leadership remains very thin.[15] According to Jacobs and Olitsky professional correction leadership is the key to establishing humane prisons. Intelligent, competent and inspiring prison leadership is crucial in order to create constructive prison environments and operations.[16] Given the changing context mentioned above, governors have to provide leadership[17] and have to manage the interface between several stakeholders (prisoners, prison officers, central administration, psychosocial service, external services, etc.), creating a working balance of the various forces operating in their prisons. Jailcrafting or influencing the 'softer elements of a prison such as culture, emotions, tensions, expectations' is crucial in order to regulate its daily operation.[18] Administration (or the operational work of executive government),[19] management and leadership are thus three related concepts and overlap in terms of their scope. However appealing, there is no simple linear history in which 'administration' has led to 'management' and, in turn, has led to 'leadership'. The ways in which these terms are used is a matter of debate and do not need to be mutually exclusive: public managers operate in some ways as administrators, in some ways as managers and in some ways as leaders.[20]

We also need to make a clear distinction between the concept of management (what prison governors always had to do over time) and 'managerialism' which 'encompasses a pragmatic, technologically-supported, and quantification-oriented political construction that has subjected the police, courts, probation, and prisons to a regime of efficiency and value-for-money, performance targets and auditing, quality of service and consumer responsiveness'.[21] The concept of managerialism can also be connected with the well-known concept of 'New Penology'.[22] More precisely, it can be seen as a development which helps to give rise to the New Penology or as Liebling puts it: 'a paradigm shift in criminal justice away from a concern for individuals, and from notions of guilt and reform, towards the identification, classification and management of unruly and dangerous groups'.[23] According to penologists, managerialism and its increasing hierarchical division of labour (one of the managerialistic forces Cheliotis identifies) in prison policy, confines 'professionals to narrow sets of formal tasks' and prevents them 'from gaining full comprehension of the overall strategy and the ultimate goals of the organization'.[24] Day-to-day practice has been standardized and subjected to greater managerial

> Intelligent, competent and inspiring prison leadership is crucial in order to create constructive prison environments and operations.

14. S. Robbins en T. Judge, *Organizational behavior*. Upper Saddle River, Prentice Hall, 2007, 402.
15. J.B. Jacobs & E. Olitsky, 'Leadership & Correctional Reform', *Pace Law Review* 2004, 24(1), 477-496.
16. For examples of prison leaders who made a difference throughout prison history, at least for a time, we can refer to *Stateville: The Penitentiairy in Mass Society* of Jacobs (see e.g. the role of governor Ragen in Texas); J. Jacobs, *Stateville: The Penitentiary in Mass Society*, Chicago, The University of Chicago Press, 1977, 300 p.
17. A. Coyle, see fn.1, 238-244.
18. S. Bryans, 'Prison governors: new public managers?' in J. Bennett, B. Crewe & A. Wahidin (Eds.), *Understanding Prison Staff*, Cullompton, Willan Publishing, 2008, 226.
19. C. Hood, 'Public Management: The Word, the Movement, the Science' in E. Ferlie, L. Lynn & C. Pollitt (Eds.), *The Oxford Handbook of Public Management*, Oxford, Oxford University Press, 2007, 9.
20. O. Hughes, 'Leadership in a Managerial Context' in R. Koch & J. Dixon (Eds.), *Public Governance and Leadership*, Gabler Edition Wissenschaft, Wiesbaden, 2007, 321.
21. I. Loader & R. Sparks, 'Contemporary Landscapes of Crime, Order, And Control: Governance, Risk, and Globalization' in M. Maguire, R. Morgan & R. Reiner (Eds.), *The Oxford Handbook of Criminology*, Oxford, Oxford University Press, 2002, 88.
22. M. Feeley & J. Simon, 'The New Penology: Notes on the Emerging Strategy of Corrections and Its Implications', *Criminology* 1994, 30, 449-474.
23. A. Liebling, 'Governmentality and Governing Corrections: Do Senior Managers Resist?' in L. Cheliotis (Ed.), *Roots, Rites and Sites of Resistance: The Banality of Good*, New York, Palgrave MacMillan, 221.
24. L. Cheliotis, 'Resisting the scourge of managerialism: on the uses of discretion in late-modern prisons' in J. Bennett, B. Crewe & A. Wahidin (eds), *Understanding Prison Staff*, Cullompton, Willan Publishing, 2008, 249.

control by the use of 'government-at-a-distance'[25] techniques such as budgetary limits, guidelines, etc. Consequently, central authorities exert broad control over decision-making. However, there is still space for the exercise of localized judgment on the part of individual professionals.[26] As Cheliotis indicates, we have to be aware of the risk of portraying this evolution with greater internal unity than may appear in empirical reality. We need to take the role of human agency in the implementation of criminal justice policy into account. Prison governors may only work consistent with their preferences and values, and may thus hamper managerialist reforms through a wide variety or ways, such as manipulating bureaucratic structures and exercising considerable degrees of discretion outside the immediate gaze of their superiors.[27] We define discretion as 'the way in which individuals and/or groups of officials use their own judgment within a given situation, to take action or not'.[28] Following Gelsthorpe and Padfield, we acknowledge the possibility of an official, organisation or individual to decide, discern of determine to make a judgment and decision, about alternative courses of action or inaction.[29] Further, we also have to be aware of the positive aspects of managerialism. With regard to Belgium, we will give a very brief overview of some important benchmarks which have influenced the prison praxis of prison governors.

Managerialism in Belgium?

During the post-world war II — period, the Belgian prison governor gained a considerable amount of discretionary power to shape prison life certainly after the introduction of the Royal Decree of 1965. This period can be characterized by a low level of bureaucratic accountability and managerial control by the central administration resulting in a large variety of local policies and prison cultures.[30] Until 2000, several (managerialistic) initatives were *ad hoc*, not always coherent and lacked an overall strategy. The major reforms started in 1999-2000. A new government launched a plan to modernize the federal administration. This so called 'Copernicus plan' was strongly influenced by the New Public Management discourse and intended to convert the federal administration from a closed, rigid bureaucracy into a modern, customer-oriented organization with the citizen at its centre (instead of the administration). The central catalysts for this Copernican change were to be (1) the radical revision of the organizational structure, (2) a new organizational culture, (3) new 'work methods' and (4) the introduction of a modern human resources (HR) policy.[31] However, these reforms were often perceived as fundamental and drastic followed by a difficult period of internal constraints, civil service reform has arrived on the agenda. Since this reform many initiatives have taken place such as the restructuring of the ministries, the appointment of new top managers and leading officials, implementation of business process re-engineering (BPR) on the level of the organization, strategic plans, new budget and control system, new evaluation procedures, internal audits, etc.[32]

At the level of the Belgian Prison Service, several processes were monitored and changed, the organizational structure was changed, management and operational plans were implemented, etc. The emphasis on 'integral management' has also led to more responsibilities for local prison governors. This concept assigns a strategic role for the central direction (Director-General), a tactic and operational role for area managers and operational competences for (local) prison governors. According to Bas and Van De Voorde, this can be remarked as a positive

> This period can be characterized by a low level of bureaucratic accountability and managerial control by the central administration resulting in a large variety of local policies and prison cultures.

25. D. Garland, 'Governmentality and the problem of crime: Foucault, criminology, sociology' in E. McLaughlin, J. Muncie & G. Hughes (Eds.), *Criminological Perspectives: Essential Readings*, London, Sage Publications, 2003, 461.
26. A. Liebling, *Prisons and their Moral Performance: A Study of Values, Quality, and Prison Life.* Oxford, Oxford University Press, 375-430; S. Bryans (2008) see fn18, 221.
27. L. Cheliotis, see fn. 24, 248.
28. L. Gelsthorpe & N. Padfield (Eds.) *Exercising discretion: decision-making in the criminal justice system and beyond*, Cullompton, Willan Publishing, 2003, 3.
29. L. Gelsthorpe & N. Padfield, see fn. 28.
30. E. Maes, *Van gevangenisstraf naar vrijheidsstraf: 200 jaar Belgisch gevangeniswezen*, Antwerpen, Maklu, 2009, 1088-1094.
31. C. Pollitt & G. Bouckaert, *Public management reform: A comparative analysis*, Oxford, Oxford University Press, 2004, 219.
32. Ibid.

evolution. Prison governors gained more responsibilities for the management of prisoners, staff, budget, ICT and logistics in order to achieve organizational goals.[33]

Nonetheless we can identify a greater managerial control from above by the use of budgetary limits and several guidelines. In a certain way, this can also be seen as an increasing hierarchical division of labour. The basic operational responsibilities flow downwards to numerous officials: from the Director-General to the Area Manager, local prison governors and lower-level managers and officers. Moreover, in Belgium, a lot of external services are active in local prisons. Due to the federalisation a lot of these services do not operate under the authority of the prison governor. Consequently, it becomes very difficult for prison governors to manage the interface between several stakeholders. In the following sections we will discuss this apparently hierarchical division of labour and the role of the central administration and area managers in relation to prison governors.

The strategic role of the Director-General

Because of the modernisation of the public administration, each Director-General has to develop its own mission statement and accessory strategic goals. These strategic goals need to be translated in operational goals which in turn has to be implemented in local prisons.[34] During his fist mandate, the Director-General of the central administration has defined several priorities: the implementation of the legal framework, an adapted governance model, optimisation of the management of prisoners and resources, investments in general resources, the introduction of modern management techniques such as operational plans, Balanced Scorecards (BSC),[35] project management and Business Process Management (BPM).

> …it becomes very difficult for prison governors to manage the interface between several stakeholders.

During his second term five strategic themes were prioritised: relationships;[36] internal rules,[37] transparent core processes,[38] investing in opportunities to work for prisoners[39] and proactive staff management. Prisoner governors had to develop their own operational goals which fit these themes. However, no general indicators were defined by the central administration in order to achieve these goals. Governors had the ability to develop indicators by themselves in accordance with the legal framework.[40]

The operational plan of the governing governor

As mentioned above, prison governors have to translate the strategic vision statement of the Director-General to operational goals. These goals are defined and written down in an operational plan. Each governing governor has to make an operational plan every two years. The first part of this plan consists of a SWOT-analysis of their prison. Based on the results of this analysis, governors have to develop projects and achieve goals in order to improve the quality of services. These goals need to fit the strategic themes, which the Director-General has defined. This 'strategic card' is built upon four perspectives:

❑ Customers: dynamic life, classification and differentiation of prisoners/prison sentences, integral criminal justice and image-forming;
❑ Processes: implementation and regulations, harmonized processes, risk management, policy and participation;
❑ Resources: proactive human resources policy, delocalised resources management; adapted infrastructure and business intelligence;
❑ Innovation: permanent development, partnerships and using technological renovation.

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33. R. Bas en R. Van De Voorde, 'De modernisering van de Belgische Federale Overheidsdiensten en de impact ervan op de organisatie en de werking van het gevangeniswezen onderzocht aan de hand van een vergelijkende gevalstudie over de rol van de regionale directie', *Fatik:Tijdschrift voor Strafbeleid en Gevangeniswezen* 2006, afl.12, 20-21.
34. The chairman of the Board of directors of the Federal Administration defines the general mission, vision and translation in ten strategic themes which Directors-General have to take into account over a period of six years. (Cf. Managementplan 2013-2019 FOD Justitie, http://justitie.belgium.be/nl/binaries/20131023_MPM_2013-2019_N_tcm265-235562.pdf.).
35. This tool allows prison governors to translate operational goals into concrete and measurable parameters. (Cf. R. Van De Voorde en R. Bas, see n.12, 44).
36. Relationships based on dialogue, respect and a dynamic interaction between different actors, building the necessary consultative bodies and stimulating interactions between prisoners and staff in order to achieve secure prisons.
37. Following the internal rules consistently and an evaluation on a regular basis.
38. Transparency and optimization of processes. Core processes refer to: Reception and information, control and searches, technological security, activities, employment, release, etc.
39. Expanding opportunities to work for prisoners as much as possible.
40. H. Meurisse, De strategische opties van EPI voor 2010-2015, internal document.

The governor has to define operational goals which cover these different domains and strategic goals. For example, each governor can create a communication plan, using a standardized method in order to implement new regulations. This plan can be linked to the perspective 'process' and the strategic goal 'implementation and rules'. Furthermore, this fits the perspective 'clients' and the strategic goal 'image-forming'. As mentioned earlier, the BSC allows the governor to develop concrete and measurable parameters in order to evaluate the progress of these organizational goals.

Quo vadis? The lack of moral language

Given the emphasis on the concept of 'integral management' (cf. *supra*), the area managers have to provide tactical and operational control. However, throughout the years their role was rather limited to the distribution of information from local prison governors towards the central administration. According to several governors area managers have no clear additional value. After a BPR area managers received several additional responsibilities such as strategic guidance in accordance with the strategy of the Director-General, a more active role in policy implementation in prisons, risk management, coordination and communication. During his second term, the Director-General wants to involve local prison governors in policy making, give them more responsibilities and more explicit leadership from the area managers.[41]

Currently the central administration supervises the (implementation of) operational plans of local prison governors. We notice a lack of what Liebling and Crewe call 'moral language' and a shift from management to measurement, one of the defining characteristics of managerialism.[42] Instead, economic rationalism prevails. A shift has taken place from a rather organic, intuitive management towards a self-legitimating management with an emphasis on quantification. Resource and process management has been prioritized over humane aspects of imprisonment. Given the (partial)

implementation of the Belgian Prison Act of 2005, an important role is currently given to the Legal Service (under the authority of the Director-General) to further interpret or explain basis principles and legal rules. Some prison governors ask their selves if the introduction of management techniques has contributed to a more effective and efficient detention. Not only has a governor do the things right, he also need to do the right things.[43]

Operational plans may have their advantages (higher transparency, awareness of processes and development of the organization) and provide the tools to manage prisons, it does not necessarily lead to a higher quality of prison life. Given the lack of an overall substantive perspective on imprisonment, it becomes very difficult to judge these operational plans. Consequently, local prison governors have a significant space for decision-making in defining projects and the development of parameters. Their prison can make organizational progress (in theory) while the organization is evaluating in a rather negative way (in reality). Outputs are difficult to measure and outcomes are more likely to be used albeit with considerable caution due to possible attribution problems. In this context we can refer to the term 'gaming' or a strategic reaction of — in this case — individuals to the use of measures. It entails the manipulation of the selected measures. In this case, the operations remain the same but its representation by means of the indicators is deliberately skewed resulting in a loss of the quality of the data.[44]

> A shift has taken place from a rather organic, intuitive management towards a self-legitimating management with an emphasis on quantification.

Concluding remarks

In this article we wanted to scrutinize the impact of New Public Management on leadership tasks of Belgian prison governors. An illustration of the managerialist techniques which were implemented is the operational plan or the policy plan of a local prison. Each governor has to translate the strategic vision of the central administration into operational goals for his or her prison. In this sense we can remark a higher managerial

41. H. Meurisse, Managementplan 2012-2018, 30.
42. A. Liebling & B. Crewe, 'Prisons beyond the New Penology: The Shifting Moral Foundations of Prison Management' in J. Simon & R. Sparks (Eds.), *The SAGE Handbook of Punishment and Society,* London, Sage Publications, 2013, 292.
43. R. Van De Voorde en R. Bas, see n.12, 42.
44. W. Van Dooren, N. Manning, J. malinska, D-J Kraan, M. Sterck & G. Bouckaert, *Issues in output measurment for 'Government at a Glance': OECD GOV Technical Paper* 2,OECD, 26.

control from above, one of the managerialistic forces identified by international scholars. This however didn't imply a severe limitation of governors' discretionary powers. Not only is there a lack of close supervision on the implementation process by the area managers, there is general lack of a substantive detention model about what imprisonment should be which organizational model would be preferable. Consequently, the central administration needs to play a more significant role in defining a such a detention model and reflect about how the core tasks of the Prison Service have to be fulfilled in accordance with the internal and external legal position of prisoners.

The lack of 'moral language' is probably related to another 'managerial force'. More precisely, 'the breeding of a new, up-and-coming generation of blasé professionals' as Cheliotis indicated for the United Kingdom. A younger generation of governors, more familiar with the culture of performance management, quickly climbs the ladder of the organisation hierarchy and outranks the older generation along with the undermining of the progressive ideology of the past.[45] In Belgium, the selection criteria of governors changed over time. Where governors initially grew through the internal hierarchy (i.e. as a prison officer or clerk), academics with a human sciences degree were allowed to apply, leading to a whole generation of criminological trained governors. Recently, candidates with any other university degree can postulate.[46] Junior positions are consequently more and more taken by candidates with another degree. This does not have to be problematic nor imply that all criminologists adhere to a progressive ideology. The Director-General for example is a criminologist but also a strong believer of a managerialistic approach. Nonetheless he can be clearly distinguished from the older more progressive generation.

Creating an operational plan is of course not the only illustration of prison governors' leadership. As we already mentioned at the beginning, the way prisons are managed is connected to the leadership style of governors. Policy implementation largely depends on management capacities of prison governors. For example, Belgian prison governors can define the functional implementation of several staff positions in their prison On the other hand governors have no impact on the number and selection of staff which brings us to all sorts of contextual factors which influence the possibility of the prison governor's policy making capability, for example the prisoner population, infrastructure, budget, industrial relations and other structural and organizational cultural factors.

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45. L. Cheliotis, see fn. 24, 250.
46. S. Christiaensen, 'Klassieke en hedendaagse beroepen en functies in de strafuitvoering' in D. Heirbaut, X. Rousseaux & K. Velle (Eds.), *Politieke en sociale geschiedenis van justitie in België van 1830 tot heden,* Brussel, die Keure, 2004, 326.

Reviews

Both of these books are concerned with staff working in the criminal justice system. It has been argued previously that it is important to explore the working lives of these actors for three predominant reasons.[1] The first is that they carry out an essential state function that has a human impact on those who are imprisoned; it is important to understand their effects. The second is that they are a distinct occupational group who experience particular pressures, stresses and tensions; it is important to understand the effects upon them. The third is that studying the work of prison managers can illuminate wider social issues including power, order, inequality and resistance as they are manifested in the contemporary prison. These books are also both concerned with instrumental effects; how they can develop and improve practice.

Despite these similarities, the books adopt significantly different strategies and as a result speak to different audiences and with different purposes. Stohr and Collins start from the premise that it is possible to discern 'best practices', or:

> '…better ways of doing things, in criminal justice management. These 'better ways' are more likely to yield desirable outcomes, such as safety and security for the public, the staff, and the clientele of the agencies, a skilled and involved staff, and, on balance, an enriching experience for all' (p.2).

As such, they make claims to have uncovered a prescription for 'effective management'. The book is primarily aimed at American prison managers. The works cited in the book are predominantly from the USA and draw heavily upon standard foundation texts in management studies. To a UK audience there are obvious omissions from the rich and growing sociology of prison staff that has emerged over recent years, including the work of Alison Liebling, Ben Crewe, and Elaine Crawley, as well as important contributions by former practitioners including Andrew Coyle, Shane Bryans and David Wilson. The format and style of the book is intended to be accessible, using highlighted boxes to draw upon specific practical examples and experiences as well as academic works.

In contrast, Durnescu and Mcneill offer a more diverse and less narrowly constrained work. They draw from prisons and probation and across a range of nations including, USA, UK, Europe and Japan. Intellectually, they are also more engaged with the sociology of work and criminal justice. They intend to go underneath organisational statements and intentions, in order to discover the reality of the front-facing experience and how this illuminates broader criminological concerns. As the editors describe:

> ' …we cannot seriously engage with the evaluative question: 'What Works?' without also engaging with the critical and comparative questions 'What exactly is going on here and why is it like that [here]?', and the explanatory question 'How exactly are these relations between penal practitioners and penal subjects constituted, constructed and experienced?" (p.5)

They are therefore engaged not with a top-down prescription of what is intended, but instead a bottom-up exploration of penal practice as street craft, a place where macro-issues of power and ideology intersect with occupational cultures and individual agency.

These two books are therefore fundamentally different not only in their style, scope and intellectual foundations but also in their politics. Stohr and Collins's work promotes dominant, hegemonic ideas about management and organisational control. For them, the idea of the heroic leader and total control from above are propagated. They focus on the techniques of managerialism including the deployment of organisational systems for monitoring, control and governing the subjectivity of employees through the use of human resource management techniques. Such approaches far from offering ideal prescriptions are highly contestable. Their stated perspective that imprisonment can be 'an enriching experience for all' is also highly controversial, and it could be argued legitimises prisons and masks the painfulness of the carceral experience. Durnescu and Mcneill's book is far less simplistic, exposing

1. Crewe, B., Bennett, J. and Wahidin, A. (2008) *Introduction* in Bennett, J., Crewe, B. and Wahidin, A. (eds) *Understanding Prison Staff* Cullompton: Willan p.1-13.

the complexity, messiness and contradictions of penal practice. Their collection brings to life how penal practice is a field struggle with practitioners having to balance and make sense of a number of competing pressures. The tide of globalisation does wash in, bringing with it concern with risk and uncertainty, punitive sensibilities and capitalist commercial practices including managerialism. However, practitioners also draw upon their own personal values and the long-standing features of their occupational cultures. As a result, there is not uniform practice across organisations or nations but instead there remains a place for localism and for individual agency. They also recognise the limitations and contradictions of imprisonment, how it is entangled within wider power structures, and the challenges of trying to do good in an institution founded upon pain and punishment.

The focus on practitioners in these two books is to be warmly welcomed as indeed is the fact that there are divergent approaches and perspectives. However, readers are cautioned to be alert to the political payloads being carried.

Dr Jamie Bennett is Governor of HMP Grendon and Springhill.

Book Review
Delivering Rehabilitation:
The politics, governance and
control of probation.
By Lol Burke and Steve Collett
Publisher: Routledge
ISBN: 978-0-415-54038-4
Price: £26.99

This book has been published at a time when the probation service is going through the most turbulent period since its inception. The creation of Community Rehabilitation Companies to take on the supervision in the

community of low and medium risk offenders and the welcome addition of supervision for those on short sentences, is complicated by the contracting out of large portions of the original probation service. Only those that pose the highest risk remain under the supervision of the directly employed, public sector (now national) probation service. The media attention, headlines and discussion on social media continues and the timing of this book is not lost on the authors. In fact it appears to have spurred on a project that they were looking to complete for some time.

The authors are Lol Burke, who is a Senior Lecture in Criminal Justice at Liverpool John Moores University, and has experience as a practitioner in the probation service before entering academia. An established commentator on probation, he is the editor of the Probation Journal and on the editorial board of the European Journal of Probation. Steve Collett has an extensive history working in probation, becoming chief officer after a thirty year career before retirement. Both then are authoritative commentators on a service that they have contributed much to over their working lives.

The book touches on a number of issues including governance, performance, professional identity, citizenship, the state, and market forces in relation to probation. It aims to be attractive to a range of audiences including academics and practitioners in the field of corrections and wider social policy, as well as students of criminal justice. However, what is clear from the first quote in Chapter 1 from the eloquent Alan Bennett, is that the underlying theme to this book is a combative rejection of the privatisation of a service that cannot accommodate profit with the humanitarian interests of rehabilitation. Indeed the authors spell out that their book fills a gap

in their own market of probation service publications, partially because it is a more politically informed text than others already in the domain.

The first few chapters set out the context of delivering rehabilitation in a probation setting, highlighting the political environment that brought a more punitive approach to criminal behaviour. The authors interestingly examine what they believe to be probation sleepwalking into the current Transforming Rehabilitation project, following the service allowing itself to be subsumed into the National Offender Management Service, a prison service dominated, command-and-control style agency in their view, which broke the strong relationships with local communities and developed the New Public Management paradigm.

There is a thought provoking chapter on professional identify in the probation service which seems to highlight a cultural cold war that has taken place within the service, where language and short versus long term impacts have been agonised over for a number of decades. It explores how staff balance care and control in their work but invariably ends up with a section on market-driven logic or professional values, and whether both can be accommodated within the current strategy.

The return time and again to the privatisation of sections of the probation service, brings out more of an ideological examination of the function of probation in the remaining chapters, including a very good analysis of who is to blame for an offender/service user's current situation and whether probation can solve that issue or wider social aggravators need to be taken into consideration more by the political elite.

In conclusion, this book does provide a unique insight into the politically informed context of delivering rehabilitation in the

probation service. It comes at a time when there is much interest in how the new Transforming Rehabilitation arrangements will work and it also seems to indirectly call for a follow up piece in a few years' time to chart the changes that have been implemented. Overall, this is an informative and captivating read for the wide range of readers it aims for. It is necessarily wide ranging, yet also concise enough to remain on topic which is a real achievement given the title of the book. It is unashamedly political rather than a neutral review of the state of probation, which, whatever political persuasion the reader adopts, is the main draw to reading this book

Paul Crossey *is Head of Corporate Services at HMYOI Feltham.*

Book Review
Criminal justice ethics: Cultivating the moral imagination
By Sharon Hayes
Publisher: Routledge (2015)
ISBN: 978-1-13-877697-5 (paperback)
Price: £29.99 (paperback)

As late as the end of the 1980s, Professor Andrew Rutherford was observing that criminal justice management was, 'an arena characterized by competing ideologies.[1] Based on interviews with managers he argued that there were three clusters of values or 'credos' that shaped individual practice. The first was 'punitiveness', which encompassed moral condemnation and dislike of offenders and support for harsh, even degrading punishment. The second was 'expedient managerialism', a

concern with disposing of tasks as smoothly and efficiently as possible. The third was 'humanity', including empathy with prisoners and victims, constraining state power, and promoting rehabilitation and care. This work suggested that there was a vibrant moral discourse within the criminal justice profession. Subsequently, it has been argued that this diversity has been subdued and instead there has been the hegemonic growth of 'managerialism' with its focus upon commercial competition and private sector practices such as extensive systems of monitoring and control.[2] This has not only altered practice, but has also had an impact upon values. In her Perrie Lecture delivered in 2011, Professor Alison Liebling.[3] cautioned against the encroaching hegemony of 'economic rationality' as the governing approach to public service, including prison management, suggesting that, 'general questions of value have come to be *replaced*, rather than *restrained*, by questions of technical efficacy'. The risk of this, she suggested was that 'a preoccupation with efficiency… brings in its wake, moral indifference'.

It is against this background that Sharon Hayes, an Associate Professor at Queensland University of Technology, offers a text book on criminal justice ethics. She draws a distinction between morality, as individual beliefs and choices, and ethics, relating rules of guidelines for particular groups, in this case criminal justice professionals. The book itself is set out in three parts. The first, 'Ethical theory' is an overview of some foundation texts such utilitarianism and deontology. The second part, 'Ethics in public life', is again concerned with foundation material on constructing the idea of the good

society. The third part, 'Ethics in the criminal justice system', considers specific professions including lawyers, police and prison staff. It explores the different, contested values and professional codes within these professions, such as the ever-present tensions between various ideas of the purpose of imprisonment.

This book is essentially a text book aimed at undergraduates. It effectively marshals the foundation material and presents it in an accessible and applied form. The subject is engagingly brought to life through examples and case studies. This book is not primarily aimed at practitioners and it is unlikely to immediately appeal to many, but if the criminal justice professionals of the future are to be engaged with this material and encouraged to cultivate a moral imagination, then that may have long-term benefits in resisting the encroachment of economic rationality and reinvigorating professional discourse.

Dr Jamie Bennett *is Governor of HMP Grendon and Springhill.*

Book Review
Public management: Second edition
By Ian Greener
Publisher: Palgrave Macmillan (2013)
ISBN: 978-0-230-35399-2 (paperback)
Price: £29.99 (paperback)

The public sector has faced an increasingly complex and demanding task in the wake of the financial crisis and the emergence of the 'age of austerity'. Public expenditure is being significantly reduced and as a result the role of

1. Rutherford, A. (1993) *Criminal Justice and the Pursuit of Decency* Oxford: Oxford University Press.
2. For example Bryans, S. (2007) *Prison Governors: Managing prisons in a time of change* Cullompton: Willan.
3. Liebling (2011) *Perrie Lecture: The cost to prison legitimacy of cuts in Prison Service Journal* No.198 p.3-11.

the state is being called into question. This brings a particular set of challenges for public management and public managers. This is the focus of the second edition of *Public management* authored by Professor Ian Greener of the University of Durham.

The central argument of this book is that public management is a complex task characterised by a series of paradoxes. Greener defines this condition as follows:

'Where there is a paradox, however, there is a duality where contradictory elements co-exist over time, and the organization must simply live with them — there is no opportunity to choose as both the contradictory elements are inescapably part of the organisation' (p. 4)

Such paradoxes will be familiar to those working in prisons who have to balance the dualities of security, control, care and rehabilitation.

The contradictions and tensions that exist within public management, Greener argues, include: both managers and professionals believe that they should be in charge of public services; public services must be both democratically accountable to their citizenry, but also achieve good results for their individual users; public services must be run according to public values, but also according to market values; public services must be efficient, yet also deliver strong customer service, and; public managers are appointed by contradictory means (election or selection). Taken together, he suggests that:

'Public management, however, is an inherently paradoxical enterprise, attempting to balance the need to be democratically accountable to the public as a whole as well as good individual service, meeting the demands of government as well as the needs of local people, balancing respect for professionals while demanding accountability from them, and allowing deficit spending when it is justified, but having the discipline to reduce expenditure in boom times when it is not' (p. 207)

The explicit articulation of these pressures by Greener is of value in itself. What it does is to craft an appreciation of the complexities and distinctiveness of public management. As he highlights in one case study, public administration in France and Germany is formally recognised as a distinct profession, reflected in training, development and in public esteem. Whilst these elements are missing in the UK, the challenges and importance of this task are the same.

In this second edition, Greener attempts to draw out some of the ways that contemporary economic circumstances have re-shaped public management. In particular, he exposes the paradoxes that underpin the relationship between the state and the market. He argues that whereas the economic crisis had its roots in the private financial sector, the solution is seen to lie in an intensification of the faith in unregulated financial markets. He also suggests that the large public spending deficits have been accumulated as a result of the failures of the private sector and yet the responsibility for reducing this has fallen upon the public sector. Whilst such observations are highly political and critical, they are nevertheless important and credible arguments

From a practitioner perspective, it is to Greener's credit that he is not polemic or dogmatic in his approach to considering the future of public management. His approach is to suggest that public management has to live with contradictions that exist and to flexibly apply solutions, seeking a balance according to circumstances, needs, values and outcomes required.

Whilst this book is not explicitly about prisons, it is of significant relevance to anyone involved in public management. Greener's greatest success is in drawing out and illuminating the distinctive nature of public management. That is an achievement for which practitioners can be profoundly grateful.

Dr Jamie Bennett *is Governor of HMP Grendon and Springhill.*

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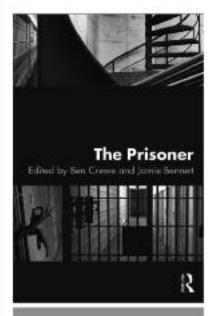PUBLICATIONS

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