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# J PRISON SERVICE JOURNAL

ISSUE NO. 90



**Tony Blair MP**

**Andrew Rutherford**

**Andrew Coyle**

***The Perrie Lectures***  
**- The Future of the Prison Service**

# PRISON SERVICE JOURNAL

## Contents

- 1**  
Comment
- 2**  
HMP Highpoint  
and Drug Couriers  
*Ron Curtis and  
Pam Durrant*
- 7**  
A visit to a Russian  
Prison  
*J.J. Ramwell*
- 9**  
William Douglas  
Home  
(1912-1992)  
*Mike Nellis*
- 11**  
People in glass  
houses...  
*Peter Garrard*
- 15**  
The National  
Prison Survey  
*Liz Howard and  
Sheila White*



- 19**  
Expansion, Reduction,  
Privatisation
- 20**  
The Future of the  
Prison Service  
*Tony Blair*
- 26**  
Penal Policy and Prison  
Management  
*Andrew Rutherford*
- 30**  
Prisons for whose profit?  
*Andrew Coyle*

- 35**  
The Grendon  
Reconviction  
Study  
*Dr. Eric Cullen*
- 38**  
Letters
- 43**  
Reviews
- 46**  
Interview
- 52**  
Lookout

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## Comment

# EUROPE POST MAASTRICHT

**T**hose who may have had some hesitation about handing over Parliamentary sovereignty to Brussels must have been won over by the spectacle on our screens of the wheeling and dealing in and around Westminster over Maastricht. How many of you were reminded of similar scenes daily witnessed on the exercise yards of our dispersal prisons?

European nations face common issues of

- rising crime and fear of crime
- growth of organised crime in drugs
- doubts about the effectiveness of criminal justice systems
- an emphasis upon 'due process' and natural justice
- lowering of border controls
- rising prison populations

Even the Dutch are having to end their long held policy of one prisoner per cell in the face of rising prison population.

National governments are beset by

- continuing economic recession leading to long-term unemployment
- media pressure demanding immediate responses which are strong on presentation and weak in delivery
- financial constraints on public expenditure
- popular scepticism about the integrity of the political process

and seem unequal to the challenge. The need is for international cooperation and the lead must be taken by the professionals.

Already in two significant areas, illicit drugs and policing,

there is a trend towards the harmonisation of policies and practices among the continental countries who are signatories to the Schengen Agreement: that is everyone except us. That Agreement has provided a framework of cooperation which has replaced the old fashioned, ineffective and clumsy frontier checks upon which at present this country still relies. In countering the illegal drug trade it is the Commission not Westminster that is offering the lead. It is from the Commission that directives have come designed to control the chemicals which are used in the manufacture of illicit drugs.

Directives from the Commission are binding leaving to the national authorities only the decision about form and methods. The European Court has supremacy over English law and can enforce those directives. If a directive is not implemented, that may be sufficient for individuals to seek redress with consequent damages. Our record in the European Court is not one which suggests we can be confident in fending off claims. So we need to be in there shaping policy before it hits us as an unwelcome directive forcing our hands.

In this respect, Agency is timely. The Home Office is not well equipped to deal with Brussels. Their system of divisions dealing with policy on a narrow range of subjects and administrators who switch divisions almost as quickly as we change Home Secretary, does not match practice in Europe and leaves us at a disadvantage. There, administrators stay longer with their subjects and have wider scope. That needs to be the pattern for the Agency; a slimmer headquarters but with authority to take the broad view. As part of that HQ a European unit comparable but independent of the Home Office European Communities Unit needs to be established taking a pro-active stance in Brussels and giving substance to the Director General's vision of our Service as offering a "standard of excellence around the world." ■

# HMP HIGHPOINT AND DRUG COURIERS

*Ron Curtis, Governor,  
HMP Highpoint,  
and Pam Durrant,  
Education Officer.*

*The authors argue that this  
group of prisoners has special  
needs and if they are not  
recognised, the prisoners will  
be further disadvantaged and  
corrupted.*

HMP Highpoint lies on, and is intersected by, the main A143 Bury St Edmunds/Haverhill road. It was previously RAF Stradishall and received its first prisoners in May 1977. Since this time there has been a major programme of rebuilding and refurbishment.

It has a population of some 750 prisoners housed in two separate Category C prisons and one Category D unit of 70. There are approximately 360 staff and the annual budget is £8.8 million pounds.

It is a training prison overcoming past, chronic problems of poor accommodation and unemployment. It offers a full range of education classes and of trade and skills training.

Since 1989 there has been a significant change in the ethnic composition of the population, and within this, the small but significant group of prisoners who are foreign nationals subject to deportation procedures - most of these convicted of

drugs offences.

Race Relations Monitoring was started at HMP Highpoint in July 1987 when the non-white population was 26 per cent. Between January 1989 and December 1989 this rose from 30 per cent to 40 per cent. It peaked during the Winter of 1990-91 at 42 per cent and thereafter declined to the current proportion of 36 per cent.

Between July 1989 and January 1992 there was a considerable increase in the proportion of African prisoners. In July 1987 it had been 3 per cent, during the Spring and Summer of 1990 it peaked at 13 per cent, and today is 9 per cent. This trend is shown in Table 1, which reflects that the fluctuations in the non-white population as a whole, and of the African population in particular, were similar.

The breakdown of the population by ethnicity on 9 March 1992 shows the preponderance of West Indian/Guyanese and African prisoners among the ethnic minority (Table 2).

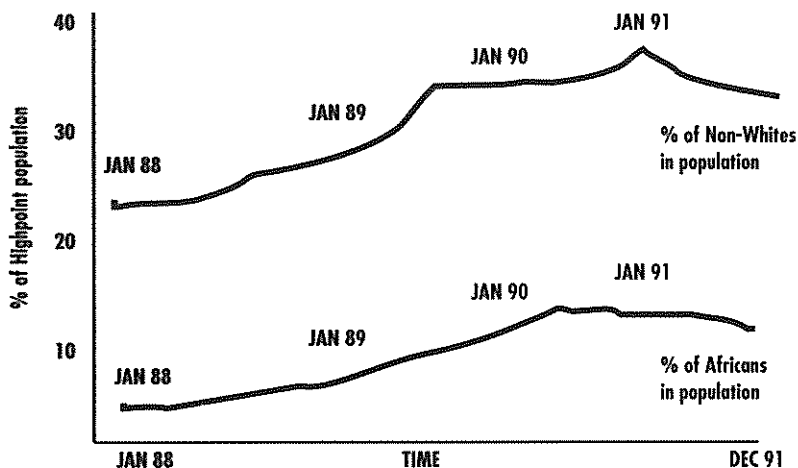
Further statistical evidence shows that of the number of inmates whose main offence was drug trafficking on the same date the majority, 51 per cent, were of African origin (Table 3).

Additionally, the number of prisoners who were subject to deportation proceedings by ethnic groups shows that African prisoners again represent the majority, 65 per cent, and shows that the majority of these, 37 out of 47, had drug trafficking as the main offence (Table 4).

It is also known that this same group of African 'deportees' convicted of drug offences have few, or no, previous convictions.

The average time spent at Highpoint Prison by all 'deportees' on 9 March 1992 was 74 weeks, by African 'deportees', 89 weeks, but by African 'drug courier deportees' 97 weeks. This compares with an

**Table 1**  
**PERCENTAGE OF NON-WHITE AND AFRICAN INMATES AT HMP HIGHPOINT**  
**OVER THE PERIOD JANUARY 1988 TO DECEMBER 1991**



average time spent at Highpoint by all prisoners of 32 weeks, and with a recent group of discharges of which 17 per cent had spent only eight weeks at Highpoint (Table 5).

All these statistics then identify a group of the prison population which is distinct and identifiable in several important respects. It is a well-represented ethnic group, convicted of the same offence, with no significant criminal background, and subject to deportation proceedings. Members of the group are serving long sentences and have been in one prison for a considerable period.

In prison terms this is not seen as 'a problem of drug couriers', neither is there a problem of integration or acceptance. There have been few racial incidents at HMP Highpoint, indeed HM Chief Inspector of Prisons noted in February 1990, 'There were few signs of racial tension; much of the credit for the harmony which existed must go to Highpoint's staff.' In as much as there is a problem, it arises from a distinct group of prisoners with a strong group and racial identity. Other features of this group which strengthen its identity are:

1. They are likely to be intelligent and articulate (despite problems of language and communications noted elsewhere).
2. They are motivated to gain knowledge/skills far more than English prisoners. In particular they are over-represented on educational and certain trade training courses.
3. Respect for authority is higher than normal and behaviour is better, in particular as measured by adjudications (Table 6) and segregation on R43 'Good Order and Discipline' (Table 7) which show this group to be 'under-represented'.

Another feature is that many of this group of prisoners arrived together during 1989-90 and were concentrated in the same accommodation in the prison. This happened because of the practice (now discontinued) of allocating accommodation according to work activity and, as noted above, many of the group followed the same activity. No doubt there was also an amount of 'self-selection' when accommodation was allocated. The group is further distinguished by being made up of foreign nationals in an English prison, and hence having 'special

**Table 2**  
**ETHNICITY OF INMATE POPULATION AT HMP HIGHPOINT**  
**ON 9 MARCH 1992**  
(including temporary absences)

Ethnic group	No of inmates	% of total population
WHITE	462	64
W. INDIAN/GUYANESE	153	21
AFRICAN	67	9
INDIAN	13	2
MIXED ORIGIN	9	35
PAKISTANI	6	
ARABIAN	5	4
OTHER	5	
CHINESE	1	
BANGLADESHI	0	
	<b>721</b>	

**Table 3**  
**NUMBER OF INMATES WHOSE MAIN OFFENCE WAS DRUG TRAFFICKING**  
**ON 9 MARCH 1992**

Ethnic group	No of inmates	% of drug trafficking
AFRICAN	45	51
WHITE	24	64
W. INDIAN/GUYANESE	15	17
INDIAN	2	2
PAKISTANI	1	1
ARABIAN	1	1
	<b>88</b>	

needs'.

More recently, the group, partly for the reason given above, have become more sensitive in their perception of racial discrimination by staff, and by 'the system' and indeed, by 'the Governor'. This has at least partly arisen from grievances and problems felt over the long period they have been at Highpoint Prison, and about which little progress has been made.

In a recent group discussion I noted how the grievances sounded similar to those that one might meet in any group of long serving prisoners, but were given a particular emphasis because of the particular identity of the group. It seemed to me that these prisoners had in their period in prison

**Table 4**  
**NUMBER OF INMATES WHO WILL BE OR HAVE BEEN RECOMMENDED**  
**FOR DEPORTATION ON 9 MARCH 1992**

Total number of deportees = 72  
 Represent 10% of Highpoint's population.

Ethnic group	No of inmates	% of all deportees
<b>AFRICAN</b>	<b>47</b>	<b>65</b>
<b>W. INDIAN/GUYANESE</b>	<b>14</b>	<b>19</b>
<b>INDIAN</b>	<b>5</b>	<b>7</b>
<b>WHITE</b>	<b>2</b>	<b>3</b>
<b>PAKISTANI</b>	<b>2</b>	<b>3</b>
<b>MIXED ORIGIN</b>	<b>1</b>	<b>1</b>
<b>ARABIAN</b>	<b>1</b>	<b>1</b>

Number of African deportees whose main offence was drug trafficking = 37

**Table 5**  
**TIME SPENT AT HIGHPOINT BY DEPORTEES**  
**ON 9 MARCH 1992**

	Number	Time in weeks
<b>ALL DEPORTEES</b>	<b>72</b>	<b>74</b>
<b>AFRICAN DEPORTEES</b>	<b>47</b>	<b>89</b>
<b>W. INDIAN/GUYANESE</b>		
<b>DEPORTEES</b>	<b>14</b>	<b>52</b>
<b>INDIAN DEPORTEES</b>	<b>5</b>	<b>54</b>
<b>AFRICAN (DRUG COURIER)</b>		
<b>DEPORTEES</b>	<b>37</b>	<b>97</b>

**Table 6**  
**ADJUDICATIONS BY ETHNIC GROUP**

Ethnic group	% adjudications
<b>WHITE</b>	<b>66</b>
<b>W. INDIAN/GUYANESE</b>	<b>26</b>
<b>INDIAN</b>	<b>1</b>
<b>PAKISTANI</b>	
<b>BANGLADESHI</b>	
<b>CHINESE</b>	
<b>AFRICAN</b>	<b>4</b>
<b>ARAB</b>	
<b>MIXED ORIGIN</b>	<b>1</b>
<b>OTHERS</b>	

adopted a number of the negative aspects of the normal prison culture, in fact what I was seeing seemed to be a 'culture built upon a culture'.

This was illustrated during an incident in a living unit on 22 March 1992 when there was a violent confrontation between Nigerian prisoners on the one hand, and a mixture of white and other ethnic prisoners on the other, arising from dealing in drugs and/or tobacco. This was not a racial incident as such, essentially being a 'power struggle' because of a recent increase in prices of contraband. Nonetheless the power groups had a racial identity.

Specific grievances and problems raised by this group are as follows:

1. The difficulty of obtaining Home Leave and Category D status:- I have recently introduced guidelines agreed at Area level and published to all prisoners which have increased the possibilities of home leave for 'deport' prisoners. However, the fact remains that despite the discretion that Governors have to grant home leave for this group, it is more difficult than for English nationals. Category D status continues to be difficult to gain.
2. Parole:- Because a significant number of this group are serving five years and above for drug offences they came under the 'restricted policy' for parole. (This policy has now been discontinued).
3. Diet:- The difficulties of providing 'ethnic diet' for many groups are well known.
4. Library Provision:- The problem is part of a more general problem of providing ethnic minority literature.
5. Telephone Communications/Phone Cards:- A foreign national who wishes to make international calls finds that the low denomination Prison Service phone card will connect him but will leave insufficient time for a reasonable conversation. In addition, restriction on the number of phone cards in possession might in any case mean that international calls of any significant length would be prohibited. Prison Service Headquarters is considering with British Telecom the provision of higher denomination phone cards. It will then be for Governors to decide what the limit for 'in possession' will be.
6. Family Ties/Visits:- By definition, distance from family and communication with family are more problematical than for most prisoners.
7. Lack of Consulate Support:- Nigerian prisoners have lacked support from

their consulate; neither have they sought it. This has in particular been associated with the wish to keep the circumstances of their imprisonment confidential on their return home, and the law introduced in Nigeria which lays them open to further charges and further imprisonment for the same offence on their return.

8. Distance from London-Based Organisations: London-based organisations concerned with the welfare of immigrants are likely to find contact impeded by distance.

A number of other issues have been raised with Prison Service Headquarters about the management of this group of prisoners.

Most of those responsible for allocating prisoners do not monitor allocation according to ethnic group, although this has now started in a number of establishments. We have had to ask whether allocation of this group of prisoners and other ethnic minorities might represent hidden discrimination. Is it assumed, for instance, that a 'deport' prisoner has no family ties and therefore can be allocated to a remote Suffolk Prison, although this will make contact with London-based support organisations less easy? Is the fact that we provide at Highpoint a service for this group of prisoners in itself perpetuating the situation?

On the other hand the concentration of this group may be beneficial because it leads to 'specialization' in dealing with their needs. As Penny Green has noted in her research 'in addition to the mutual support that shared background and culture may provide, the presence of significant populations of foreign nationals can prompt certain progressive institutional responses. The effect of a large population of Nigerians at Highpoint Prison, for instance, has resulted in an Education Department which actively encourages the study of African Literature, Politics and Culture. Many of the men interviewed had never had the opportunity to study their own society in such depth before and all found the opportunity rewarding. In the same prison Nigerian prisoners have organised themselves into a lobby group petitioning journalists and politicians in an effort to reform parole and home leave regulations.' (Quote from a Howard League publication called 'Drug Couriers' written by Dr Penny Green.)

To illustrate the response at HMP

**Table 7**  
**RULE 43 SEGREGATION BY ETHNIC GROUP**

Ethnic group	% R43 (GOAD)
WHITE	64
W. INDIAN/GUYANESE	28
INDIAN	
PAKISTANI	2
BANGLADESHI	
CHINESE	
AFRICAN	4
ARAB	
MIXED ORIGIN	
OTHERS	

Highpoint to the special needs of this group of prisoners Pam Durrant, a teacher in our Education Department who has taken a particular interest in this group, describes how the Prison Education Department has adapted to Nigerians:

#### ***Adapting to Nigerians in a Prison Education Department***

*Many of our 'drug courier' prisoners are Nigerian. Dealing with a large number of prisoners from a different culture poses specific problems for various aspects of prison life. The Education Department is an example of this, as at least 90 per cent of Nigerians spend some time on Education classes during their sentence.*

*I have been teaching Nigerians for five years. In 1990 my classes were 90 per cent African, mostly Nigerians. At that time 50 per cent of the students in the department were Nigerian. The Education Department has had to adapt to working with Nigerian students and to dealing with specific challenges, such as communication, cultural differences, demands on the curriculum and resourcing.*

*There have been communication problems for both teachers and students. African speech rhythms and syntax often make Nigerian English difficult to understand. In Nigeria, English is a bureaucratic and academic language, and Nigerians find it difficult to use English in a personal way. For example, often they have not learnt to negotiate in English, and this can lead to misunderstandings. There are cultural differences in the use of body language. The Western World, for example, considers that eye contact indicates straightforwardness and honesty, for an African*

eye contact is disrespectful.

A teacher needs to have an understanding of Nigerian culture and thinking in order to deal with her students effectively. Status, for example, based on sex, age groups, academic qualifications and money is culturally very important. When Dr Penny Green visited my classroom her status was potentially low; not only is she a woman, but a young woman. Therefore, I introduced her as 'Dr Green', in order to emphasise her academic status.

Perhaps the greatest gulf in Western and African thinking is colonialism. To the West, colonialism is something in the history books; the African lives with the ongoing results of it. To him, colonialism is a live and recurring issue.

We have had to adapt to the demands made by Nigerians in terms of curriculum and teaching skills. There has been great demand for examination work in Economics, Law, Computing, Business Studies and E.S.O.L. Students have wished, and been encouraged, to study the history and culture of their own tribes and country.

In English studies, we have had to learn to deal with the particular problems posed by African syntax and grammar, and to understand the literary tradition and culture from which our students are writing.

There are obvious resourcing implications arising from these curriculum demands. In some areas we have had to extend the quantity of material available. In others, such as novels, poetry, literary criticism, history, cultural background, economics and examples of business practice, we have had to locate and buy Nigerian material.

Our Nigerian students are well worth this effort. They are motivated, studious, and delightful people to work with. Many of them are highly intelligent. My class of 1990 included a doctor, a dentist and an architect. Although many are now on Vocational Training Courses, I keep in touch with my former students. As their sentences progress they are becoming increasingly disgruntled and depressed because of the anomalies of their position as deportee prisoners compared with that of English nationals serving similar sentences for similar offences.

Nigerian drug couriers are a 'special needs group', both in terms of their situation as deportees, and in the way in which prisons have had to adapt to their needs. I think that there is a case to be made for selected establishments to specialise in taking Nigerian prisoners so that the skills and resources which have been acquired can continue to be put to good use ■

## *What do you know about Aids?*

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# A VISIT TO A RUSSIAN PRISON AUGUST 1992

*I recently led a six week expedition to Arctic Russia, part of the Commonwealth of Independent States. The purpose of this expedition was to allow British young people, average age 17-18 from schools all over the UK, to experience six weeks of living together in the outdoors under canvas. Activities included kayaking, trekking, diving and a comprehensive programme of scientific research.*

*J J Ramwell, is a senior governor in charge of activities and services at H.M.P. Hindley, Lancashire.*

Tempting as it is to tell you of the adventures of the expedition, this account is of my visit to a prison in the vicinity of our expedition area, the north-west corner of the White Sea known as Kandalaksha Bay, part of the Murmansk Region.

*I asked about a visit to a local prison. I fully expected to be ignored, at best given a polite refusal. After all, we were in the heartland of Gulag country.*

The expedition was over and we had virtually finished a briefing for the local press 'And what do you do for a living?' they wanted to know. I told them I was a civil servant but they weren't satisfied. 'I am a manager'. 'What do you manage?'. So I told them. 'I'm a manager in the English Prison Service'. Well, this seemed to grab their attention and I went on to tell them a little about the sort of work I did. How much of this ever got published I'll never know as the reports appeared in the papers after we had left.

One of the reporters seemed to be quite influential and, on the grounds 'nothing ventured, nothing gained', I asked about a visit to a local prison. I fully expected to be ignored, at best given a polite refusal. After all, we were in the heartland of Gulag country. The Solivetsky Island in the White Sea, a little south of us, was used as a Penal Island until only recently. Earlier I had visited the Monastery on this Island and saw at first hand the results of Stalin's mania. Thousands from this prison alone

had died of overwork and starvation whilst building the Belomorsk Canal linking the White Sea with the Baltic. Until very recently the whole area north of St Petersburg was difficult to access and Kandalaksha was a restricted area in terms of egress as well as access.

A few hours after our press briefing I received a note. Be at the Town Hall the next day at 2 o'clock, it said.

I tried to tidy myself up a bit. Dug down to the bottom of my rucksack and found a clean shirt, borrowed a tie and spat on my shoes and turned up promptly. I was met by an 'official' interpreter (for reasons which escape me I was not invited to bring my own) and the driver of a big black Lada, fairly new at that, in total contrast to the relics that cling to life as they are driven at breakneck speeds over roads riddled with potholes.

We sped out of town, at great speed, they seem to 'aim and fire' rather than drive. Policemen at a control point leapt to attention as our official car passed. An hour later and we drove through a small village before reaching the prison. We entered through an arch which opened onto a courtyard. In front was the entrance to the prison itself, to the left some low rather decrepit-looking buildings. We pulled up outside this building and were met by some rather stern-looking soldiers who were clearly expecting us. We were ushered into the Commandant's office. He was also in military uniform. We sat down after the handshakes. By now I wasn't sure whether this visit was such a good idea anyway. I was somewhat nervous.

But I needn't have worried. The Commandant turned out to be as friendly and reassuring as one's favourite uncle. It

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*“The Commandant turned out to be as friendly and reassuring as one’s favourite uncle. It so happened that he was being visited by his ‘Area Manager’ from Murmansk.”*

---

so happened that he was being visited by his ‘Area Manager’ from Murmansk and he sat, looking very stern, by the Commandant’s side. Later I found him to be equally friendly.

Tea was brought and I was invited to ask questions. I didn’t take notes at the time, they may have become suspicious; but I did write up my visit in some detail later the same day.

Soon it became clear why I had been given the OK to make this visit; they had absolutely nothing to hide. There was no evidence (apart from which there hadn’t been time) that any special arrangements had been made. I believe I saw everything at ‘face value’. I visited the prison, there I saw the living accommodation, a workshop, exercise facilities and the hospital. I was allowed to chat with prisoners. They were

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*“A good gauge of any prison service is the level of medical services it offers. I was not disappointed.”*

---

well-fed, polite and communicative. Yes, the staff treated them well. Well, of course they would say that, but I spoke to a couple out of the presence of all but the interpreter and I believed them. Confirmation came when the Commandant was seen to be clearly approachable by the inmates. Staff too were confident in his presence. I later learnt he had previously been in charge of a children’s home in Estonia.

I asked about security. There had only been one escape in the last two years. Previous to this, the prison had been closed for two years. I think that originally the prison had been a ‘political prison’ but I did not press enquiries about this. There is a degree of sensitivity about the past. Incidentally, our escaped prisoner had soon been recaptured.

Security was very much in line with

a closed low category prison. There was electronic locking at the gate complex. I understood that prisoners were ‘shipped out’ for bad behaviour including escape attempts and that alternatives to this particular prison were not good!

A good gauge of any prison service is the level of medical services it offers. I was not disappointed. A clean and functional hospital that was well staffed. Apparently staffing is not yet a problem, apart from which, when I asked about ‘local trades union agreements’ they did not understand the question! The dentist’s drill reminded me of 30 years ago when we also used cord-driven drills. With a gross shortage of drugs, analgesics are rare and the patient in the chair was not comfortable!

I was told that the provision of medical care exceeds that in the community. Local hospitals are used for the occasional prisoner in-patient, including Murmansk Hospital for serious cases which is over 600 miles away.

What about the regime? Prisoners could work day shifts or night shifts. The day started at 0900 and ended at 1600 hours while the night shift started at 1600 hours and ended at 0100 hours. They do not change shifts. In return for work the prisoners received a salary. Some of their earnings went to family, some they could spend on a few basics and the rest was returned to the prison authorities for their upkeep. The bulk of the work was building; the whole prison had been rebuilt over the past two years by prisoners. The construction work did not bear close scrutiny, but then neither did any other building erected over the past 70 years whether it was in or out of prison.

No work, no salary. This is not because prisoners decline to work. They don’t get the choice. If no work is available they simply do not get any pay, and consequently neither do their relatives. As

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*“In return for work the prisoners received a salary. Some of their earnings went to family, some they could spend on a few basics and the rest was returned to the prison authorities for their upkeep.”*

---

there is no state allowance when the 'bread-winner' is in prison, this can be tough.

Exercise and association is on offer. The prisoners are currently building their gymnasium. Religious Services? - well, again they didn't understand the question! Things are changing, though. On the day of my visit a group of Hymn singers from Finland arrived to entertain.

The Russians allow conjugal visits. I had read that this was the case. Three-day visits. Apparently there were few if any criteria to be satisfied before these visits were allowed. Other visits were allowed but

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*"These visiting arrangements seemed to be designed to cause the greatest amount of frustration but my Russian friends did not agree."*

---

only up to six per year. These visiting arrangements seemed to be designed to cause the greatest amount of frustration but my Russian friends did not agree.

The prison houses 500 prisoners and serves the whole north-west of Russia. The prisoners are all male and are aged 18 and upwards. They were all clothed well - grey trousers and thick blue anorak-style jackets. I saw the four pm labour parade. It was not terribly military at all - very relaxed,

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*"After the visit we returned to the outside compound and to the mess where I was entertained to a fish soup - a local delicacy."*

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in fact. Though, like all buildings in Russia, there was a run-down, neglected appearance, there appeared to be order and basically the interiors were clean and reasonable well maintained.

I asked about staff. Are they all military? Yes, but are permanently assigned to the prison service where most will make their career. It is not well paid work and it is difficult to find sufficient recruits. I asked about staff reliability, staff morale and staff training. I was re-assured by positive responses.

In short, I was very impressed. Of course they have problems and in true Russian fashion, they weren't going to share these with me. On the face of it, I could have been in any western European low category prison.

The Commandant and his visiting boss were keen to learn about the British Prison Service. I told them all I could. 'We share many problems, that is why we both have grey hair' laughed the Commandant. His boss did not share the joke ■

#### O B I T U A R Y

## **WILLIAM DOUGLAS-HOME** **(1912-1992).**

Author of 'Now Barabbas'.

*Mike Nellis, Lecturer in Probation Studies, University of Birmingham.*

**W**illiam Douglas Home, the playwright, who died on 28 September 1992, attracted long and fulsome obituaries in a number of national newspapers. Although the consensus seemed to be that 'The Chiltern Hundreds' and 'The Reluctant Debutante' were his best known plays, all the major obituaries acknowledged the quality of his first, 'Now Barabbas', which was set over an eight day period in a British prison,

on the eve of an execution. *The Independent* (30 September 1992) said 'probably it was his best play. It was certainly his most serious', while *The Daily Telegraph* (30 September 1992) described it as 'the play he thought his best'. Although clearly against capital punishment, it was not a particularly polemical play, and sought merely to acquaint theatre-going audiences with something of the reality of prison life.

The raw material for the play was gathered from personal experience. As a captain in the Army in 1944, Douglas-Home refused orders to bomb Le Havre before civilians were evacuated from it. He was court-martialled and sentenced to a year in prison, of which he served ten months before the war ended, first in Wormwood Scrubs, then in Wakefield. Like a number of other first-time prisoners (later turned writers) he

described how his expectations of what imprisonment would be like had been conditioned by American prison movies (Douglas-Home 1954: 191). He wrote the play for want of something to do while recovering from the experience at his parents' home (Douglas-Home 1979: 63-4).

It opened at the Bolton's Theatre, Kensington in February 1947, transferring to the Vaudeville in the West End in March. The half-dozen main prisoners in the play were composites of the characters Douglas-Home had known in Number Ten Mess at Wakefield, although there is no indication in any of Douglas-Home's biographies (1954; 1979) as to whom O'Brien, the IRA bomber, might have been based on. The Mess itself became the model for the theatrical set, and the by now retired governor of the prison, Mr W Smith, acted as

**"a real public service by giving to a wide public his experience of prison life."**

technical adviser to the director. The plot, which concerned the possibility of a condemned murderer being reprieved, and the effect of his imminent execution on staff and prisoners alike, seems to have owed something to Douglas-Home's conversations with the Scrubs' Welsh chaplain, as executions did not take place in Wakefield at that time.

In the published version of the play, Prison Commissioner Alec Patterson, despite his own more favourable view of capital punishment, gave it a powerful endorsement:

*Mr Home has performed a real public service by giving to a wide public his experience of prison life. He studied his fellow prisoners with close sympathy and understanding. The resultant sketches of their good points and weak ones are in consequence life-like and attractive. He will by this play, both on the stage and in book form, reach a far wider thinking public than can ever be affected by official reports, and he will without any sign of personal rancour or bitterness focus the attention of any upon the prison problem.*

*...The play will do good because it will enlist the sympathy and interest of a wide circle of intelligent people, and will make them think and ask questions; and above all it should make them more ready to help men who have passed*

*through this strange experience, and on emerging are a little dazzled by the first taste of freedom. (Introduction to Douglas-Home 1947; viii-ix).*

Among the recent obituaries, only *The Times* (30 September 1992) mentioned that the play was turned, more or less faithfully, into a film two years later. The producer, Anatole De Grunwald, was noted for his readiness to tackle more mature and unpatronising themes than his more Hollywood-oriented contemporaries in the British film industry. He adjusted the screenplay himself, and seems to have left little discretion to his journeyman director, Gordon Parry. The film was shot in 28 days between January and February 1949, and released in May with an 'A' certificate. A retired principal prison officer, George Blake (sic) had acted as technical adviser. The main set itself - the wing of a typical Victorian prison, four tiers of landings, observation bridges and an immense skylight - constituted the first screen attempt at an accurate architectural portrayal of a British (as opposed to American) prison. It was designed in perspective, to look deeper than it actually was, and children dressed in prison officers' uniforms were used in long shots to give the impression of greater size. Low-angle camera work and low-key lighting combined to create an image of a vaulted, tomb-like environment which far surpassed the pictorial representations of prison interiors that had been available hitherto. Those involved in the design were given a tour of a large prison, (unnamed in the studio publicity, but presumably Wakefield) but were nonetheless forbidden to take photographs even of trivial items such as prison cutlery and prison breadloaves. (For a fuller account of the making of the film, see Nellis 1988).

The film was well received by the majority of contemporary critics. *The Sunday Pictorial* (5 June 1949) named it 'film of the month' against strong competition 'because it attempts to deal intelligently with a serious theme, and within the limits of censorship, it does face up to problems of social significance'. Jim Phelan (1949), who had spent 14 years in prison had experienced a last night in the condemned cell himself, compared 'Now Barabbas' favourably to all American prison movies, commending

**"The first authentic British prison film...a far better attempt at conveying penal reality than many subsequent prison movies have done."**

its attention to detail and acknowledging that it accurately captured the mentality of both officers and prisoners. Yet despite such praise, the film has been strangely neglected by British film historians (and never, to the best of my knowledge), shown on television, though a perfectly good print survives in the National Film Theatre archive). The only (brief) mention it has had in recent years has been in biographies of the then rising star Richard Burton, who played O'Brien.

It deserves a better memorial than this because it was the first authentic British prison film (previous ones having been comedies, melodramas or historical dramas), and because within the conventions of the time it made a far better attempt at conveying penal reality than many subsequent prison movies have done. As a play 'Now Barabbas' was respectfully, if predictably, compared to John Galsworthy's prison play 'Justice' (1910) which had some degree of influence on the then Home Secretary's decision to reduce the amount of time newly-convicted prisoners spent in solitary confinement (Dupre 1976; 1990). But, while it had no discernible influence on an official decision, 'Now Barabbas' was in fact a much better play (and better film) than 'Justice' and William Douglas-Home deserves at least as big a footnote in the history of penal reform as his more revered predecessor in the field of penal playwriting ■

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# PEOPLE IN GLASS HOUSES SHOULDN'T THROW STONES

## Reflections on Rule 43 and Vulnerable Prisoner Units

Pete Garrard,  
Governor 4  
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*The author argues that we  
too readily accept the need to  
segregate vulnerable prisoners  
and thereby collude with  
bullying rather than challenge  
the scapegoating which goes  
on.*

It is now three years since the Working Party on The Management of Vulnerable Prisoners reported, and its recommendations were largely implemented in a Circular Instruction (C.I. 26/90). The working party conducted its deliberations against the background of a steady escalation in the numbers of prisoners segregated for their own protection, and a growing disquiet over the poor conditions and impoverished regimes to which many segregated prisoners were subjected.

It was hoped that a more stringent approach by staff towards those seeking segregation on Rule 43 (Own Protection), including a refusal to grant segregation unless there was clear evidence to suggest that they were at risk of physical violence, would stem the relentless rise in the Rule 43 population. This, combined with the development of more meaningful regimes and better physical conditions, would lead to more humane treatment and a more progressive approach to these prisoners.

Experience since then has been rather different. The Rule 43 population has continued to rise. The establishment of Vulnerable Prisoner Units, several of them in new prisons with excellent facilities, has improved conditions for some. But Local Prisons' Rule 43 units are still full. I recently visited HMP Leicester, where Rule 43s are accommodated three to a cell (with integral sanitation!). Despite the best efforts of staff and management to provide meaningful work and some sort of activities, and despite what appeared to be excellent relationships between staff and prisoners, few would argue that these conditions were a civilized or humane setting in which appropriate work could take place to reduce the risk of re-offending.

There are people who would argue that these basic conditions are appropriate. If you make life too comfortable for those who seek segregation, the argument goes,

then even more will seek protection. Life in a Rule 43 Unit or Vulnerable Prisoner Unit is less stressful, it is free of the most violent inmates and it has far less bullying. The argument is often extended to suggest that these conditions are an appropriate punishment for those who commit the most horrendous crimes - that they reflect the distaste which the public feels for sex offenders and others whose offences lead them to seek segregation.

This attitude needs firmly countering. Are we justified in treating some prisoners much worse than others, in terms of their physical conditions, the amount of association they get, and the general availability of work, education and training available, simply because it is convenient for us to manage prisons in this way? Who says that the offences which these prisoners have committed are worse than those of many prisoners on normal location? And do prison managers have a right to play god and prescribe different treatment for different prisoners? Of course we do not.

The most powerful argument against those who would defend poor conditions and regimes for segregated prisoners is simply that they do not work. They do not work in reducing the risk of re-offending, and they do not provide people who may be a danger to others with any means of becoming less dangerous.

While rejecting these reasons for impoverished regimes and conditions, prison managers have to accept that there is much truth in the assertion that comfortable Rule 43 and Vulnerable Prisoner Units will attract unnecessary requests for protection, despite the stigma which will still prevent the majority from applying. So how do we reconcile the need to provide adequate conditions and fulfilling activities for those who are under threat, with the need to keep segregation for those who cannot be looked

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*"The number of such attacks, as against hostility expressed or threats made, is very small, even where prisoners with known sex offences do take the risk of normal location."*

*"We won't stand by and see the strongest survive and the weakest go to the wall. Our job is to exercise control,...not to tolerate bullying."*

after in any other way?

There are prisons which have achieved remarkably successful results in integrating different sorts of prisoners into a harmonious community. To my knowledge, Littlehey, Garth, Wakefield, Stocken, Risley, and of course Grendon, stand out for the work that staff have done to overturn traditional attitudes and promote a healthy and well-integrated prisoner's culture. I am sure there must be countless others, which in large and small ways, are moving in that direction. In some prisons 90 per cent of sex offenders are on Rule 43, in others it is as low as 30 per cent. Research has shown that nearly half of those who go on the rule subsequently come off it, often at the time of transfer (1988 Adult Offender Psychology Unit).

Many different prisoners end up 'on the rule', for a whole variety of reasons. The largest group apply because of their offences; they believe, rightly or wrongly, that they will be at serious risk of physical attack if they find themselves on normal location. In fact the number of such attacks, as against hostility expressed or threats made, is very small, even where prisoners with known sex offences do take the risk of normal location. Barristers, Solicitors, Probation Officers and Police can (and often do) influence prisoners to seek protection unnecessarily. Some seek protection because of real or perceived 'grassing' to the police or customs. Their partners in crime may seek to gain revenge. For many others, whether their offences are sensitive or not, seeking protection is a result of conflicts with other prisoners, or of 'getting into debt' within the prisoner economy (owing tobacco, drugs or some other commodity).

What are the management approaches which minimise the need to seek protection? An individualised approach to prisoners, with good sentence planning, clear goals for prisoners to achieve, and the chance of success and self-esteem. A good personal officer scheme, with sensitive handling by landing officers of difficult issues, is equally important. The most successful prisons in controlling and reducing the numbers who seek segregation are those which are prepared to remove the bullies and barons, and not their victims. As Margaret Middlemiss, Head of Residential at Stocken, commented on my recent visit: 'We won't stand by and see the strongest survive and the weakest go to the wall. Our job is to

exercise control, with sensitivity to the complicated human situations which occur in prisons, but certainly not to tolerate bullying, or prisoners ganging up against others.'

The same point was made by the Departmental Working Group about Littlehey: 'The most frequently mentioned foundation for success was the Governor's strictness in stamping out intimidation. Prisoners knew that if they caused trouble, they were likely to be moved from Littlehey.' (1989, Management of Vulnerable Prisoners).

There are many examples of good practice. There are also countless ways in which prison staff collude with and exacerbate the scapegoating and expressions of hostility towards Rule 43 or 'vulnerable' prisoners. The slightest hint that those who persecute others are tolerated by staff or management gives them legitimacy. At Northallerton YCC in 1987 a Senior Officer in charge of the Rule 46 Unit banned the use of words like 'beast' and 'nonce', which until then had been used unchallenged by staff as well as prisoners. The effects on staff professionalism, and inmate behaviour, were large. It is possible to influence the inmate culture, because prisoners have a well-developed sense of fairness, and an intuitive grasp of the notion that everyone deserves basic human respect; every prisoner has some awareness that persecution of Rule 43 prisoners is wrong.

At Garth in 1989, the prison opened with about 20 per cent of its population who might have had to seek Rule 43 in most other prisons in the North. Opening a new establishment creates a window of opportunity to achieve an integrated population, and it may be no coincidence that many of the establishments which get closest to this are relatively new ones. But not all new prisons succeed in this respect; good management and the right control exercised by landing and workplace staff are fundamentally important. At Garth, when pressure began to build up on an individual who was known as, or suspected of being, a sex offender, staff focused their attention on the persecutors, not on the individual under pressure. By a combination of challenging their attitudes, appealing to their sense of fair play, and threatening them (not their victim) with segregation, the situation was usually retrieved.

The processes of scapegoating, prejudice and persecution of minorities need

to be understood, if we are to formulate the right policies for the future. A common human reaction to unhappiness or misfortune is to displace the anger and hurt which is felt onto someone else. Hostility is much easier to express towards a relatively powerless group than a more powerful one. It is a caricature, but not a gross distortion of reality, to describe prisons in the past in the way a prisoner once did, in conversation with me: 'The Governor kicks the junior Governors, the junior Governors kick the more senior officers, the senior officers kick the basic grade officers, the officers kick us, and we kick the Rule 43's.' The social and psychological dynamics underlying the persecution of these prisoners are the same ones which underly racism, anti-semitism and all types of persecution of minority groups.

By dividing the prison population, and by creating groups which are identifiable and relatively powerless, we collude with and enable the process of scapegoating to take place. We stand by while hostility which might otherwise be directed towards prison management and staff is displaced onto the most vulnerable and powerless section of the prison population. I believe that the time has come for us to look long and hard at this process of segregation - and to assess whether we might be doing more harm than good.

That does not mean that we can instantly abandon protection and throw truly 'vulnerable' prisoners into situations where their lives may be at risk. Any prison is a finely balanced community, and change has to be gradual and progressive, planned and implemented by those who understand the delicate chemistry of a penal establishment - that finely balanced interaction of forces which can promote co-operation and harmony, or disorder and violence, dependent in large part on the abilities of managers, staff and prisoners to skilfully manage those forces.

What we can do is to progressively move towards integration, and to build up, first with staff and then with prisoners, a basic respect for all prisoners. This is not to condone in any way the appalling damage which has been done by many prisoners (Rule 43s and others), by the crimes that they have committed and the lives that they have lived. It is, however, to accept the person while firmly rejecting the behaviour. The acceptance that there might be good within a prisoner is the first step to enable

change to take place, change which might lead to a prisoner being released as a less dangerous person. To the extent that segregation, and the stigma which attaches to it, denies prisoners a minimum degree of respect, it retards any progress which could be made through counselling or therapy.

A change in approach by staff was envisaged in Circular Instruction 26/90, strengthened by advice in C.I.31/90. The legal liability (faced by any individual member of staff who makes decisions to grant, or to refuse, Rule 43) was greatly reduced at this time. However, there is little evidence to suggest that staff practice has changed very much. A defensive and over-cautious approach still characterizes most decision-making on segregation.

There is also little evidence to suggest that the unnecessary steering of prisoners towards Rule 43 by other practitioners in the Criminal Justice System (e.g. Barristers, Solicitors, some Probation Officers, Police) has been reduced. A programme of briefing and training is urgently needed, and this is one small matter to which the newly established Criminal Justice Councils might usefully turn their attention.

Prisons in the future will engender less hostility from the prisoners. There will be better conditions, involvement by prisoners in some decisions which affect them, inmate committees, personal officer schemes, more fulfilling activities - the trend will be towards prisons as much more co-operative communities. This can result in a reduction in the hostility felt towards staff, and thus (by displacement) towards Rule 43s. The lower levels of aggression in a more co-operative regime can make segregation less necessary, and if prison managers and staff take the opportunity to help build a just and caring community, then the move towards integration will be possible.

It is the isolation of 'vulnerable' prisoners which makes them 'vulnerable'. Staff report that if the population of sex offenders in a prison is more than about 10 per cent then the chances of their being attacked are much lower. Staff in prisons which tend towards integration say that once the vulnerable population approaches 15 per cent, the prison community comes into some sort of balance and persecution is markedly reduced. This balance is fundamentally important, in managing both an integrated prison and a prison with a

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Rule 43 Unit or V.P. Unit. At Whitemoor, a new dispersal prison, prisoners on the new Vulnerable Prisoner Unit argued strongly that, if 'the main' were going to work in the prison kitchen, then it was essential that the V.P.s could work in the prison laundry. 'The main will know that if they mess with our food, we can mess with their washing. It's the balance of power.'

I believe that the vast majority of prisoners currently on Rule 43 or 46 could survive and flourish in an integrated system which was properly staffed, managed and controlled. The time has come to open up this debate. Do we want a future with increasing numbers of prisoners segregated, and the processes of scapegoating, persecution, bullying and baroning largely left unchallenged? Or do we want a steady movement towards integrated prisons which offer decent conditions, worthwhile activities, human respect for each individual, and the opportunity for all prisoners to change their offending behaviour so that they might be released as less of a risk to the public? ■

#### Acknowledgements

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#### Available From

All these documents are available from the Prison Service Library, Prison Service College, Love Lane, Wakefield, West Yorkshire WF2 9AQ (Tel 0924 371261). A loan service is available to prison staff and interested outsiders.

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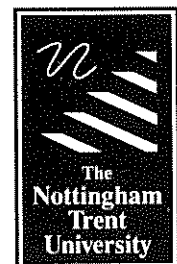
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# THE NATIONAL PRISON SURVEY 1991

*Liz Howard  
and Sheila White,  
Home Office Research  
and Planning Unit.*

The National Prison Survey 1991 was the first national survey of prisoners in England and Wales. One of the reasons that lay behind the undertaking was a recognition of how little the Prison Service would gain from the 1991 Census: when it was realised that, for example, prisoners' occupations were to be recorded as 'inmate' it became clear that managers, policy makers and planners were not going to find out much about prisoners backgrounds from that source!

The National Prison Survey had three principal objectives. The first was to obtain systematic information about the background characteristics of prisoners in England and Wales. The second was to learn about prison regimes as seen through the eyes of the prisoners themselves. Finally it was hoped that by comparing prisoners' childhood circumstances and background with the crimes they had committed, the sentences they had received and their attitudes to crime and criminality, some light might be shed on the roots of their criminality.

The Home Office Research and Planning Unit, in consultation with Prison Service Headquarters and other Home Office colleagues, developed proposals for the survey in 1989 and later contracted the Office of Population Censuses and Surveys (OPCS) to carry it out. A random sample of the prison population was interviewed in January and February 1991 using a questionnaire which took about 40 minutes to complete. Altogether 10 per cent of male prisoners and 20 per cent of female prisoners were selected and 90 per cent of these were interviewed, a total of almost 4,000 prisoners.

This article focuses on just a few of the topics covered by the survey; further details are available in the report published by the Research and Planning Unit

(Walmsley, Howard & White, 1992) and in OPCS' report to the Home Office (Dodd & Hunter, 1992).

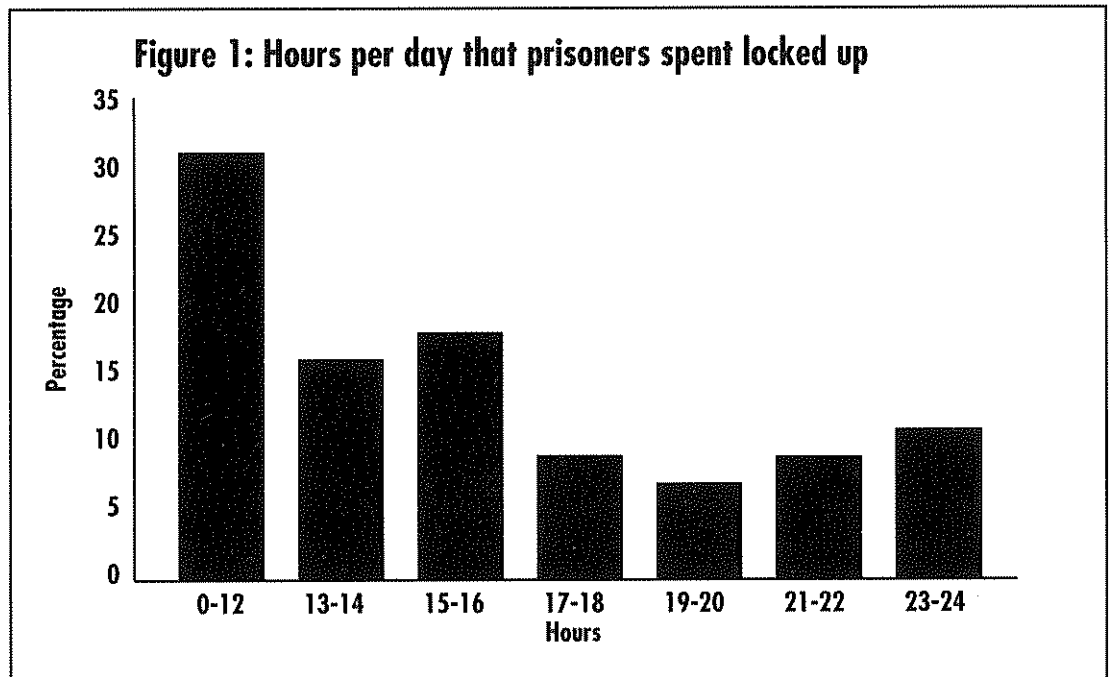
## Background characteristics of prisoners

One topic which was covered in the section dealing with prisoners' background characteristics was childhood circumstances, that is, who prisoners lived with while they were growing up. 62 per cent of prisoners had spent most of the time up to the age of 16 with both parents and 19 per cent with just one parent. The proportion of prisoners coming from households that consisted of a single parent appears to be higher than in the general population. In line with changes in the structure of families in recent years, young prisoners were more likely than adult prisoners to have been brought up by one parent.

Twenty-six per cent of all prisoners said that they had been taken into local authority care before the age of 16. The proportion of young prisoners (under 21) who said this was 38 per cent. The comparable figure for the general population is only 2 per cent, with no significant differences between age groups. White and black Caribbean prisoners were almost equally likely to have had some experience of being in care (27 per cent and 29 per cent respectively). Only 10 per cent of black Africans and 6 per cent of Asians had ever been in care (it could be that many of these may not have spent their childhood in England and Wales, although they were not directly asked this question).

## The prison regime

Prisoners were asked about a number of aspects of the prison regime including sharing of cells, hours locked up,



prison food, education and work. 20 per cent of prisoners said they had been locked in their cell for more than 20 hours on the previous day. Many of these were in fact locked up for almost the whole day, with 11 per cent of all prisoners saying they were locked up for at least 22.5 hours on the day prior to the interview. This was said by 34 per cent of those on remand in local prisons and 22 per cent of sentenced prisoners in local prisons. At the other end of the spectrum, almost a third of prisoners reported being locked up for no more than 12 hours on the previous day - the Prison Service's target for hours locked up. (See Figure 1)

There was a high level of belief in the value of prison education among prisoners who had taken classes. Just over two thirds of convicted prisoners who had attended classes thought these would be of use to them after release. Of prisoners who said that the prison they were in ran classes, 47 per cent attended these and nearly half of those who did not attend classes said they would like to do so. English was the class which had been taken by the highest proportion of prisoners (37 per cent of those who had attended a class), followed by music, art, drama and craft classes (31 per cent), maths (29 per cent) and computer sciences (25 per cent).

#### **Attitudes to regime and ideas for change**

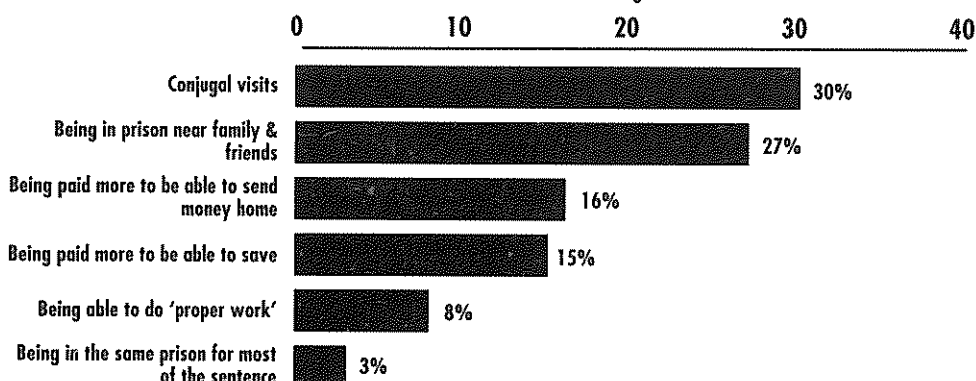
Prisoners were asked what improvements they would like to see in the prison regime. The main improvements favoured were better food (89 per cent of prisoners wanted this) and the use of (or more) phonecards (83 per cent). Better canteen facilities (78 per cent), more information on arrival (76 per cent), a TV in their cell (76 per cent) and more frequent visits (74 per cent) were also popular. When prisoners were asked what was their most favoured improvement, better food and more frequent visits were most popular (both 15 per cent), followed by the use of phonecards (12 per cent).

Looking at improvements in the prison service as a whole, 93 per cent of prisoners favoured being paid more for work so that they could save money, 90 per cent wanted to do 'proper work' and 88 per cent wanted to be in a prison near family and friends. At least two thirds of prisoners wanted to see each of the other three changes (to be paid more so that they could send money to their family, conjugal visits and to be in the same prison for most of their sentence). As with changes to the prison regime, prisoners were asked which of these changes to the service were most important. The introduction of conjugal

**Figure 2: Improvements favoured in prison service as a whole**

(each prisoner's most favoured improvement)

Percentage



visits (30 per cent) and being in a prison near family and friends (27 per cent) were those most favoured but prisoners' opinions varied according to age, sex and ethnic group. For example, conjugal visits were the most important change for about a third of male prisoners compared with 17 per cent of female prisoners. (See Figure 2)

### Relationships in prison

Given that relationships between staff and prisoners, and relationships among prisoners, are vital to the existence of humane imprisonment and a positive regime, prisoners were asked about both of these in the survey. 41 per cent thought that prison officers treated them well, with only 9 per cent saying that they treated them badly. Although these figures varied for prisoners in different types of establishment and of different ages and ethnic groups, the proportion who said officers treated them badly never came near to the proportion who said they treated them well. Prisoners were also asked whether they agreed or disagreed with a number of statements about prison officers. 71 per cent agreed with the statement 'most prison officers treat prisoners fairly here' but 25 per cent agreed that 'some prison officers assault prisoners here'. The latter was the statement which showed most variation by type of establishment. Less than 4 per cent of prisoners in open establishments agreed with it, compared with more than 30 per cent of those at remand centres, local prisons and closed YOIs.

As regards relationships with other

prisoners, 18 per cent said they did not feel safe from being injured or bullied by other prisoners. 26 per cent of those in a separate Rule 43 facility or segregated for their own protection said this. Asked whether they had been assaulted by another prisoner in the last six months, 9 per cent said they had been. Prisoners aged under 21 were the most likely to have been assaulted: 15 per cent of them said this compared with 4 per cent of those aged 50 or over.

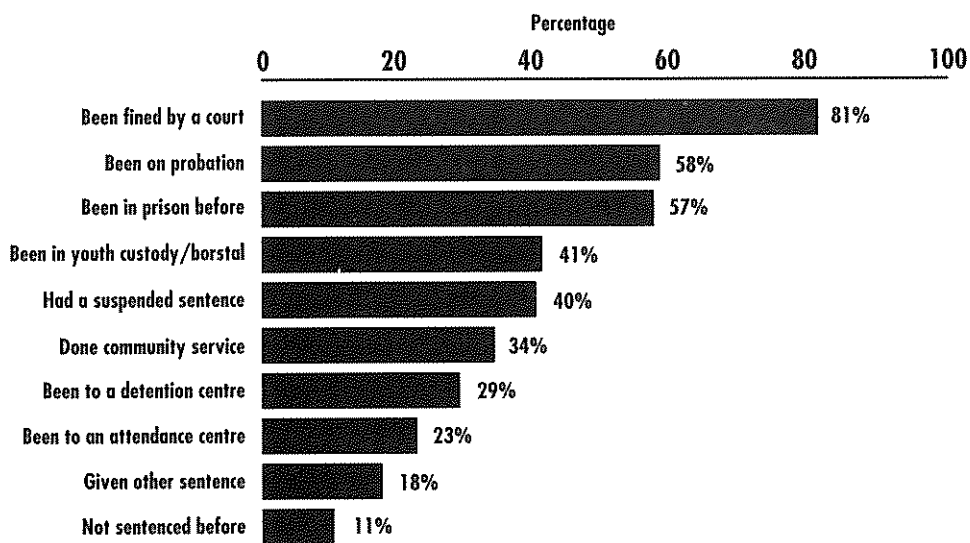
### Contact with the outside

76 per cent of prisoners said that they had received a visit and 90 per cent said they had received a letter from a family member or a friend in the last three months. Of those who had been visited, 30 per cent said that their most important visitor travelled more than 60 miles to the prison, with an average distance of 62 miles. Visitors to prisoners in closed YOIs travelled furthest, an average of 101 miles. Nearly a quarter of those who had been visited said that their visitors had difficulties in getting to the prison and nearly half of all prisoners said that there was someone who did not visit them who they thought would do so if travelling to the prison was easier.

### Convicted relatives

Research has shown that people who have a close relative with a criminal record are more likely to have a criminal record themselves. In the survey, 43 per cent of convicted prisoners said another member of their family had been convicted

**Figure 3: Experience of previous sentences**  
(convicted prisoners only)



of a criminal offence and 35 per cent said that someone in their family had been imprisoned. Young prisoners reported even higher figures: 53 per cent had a family member who had been convicted and 44 per cent had a family member who had been imprisoned. In the general population, only 16 per cent said that a member of their family had been convicted of a criminal offence. Of those convicted prisoners who had a family member who had been convicted, in 73 per cent of cases a sibling had been convicted, in 35 per cent of cases it was a parent.

#### **Previous sentences and attitudes to re-imprisonment**

11 per cent of convicted prisoners said that prior to their present conviction they had never been sentenced by a criminal court; 43 per cent said they had not previously served a prison sentence. Prisoners with long prison sentences were more likely than those with short sentences to be serving a sentence of imprisonment for their first proved offence. Only 6 per cent of those serving a sentence of six months or less had not previously been sentenced by a criminal court, compared with 14 per cent of those serving over four years (including life). Women were much more likely to be first offence prisoners than men (38 per cent compared with 10 per cent). (See Figure 3)

Just over half of the sentenced prisoners thought that it was not at all likely that they would be back in prison at some time in the future while 10 per cent thought it was fairly likely and only 6 per cent thought it very likely. This can be contrasted with a study of a sample of prisoners discharged from prison in 1968: 26 per cent of these had been recommitted to prison under sentence within a two year period (Home Office, 1990).

#### **Conclusion**

The National Prison Survey has produced much information that will be useful for all those who are concerned to improve prison conditions and, in particular, to develop positive regimes that take full account of prisoners' needs, perceptions and attitudes. However, it has also demonstrated the potential of prisoner surveys and has made clear that there are many other aspects of prison life in which such information would also make a valuable contribution ■

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# *The Perrie Lectures*

## *1993*

The lectures were held at the Prison Service College, Newbold Revel. The speakers were asked to offer their vision for the future of the Prison Service. At the time the College had begun the painful process of market testing and the audience included several representatives from the private sector. Does the future lie in that direction? The success of the in-house bid for Strangeways suggests that it is still an open question and so far the new Home Secretary has not shown his hand.







# *The Future of The Prison Service*

*PERRIE Lecture  
March 1993*

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Affairs spokesman for the  
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Home Secretary if that party  
should be elected to power.*

**I**t is a very great pleasure to be here and can I apologise straight away for being so badly delayed. It was apparently due to a failure of the electricity grid and when I got on the train at Coventry I sat down immediately opposite Norman Fowler! I can lay my delay fairly and squarely at the door of those who I consider responsible for the electricity privatisation. It has also been a very lively time in the Home Affairs brief; in fact I think I feel subject to the old Chinese curse about "Living in Interesting Times". But we have had an obviously tremendous amount of debate about the Criminal Justice System and I suppose it is at a point in time when it is very much in the public eye and there is a possibility of moving the debate on, indeed moving it on to ground that allows us to come to some conclusions.

## **THE PURPOSE OF THE CRIMINAL JUSTICE SYSTEM**

I would like to begin my lecture by paying tribute to the person who's honoured by these lectures and the tremendous service that he gave to the Prison Service over the years. I believe that when you come to a new brief such as I have to the Home Office, you are continually aware of the danger that people are in when they separate one particular part of the system from all the other parts. There is a tendency to isolate one part and have policies and responses to it without seeing how it fits in the overall system. I want to begin my lecture on the future of the Prison Service by saying to you

that I don't believe that we can analyse the future role of the Prison Service without setting it in the overall system of Criminal Justice. If we abstract and treat it as if it were a self-contained unit without any implications for other parts of public policy, then we will make a very serious error indeed. The purpose of the Criminal Justice System in my view is first of all to try and prevent crime arising altogether. Secondly, to divert as many people as possible from the necessity of custody. Thirdly to imprison those whom it is necessary to imprison, only. Fourthly to understand that the purpose of imprisonment is to ensure that the best chance of rehabilitation is given to those that are in prison. What we require is not a series of policy initiatives that are reflex responses to particular events occurring in our Society, but a thought out policy, a strategy if you like, that deals with all the various aspects of the problems that we face and doesn't attempt to isolate the Prison Service from the rest of the Criminal Justice System. The problem in this area at a level of policy has been the belief that somehow you have to choose between a liberal agenda and a hard agenda. That belief that you have to make that choice distracts us from trying to seek out a coherent strategy that starts from the point of view that people want to live in a safer community and ends with the belief that those who are in prison should be rehabilitated. We should not engage in some ideological choice between a "liberal and hard agenda", but we should understand that from the point of view of our Society



there is no choice between prevention and punishment. What the people desire in our society most of all is to have crime prevented, but recognise the need to punish where it is necessary.

### THE PRISON SYSTEM IN CONTEXT

I think the best way of starting and seeing how that works its way through is to look at what actually happens to people on the ground in the communities in which we live. In my surgery in my constituency a couple of weeks ago there was an old lady who came to see me whose door had been battered down in her council house, she had then been seriously and violently assaulted and robbed. I would start with what that old lady wanted to see happen as a result of that. She needs help obviously as a victim, she will want the offender dealt with promptly, detected and put through the Criminal Justice System. She will want it done in a way that is efficient. She wants that offender to come out at the end of serving the custodial sentence, if that's what the court decides, in a better shape to take his place in society than when he went in. But most of all, she'll wish that it had never happened in the first place and that the society in which she lived did not give rise to this type of behaviour. So she will want all those things dealt with, she won't want them dealt with bit by bit, she will want a programme that enables us to tackle every aspect of the problem that she has faced. That's why when you look at the enormous Home Office budget (£6 billion or more) and the £1.5 billion we spend on the Prison Service and if you add in the Local Authority money of at least say some £5.5 million, it seems rather extraordinary that the bill for crime prevention is round about £15 million slightly more if you add in the Department of the Environment; it is curious that our priorities should be engaged in that particular way. And so, what I would say to you is that we start by setting the prison system in context, we do not isolate it.

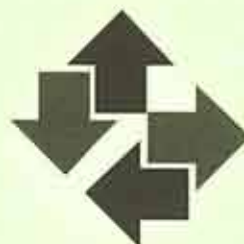
### WOOLF REPORT

Now the conundrum that Sir Brian Cubbon (former Permanent Under-Secretary of State at the Home Office) addressed in the Australian Conference in 1988 of the relationship between the prison capacity and sentencing policy, takes us to the heart of the debate on the position of the Prison System

within the Criminal Justice System and the inter-relationship between the different parts of that system. Now this was of course addressed by Lord Justice Woolf in his report on the Prison System published now over 2 years ago. The Woolf Report proposed that a Criminal Justice Consultative Council should be set up to provide a national forum for agencies in the system and that that would be backed up by 24 local committees at a lower level. In December 1992 the Consultative Committee published its first discussion paper "*Prisoners Awaiting Trial*" which looks at the unconvicted prison population. It asks Local Committees to look at the scope for, amongst other things, reducing custodial remands without putting the public at risk, reducing the time spent in custody awaiting trial and considering the potential of the increased use of powers to hold remand hearings at courts close to where remand prisoners are held. Now the Consultative Committee clearly has an important role in improving liaison between Agencies, though I think it would be fair to say it's not yet seen as a major player in key debates. The Committee in itself is insufficient to meet the need for a closer relationship between sentencing and prison capacity and I would like to set out for you today four basic principles that I think that we should bear in mind when discussing sentencing in the future for the Prison Service. So having said my belief that you must put the Prison Service in the context of an overall strategy for Home Affairs, I would then like to add these 4 basic principles.

### A COUNCIL FOR SENTENCING POLICY

Sentencing policy was obviously outside Lord Justice Woolf's remit and so he was unable to address the issue of sentencing at all. But the Labour Party, along with many other individuals and organisations has, for some years, been arguing the case for the establishment of a Sentencing Council, and that Council would allow for consistency in what is at the present time a grossly inconsistent system and the development of a coherent sentencing framework. Now I am well aware that a Sentencing Council has been the Labour Party's policy for a considerable period of time. I would say that insufficient attention has really been focused on it, and I think that because of the way that the public mood is changing, there is a much greater



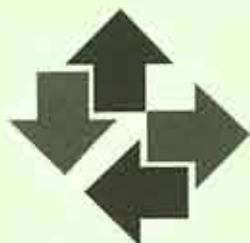


possibility of focusing people's attention on it now than there was before. And I think that is particularly so when we look at the recent research that has emerged from the Home Office of the cost of the Criminal Justice System which is being provided under Section 95 of the 1991 Criminal Justice Act. That research shows the percentage use of immediate custody by Crown Courts in 1990, and a quite extraordinary disparity in the sentences that have been given at different courts. At one end of the scale there is Snaresbrook and Woodford Crown Courts where they sentenced 35% of indictable offences to immediate custody. Norwich and Chelmsford in the south sentences 49% for immediate custody, and outside the south east Mold and Carnarvon Crown Courts used immediate custody in 59% and 60% of cases respectively. The range of custodial sentences for domestic burglary is equally diverse, the Stafford Crown Court using sentences of a custodial nature in 37% of cases and Mold in 72%. Now that is obviously a disparity that cannot be explained simply by reference to the facts. Such a sentencing lottery should not be accepted. A Sentencing Council which builds on the sentencing guidelines, assisting the Court of Appeal by providing a structure of guidance across the offences will bring some consistency to the system. The Council can then suggest ceilings for different types of offences, detailing weight to be attached to such factors as age, convictions, guilty pleas and repeat or multiple offending. It would be a far more coherent approach to sentencing than that attempted by the Government so far in the Criminal Justice Act. That Act did attempt to reduce the unnecessary use of custody by introducing proportionality, but as the White Paper *"Crime, Justice and Protecting the Public"* said in 1990, prison can be an expensive way of making bad people worse. The prospects of reforming offenders are usually better if they stay in the community, provided that the public is properly protected.

#### CRIMINAL JUSTICE ACT 1991

I believe that that would also provide a more complete framework, than the few clauses that have been put in the legislation so far, and I think that it would help at least in trying to clear up some confusion presently surrounding Clause 29 of the

Criminal Justice Act. Everybody understands what Clause 29 was designed to avoid, and that was a series of trivial offences being aggregated together and then a custodial sentence being put into effect in circumstances where it was not really necessary. But it is vital that the features that relate to aggravating factors that can be taken into account by the courts are properly understood, and properly understood within a coherent sentencing policy, otherwise some of the confusion that is apparent at the present time will grow worse. There is a risk therefore that all of the sentencing considerations behind Clause 29 could be put to one side, and that could be a mistake. Since the original invitations to this lecture went out last Summer, these key sections of the Criminal Justice Act have come into effect and since that time also there has been a large, somewhat unpredictable fall in the prison population. Home Office predictions suggest that the prison population will be increased to some 57,500 by the end of the decade, whereas in fact the actual population has fallen by some 8,000 between April and the end of December with a steep rate of decrease from September. On April 4 there were some 48,000 prisoners, by September 4 there were 46,000 and this had fallen by 6,000 to 40,000 on December 31, 1992. Now I think it is important that we understand the reasons for this decline in numbers. It would be encouraging if we were sure that it was part of a deliberate and considered policy. However, there are some indications that the fall can simply be linked to problems in other parts of the Criminal Justice System. There has, for example, been a marked drop in the number of cases that are coming before the courts, and at a time or rising crime there was a somewhat staggering report of some 50% fewer cases being heard in the London area last year, accompanied by a 12% reduction in arrests by the Metropolitan Police. In Hull, the workload of the Magistrates Courts fell by 19% last year. These may be connected with the policy of the Criminal Justice Act, but I think it is important that we at least understand why that happened, because others are giving explanations such as the demoralisation of the police with excessive paperwork and problems arising in particular courts. We don't know, but it is imperative to find out.





## DIVERSION FROM CUSTODY

Whatever the reason, at least one thing has happened and this is the second principle. The fall in the population has given us an opportunity, a breathing space, in which we can influence more clearly some of the Woolf proposals, particularly with regard to overcrowding. The Woolf Report is regarded in revered and reverent terms - it is one of those reports where there appears to be virtually a consensus that it is a wonderful idea and should be implemented as quickly as possible, but what is more difficult to see is whether it is actually being implemented in quite the way that Lord Justice Woolf indicated, or indeed with the speed that he wished it to be. But it has to be said that at least there has been some progress and improvements in the Prison Service, but there is also a very very long way to go indeed, and in his last Annual Report the Chief Inspector of Prisons, Judge Tumim, whilst noting that the improvements had taken place, said that there were many many defects that still want to be remedied. Many local prisons, for example, he said did not "offer sufficient time out of cells or a satisfactory range of opportunities. Those visited in 1991-2 remained overcrowded with very little space and while the quality of activity offered in some regimes for young offenders had improved, it is disappointing to report a decline in the hours they spent out of the cell in closed establishments." He also commented on inmates' work, noting that too few inmates were engaged in worthwhile work. He criticised the ridiculous meal times and that some prisons continued to require food to be served in adjacent recesses.

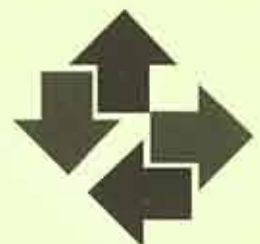
## PURPOSE OF IMPRISONMENT

Now, I think that we need to be very clear about the purpose of implementing the Woolf Report. As I said at the very beginning, it is right that part of our strategy should be the rehabilitation of those that are in prison. I think it is very very important that we stress the fact that the punishment that people have meted out when they are sent to prison is to be imprisoned. We don't then send them into prison so that their life is simply continual punishment whilst they are in prison. Our objective at the end is to ensure that people come out more able to face up to their responsibilities as decent law abiding citizens in our society. And if we

don't, and if the prison regime as such tends to produce people that are more likely to re-offend at the end, the notion that that is somehow tough on crime seems to be absurd, because what that old lady that I described who came to see me wishes, is that person when he comes out of prison to be more likely to be a law abiding member of the community and more responsible than when he went in. And so the idea of implementing the Woolf Report is not simply because one feels a sense of responsibility to those who are put inside the prison, but because it is in the public interest that they have the best chance of rehabilitation whilst they are there. And that is why, then, it seems there must be much greater urgency in the way that we implement the Woolf Report, and I have to say that it appears to be the case that the Prison Officers' Association and those that are engaged in the Prison Service management are keen to get on and to implement the provisions of the Report.

## PRIVATISATION AND ACCOUNTABILITY

I therefore come to my third principle which is that that is the priority that we should face within our prison system, not privatising the prisons or indeed market testing the management of it. Now I should say to you that I think that the argument in general terms about privatisation of public services is one that is much bigger than the scope of this lecture, but is one that the public has seen political battles over the last few years. I'll leave aside for the moment any ideological predisposition that anyone may have towards the public and private sectors, but I think that there are particular reasons in relation to the Prison Service why privatisation is not the right way we should go. I have to say that I am fundamentally opposed both in principle to the privatisation of the Prison Service and indeed in practice. In principle I am opposed because I believe that people who are sentenced by the state to imprisonment should be deprived of their liberty, kept under lock and key by those who are accountable primarily and solely to the State. Now, of course I have said that many of those who wish to take over part of our prison system do so with the best of motives, but the fact is this really can't be because the commercial firm coming in to run part of the Prison Service or indeed run a prison, is running it as a commercial





enterprise. It can be said therefore that the primary responsibility is to the shareholders of that organisation, and whereas I don't doubt that it may well be the case that there are those with very good motives who want to assist in the prison service and running of prisons in the private sector, I do not believe that it is right, when you deprive people of liberty that you do so under any auspices other than those of the State. I also believe there are two additional objections which are particularly relevant.

### **PUNISHMENT FOR PROFIT**

Firstly, I think there is a danger that if you build up an industrial vested interest into the penal system, and as part of that interest they are designed obviously to keep the prison population such that it satisfies those commercial interests, then I think there is a risk that that distorts the penal policy that otherwise you would introduce.

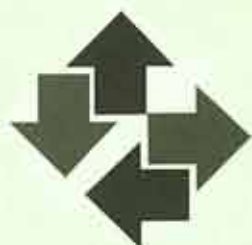
Secondly, I believe that privatisation is a diversion of our energies from where those energies should be properly set. I will make it absolutely clear and I repeat again today at the risk of offending anyone I would not support any form of restrictive practice that stands in the way of progress and reform within our Prison Service. If you think of the time and the energy and the debates in Parliament on privatisation rather than how we improve the Prison Service, then I think the point that I am making about the diversion of energy in resources and time is well made. According to the Guardian recently, the first priority of the newly appointed Chief Executive, Derek Lewis, is to make recommendations to Ministers about the form and timing of further private sector prison management. I think that rather underscores my point about the priorities in the prison system.

Now let me make one further point. I think if you have one or two privatised prisons within the system, partly because of the novelty, partly because there would be so much attention focused upon them, then they are likely to be fairly well run and make a contribution to the prison system. I don't say that the existence of those one or two would undermine the concept of the prison service, but I do think it is impractical to think that you could run vast parts of the prison service in that way. Secondly, when we debate with Government Ministers, as

we often do, about the Prison Service, and they say well look at the Wolds and the very good regime that is there and why should the Labour Party be opposed to that. If you look at what is good about that prison regime it is the specifications laid down by the Home Office, that was part of the contract of running the Prison. Now if that is right, then that is something that has come about by Government will. Government has decided that they will lay down these criteria in the way that the Prisons are to be run. My response to Government Ministers is well if this can be done as a demand made upon the private sector, why can it not be implemented in the public sector where the Government is actually in control of management itself. I have a feeling sometimes that the purpose of this is to introduce decent specifications in the private sector, pretend that is then the result of the private sector, whereas as a matter of fact it is the result of the Home Office actually taking responsibility to introduce a proper prison system, but introducing it only in the private sector and not introducing it with sufficient vigour in the public sector. Therefore, I believe that that the diversion of privatisation is draining away some of the energy which could be used to improve the public sector.

### **SECURE ACCOMMODATION FOR YOUNG OFFENDERS**

The fourth matter I would like to raise, and I will deal with this very briefly, is with the Home Secretary's recent announcement about the new institutions for young offenders. I say new, but the fact is that we are re-living the past here. I really do not believe that setting up a series of new centres for young offenders is the right way to deal with this problem. Now I agree that there is a problem I have consistently said that there is a problem of persistent juvenile offending that is causing great distress within local communities, and we have to deal with it. And I agree too that there are those who are out of control and beyond the ability to be controlled properly either by their parents or the rest of society. Then there is a case for using secure accommodation for those young people. It is a tragedy, I don't pretend there is any form of answer to it, but there are people in my constituency and elsewhere who desire protection. But we can build upon a system that is already there. Setting up 5 or 6 new centres is simply to go over





the mistakes of the past. I point out to people who say that this is all about training and education now and not simply about punishment that they should recall borstal training. It has always been said if you look at young offenders institutions and prospectus for them, the prospectus is actually extremely good. It's a bit like when you read a Chinese Bill of Rights, the Rights are absolutely fantastic but the worries are whether they are actually implemented. And if you look at the prospectus of the Young Offenders Institutions that is all about training and education. That is not the problem. It's not that there doesn't exist goodwill in these institutions, indeed they attempt to make the best of their situation, but, the reason why I believe it to be so fundamentally wrong, is that the last thing that you want to do with those persistent young offenders is to put them alongside 40 or 50 other persistent young offenders and lock them up for a considerable period of time. All the evidence is that they come out worse than when they went in. Therefore I think that this is a mistake, I think we should be building on the secure accommodation that is already there, but most important of all, and this comes back to the very point I made at the beginning, by the time these youngsters have got to that situation, let's be brutally honest with ourselves, there's probably not a great deal that anything other than time is going to be able to help. We can do as much work as we possibly can, and we should, and there is secure accommodation that helps us now, but the aim should be to prevent and divert those who ever get into that position in the first place, and that's why it is insane to set up these new centres at the same time as the local authorities are having to close some of their facilities for disturbed young people in communities throughout the country. When we find that the service has actually been cut in some parts of the country! When we find that employment and training opportunities for young people are being withdrawn! When we find that some young people are facing the situation now as a result of the changes in the benefit system where they are without benefit, they are without a job and without a training! Now, it seems to me, that if we are to look at this as a part of the coherent strategy in dealing with juvenile offenders, then we put at the end of the chain the notion of secure accommodation for those that we deem it is necessary. We don't say that that is the policy for dealing with

juvenile crime because we all know it isn't.

### IN SUMMARY

That brings me back to the very point that I started from and that is to put sentencing policy within an overall strategy of the Criminal Justice System. The purpose of that system should be to make our community safe, that those that are in prison should be there in order that they get the best chances of rehabilitation. The Prison Service goals that have been established by the Woolf Report, are agreed across a very broad spectrum, must be implemented. Privatisation is a diversion. Above all we regard the Prison Service as an integral part of the process of justice. In the end crime is a problem that arises through a breakdown of a community, and unless we are prepared to take the steps to reform both our Criminal Justice System and the Prison Service, the steps that I think most people now agree are necessary, we shall be forever dealing with the consequences of the breakdown in the community in which we live ■







# PENAL POLICY & PRISON MANAGEMENT

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In his landmark report, Lord Woolf drew our attention to the inward-looking stance of the prison system and its relative isolation from other aspects of criminal policy (Woolf, 1991, 260). I will endeavour in this paper to locate prisons within this broader terrain – a context which, after all, lies at the heart of Sir Brian Cubbon's question of five years ago that is set forth as a text for this year's Perrie Lectures.

My central theme however is that criminal justice policy and practice be regarded as an arena characterized by competing ideologies. It is my argument that liberal and humane beliefs and sentiments within criminal justice agencies – what might be termed the Humanity credo – always tenuous and precarious – are especially vulnerable at this time. The threat comes not so much from punitive-retaliatory sentiments (although these should never be under-estimated) but from the ascendancy during recent years of what might be called the credo of Expedient Managerialism.

A word or two is required to spell out these competing ideologies. One aspect of the Humanity credo was put to me by a prison governor who talked of "giving prisoners better than a fair deal"; it also has something to do with what a senior Home Office official referred to as "a properly adult relationship between management, staff and prisoners". (Rutherford, 1993, at 23 and 157) The credo embraces an optimism

that constructive work can be done; an adherence to the rule of law; and an insistence upon open and accountable procedures. The Dutch criminologist, Willem de Haan, put it well (in his assessment of the Utrecht School) when he wrote of a "strong empathy with the delinquent as a fellow human being ... a person, on the one hand, needing help and, on the other, entitled to certain basic rights. In other words compassion, co-responsibility and a deep sense of humanity ..." (de Haan, 1990, 69)

By contrast, Expedient Managerialism eschews any claim to a moral mission. Instead, the orientation, as David Garland observes in his *Punishment and Modern Society* is towards institutionally defined managerial goals. (Garland, 1990, 184) The essence of this credo emerges in the account by James Jacobs of a change of regime that took place in the mid-1970's at Stateville prison, Illinois. The incoming warden "brought to the prison a commitment to scientific management rather than any correctional ideology ... (He) is neither in favour nor opposed to rehabilitation programs. His primary commitment is to running a safe, clean, program-orientated institution which functions smoothly on a day-to-day basis and that is not in violation of code provisions, administrative regulations or court orders. He has brought a new definition of administration to the prison. He stresses efficient and emotionally detached management. He has attempted to



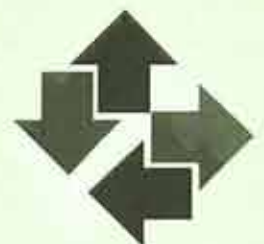
remove the affect attached to handling inmates" (Jacobs, 1977, 103-4).

It seems to me a matter of critical importance that the prevailing Expedient Managerial credo appears to be rapidly gaining ground. Some three years ago, in the course of research for my recent book, a senior prison governor from the United Kingdom said this to me: "I have become quite concerned about the management style of the Prison Service in the light of an increasing preoccupation with efficiency. The tail is beginning to wag the dog rather than the other way round. I am very committed to the philosophy of efficiency and effectiveness, because it is important that we get value for money out of the resources, and that management be in control and developing policies for improvement of the treatment of prisoners. However, some aspects of the efficiency strategy have meant that the values of headquarters have been twisted. We no longer have the concern for prisoners at the forefront of our mind. Efficiency is at the forefront of our mind, more as an end than as a means, and that does concern me." (Quoted in Rutherford, 1993, 157). It is this tension between Expediency and Humanity that lies at the heart of the contemporary crisis facing criminal justice. Expedient Managerialism gives priority to narrowly-defined performance measures and to short-term trouble-shooting over any articulation of purposes and values. The tendency is to sidestep basic deficiencies and to seek new ways of ensuring business as usual. The agency's pre-occupation is getting through the day as smoothly as possible, of moving matters along in accord with established procedures. This environment provides a comfortable workplace for practitioners who have little inclination to reflect on the agency's basic goals and who are not unduly disturbed by casualties along the way. No aspect of criminal justice appears to be free from tendencies of this sort. For example in March 1993, the Audit Commission published performance indicators for the police - which as P A J Waddington pointed out in *The Independent* (9 March 1993) - threaten to undermine the priority attached by Lord Scarman to "public tranquillity" as a goal of policing.

Against this prevailing Expediency credo there are the liberal and humane traditions and working ideologies adhered to

by practitioners within the Prison Service and other agencies of criminal justice. The Humanity credo extends back many years and it is beyond the scope of this paper to attempt any historical account. This ideological line can however be clearly traced in a series of pronouncements during the last decade and be illustrated (in what is not intended to be an exhaustive list) by brief reference to the following items

- The Report of the Control Review Committee (Managing the Long-Term Prison System, 1984).
- The Committee's membership included some of the most liberal senior governors in the prison system at that time, and the report emphatically distanced itself from the values reflected in the discredited "control units" of the mid-1970s (*Home Office, 1984, 17*). (See generally Bottoms and Light, 1987).
- A year or so later Ian Dunbar published his *A Sense of Direction* in which he urged "an approach which focuses on individualism, relationship and activity." (Dunbar, 1985, 84)
- Much in the same vein were the statement of purpose issued by the Northern Ireland Office as well as the influential report by the Scottish Office, *Opportunity and Responsibility: Developing New Approaches to the Management of the Long-Term-Term Prison System in Scotland (1990)*.
- The Woolf Report of 1991 was able to build upon this line of thought and provide its own powerful endorsement. (Woolf, 1991)
- Most recently, and of particular significance, in June 1992, Joe Pilling ten months after his appointment as Director-General of the Prison Service for England and Wales, delivered the Eve Saville Memorial Lecture. This public lecture must surely be one of the most remarkable statements on agency values and working ideologies that has been made by a serving head of a prison system. You will recall that Joe Pilling spoke about the quality of relationships within the prison system. In highlighting the Service's purpose of looking after prisoners with "humanity" he went on to





explore five inter-related concepts, namely respect, fairness, individuality, care and openness. Mr Pilling stressed in this widely circulated paper that "it is a key task of leaders to articulate clearly the values of the organization ... values to be adopted at every level of the Service. They apply both to those who make policy and those who implement it, to those in contact with prisoners and to those who manage and support them. They are a template against which all our work as a Service will be judged." (Pilling, 1992, 8)

In this pivotal lecture, Joe Pilling focused upon the internal relationships within the prison system. But these values, as Lord Woolf emphasised, have also a great deal to do with looking up from the task at hand and making connections across the criminal justice process. It involves an appreciation of the subtle balance to be sought between criminal justice agencies with reference to both their independence and their interdependence. This effort to connect, of course, also extends beyond the boundaries of criminal justice and encompasses many aspects of social policy. I was struck by some phrases in an obituary of David Hewlings written by Ian Dunbar:

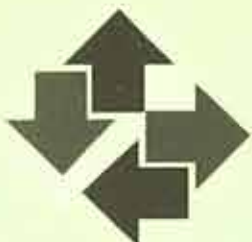
"Those who had the privilege of working with him found the experience inspiring, rewarding and deeply fulfilling, for he knew that it was only by gaining the wholehearted commitment of staff through the involvement with each other and with prisoners that prisons could become instructive communities with the potential for growth and development. But he also knew that prisons should not be isolated from the wider society. He was alive to the contribution that other organizations could make and to the need to work in partnership with them, whether in industry, the health and education services or in the voluntary sector" (*The Independent* 7 January 1991).

This wider perspective was embraced by the former head of the Danish prison system in an article published in 1980. H. H. Brydensholt wrote: "We were in the situation of either having to secure more prison space or to change our criminal law so that imprisonment was used less frequently ... It may well be that we will achieve our goals (of crime reduction) only by looking outside the criminal justice system for the answers".

(quoted in Rutherford, 1986 p. 174) The imperative that arises from this perspective for policymakers and practitioners - for the reflective actors of the criminal justice process - is to insist upon asking awkward questions about both the composition and size of the prison population. The issues that arise include:

- questions to be raised by the reflective actor have to include: where do prison populations come from: and what are the limits of the criminal law as an instrument of social control?
- the place of young people within the prison system. Questions on this topic in England and Wales are especially urgent given the number of youngsters killing themselves while in custody - 30 between 1 January 1989, and mid-March 1993. This total included three 15-year-olds. Where else in Europe, it must be asked, can such a ghastly toll be replicated? These issues will once again be placed in the public domain with the publication of the report of the enquiry established by the Howard League into four of these deaths at Feltham undertaken by Anthony Scrivener QC. One is also forced to ask questions about the extraordinary House of Commons statement by the Home Secretary of 2 March 1993, proposing a secure training order together with a new generation of secure centres for persistent young offenders aged 12-15. Mr Clarke's notion that such places will be "primary schools in citizenship" and with delivery of "affection" is one of breathtaking naivety.
- the boundary between the prison system and mental health agencies. Here the Reed report on Mentally Disordered Offenders of 1992 provides a springboard for action and one that should be high on the agenda for action within the new Prison Service Agency.

This wider perspective, it must be acknowledged, has been more in evidence over the last five or so years with criminal justice practitioners ready in many instances to question the role of prison in our society. Indeed we have experienced an echo over recent years of what took place in The Netherlands a generation ago, and in Germany in the early 1980s, of a new ethos among practitioners that began to share a





"bad conscience" about prison. This collective bad conscience was also a feature in the juvenile justice movement that became evident in this country during the early 1980s. This questioning by practitioners has succeeded in penetrating what Thomas Mathiesen in his marvellous book, *Prison on Trial*, refers to as the "inner circle" of criminal justice elites - persons who might have been expected to defend the institution of imprisonment even though they knew better (Mathiesen, 1990, 139-131). For example, in the white paper, *Crime, Justice and Protecting the Public* the government stated: "Nobody now regards imprisonment, in itself, as an effective means of reform for most prisoners ... (But) however much prison staff try to inject a positive purpose into the regime, as they do, prison is a society which requires virtually no sense of personal responsibility from prisoners ... For most offenders, imprisonment has to be justified in terms of public protection, denunciation and retribution. Otherwise it can be an expensive way of making bad people worse. The prospects of reforming offenders are usually much better if they stay in the community, provided the public is properly protected." (Home Office, 1990, 6). The substantial decline in the prison population in England and Wales during 1991-2 does seem to reflect this enhanced caution about the use of custody by not only the inner circle of criminal justice elites but by many practitioners across the criminal justice process.

The developing stress upon de-escalating the criminal justice process and humanizing the prison regime, if it is to be sustained, requires an open two-way street between policy-makers and practitioners. This recent progress certainly provides a real opportunity for progress by the new Prison Service Agency. But, if the counter forces of Expedient Managerialism gain further ground these values may be easily marginalized. An undue stress upon narrowly defined performance measures, market testing and contracting out the management of prisons to the private sector are all likely to work in that direction. (see Rutherford 1990)

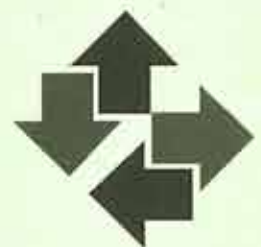
These are among the critical pitfalls of which the new Prison Service Agency will need to be wary. A perennial concern must be that the new Agency will become

increasingly remote from criminal policy. Vigilance will also be required to maintain, and indeed enhance, a framework of public accountability. There are early alarm bells. Ministers will be less directly answerable to Parliament. Furthermore, it is now clear that the plan to have an independent non-executive Board to the Agency has been dropped. These are matters that demand urgent reconsideration. Thought should also be given to a thorough review of HM Inspectorate of Prisons, and other mechanisms that are intended to monitor and oversee the prison system.

It should be clear that I am not suggesting that everything rests with persons working directly within the Prison Service. There is a legitimate role for Parliament, the media and pressure groups in this regard. But inevitably, much of the onus will fall upon practitioners. I end here as I did in my recent book: it is with practitioners that hope must reside if, at least for a while, criminal justice is to be made a little more decent ■

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# PRISONS *for whose profit?*

*Dr Andrew Coyle  
is governor of Brixton prison*

**P**risons by and large are places of routine and monotony. They operate on the premise of large numbers of people, both staff and prisoners, doing the same thing day after day. We have moved some way from the situation at the end of the last century when Sir Edmund Du Cane, Chairman of the Prison Commissioners, could look at his watch and know what exactly was happening in every prison in the country at that moment. But there is still a ring of truth in the observation made some seventy years ago by the Earl of Stanhope that, while he did not wish to under-rate the qualities of a prison officer, he was "especially impressed with the monotony of his life".

There is always a temptation for people who work in a large organisation to think that the period in which they are making their contribution to the organisation is one of great change. That is probably true of the prison system. I can remember in my early days in the service senior colleagues talking at length about the changes brought about for staff by the Wynn Parry Report of 1957. Then there was the period which culminated in the Mountbatten Inquiry into security in 1966 and the far-reaching changes which it brought about. Of more recent memory was the May Inquiry, sparked off by an open letter to the Home Secretary from the chairman of the Prison Governors' Committee, warning of the imminent collapse of the prison system in England and Wales.

The changes during each of these periods pale into insignificance when one considers the excitement and upheaval of the last five years. This period has been marked by a singular lack of monotony in the Prison Service. 1987 saw the introduction of Fresh Start with a fundamental change in

conditions of service for prison staff. This was followed by the organisational changes which were introduced in autumn 1990. The Lygo Report of 1991 led us into the uncharted waters of agency status in which we are now sailing. The determination of the government to increase private sector involvement in so many areas of public life has opened up the reality of privatisation of several sectors of the Prison Service and of prisons themselves.

## ORGY OF VIOLENCE

The late 1980s saw a series of major disturbances in prisons across the world; in the United States, in Poland, in Brazil, in France, in Australia and in many other countries. The prisons in the United Kingdom had more than their share of major incidents. These culminated in the terrible violence which began in Manchester Prison on 1 April 1990 and which lasted for 25 days.

What had gone wrong, that prisoners had engaged in such a sustained orgy of violence? On 6 April 1990, while the riot at Strangeways was still in progress, the Home Secretary appointed Lord Justice Woolf to carry out an inquiry. Woolf's terms of reference were to inquire into the events leading up to the riot at Manchester and at the other prisons where disturbances occurred and into the way they were dealt with. As had been the case with previous prison inquiries, Lord Justice Woolf decided at an early stage that he would have to expand his terms of reference considerably to take account of "the underlying problems (of the Prison Service) and the remedies which they require".

The report which Woolf submitted to



the Home Secretary on 31 January 1991 is a seminal document which, in its own words, erects a series of signposts which the prison service must follow if it is to achieve its stated objectives. The signposts are expressed in a language which can be understood in any country and in any prison administration. The Home Secretary accepted most of Woolf's recommendations and the White Paper, "Custody, Care and Justice", describes in some detail how the route signposted by Woolf is to be travelled.

### **NATIONAL PRISON SURVEY**

Two years later considerable progress has been made in some respects. It begins to look as though all prisoners will have continuous access to sanitation by the end of 1994, some fourteen months before the deadline recommended by Woolf. Important as this provision is, the speed at which it has been undertaken has meant an inevitable delay in other improvements to which, had they been consulted, prisoners might have given a higher priority. This has recently been confirmed by the findings of the National Prison Survey undertaken by the Office of Population Censuses and Surveys. This survey found that prisoners gave a higher priority to improved contact with their families than to having a w.c. in their cell. One also suspects that those who come after us professionally will question our wisdom at installing toilets in sleeping accommodation.

### **REDUCING PRISONER'S ISOLATION**

Almost all prisoners now have access to pay telephones. Censoring of personal correspondence has all but been done away with. There have been some improvements in arrangements for home leave. The recent reduction in the number of people in prison has allowed an extension of visiting times in many local prisons. These developments have gone some way to reducing the sense of isolation felt by many prisoners and their families.

The key to the stability of any prison is the relationship between the prisoner and the prison officer. All other members of staff, governors, probation officers, teachers, psychologists, psychiatrists come and go. The two constants in any prison are the prisoner and the prison officer. Over the last 150 years the name of the person

immediately responsible for prisoners has been changed from turnkey to warder to prison officer. It is arguable that the role of that person has not fundamentally changed. The prison officer knows that, if at the end of his or her tour of duty the right number of people are locked up and there has not been a major incident in the course of the day, not too many questions will be asked.

### **PERSONAL OFFICER SCHEMES**

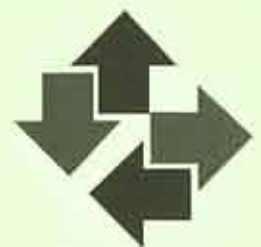
In many establishments a start has now been made in giving prison officers real authority to deal with the daily matters which are important to prisoners rather than simply acting as post boxes for probation officers, chaplains or governors. Prisoners are given the opportunity to discuss how to serve their sentences constructively through what are known as sentence plans. They can identify particular officers who know them as people and who are aware of their circumstances. To a great extent the personal officer or landing officer scheme is no more than that which the good officer has always been doing. The difference is that it is now officially approved and the officer should be given facilities to carry out the work professionally.

### **OVER-CATEGORISATION**

Much has been done in the last two years but so much still remains to be done. The physical state of many of our prisons, particularly the large Victorian inner city prisons is, as I know only too well, a matter of public shame. The large number of people with mental disorder who are locked up in our prisons is an affront to a civilised society. The high proportion of prisoners who are defined as Category A security devalues the coinage of that category and makes it difficult for staff to give close supervision to those prisoners who really require to be in conditions of maximum security.

### **MINIMUM STANDARDS**

Many people both inside and outside the Prison Service have been arguing for years the need for a set of minimum standards for prisons. This proposal has been officially opposed until recently on the grounds that any realistic standards which were set would have to be so low as to be unacceptable. Woolf demolished this





argument and a great deal of progress has been made in preparing just such a set of standards.

### INDEPENDENT ASSESSMENT OF COMPLAINTS

If people who are deprived of their liberty are to behave in a just manner after their release, they must be treated justly while they are in prison. One way of ensuring this is to have a proper procedure for requests, complaints and grievances. The changes which were introduced in 1990 have been only partially successful in this respect. Specifically, they do not include any provision for independent assessment of a complaint or grievance. Arrangements are in hand to appoint a Prisons Ombudsman before the end of 1993. Personally, I regret that Woolf placed his Independent Complaints Adjudicator at the apex of the complaints system. There is a strong argument for introducing an independent element much earlier in the procedure to allow for speedier resolution of complaints close to the point of disagreement.

### LINKS WITH THE FAMILY

If we are serious about allowing prisoners to maintain and to develop links with their families while in prison, we still have a long way to go. At present the best a prisoner can hope is that family links will not be broken during the course of a prison sentence. There was speculation recently in one of our national newspapers that consideration was being given to issuing condoms to men while they are in prison. Would it not be better to look seriously at how a person can maintain real family bonds while in prison?

The United Kingdom lags behind many other countries in the arrangements which it makes for prisoners to go home for short periods. This is largely because we have given no real thought to what is an acceptable level of risk. If there is any doubt in an individual case about whether the man or woman will return to prison we tend not to give home leave. There was some public comment recently at the fact that failures to return from home leave are now running at about 6% nationally. That should be no surprise to anyone. The international average of such failures is about 6 or 7%, regardless of the level of home leave. We should

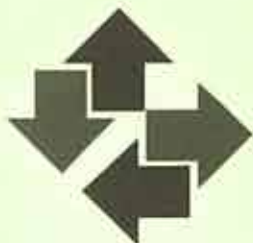
educate people to understand that a 94% return rate is an indicator of success, given that the person concerned has been assessed as not presenting a threat to the public in the first place.

When security considerations mean that a particular prisoner cannot leave prison, provision is made in several countries for families to come in to a separate part of the prison at regular intervals to allow the family to be together as a unit for several days. Such an arrangement is much more than a matter of conjugal visiting. The visitors may well be parents or siblings. More often than not they will be a partner and children. For 48 or 72 hours the group is able to live as a family unit. There is an increasing understanding in this country that introducing such arrangements for prisoners who present too great a threat to the public to be allowed to go home for short periods is a humane and a sensible thing to do.

### COMMUNITY PRISONS

A great deal of work still remains to be done in building links between prisons and the communities which they serve. The great strength of Woolf was that he took ideas and principles which had been around for some time and which were based on commonsense and presented them within a context. This was the case in his recommendation about what he called community prisons. There has been some agonising in the Prison Service over the last two years about the concept of community prisons. There has been debate about whether some prisons should be identified as "community prisons". This discussion betrays a misunderstanding of what Woolf had in mind.

Prisons do not exist in isolation. They exist because society wants them to exist and they operate on behalf of society. The community has a right to know what goes on behind their high walls and also has an obligation to be involved in their activities. To use a current phrase, the walls of the prison should be 'permeable'; that is, prisoners should be encouraged to become involved in the activities of the community and the community should take part in many of the activities of the prison. If prisoners are to be prepared for return to the community while they are in prison it makes sense that they should be accommodated in prisons





which are close to their homes. The aim should be to build up good links between all prisons and their respective communities.

The Woolf Report dealt fairly and squarely, in a comprehensive way which had not been done before, with the issue of how prisons are run and how they might be run better. It provides an agenda for change. It is a tool which can be used by those of us who work for change from inside the system. It is a benchmark which can be used by those outside the system who also work for change.

### WHAT ARE PRISONS FOR?

It was a great pity that Woolf's terms of reference prevented him from being more radical. Before considering how prisons are run, we really have to be clear about what they are for and, indeed, why we need them in the first place. While still a prisoner in communist Czechoslovakia, Vaclav Havel expressed sorrow for:

*'the fact that prisons must exist and that they are as they are, and that mankind has not so far invented a better way of coming to terms with certain things.'*<sup>1</sup>

The Criminal Justice Act 1991 helps us to understand what prisons are for by defining those who should be sent there. There are those who have committed an offence which is so serious that imprisonment is the only sentence which can be justified and those from whom the public require to be protected because of the violent or sexual nature of their offence.

So, prisons exist to protect the public from violent criminals and to hold those who have committed the most serious offences. There has been much discussion in recent years about alternatives to imprisonment. The Criminal Justice Act makes clear that imprisonment is the alternative punishment, only to be used when there is no other appropriate disposal.

Imprisonment is the ultimate sanction available to courts in this country. It is the most severe mark of society's disapproval of an individual's behaviour. Prisons are places where people are punished for what they have done by being deprived of their liberty. The act of sending someone to prison is always negative. The days of imprisoning a

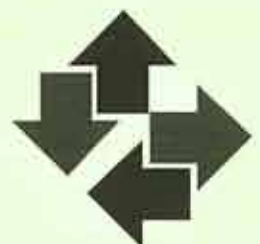
person 'for training' or for his or her 'own good' are gone, if they ever existed.

That is not to say that there can never be any benefit to be gained from the experience of imprisonment. For some people prison may provide an important opportunity to re-assess their life and what they want out of it. It may be an enforced pause during which individuals can make use of direction and guidance and can make plans for future support. This is the context within which personal officer schemes and sentence plans will operate.

If we are serious about rehabilitation, we must recognise that it will best be achieved in the community. The garb of citizenship is not a straitjacket into which an individual can be forced. It must be put on freely by the individual concerned. Rehabilitation in the community is not an easy option. It is a very difficult one for all concerned; for the community which has to show trust as well as disapproval, for the victim against whom an offence has been committed and for the offender who has been in danger of becoming an outcast.

### PRISONER AS OUTCAST

This notion of outcast is an important one. The prison has always been a place of exile from the community, with its roots in the age of transportation to the colonies. I have had an increasing sense in recent years that many of those who end up in prison now view themselves in a real sense as outcasts from the community, as people who have no stake in society. I first got that feeling some five years ago in Peterhead Prison where I was responsible for those prisoners who had been labelled as the most disruptive and difficult in the Scottish prison system. They refused initially to conform to any rule or regulation. It seemed to me that they had a sense of total alienation from society. It just so happened that the part of society with which they were most immediately at odds was the prison system. It was too simple to allocate sole responsibility for that alienation to one particular individual or group of people, to the man himself, to his family, to his teachers, to his church if he had one, to the police, to those who had no work to offer him. But alienation there certainly was. From that alienation sprang hopelessness and from hopelessness came dangerousness.





The notion of the prisoner as an outcast from society remains very much with me today in Brixton Prison where I see scores of men who are casualties of our materialistic society, unable to cope with the daily pressures of modern living. They may well be petty nuisances to those of us who live ordered lives but they are hardly threats to the stability of society. Many of them need a degree of controlled support but they do not require the security provided by seventeen feet high walls, closed circuit television cameras and alsatian dogs.

### THE VICTIM MARGINALISED

One of the major weaknesses in the criminal justice process in this country over the last two centuries has been that the victim has been progressively marginalised. In earlier centuries much of the criminal justice process was made up of a set of procedures which were intended to restore a balance between the offender and the victim. Until the middle ages in Scotland, for example, compensation was required as a matter of course for murder, theft and assault. This was a very pragmatic arrangement. The family of a murdered man would take little practical comfort from the execution of the murderer. Much better that the offender should pay them compensation for the loss of income and support which they had suffered.

The State has now come between the victim and the offender in this country to such an extent that the victim is often unlikely to learn whether anyone has been arrested for the offence committed against them, will probably not be told if there is an ensuing court case and often will not hear the outcome of any such case.

In the present populist debate about crime and punishment little real attention is paid to the victim and his or her views. When the victim is asked for an opinion, the findings often are that he or she is less interested in seeing the victim imprisoned than in having some form of compensation, often in an indirect form from which the community benefits, as a token that the offender recognises the harm which has been done. In this respect we in western countries have a great deal to learn from traditional forms of justice, for example, in some African countries, where the primary concern of many traditional forms of

community justice is in restoring the balance between the offender and the victim which has been upset by a crime.

At a superficial level the current movement towards private sector involvement in the management of prisons is part of the debate about how prisons should be run. At this level there is a certain logic to this development. At a more fundamental level the move to privatisation of prisons is a consequence of this excessive state intervention in the criminal justice process. It places the victim even further out on the periphery of the process.

If we are serious about dealing with crime we have to consider:

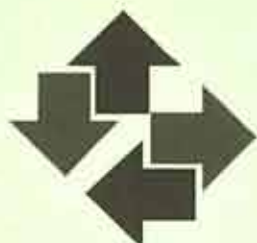
- who commits it?
- who is affected by it?
- how can we bridge the gap between the offender and the victim?

The conclusions will lead us to find community solutions to what are basically community problems. We will not look inappropriately to the prison system to solve the problems of society and then criticise it when it fails to do so.

### IMPRISONMENT - THE ALTERNATIVE

This is the principle which underlies Section 1.2 of the Criminal Justice Act 1991. We should stop talking about alternatives to imprisonment, as if imprisonment is the preferred form of court disposal. We shall instead regard imprisonment as the alternative, to be used only when no form of community penalty is appropriate. This is not a soft option. It is very difficult one. It is the only one to be taken if we are serious about dealing with the problem of crime.

Those of us who work in prisons will then be left to do the job for which we have been trained: looking after serious criminals for the protection of the public. In doing so we will be able to offer such people a genuine opportunity of personal change. Prisons will become places of justice; where custody and care can be exercised with humanity and decency; where prisoners will no longer be outcasts but will be encouraged to take their places as responsible members of the community. In a word, the vision of Lord Justice Woolf will be realised ■



# THE GRENDON RECONVICTION STUDY PART 1

In 1962, Grendon Psychiatric Prison opened as a 'unique experiment'. It has taken 23 years since the Hubert-East Report recommended that a prison regime based on the principle of therapeutic communities could be relevant and beneficial to treating prisoners with personality disorders and possibly psychopathic tendencies. Since its opening, the experimental label has persisted, particularly amongst Grendon's critics and cynics, largely because of the failure to establish that it worked in terms of lower reconvictions. Now, at last, there is growing empirical evidence that the experiment is over and has been successful.

Over the past 30 years, there have been few substantive research projects which addressed the vexed issue of Grendon's efficacy in terms of reconvictions. Newton's (1971) paper which concluded that, comparing Grendon reconviction rates after one year with those for 'patients' in Wormwood Scrubs and young men who had received a period of corrective training, there were no significant differences. The work of Gunn, Robertson, et al (1978) *Psychiatric Aspects of Imprisonment* which was probably the most famous attempt, concluded that compared to a sample from a local prison, a Grendon sample reconvicted at a comparable (even slightly higher) rate. They followed this up ten years later and found that both the Grendon sample and a 'matched control group' had been

reconvicted at the same (80 per cent) rate and there was no difference in either the frequency or severity of their post-discharge convictions. More recently, Player and Genders (1989) in *The Study of a Therapeutic Regime* within the Prison system, did not look at reconviction but concluded nonetheless that there were five stages in a Grendon 'therapeutic career' - motivation, recognition, understanding, insight and testing. They found that 18 months in therapy was a significant threshold for perceived success and that men who stayed longer at Grendon were those who came to us reporting, again significantly, higher levels of guilt and of self-criticism, and who were more intelligent.

None of these, or other minor studies, differentiated the relationships between several indices of determining success or failure nor did they attempt to differentiate those men who were most likely to succeed after prison in terms of their time in therapy and their manner of leaving, ie, direct from Grendon as opposed to transferring from Grendon to another prison and then subsequently being released.

The current study looked at data on large (N = 277) samples of randomly selected men who had been in therapy between January 1984 and December 1988. Data on a wide range of variables was collected and subjected to statistical analyses in order to determine whether there were

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October 1992

*The author refers to studies of the effectiveness of Grendon and explains the research he is currently working upon and offers some tentative but encouraging findings.*



any significant differences in terms of SUCCESS and FAILURE as defined by:

- a) Time in Therapy.
- b) The clinical judgements of Wing therapists.
- c) Reconvictions after two years.

### Subjects

The men in the study were randomly, that is, alphabetically, selected from the files of Receptions/Discharges maintained for all men who had been accepted into therapy. Sample sizes were  $N = 50$  for each of the years 1984 through 1988 and  $N = 25$  for three subsequent samples who were in therapy between 1.85 and 8.88 and on whom the Therapists for three wings were able to make direct clinical evaluations.

Their average age on Reception was 31.2 years. Their average number of previous convictions was 9.8 with a range of 0 ( $N = 16$ ) to 34. Their current offence categories were:

*Number with Violent Crimes (including Murder, Manslaughter, Wounding with Intent, Unlawful Wounding and Assault Occasioning Actual Bodily Harm)*

= 81 (29 per cent ).

*Number of Sex Crimes (including Rape, Indecent Assault, Unlawful Sexual Intercourse, Incest and Buggery)*

= 76 (27 per cent ).

*Number of Dishonest Crimes (including Burglary, Conspiracy to Rob, Theft, Possession of Drugs and TWOC)*

= 53 (19 per cent ).

*Number with Robbery Crimes*

= 43 (16 per cent ).

*Number with Arson Crimes*

= 11 (4 per cent )

*Not recorded*

= 13.

### Method

The samples were coded into a SPSS/PC<sup>+</sup> system file and subjected to Cross-tabulations, Analysis of Variance (ANOVA) and Multiple Classification Analysis (MCA). The Life Sentence men ( $N = 43$ ) or men who could not have completed at least two years 'at risk' ( $N = 20$ ), were excluded from the analysis, leaving a total of  $N = 214$ . These were then divided into those who were released from Grendon direct by Parole or EDR ( $N = 112$ ), and

those who transferred to another prison(s) and were then subsequently released ( $N = 102$ ).

### Results

The results of the first act of analysis show that:

- ◆ Of 214 fixed sentence men in the samples, 33.2 per cent were reconvicted within two years of release from prison. This, and the subsequent results, excluded the life sentence sample as we could not confirm which lifers had been released for at least two years at the time of analysis. This compares with reconviction rates of between 42 per cent and 47 per cent for all Adult males, England and Wales (Table 9.3, Prison Statistics, England and Wales 1989).
- ◆ Genders and Player had found (1989) that men who had completed 18 months or more in therapy seemed to have done better after leaving. I therefore took 18 months as a cut-off point for my next comparison. Only 20 per cent of those ( $N = 69$ ) who completed over 18 months reconvicted, compared to 40 per cent for those who did not. This result is highly significant ( $X = 7.1$ ,  $DF = 1$ ,  $P = .0077$ ).
- ◆ We next looked at reconvictions for those who had been released direct from Grendon (as distinct from those who transferred from Grendon and were subsequently released from other prisons) controlling for time in therapy. Of the 43 men who left Grendon having done over 18 months, only seven (16 per cent) were reconvicted, compared to 31 of the 69 (45 per cent ) who had done less time in therapy.
- ◆ Finally, much smaller samples ( $N = 41$ ) who had left Grendon most recently were rated by the Wing Psychologist as a 'Success' or 'Failure' in terms of their clinical judgements. Of those rated as successful by the therapist and who had completed over 18 months, only 7 per cent (one of 14) re-offended (only two of all 18 'successes' reconvicted, regardless of time in therapy). Of the 22 rated as failures, one in three were reconvicted regardless of time in therapy. Although these numbers are too small to validate significance, they strongly suggest a

trend, that is, the length and quality of therapy appear to differentiate significantly those who do not re-offend from those who do.

### Discussion

These first results, whilst very encouraging, are perforce tentative. As with any good research, we have raised more questions than we have answered. Additional analysis already under way address questions concerning the type and severity of reconvictions for these samples compared to their previous crimes. For example, do those who offended against the person (violence and sexual crimes) re-offend in significantly different frequencies than those who offended against property? If they do re-offend, is it in type and are the new offences more or less serious? There are also many questions about the particular characteristics which may distinguish those who are successful in therapy from those who are not.

The Grendon Reconviction Study Part II will compare these samples with men who were most closely matched with them, ie, those who had asked to come to Grendon and been put on the waiting list for transfer but who, for various reasons which we hope to categorise, had failed to transfer to Grendon for therapy. We are dependent upon assistance in this research from various other departments and agencies including DIP.2 and New Scotland Yard. The research process has to date been an infuriatingly slow one and, given the particular importance of this project in terms of the whole issues of expanding therapeutic principles to other regimes and informing the sterile 'nothing works' perspective, it has been acutely disappointing to have had so little support to date. Perhaps these highly encouraging results may elicit more help for future analysis.

While these results are of course highly promising, there is still a great deal of work to do before we can conclude that Grendon has effected significant reductions in re-offending rates for our clients. We must acknowledge a number of alternative explanations and factors. For example, we know that our population has changed enormously since the mid-70s when Gunn et. al. in *Psychiatric Aspects of Imprisonment*, reported reconviction rates almost double ours. The current Grendon population has far higher proportions of offenders against

people, men with longer sentence lengths and men who are significantly older - all characteristics associated with lower reconviction rates.

Whatever the final results, everyone who has worked at or been involved with this uniquely powerful and positive place over the past 30 years will already know what this research project strongly indicates - that GRENDON WORKS! ■

### Acknowledgement

I am completely dependent upon, and very grateful to, Dr David Thornton, DIP.2, for his assistance with the computerising and statistical analysis in this research.

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# Letters

**Dear Sir,**

During one of my rare appearances on night duty I picked up an Autumn 1991 copy of PSJ which I had not previously seen. My attention was drawn to an article from Alex McCrystal on his/her experience of the accelerated promotion scheme. As I read the first three paragraphs I thought 'This could be me writing this article!' I too was a little daunted at the new levels of acceptability into the scheme, I too thought about constantly looking over my shoulder and thinking 'what if?' So I decided to give it a go.

From here onwards however, the story changes. Alex had the wing PO staff officer (with a six page report, no less!) and finally the Governor himself, all assisting with his preparation. Myself, along with five fellow officers from Lincoln did not even warrant a 'well done' a word of encouragement or any preparation whatsoever. Our attendance at the interviews went either unnoticed or unmentioned by senior Management - we all duly received a scrap of paper informing us that we had failed; no feedback, no word from the Governor, nothing at all.

'Sour grapes!' Do I hear? No Sir; 1991 came along and I qualified for another try at APS along with one colleague from Lincoln. Once again, barely a word from management other than being set a draft

proposal for a community service programme which was a G5's task and which he then picked over to add any salient points from ours, to his own paper to the Governor I.

Better prepared this time, through my own efforts, I set off for the interviews where I honestly thought I had fared well. Meanwhile I had passed the SO exam., applied for a board and been refused. Here I was with a possibility of being accepted as potential G2, yet not considered suitable to gain so much as an interview on an SO board. It could only happen in the Prison Service!

I was duly informed of my failure, as was my colleague and another officer who had recently joined us on transfer. I eagerly awaited the promised 'feedback' an improvement on the first year at least. When the great day came I was called up by the Governor and I approached his office wondering if I had failed on general knowledge, written work, interviews, reports from my establishment or whatever.

What happened next was like a bomb dropping. I was told I was woefully short of the required standard - not to bother re-applying: the board members thought (and the Governor agreed) that I would struggle with both the training and the job. Suddenly, after a series

of very varied and successful employment posts, here I was at 41 years old being told officially that I was a thick bastard!

I am still no wiser as to why I failed but for once I was virtually speechless as I listened to the tirade of negatives coming from across the table.

The interview ended with a little sweetener, that I was to be 'positively encouraged to pursue promotion through the normal channels' so now I eagerly await the chance to do so by hopefully getting a board at the next available opportunity.

If any officer is thinking of trying for APS my advice is to go for it, do your best and be yourself. It is a difficult and highly pressurised four days, but despite my disappointments I thoroughly enjoyed the challenge (if not the results) and the experience will hopefully prove useful to me in the future.

**Gordon March,  
Officer, HMP  
Lincoln.**

**Dear Sir,**

Derrick Walker was most upset that his article was rejected by the Prison Service Journal Editorial Board - I guess all authors feel the same!

He asked if there is a policy to reject that kind of article and, if once rejected, is it rejected for all time? I

said I would ask.

**F Abbott, Governor.**

*Editor: Articles and letters are welcomed on any subject which has a criminal justice focus, a short note to the editor would be useful before committing yourself so that guidance can be given on length, style and subject. It may be that as in the case of Derrick Walker the subject had been covered sufficiently in recent issues in which case some discussion might be helpful in either trying a new angle, considering a later issue or putting the article to another journal.*

*Included in this issue is a note of guidance to contributors.*

## **EQUAL OPPORTUNITIES.**

**Dear Sir,**

I thank you for publishing my response to the article Black Workers in the Prison Service, by Robin Alfred.

I should like to point out, since reading and responding to Mr Alfred's article, I attended a Race Relation Liaison Officers course at the Staff College, Wakefield. I now realise that my original response was wrong and has probably caused many of my black colleagues offence, for this I apologise.

I was fortunate enough to speak at this year's Prison Service Conference 2-4 November



1992. The following is the speech I made, I hope you will publish this in its entirety thereby allowing me to 'set the record straight'.

Let me introduce myself, and give you a little of my background. My name is Sam Ellis. I joined the Prison Service in January 1974 at HMP Liverpool, I have since served at Parkhurst and Garth, I am currently a Principal Officer serving at HMP Camp Hill. I am also Race Relations Liaison Officer at my establishment.

Why then did I agree to speak to you today, and why do I believe, I am qualified to speak to you?

I was born in St Asaph, North Wales in 1945 to white parents, I was joined six years later by a white sister, I married my wife in 1965 and we have three white children.

I realised at an early age that I was 'Different' when I was called names and poked fun at, the most hurtful, was being told by my school friends that I must have been adopted because I was a different colour to my parents and sister, this continued into my adult life, I am sure you can imagine the looks and nudges when my wife and I stepped out with our children.

When I returned to HMP Liverpool following my training, I stood out like a sore thumb, not necessarily because I was the first non white officer, no, I was also the first officer to arrive in a powder blue uniform.

To tell you I did not

face racial harassment would be a lie, however, at this stage in my life I had realised how best to deal with the problem, I did this in two ways, firstly, I knew I had to prove to my colleagues, that I could do the job as well as, if not better than them, and, if there was an alarm bell, I made sure I was first on the scene. Secondly, I dealt with racist remarks then as I did until recently, I ignored them. I will come back to this in a minute.

First, let me give you one or two examples of the racial harassment I suffered: being totally ignored by some of my colleagues, telling racist jokes whenever I joined their company, finding racist cartoons in the locker room, having my Annual Staff Report marked down, despite protests from my Reporting Officer, being accused by inmates of joining the Prison Service to try to make myself white. Finally, many years ago, I was arrested by three Police Officers from the then notorious A Division in Liverpool. I was quite severely assaulted, I tried to explain that I was a law abiding citizen and that an uncle of mine was a Detective Chief Superintendent in the neighbouring force, their response was further physical and racial abuse, like, we don't have niggers in the Police, imagine their horror when they found I was indeed telling the truth.

What you may ask, can I tell you about equal opportunities that you do not already know?

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**" I suffered: being totally ignored by some of my colleagues, telling racist jokes whenever I joined their company, finding racist cartoons in the locker room, "**

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Several months ago I read an article in issue 86 of the Prison Service Journal entitled *Black Workers in the Prison Service* by Robin Alfred, I was so appalled by what I read, I felt I had to respond to anybody and everybody that would listen, I must tell you, the response was immediate and from the heart.

How then do we get the message across, what must we do to educate all of our staff?

Firstly, I believe the Prison Service Race Relations Policy, cannot in itself change the attitudes of the disbeliever, but, we can certainly influence behaviour, which just might, eventually, alter attitudes. As much as we have the Policy statement, I do not believe Managers have enough time to give proper attention to it. It does not appear on their list of priorities, because they are not judged on Race Relations issues.

Race Relations training should be compulsory. Establishments should be allowed to close down their regimes for a couple of days, or, RRLOs should be given the time away from their normal duties to get the message across. To let staff know their

position, ie, that once they have been trained, they personally can be held accountable to tribunals, etc. They can indeed be the one paying damages, not the Prison Service. I feel sure, if staff were aware of this the attitudes of the few disbelievers would change dramatically, unfortunately, their attitudes would be ruled by fear, that though, must surely be better, than the few, ruling those in their charge by fear.

Secondly, we could move towards local recruitment, particularly in places such as London, Leicester, Bristol, Birmingham, Liverpool and Manchester to name but a few. We cannot continue the disgraceful practise of recruiting young ladies and gentlemen and then posting them to the other side of the country, where they know nobody, and where the cultural differences can be so great, it is not long before they resign. To get through the selection process means they have special skills, it costs the taxpayer a considerable amount of money to train them. To waste that money by staff resigning simply because they are posted away from home is nothing short of a scandal, particularly in the current economic climate.

Equal Opportunities is not just about the colour of your skin, or whether you are a male or female, certainly not, it has far reaching implications.

Let me use the Isle of Wight as an example. The Island, for those of you who have not visited, is not the

**" I had gone through my life actually believing that I was different, inferior, most importantly without any dignity. "**

hustle and bustle of Cowes week that you see portrayed on television, certainly not. The Island is made up of very many sleepy little villages. It has a high population of senior citizens and believe it or not there are many residents who have never travelled to the mainland. Two examples, when I was at Parkhurst some years ago there was a Senior officer there who only left the Island once a year to visit relatives, that same Senior Officer, never left the prison estate, he had a hairdresser and a tailor come to his home, that you may think is the extreme, only the other week one of my staff informed me, he had taken his wife to see a show in London, he expressed his fears about going again because of the amount of people and the speed of the traffic, he was an Officer in his twenties, brought up on the Isle of Wight and never having visited London before.

Dealing with the fears and expectations of new prison officers, can you imagine the culture shock to a young officer, joining the Prison Service on the Isle of Wight and being posted from the College to Birmingham, Liverpool or Durham.

Similarly, imagine how Island people react to Brummies, Scousers or Geordies, many of them have little knowledge of these

places, however, they do have their preconceived ideas, stereotypes, ie, all scousers are football hooligans, I don't even like football.

What is equal opportunities? Is it achievable, if so how?

For me, equal opportunities is exactly what the title implies, treating others as you yourself would wish to be treated, AS AN EQUAL, irrespective of colour, gender, service or back-ground.

Is it achievable? Unfortunately, I do not think so, certainly not in my lifetime, I see equal opportunities similar to the problems in Northern Ireland, yes, of course there is a solution, however, to reach the solution means you need both sides to accept, firstly that there is a

**" I do not have to put up with racist comments just to be accepted. "**

problem, secondly, by realising legislation is not necessarily the answer, some people rebel against legislation, just for the sake of it.

How then is equal opportunities achievable? How do we get both our staff and those in our charge to treat others as they themselves would wish to be treated? Why did I say earlier, I dealt with racist remarks then as I did until recently, I ignored them? A couple of months ago I attended a RRLO course at the Staff College Wakefield, the two Tutors Mr Rogerson and Mr Lawson were

excellent. They actually believed in what they were teaching, they unwittingly taught me that I had gone through my life actually believing that I was different, inferior, most importantly without any dignity. Yes, the colour of my skin is different, However, I am certainly not inferior and I do have my dignity. It has taken me a very long time to realise, I do not have to put up with racist comments just to be accepted. No, accept me as I am your equal.

The Tutors proved to me that I can ignore racist behaviour no longer, both staff and inmates require education and information, not Legislation, I see my role as RRLO, as being the focal point of the education/information process, this has to be the way forward, hence my call for Race Relations training to be compulsory in all establishments.

Finally, let me read from the evidence of a Black Police Officer against his Chief Constable, this more than anything made me wake up to what had been happening to me.

Glen Williams giving evidence in:  
**Surinder Chima Singh - v - The Chief Constable of Nottinghamshire Constabulary**

*'Sir there are certain ways that as a black person you have to deal with it. You either ride with the jokes or you confront it. The CID tends to be a very close working group.*

*'Now imagine the situation where a black man in a predominantly white office who for quite a while everyone saw as 'Good old Glen, he hasn't got a chip on his shoulder, he's one of the lads, I don't see him as black man', that sort of attitude. 'He is just Glen.' It wasn't until the point when I actually started saying 'I don't want to listen to these remarks any more, they are offensive. I don't want to hear them', the atmosphere and attitude of the people towards me suddenly changed.*

*'The reality is, Mr. Weitzman, that if anybody who refers to a black man as 'a nigger', 'coon', 'a spook', whether it be in jest or not, if that person went up to some ordinary black guy in the street and said that to his face, he would be looking at a fist in the mouth, never mind a grin or a smile or an acceptance.*

*'Regardless of whichever way I might have dealt with those particular comments being made, I dealt with them in a way which guaranteed my survival within the CID.*

*'Unfortunately for me it also meant losing my dignity and I reached a point where I could not take that any more.'*

**S. Ellis, PO,  
HMP Camp Hill.**

### **PRISONS - PRIVATISATION - RACISM**

**Dear Sir,**

I wish to outline my

personal views on privatisation and racism within the prison system as they affect visible minorities and society as a whole.

I address the above issues as a black (or 'coloured') member of the Prison Board of Visitors (a watchdog body - the preserve of the white middle class). In my experience minorities are expected to identify wholly with the aspirations of the majority often against their principles, cultural backgrounds and even at the risk of alienation from their origins and groups. To survive and to continue to hold diverse views is a miraculous balancing exercise. Consequently the low recruitment and retention rate of minorities in the police, prison and other public services is not surprising. This must be inconducive toward building dignified multiracial society.

The UK prison population is composed of 17 per cent black males and 28 per cent black females. These figures are clearly disproportionate to the overall 4.5 per cent non-white population of the land. In my opinion this is a sad reflection of the majority's unequal and unjust treatment toward the politically weak and disadvantaged blacks.

For my own interest and in my official role, I have visited several prisons all over the world including those in the UK and Northern Ireland. Contrary to its declared policy, Britain's 'Universities of Crime' have been allowed to practice inhumanity and

racism by a society that purports to have achieved 'civilisation' through Christian values.

Excellent judicial inquiries as recently as last year by Lord Justice Woolf recommended proposals to end this barbarism, restore dignity and rehabilitate inmates for a better tomorrow. Her Majesty's Government have consistently given lip service to reports commissioned by itself after a riot or crisis but do not find it politically expedient to prioritise action. As a consequence of this inaction, the system continues to create embittered institutionalised cabbages rather than nurture the wealth of human resources that continue to stagnate in prisons.

Regrettably, society's perception is still conditioned to the old theory of retribution or traditional gunboat tactics as a cure for all crime, whether related to drugs, sex, terrorism, etc. The need to examine the underlying causes of criminality or to benefit from the experiences of other countries is not seen as necessary.

Reports of my prison research overseas have been circulated as well as published in some journals to no avail. Judge Steven Tumim, Chief Inspector of Prisons, also toured prisons abroad and I endorse the views expressed in his current annual report in which he has particularly identified basic items such

as sanitation, diet hygiene, meaningful work experience, vocational training, family ties, etc, as being superior elsewhere as compared to British institutions. The Inspectorate's recent discoveries at the filthy Lewes Prison and elsewhere is yet another example of gross inadequacies that exist in the system.

In these dire circumstances, I welcomed the government's privatisation plans with delight. I had personally observed the success and cost effectiveness of such privatisations in the United States whereby private prisons are required to comply with the same terms and conditions as the state. Privatisation there has

**"The troubles at Wolds must be just the tip of an iceberg of an ill-conceived privatisation or a deliberate ploy to put profit before defenceless unconvicted people."**

encouraged the state systems to 'get on their bikes' and put their house in order to catch up with the reforms in the private sector. As a pragmatist I thought that it may do the same trick here! A body of opinion in our prison service, BOV's and other reform groups opposed this policy. They considered it immoral and possibly illegal to profit out of incarceration, irrespective of the end result.

However, the gov-

ernment awarded a 'contract' to a private company, the terms of which remain a mystery. Subsequently, Britain's first private remand jail opened at Wolds, North Humber-side, last spring in a cloud of secrecy. Recent requests for visits have been met with negative responses. Rumour has it that although this jail is operating at only half its capacity, there are severe operational problems. Hence one can only conclude that there exists a conspiracy to cover up the mismanagement of this venture. The overcrowded and underfunded state prisons are open to some scrutiny - why not at this private one too?

Amongst all this dubiousness about the new Wolds we now read press reports and other rumours of race riots there. We are told that these riots were forcibly suppressed and the Rastafarian perpetrators put into solitary to 'quieten' them down. We hear that the contractors are to leave what they call 'these disruptive elements' segregated indefinitely. One does not know the underlying causes of this riot or any attempts to address their grievances. It is said that the contractor finds the Prison Service guidelines on race relations, although accepted nationwide, as cumbersome and unimportant and is overtly ignoring action in this area. Likewise he has rebuffed advice from individuals and organisations with an active

interest in these matters.

On this occasion I must agree with Mr John Bartell, Chairman, Prison Officers Association, that the troubles at Wolds must be just the tip of an iceberg of an ill-conceived privatisation or a deliberate ploy to put profit before defenceless unconvicted people. In the light of all this evidence it is utter arrogance for the vested interests to assert that the Wolds is a trouble-free model for future privatisations.

Despite these concerns HMG is forging ahead with further privatisation of prisons as in other parts of the economy. Might not we halt commitment to this disastrous experiment until such a time that we have some independent evidence of success. An input from other countries, notably the USA, may prove worthwhile. Needless to say, and in the public interest, the whole truth must be available. Prisoners who persistently suffer humiliation, racism and abrogation of human rights do not have the freedom to express their frustrations as do the public at large. Of course they may complain to the Board of Visitors but regrettably, at present, boards lack credibility and have no executive powers in the face of a difficult management structure.

**Anver Jeevanjee,  
Board of Visitors,  
H.M. Prisons.**

# Reviews

## BOOKS

### **P** RISON RULES: A WORKING GUIDE.

*Prison Rules: A Working Guide*, was first published in 1986 by the Prison Reform Trust, and is currently in its third edition.

Stephen Shaw, the director of the trust describes its contents as, 'an invaluable aid to all those involved with penal systems, and a unique self-help guide for prisoners and their relatives'.

The aim of the guide is to penetrate and open up the closed world of prison rules and regulations, discuss, evaluate and compare them to those of the European Commission's European Prison Rules. In doing so it attempts to address the key issues of recognising prisoners rights and entitlements, together with the need for openness in terms of information. These issues were most recently highlighted in the Woolf Report as, 'key steps along the road to a more just and humane prison system.'

Ultimately the Prison Reform Trust is looking towards the total review and re-structure of the English Prison Rules. They favour the principles set out in the European Prison Rules, formally the European Minimum Standard Rules (EMSRs). Although these rules are not binding in law they aim at serving as guidelines for the governments of member states in their internal legislation and practice.

The editor, Nancy Loucks, presents a strong case for the urgent review of this country's prison policies. She is quick to state the overwhelming support for this cause; numerous case histories, reports, reviews and personal comments bear it out. No revision or consolidation of the rules has taken place since their introduction in 1964. Now overtaken by case law, penal philosophy and with rules that are sometimes vague and misleading, the call for reform would seem appropriate.

Within the guide's three parts, the reader is able to follow a logical path defining the impetus behind the call for reform. In part one the legal status of the Prison Rules is examined. With rules that were not designed to be justiciable, the guide details several case histories in which prisoners have attempted to sue for breach of statutory duty. In fact the courts have not yet allowed a prisoner to sue in such a case. The Prison Reform Trust argue that this situation arises out of the inherent discretion that the Prison Rules afford. With Standing Orders, the means by which this

discretion is measured, being treated by the Government and courts as management instructions for official purposes, it is hardly surprising that the legal status of the rules has become questionable.

Part two of the book is directed at the restricted access to information. In this section frequent attacks are made on the huge bulk of material, undifferentiated by degree of importance, needed to satisfy the system. Governors' comments on this subject include, 'A management system out of control', 'Circular instructions written in gobbledygook', 'If the medium is the message, it is no wonder the message is not getting through'. With governors responsible for receiving, assessing, summarising and deciding on further distribution of information, the importance of comments like these certainly undermine the effectiveness of the present system.

Reference is made to the lack of formal ongoing training, specifically aimed at understanding the content of rules and regulations. It is suggested that without this awareness, prisoners are unlikely to receive their full rights and entitlements, and litigation from prisoners becomes more likely. The Prison Service is also condemned for its lack of effective filing and indexing of information. The editor proved this point, being unable to locate a complete set of circular instructions, even after having tried the Prison Service College.

The final part is filled with 101 Prison Rules and the equivalent European rules, each is compared and commented on. This section is a most useful reference to rules and regulations and gives a clear contrast to those of the European Commission. It is without doubt that many of the European Prison Rules diminish the exercise of discretion through more detailed and specific composition.

In conclusion *Prison Rules: A Working Guide* looks toward the government for clear and decisive structural changes in its prison policies. With barriers rapidly fading throughout the European community, common values and standards acceptable to all should be promoted. It would therefore seem reasonable that the member states of the European Commission should undertake the implementation of minimum standards ■

**Officer A. McGrattan**  
**HMP Woodhill.**

# COMMUNITY CARE AND MENTALLY DISTURBED OFFENDERS

POLICY PAPER ONE

NACRO (National Association for the Care and Resettlement of Offenders)

The paper is the first in a series from the Mental Health Advisory Committee, which is chaired by Professor Herschel Prins, and was initiated to advise NACRO council on the matters of policy relating to mentally disturbed offenders. The focus is on community care provision, and a number of issues are highlighted.

Firstly, increasing concern exists over the numbers of mentally disturbed people becoming involved in the Criminal Justice System. With regard to prisons in particular, there was a 28 per cent increase in the number of prisoners referred to psychiatrists in the period 1987-88 to 1990-92, during a time when the prison population was falling.

Secondly, the Audit Commission Report (1986) found that community care developments were 'slow' and 'uneven' and that the future was 'unattractive'. A subsequent review in 1988 entitled *Community Care: Agenda for Action* put forward proposals, many of which were incorporated within the NHS and Community Care Act 1990. The financial implications of the act will be implemented from April 1993, when the Department of Health will be allocating £399 million to local authorities, with an additional £140 million for the first year. Eighty five per cent of this provision is intended for the 'independent sector', principally residential care for the elderly, five per cent for elderly domiciliary care, and ten per cent for remaining services, which includes the care of mentally disturbed people.

In addition, the paper also points out that many crimes committed by mentally disordered offenders are 'nuisance offences', linked with the need to obtain food and shelter. The absence of these 'stabilising factors', and the failure to secure social service assistance increases the likelihood of their involvement with the police.

However, Government initiatives including the following could help to improve future provision and availability of community care services.

A Home Office Circular (66/90)  
*Provision for Mentally Disordered Offenders*

sought to encourage Criminal Justice agencies to divert offenders to a community care setting.

The Reed Committee (1990) reviewed the effectiveness of existing health and social services for mentally disturbed offenders, and made recommendations for future service developments.

In July 1992, Virginia Bottomley, the Secretary of State for Health, enrolled a 'task force' to advise the department on the availability of community care for the 'mentally ill'.

In addition, encouraging figures indicate the regional secure psychiatric provision has increased from £3 million 1991-92 to £18 million 1992-93. However, funding proposals for community care services are insufficient to provide the comprehensive range of services that are necessary. The Local Government Information Unit has highlighted shortfalls of £54 million for the provision of existing services, and £289 million for the total allocation to meet local authority requirements.

With these problems and others in mind, the paper includes the following recommendations:

- ◆ 'ring-fenced' funding from central government to local authorities to prevent diversion of resources to competing priorities at a local level.
- ◆ any offender not eligible for statutory community care on release from prison should be assessed to determine community needs at least one month prior to the earliest date of release.
- ◆ Department of Health to fully implement the Disabled Persons Act 1986, thereby putting a statutory duty on local authority social services to assess and meet the needs of mentally disturbed people in the community.

The paper concludes by stating that the recommendations will 'make a useful contribution to policy and service development, and that responses to mentally disturbed offenders would improve as a consequence of their implementation ■

**Officer Will Abbott,  
Dart Unit,  
HMP Woodhill.**



# Reviews

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## MAN BITES DOG

Director: Remmy Belvaux.

When I arrived at the cinema I really didn't know what to expect. I had read no reviews, seen no promotional clips, or even looked at a billboard poster. In hindsight I only wish I had! Any exposure to this film beforehand may have reduced my full blown coronary to a minor stroke! A Belgian serial killer – surely not?

Just when I thought all I had to do was avoid psychiatrists called Hannibal, as if from nowhere comes Benoit the Belgian baddie. Yes it appears society's perverse fascination with men who like to kill a lot has extended to Europe, and if audience figures are correct *Man Bites Dog* is certainly fascinating a lot of people.

Shot in 16mm black and white, the film takes the form of a mock documentary, following the exploits of, 'Ben' the serial killer. The film crew are an eager and attentive bunch who accompany Ben as he shows them around his home town. He invites them into the family home, introducing his friends, all of whom consider him a thoroughly nice bloke. All the while Ben is taking the opportunity to single-handedly reduce the entire population of Belgium! While conducting this rather bizarre guided tour Ben attempts to enlighten the audience as to his views on subjects as wide-ranging as the arts, music, immigration, the state of housing for the elderly, and the

consistency of cement used in the construction industry. (This latter point is apparently very important in the disposal of corpses). Disaster strikes when the film crew experience difficulty in financing the project. So enthusiastic is Ben to see the work completed he offers to finance the film himself. This apparently irrelevant gesture seems to inspire our, up until now, passive film crew as, after a night's heavy drinking, they indulge themselves a little too deeply in Ben's unpleasant activities. This culminates in a particularly explicit and disturbing scene in which a woman is violently gang-raped in full view of her lover.

It is hard to impress enough just how much graphic, and indiscriminate violence is portrayed in this film, but it is the humour displayed by Ben with his satirical wit and his clever commentary, that sets it apart from other movies of its genre. To say this film is not for the faint hearted is a profound understatement. The three Belgian students who co-wrote, produced, directed and starred in this, their debut film, leave the viewer with a sense of shock and outrage that stays in the conscious long after the film has ended. It may indeed be trying to get over a positive message - that our fascination with violence portrayed through the media is not a healthy one, but personally I found cinema came just a little too close to reality this time. Come back Hannibal Lecter, all is forgiven! ■

**Officer T. McPhillips,  
H.M.P. Woodhill.**

## Criminal Records

**10,000 offences per 100,000 population recorded in 1991, 78% more than in 1981.**

**Average prison population in 1992 was 45,817.**

**16% of sentenced prisoners were black including 26% of women prisoners.**

**60% of sentenced prisoners on 30 June 1992 were in for offences other than violent and sexual offences.**



## Interview

**Michael Mansfield QC is a distinguished, campaigning barrister who successfully argued for the release of Judith Ward and others imprisoned as a result of miscarriages of justice. He has presented the programme 'Law Matters' on Granada Television.**

**Dr Wilson** I have, in true fashion, prepared millions of questions but I'll never be able to ask them all, especially as most go on for two paragraphs. However, I was going to start by asking about the Law itself, which seems to be going through a period of a transformation. Everything from Solicitors advertising and losing their conveyancing monopoly, to a Royal Commission on the Criminal Justice System. Could you sketch for me the background and forces that have made that transformation possible?

**M Mansfield** I don't think those are the real questions about the transformation that should be or is taking place. I think at the heart of all this, and the reason why I think things are on the move, and for the first time in my career, are the miscarriage cases, and not just because I've been involved in them, but I think the public had been so appalled by the extent of the implications. I mean one case here, one there, they'd put up with, but with so many, they know that there's something wrong. Of course what is wrong is the attitude behind the investigations of the police, which has been built up consciously and unconsciously - sometimes with good intentions and more often than not with bad intentions - where short cuts in Justice have been taken as a matter of

currency. So, for example, the idea of confession which lies at the heart of the system is seen as the easy way through to a conviction and the Courts have supported that line. Essentially the police make presumptions and assumptions in the way that they investigate. For example, they make assumptions about who as an individual or group may be responsible for what happened, and then they go out to fit the facts to the target. Then the machinery comes into play, and they, I think, frequently get the wrong person and they know they've got the wrong person but it's easier and quicker. I also think the courts have got corrupted and that's got to change as well, mainly because they have thought that the 'blue uniform' meant that the Police could do no wrong. It's only very recently that the courts have begun to recognise that the police force is human like every other profession and that they are corrupt like any other profession. As far as the judges are concerned, they're as bad. I think two thirds of all high court judges are now Oxbridge; one or two black judges, that's all, and the Lord Chancellor says well its a start and maybe in the next 10 years, we might get 20 per cent women, well that's ridiculous! You have to have a different structure and a different college and career structure that is open to a cross section of the community. The Lord Chancellor says 'No, no, we don't want a judiciary representing the community, that is not our function that's the politicians,' well I disagree.

**DW** Well you've opened up several areas there to pursue. If I keep with the law first, the use of uncorroborated evidence is of course something that doesn't happen in Scotland, so it's interesting to see if they try

and introduce that down here. However, there was corroborated evidence in some of the Guildford Four and Birmingham Six cases. The Lord Chancellor, who is of course Scottish, seems to be unpopular with everybody - the old fogies dislike him and he seems to be unpopular with the young radicals.

**MM** *He's far better than any Lord Chancellor that we've had to date, but that's not saying a great deal. However, he is bringing about changes of the legal profession through market forces which is not the way I would want to bring about the change, but he's threatened the legal profession the way no other Lord Chancellor ever has. As for corroboration, I think the Scots system has a lot to recommend it and I think that is a step in the right direction, but the Scottish rule of corroboration isn't quite the one I'm looking for. I want corroboration to be unutterably independent of the defendant. In other words it's not just looking for evidence that may be thrown up in a statement. It's much more than that, it's evidence that comes from a quite independent source, such as fibres, glass, fingerprints, eye witness, and so on, which tie that person into the incident. We must have learnt by now that confessions are the most unreliable sort of evidence so before you push the thing into court in front of a jury, the Director of Public Prosecutions has to look for something else. The independent corroboration I'm talking about, now that is a pretty radical suggestion because what the lawyers are now saying is 'Oh my goodness the system will fall apart' because confession lies at the heart of the criminal system. Of course the Royal Commission is supposed to be looking at all this but I am worried that they may feel that they can't be courageous because there are too many factions*

*pointing and pulling in too many directions. They know they have to do something because there's so much public disquiet, but will they go far enough?*

**DW** That's an incredibly wholesale critique of what's wrong and what should be done to put it right, obviously the Royal Commission is happening, are you able to contribute to that process?

**MM** *Yes but I haven't made a written submission. What I did was last year the BBC kindly commissioned a film called 'Presumed Guilty,' which was my analysis of what was wrong with the system, I'm better at the spoken word than written. And I sent as my contribution to the Royal Commission, a copy of the film saying actually what I want to say is in this film. I indicated I would try and pursue it with a written submission, but in fact I haven't got round to that. However, what I have done is I have had somebody else, a writer, write it all down in a book, which Heinemann will publish in '93. When the book is finalised, I intend to send the Royal Commission a copy of the book, and then it is all in there as well. In the book, I choose an ordinary case, and I just say look at this everybody, look at what went wrong in this ordinary case. And so I am going to send them that and I have also been asked to present Liberty's submission.*

**DW** The Woolf inquiry into prisons was seen by prison governors and penal commentators alike as a really useful way forward for the Prison Service, so in a sense, there is hope in what can be done with the written word. Yet in some way, we don't seem to have gone forward with the Woolf Report at all.

**MM** *Oh absolutely. And what is the bottom line? Money. It will*

*be the same for the Royal Commission. The Home Office themselves will say 'oh wait a minute, where is the money?' And what they have already done is put a marker to say 'well you know, whatever you say, there is not going to be the money to cover this.'*

**DW** But given your analysis of the kind of structural changes necessary in the Law would you say, it is just not money, but also the colour of the Government that is in power which has an effect on whether some of these changes will be put through?

**MM** *No. Whilst I'm a socialist I have found that it was depressing to say the least that the Labour Party has in fact distanced itself from some of the more radical solutions. So at the end of the day, I am very disillusioned. I don't think that it will make a lot of difference whether it is a Labour Government or a Conservative Government, when it comes to far reaching change, and it does require far reaching change. Basically both parties are now attempting to be attractive to the same electorate or what they perceive as the main electorate, which is middle class white people. Of course, some Labour politicians are very good and in fact so was one of the Conservative MPs, but the parties as a whole, the party machines as a whole, were they in the forefront of the miscarriages campaign? No they weren't, they came along afterwards and started to say 'Ah yes well something is fundamentally wrong, and you know the White Papers on Criminal Justice' and so on. At the end of the day, even if it were a Labour Government now, and the Royal Commission said 'x y z' I think they would look at it closely. And the kind of lawyers that were in power within Government, whether Labour or Conservative, are not the kind of*

*lawyers, who are going to say to themselves, let's be in the forefront of change.*

**DW** Change is one of the themes that has recurred throughout the conversation that we have been having. I want to pose a very popular question to you, but I think one which for me suggests perhaps a structural weakness about getting forward some of the changes that you would like to see happen. You are pretty stateless in a way if you don't see the Labour Party as a credible alternative, but equally, there is a credibility thing there, Michael, isn't there, because one of the changes that you are now popularly associated with is your recent call for the legalisation of cannabis, which I know was one of the things that you were interested in in the 1960's. Doesn't that kind of undermine your credibility about taking forward some very, very serious issues.

**MM** *Well I suppose the easy answer to that is 'Yes,' there is that risk, but I think that my credentials to be pompous....*

**DW** Oh be pompous, we quite like pomposity in the Prison Service, off you go.

**MM** *There will be people who will say, 'What are you doing, you are doing all this for publicity,' but that isn't the case and the cannabis one is a very good example of why I think I have got a track record for the principles I have stood by for many years. It has been quite difficult because there had been a lot of criticism, some hostility, some of it I suppose towards somebody for spouting those ideas all through those years and now they are saying, 'Ah, well you are right after all, maybe you are right, we are going to listen.' The good thing I have got I think is that I am not wedded to a*



*political party in Parliament. I am not part of a party machine and if it is a Labour Council closing a Law Centre, I am going to have a go at them as well. They shouldn't be doing it. As far as cannabis goes, I've been speaking out about legalisation for years.*

**DW** Presumably because you were smoking cannabis.

**MM** *No, never touched it, won't touch it. Not interested. I think it was a friend asked would I like to help with addicts in Covent Garden. Not many people knew much about drugs and I thought well, I would like to know a bit more about what is going on here, why are so many people getting involved, heroin addicts and all the rest of it. And so I did get involved in the Association for the Prevention of Addiction. Then I got interested in the legal aspect of it, and I thought there was a very interesting political point in the sense of, what is really going on in the drug world. Cannabis probably, I say probably, would do no more harm, I am not saying that everybody should go out and smoke it than the usual comparison, a bottle of Claret that Roy Jenkins goes for or other substitutes. I thought why are we locking people up for long periods of time. I mean then possession of a small amount, you ended up with four years inside or three years I think that had changed, but then, people saw it as a kind of social disease. Also, why are they not getting so upset about Valium, barbiturates or alcohol? It's pure hypocrisy.*

**DW** Today, a Barrister friend described you as the Victor Sueventes of Chancery Lane and I asked some of the inmates what they would like me to ask the Barrister. They said, ask the Barrister why they never tell the truth, and whilst that obviously wasn't aimed at

yourself, but it was aimed generally and I think there is an issue about the public image of Barristers, which seems incredibly bad.

**MM** *I agree.*

**DW** Why should that be so?

**MM** *I think the initial problem is that Barristers or Lawyers are seen as 'rip off's.' In other words you know they charge huge amounts of money for next to no work, or it is seen to be next to no work, that is the first point. The second point is that they live in a world, particularly Barristers, they live in a world which is socially remote. The question of they don't tell the truth, I am not sure that the public think that Barristers are not telling the truth. I would have thought that the public saw the Bar in that regard as people who have to put forward a case whether they believe in it or not is besides the point, they are representing somebody who has said, the truth is x. Now the truth actually may be very difficult to ascertain. Barristers are employed to put forward that truth as the client has indicated and the Barrister on the other side the opposite case.*

**DW** The inmate may have had an axe to grind. But then there are notorious Barristers who go off the rails. The former DPP, I imagine, was a Barrister at some stage and he was responsible for prosecuting criminals yet finds himself caught kerb crawling. I imagine that has something to do with the kind of public attitude towards barristers and the utterances of Judges who often seem to be totally out of touch at times.

**MM** *I think Judges are out of touch, I have made that point already. I think Judges are sometimes not prepared to face the truth, that is a different question.*

*Let's take the former Director of Public Prosecutions. As far as Alan Green is concerned, I have great respect for him, I still do actually. I mean the incident concerned was unfortunate, it was reprehensible and all that of course and he was quite right to resign.*

**DW** Do you think you could ever prosecute?

**MM** *Oh yes. I have never made any secret that I could. I am not keen because you know I don't think that it is my skill. There are cases where I have been very keen to prosecute, such as rape, fascism, landlords that are mal-practising or practising fraud on their tenants. Those kind of cases. I am not over keen to do it on behalf of the State, they don't actually need me to do that. My skill is defending.*

**DW** Maybe if I could just finish by asking about prisons and in particular Woolf. At the heart of the Enquiry, Woolf talked about Justice in the prison. It spoke about good prisons being ones in which the prisoners felt that they got a fair deal, that there was justice inside, particularly relating to the role of the prison disciplinary system. At times it seemed to be advocating a greater role for the Law generally inside. Would that be something that you would support?

**MM** *Yes. The fact of imprisonment and custody is really the punishment. I agree with that. As for the Law, it should be applicable in the prison just as in the community. Just as there are outside legal standards which can be enforced, there should be standards inside which can be enforced. As far as the Law in prisons is concerned its achievements have been minimal. You know a prisoner should be allowed to be represented, cross examined and all the rest of it;*

*should be allowed to be told reasons for decisions. I am also very keen on the European code being applied to the prison system. Also, from what I understand, the quality of prison officers seems to be improving.*

**DW** Of course the problem is that prisons and prisoners don't exist in isolation, they exist in an environment, a public environment which actually would far rather reintroduce hanging than have better conditions inside for prisoners. No matter how naive and short term a view that is, that actually is the view of the vast majority of people in this country and to an extent, therefore, you can't make change. How do you make change when the vast majority of people involved in the status quo, are involved in not making any change at all?

**MM** *It is the vital question and I believe it is education again of course at the end of the day. I am not an armed revolutionary but I do believe in revolutionary thought and I think that education is the key. I actually don't believe, and you may be right, you may be more right than me, but I actually don't believe and I don't want to believe, the great British public who ever they are, are keen on capital punishment. I mean the tabloids would have us believe that that is what they are, but I don't believe that really, I really don't.*

**DW** Michael, at Woodhill Prison, where I am currently, we had a weekend during which the Prison was thrown open to the public. So everybody in Milton Keynes could come and have a look at the place, because there has always been this mystique about prisoners behind the prison wall, and all that kind of stuff, and 16,000 came to see it in those two days. 15,999 of

those people must have, at some stage, said to me 'when can I book in, this is better than a five star hotel.'

**MM** *Oh dear really. Of course there are conditions outside prison that are almost as bad, or worse for some people, and when they go inside it is better. But, of course, for those people, that 15,999 who say that, they are only looking at the surface, they are looking at the grass, the landscape is probably well planned, it has probably got white walls, there were inmates wandering about and all that stuff. However, you know they haven't understood the fundamental concept that, you can't just walk out. At the end of the day, you can't decide whatever it is that you like. You can't have a normal sex life with somebody you are living with, man or woman and do all the other things that really make life worth living. It is a good idea to*

*open up the Prison but I think when one does that one should be able to say right now you have come round, you must also appreciate that you wouldn't want to come in here. Because the things that you treasure most, things that you don't notice, that you take for granted, about when you go to bed and when you get up, what meals do you eat, where you go and those things you will miss most. At the end of the day, it is not about conditions or integral sanitation, but something more central to the human spirit.*

**DW** Most of the prisoners would say now that they don't want to sleep in a toilet, would you? It is nice to be able to speak to a Barrister for as long as I have done without mentioning Rumpole of the Bailey!

**MM** *Oh my God, tell me about it! Thanks very much ■*

## Criminal Records

**In 1991, 62,604 people went to prison on remand.**

**In 1991, 72,313 people went to prison under sentence.**

**In 1991, 2,791 people went to prison as civil prisoners.**

**In 1991 60% of those remanded in custody did not subsequently receive a prison sentence.**

**Average cost per place for new prisons opening in 1992 was £130,000 including both living accommodation and other facilities.**





## 10 TIPS FOR SUCCESS TO DEREK LEWIS

1. Scrap the Prison Service News as a bad joke, and not worth the paper it's written on.
2. Stop publicising your salary.
3. Visit a few more prisons.
4. Announce your opposition to in-cell TV, thus confounding rumours that you're only in it as a Trojan Horse for Granada.
5. Teach your secretary to use the fax. Prisons Board members should have something better to do.
6. Re-open Oxford Prison as a health farm for middle class offenders.
7. Stop thanking Joe Pilling for all his hard work - if he really was that good he'd have got your job, wouldn't he?
8. Stop looking so anxious.
9. Keep on changing the Home Secretary.
10. Read the Prison Service Journal.

# Institute of Criminology

## *Cropwood Short-Term Fellowship Awards 1994*

The Institute of Criminology is offering Cropwood Fellowship Awards to practitioners in statutory and voluntary services connected with criminal justice, crime-prevention or the treatment of offenders (including juveniles).

Fellowships are tenable for one year and Fellows are able to spend up to twelve weeks attached to the Institute for a period of work or study. Fellows are expected to undertake a project and this may involve a specific piece of research; the completion of an enquiry already begun and the presentation of results, the preparation of special lectures; or the intensive study of a topic of practical concern. There are no restrictions on the topics which may be proposed; applications are judged entirely on their merits. However, the Selection Committee will welcome especially studies which address, directly or indirectly, the issues of race relations policy and equal opportunities, employment, or reparation within the criminal justice system.

The awards are intended to cover living expenses in Cambridge. Fellows are allocated an academic advisor to assist with their study. They are provided with study accommodation and have full use of the University Library, and computing facilities are available.

No formal qualifications for candidates are specified, but it is essential that they have experience relevant to their project. Formal proposals should be submitted to Dr. Bill McWilliams, Director of Studies, Cropwood Programme. They should contain a detailed proposal or programme for research or study, and must be accompanied by a curriculum vitae, the names of two referees and, where applicable, confirmation of the agreement of the applicant's employer. The Director of Studies also welcomes informal enquiries and can advise on the form of proposals.

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The closing date for applications is 30th September, 1993, and the address for applications and enquiries is:

**Dr. Bill McWilliams,  
Institute of Criminology, University of Cambridge,  
7 West Road, Cambridge CB3 9DT**

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