


# **J** PRISON SERVICE JOURNAL

JANUARY 1995 NO. 97



***Super-Maximum Custody  
Prisons in the United States***

***The Prison System in the  
Russian Federation***

***Gunmen and Groups***

***Management in the Public  
and Private Sectors***

**Alertroz**

# PRISON SERVICE JOURNAL

## Contents

### Comment

Comment

Gunmen and Groups

E R Brady and S Astle

Groupwork in Prisons - A National Survey

Graham Towl

### Conference

Deafness

Cristine Callaway

### Letters

Letters

Anver Jeevanjee, M Brown, CM Willson and Mark Leech

### Reviews

Parole in Transition

Pat Midgley

Punishment & Politics

David Faulkner

Options for Learning - Training Inmates for Work

Shane Bryans

Equal Opportunities - Welcoming Diversity

Gabrielle Garton Grimwood

Management in the Public and Private Sectors

Sir Bryan Nicholson

Super-Maximum Custody Prisons in the United States

David A Ward and Norman A Carlson

Technology, Ideology and Prison Officer Training

Guy Hall

### Scene

Bishop to Prisons

The Bishop of Lincoln

Prisons in England and Germany

Ursula Smartt

The Prison System in the Russian Federation

Yuri Ivanovich Kalinin

Offences against Prison Discipline

Anthony Boucher

### Editorial Board

#### Editor

John Staples  
HMP Full Sutton

#### Secretary

(articles and correspondence)  
Tony Oliver  
HMP Full Sutton

#### Members

Chris Barnett-Page  
Lifer Management Unit

Kate Cawley

North East Area Office

Alison Gomme  
HMP Erlestoke

Gordon Hill  
HMP Leyhill

Holly Welsh  
HMP Holloway

Paul Manwaring  
HMYOI Feltham

Tony Stephenson  
HMP Bullingdon

Trevor Williams  
HMP Ranby

#### Co-opted member

Peter Denly  
Design Consultant

#### Subscriptions

HMP Leyhill,  
Wotton-under-Edge,  
Gloucestershire, GL2 8HL

The editorial board wishes to make clear that the views expressed by contributors are their own and need not reflect the official views or policies of the Prison Service.



Printed at  
HMP Leyhill on  
recycled paper.

© Crown Copyright 1995

# Comment

## IS THAT WHAT YOU WANT 'COS THAT'S WHAT'LL HAPPEN!

At the Prison Service Annual Conference in 1994, the Home Secretary urged that less attention be paid to the needs of prisoners and their families also we should listen less to special interest groups. The voices and views which should inform our work, we were told, are those of "the people". No-one can argue against the fact that we are a public service and it is right that we should reflect that fact in what we do but, as the MORI polls commissioned by the Service suggest, our popularity can be dramatically changed by a single well publicised event. The public can be fickle and knowing what it is they want is hard to determine and that being so the practical application of policy can be fraught with contradictions.

An example of these contradictions is the recent instruction to governors making the decision to grant temporary release for serving prisoners a more rigorous process. No doubt the public would say that in deciding to release someone any risk which the public might face should be at the top of the agenda but as a practical consequence of this instruction action has been taken which seems unlikely to win popular support. A prisoner, a first offender, serving a short sentence for motoring offences and within a few weeks of discharge had to go to stay for treatment in an outside hospital. An obvious and safe case for temporary release or so it would have been until the new arrangements. Now under those new arrangements that prisoner is guarded, taking up the time of some six staff and causing consequential restrictions on other activities in the prison. Thus what would have been a straightforward decision to release temporarily becomes an expensive operation giving no added safety to the public and placing a strain on already stretched resources in the prison. That can't be what the public wants! Nor does it seem a prudent use of resources to have as is now happening, senior staff at headquarters second-guessing governors on decisions to allow temporary release. If they are routinely poring over individual reports on prisoners, what work will they drop? Inspectorial visits to establishments perhaps, or the proper examination of the more contentious cases? Is that in the public interest?

As a result of this same measure restricting the use of temporary release, many prisoners have been abruptly withdrawn from schemes of work in the community where they were offering something positive to local life, paying

something back for harm done and helping to sort themselves out at the same time. But now they are locked up to idle their time with little benefit to them or the community. That can't be what the public wants!

The Probation Service run schemes which help prisoners prepare for their resettlement in the community through temporary release but now these schemes are in jeopardy. Does anyone believe that being discharged without preparation will enhance the prospects of successful rehabilitation. That can't be what the public wants!

The current mood of the public will not tolerate the occasional but ostentatious swaggering of some prisoners and the Service must learn to be more sensitive to that mood but simple austerity is not enough.

The MORI poll canvassing opinion on the work of the Service suggests that the public do want offenders to use their time in prison to some purpose. It would be foolish to make grand claims for what we do or to suggest that imprisonment of itself can make any impact upon the level of crime in our society but it would be immoral and unpopular for prison to be entirely without hope.

In this context of an apparent change of public mood towards a more punitive approach to imprisonment, the article published in this Issue on the United States experience of dealing with disorderly prisoners is especially relevant. The 'lock down' regime of Marion which is to be replicated in a new prison named 'Florence' in Colorado, also within the Federal system, appeals to that public mood and to professional concerns about disorder in our prisons.

The article claims that neither in Marion nor Alcatraz which preceded Marion as the 'super-max' prison for the Federal prison system can it be shown that prisoners deteriorate mentally or physically. Indeed lower reconviction rates are shown for prisoners leaving those institutions although much of that effect can be put down to the men being much older by the time they are released.

There are dangers in translating the United States experience to this country. In contrast our experience of dispersal is that transferring troublemakers from one prison to another can have a positive effect and does not simply

move the problem around. A dispersal system with the complementary provision of small units, costly in themselves and not without problems, nonetheless offers choices which do sometimes succeed and certainly no dispersal governor would want to be without those options. Nor is it true, as it was in the States, that dispersal reduced the freedom of many prisoners to facilitate the containment of the few. Dispersals in this country offer more choices for prisoners than most other establishments and it is arguable that intimidation of one group of prisoners by another is not specifically a feature of dispersal prisons but can be found as often in semi-secure prisons as in those of a higher security. For us to move from dispersal to concentration would not lessen the problems we face and in the creation of a concentration of difficult and dangerous prisoners would be highly expensive in human and material resources. Until last year the dispersal system had not seen a mass breakout of prisoners. Perhaps what happened in the Special Security Unit at Whitemoor where the exceptional risk prisoners were held in one place could be an indicator of what could happen in a prison where such prisoners were concentrated in even greater numbers.

The Prison Service Conference highlighted some considerable cultural differences which I think make the 'super-max' road understandable in the States but inappropriate here. One graphic example of our differences was given when a misallocation of a prisoner in a Federal institution to a landing where he was not one of the gang which dominated that area of the prison and the following day he was dead. Intergang warfare in the United States is rife in a way we do not ever see. In another example, Kitty Hawk, the Head of the Federal System, was responding to questions after a talk she had given in which she spoke of hostage incidents. To a point of clarification as to whether she was talking about staff or prisoners being taken hostage she looked bemused. 'If prisoners want to take each other hostage, what's the big deal!' she said!

The Prison Service in this country has believed traditionally that through relationships between staff and prisoners something can be retrieved from the broken lives of the people who come into our care. We need to hold onto that belief and to explain it to the public so that they understand and can support us in what is a more difficult but infinitely more rewarding and hopeful path. ■

# GUNMEN AND GROUPS

*Officer S. Astle and E. R. Brady, Senior Probation Officer, describe groupwork that is done in Swinfen Hall with inmates who used firearms in their offending.*

Swinfen Hall YOI caters for long term young offenders, the range of sentences being three and a half years to Life. Among them are a number who have used guns in their offending, either handguns (mostly), shotguns or automatic weapons.

Existing courses in the prison already dealt with offending behaviour, drugs and alcohol, but not specifically the use of guns. Those offences cause particular fears and carry, particular dangers both to the victims and to the offenders themselves from the response of the Police Firearms Units.

It was therefore considered important to tackle this particular facet of offending behaviour.

The tutors are an experienced prison officer who has extensive knowledge of firearms from previous army service, and the Senior Probation Officer in the prison who has 30 years experience in the Probation Service.

## Preparation

Inmates are seen individually by the Senior Probation Officer to explain the purpose and content of the three day course. It's relevance to a future Parole application as demonstrating to the Parole Board a willingness to 'tackle their offending behaviour' is emphasised and is usually their motivation to attend initially. It is explained that a report will be prepared on their response to the course which will be discussed with them and put in their prison file to go with their parole documents.

## The Aims of the Course

These are described and written up on the flip-chart to keep in mind:

1. To think about using guns in offences;
2. To better understand the effects of guns on the victims :-
  - a. Physical
  - b. Psychological.
3. To better understand the consequences :-
  - a. Longer prison sentences
  - b. The effects on their family
  - c. Getting shot themselves by Police Firearms Unit.

## The Course

It opens, after the preliminaries, with a brainstorm on 'What I like about guns'. The ideas are written up on the flip-chart. Replies have varied but usually centred around feelings that the weapons give 'power' and 'dominance'.

Two videos are screened, the first showing the effects of bullets upon the victim, the second clips from the siege at Waco in 1993.

The impact of the videos is almost invariably strong, a little surprisingly as conversations indicate a liking for violence in their normal TV viewing habits. There seems to be a realisation that these wounds are for real, not actors make-up.

It is pointed out that this is not only what would happen to their victims but it is what would happen to them should they try to resist a Police Firearms Unit, (Aim 2a. 3c).

The purpose of showing the Waco incident is to emphasise the point that a situation can get out of hand from their original intention. This is used in succeeding sessions when each recounts their offence/s.

## **The ABC Method**

This sequence of describing the offence is also used by the Offending Behaviour Group in the prison. Some inmates attend both which are seen as complementary because of the difference in focus.

### **Antecedents**

**What led up to the offence?** - The first questions are - Why commit an offence at all? Why decide to use a gun?

Frequently the answers are around: 'I needed money and an armed robbery was the quickest and easiest way to get a lot'. Some have contrasted: 'The low returns' from burglaries and 'The quick, big, cash' from the hold up.

Further probing will sometimes, but by no means always, indicate it is to counteract deeper feelings of inadequacy and inferiority, but to others a gun is seen simply as a more effective tool to terrorise than is an iron bar.

They are asked to describe how they got the weapon and their feelings when doing so.

Their answers point up the fact of how easy it is to get a weapon of varying levels of capability, and ammunition for it.

They are asked if they carried the weapon as a matter of course, or only when going to commit the offence. Replies have varied but a proportion did carry them routinely even when the weapon was a replica rather than a fireable weapon.

### **Behaviour**

**The offence itself.** - They are asked to describe the whole offence beginning from the time they left home to their escape from the scene. Their memories of their own feelings throughout and the perceived reactions of the victim/s are asked, with the emphasis on the gun use element. Their particular part, (ie, did they or a co-defendant have the gun) is closely questioned.

### **Consequences**

**On their victim** - a great deal of emphasis is placed upon this, stressing the psychological effects (through fear) both short and long term. The Senior Probation Officer uses general principles, the offender's perception at the time of the offence and any comments in court.

Victim Support, both locally and nationally, were approached with a view to obtaining first-hand material. To our surprise we were informed that they had none as such offences which were regarded as 'work based' rather than 'home based', and the organisation did not deal with such incidents at the present time. However this is being pursued locally.

**On themselves** - not surprisingly, almost all were arrested by Police Firearms Units. One described the shock of being woken from sleep to find his bed encircled by three policemen with their guns pointing at him. He now readily understands his own victim's feelings!

Many were told by the Judge on being sentenced that it was being lengthened by reason of their having used a gun, sometimes a specific time period being stated.

Few were concerned about revenge attacks on themselves, mainly because of the type of victims they had chosen, but more were concerned about younger brothers or sisters being attacked or abused at school as a result of publicity.

**On their family** - this aspect most often produced a thoughtful and sometimes an emotional response to a degree. One described the long-lasting shock it was to his partner when he was arrested by armed police. He too was able to identify with his victim's feelings as a result.

Each participant goes through their ABC, with the group eliciting facts, discussing implications and relevances to their own situation and experiences. These will not be completed on the first day but the majority of the six to eight participants may have done so.

At the end of the first day they are given a single sheet questionnaire to complete overnight relating to their offence and knowledge of firearms.

Throughout the day the tutor who is not leading the particular section will be observing the group interactions, the individuals' participation and will participate himself when he considers it appropriate.

### **The Fear Factor**

This section is used to provide a break between ABCs if there appears to be a degree of boredom or repetition developing, or to start the second day after the 'homework' has been collected for later examination by the tutors.

Diagram 1

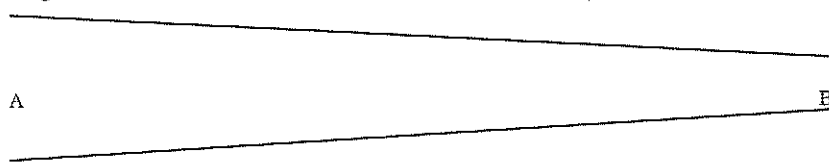
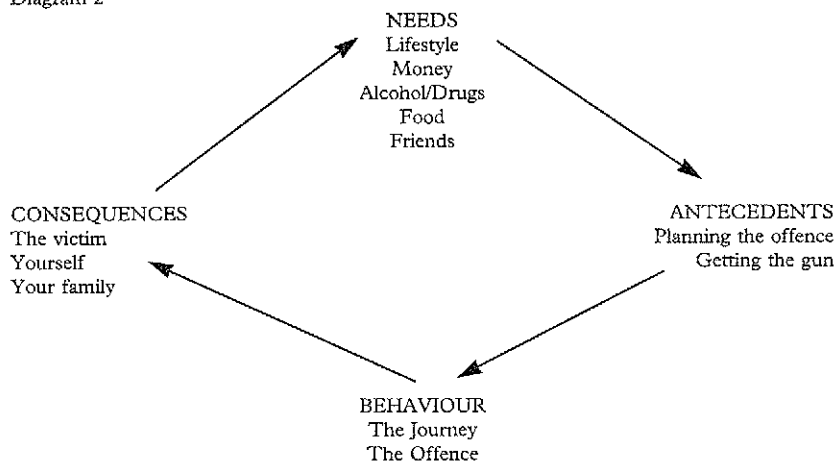


Diagram 2



Each participant is asked to think of and then describe their most frightening experience. The tutors also participate in this. Perhaps inevitably the situations have involved a possibility of serious injury or death. Sometimes it has been when they were arrested by armed police and so being at the wrong end of the gun.

This is then related to the fear and feelings they had caused to their victims.

### **The Forensic Complications**

These are explained in a straight lecture which the participants always listen to with close interest and attention.

The methods of connecting a particular weapon to particular bullets and casings found at the scene of a crime and that these are recorded permanently are described. So if they obtain a weapon illegally they will not know its history or what other crimes, possibly murders, it has been used to commit. They could find themselves being questioned and possibly charged with very serious offences they did not commit by reason of possessing that weapon.

The Prison Officer Tutor goes on to explain the fact that illegal weapons are rarely maintained properly, and could be as dangerous to them as to their victim. Methods of maintaining weapons are NOT described.

This session is found to have a very

sobering effect.

This is reinforced by videos showing the effects from mishandling explosives, and the Police Firearms Units.

### **The Offending Cycle**

This is to clarify the changes the participants will need to make individually to break this cycle of offending. It is introduced by explaining the Closing Options Concept. (See diagram 1.)

At 'A' there is a wide variety of options available to meet their 'needs'. As time passed and they take certain actions, options become fewer until at 'B', options are limited to perhaps one.

Each presents their ABC again, but from a different standpoint, beginning with their 'needs' at the time they decided to commit the offence. (See diagram 2). The group discussed their alternative options at the different stages.

It is stressed that at the end of the cycle they are back where they started - at the point of 'needs'.

### **Closing**

The closing sections are 'reparation' to the victim; can they do anything now? If only a letter of apology, addressed to the place where the offence took place?

The significance of the Firearms Act in relation to their possessing weapons is explained.

Finally a brainstorm on 'What I don't like about guns', which is related back to the brainstorm at the beginning of the course.

### **Assessment**

The take-up for the courses has been good though there have been refusers, who have usually been from the 'heavy' end of firearms offences.

Those attending have invariably participated well even when discussing highly personal matters.

As far as can be seen from comments they have made, their attitude to the using of firearms does become modified through a greater understanding of the impact on their victims and their own families and a new realisation that they will meet up with the Police Firearms Units and that the possible consequences for themselves could be the injury or death with which they have threatened others. ■

# GROUPWORK IN PRISONS A NATIONAL SURVEY

This survey was based on a pilot study by Towl (1991) which surveyed groupwork in prisons (in England) with psychology units. A major finding of the pilot survey was that Probation Officers were participating in more groupwork than any other professional group. Given this provisional finding it made sense to collect our questionnaire data through Senior Probation Officers (SPOs) for the main survey. Thus the SPOs were asked to co-ordinate responses from their prisons. The Towl (1991) pilot survey sample was of only 32 prisons, our survey covered 128 prisons in England and Wales. Of 128 sets of questionnaires distributed 84 (66 per cent) were returned. This survey provides an up-to-date survey of groupwork in prisons.

The questionnaire was based on that used in the pilot study but with a number of changes to elicit more useful and detailed information. The first section of the questionnaire used in our study simply requested respondents (Senior Probation Officers) to tick, from a list, those types of groupwork currently underway in their prisons. Included in the list was an invitation to specify what 'other' types of groupwork were underway that were not included within the eight types of groupwork specified on our list (derived from the pilot study). For each type of groupwork noted in the first section of the questionnaire respondents were requested to complete a 'description form' which constituted the second section of the questionnaire and was structured with 10 questions;

- 1) Please circle facilitators - probation officers, prison officers, teachers, psychologists, 'outside' agencies, others.
- 2) How many facilitators run each course?

- 3) What are the total number of hours each groupwork intervention runs for?
- 4) What are the total number of hours involved in preparation and selection of candidates for the groupwork?
- 5) Over the past year (July 1991 to July 1992) how many of these groups have run?
- 6) What is the average number of prisoners in the group?
  - (a) at the selection stage,
  - (b) at session one,
  - (c) completing the group.
- 7) Is the groupwork evaluated? If yes how?
- 8) What is the main difficulty in doing groupwork in prisons?
- 9) What is the main strength of this type of groupwork?
- 10) What is the main limitation to this type of groupwork?

On the basis of the answers given to the above questions in our survey we sought to answer three related questions. What type of groupwork is done? who does it? and at what type of establishments is it done?

## **What are the most common types of groupwork undertaken in prisons?**

Eighteen (21 per cent) of our sample reported doing no groupwork whatsoever. Fifty one per cent of all the groupwork reported was accounted for in four types of groupwork; offending behaviour, alcohol, drugs and anger. Anxiety management, social skills, lifer groups and sex offender groups accounted for a further 24 per cent of the reported groups. Those types of groupwork recorded under 'other' on our

*Graham Towl presented this paper to the Prisons 2000 Conference at Leicester in April last year. Graham is head of Forensic Psychological Services for the East Anglia Area and has written widely on groupwork.*



Table 1  
Numbers of the four most common types of groupwork  
by prison type

	Off behav	Alcohol	Drugs	Anger
<b>Male</b>				
Local (N = 13)	5	3	5	2
Open (N = 9)	6	4	2	1
Training (N = 19)	10	12	10	8
Dispersal (N = 5)	3	3	2	2
Y.O.I. (N = 20)	11	12	9	10
<b>Female (N = 6)</b>	3	2	3	2
<b>Unclassified (N = 12)</b>	2	4	4	3
<b>Total Prisons (84)</b>	<b>40</b>	<b>40</b>	<b>35</b>	<b>28</b>

questionnaire, accounted for about a quarter of all groupwork reported and included 32 different types.

We can see from table 1 that just under half of the prisons in our survey reported doing offending behaviour groupwork. Also, the same number of prisons report doing alcohol control groupwork. Male training prisons and male Young Offender Institutions (Y.O.I.s) appear to have more groupwork than in other establishment types. It is perhaps unsurprising that local prisons have the least amount of groupwork given the high throughput rate of prisoners to other prisons with inevitable logistical difficulties in groupwork organisation. Indeed, if we take offending behaviour groupwork as an example of a possible form of groupwork in a local prison, one candidate recruitment problem may be that prisoners on remand may be less willing to talk about their offending behaviour. Conversely, male training prisons have regimes which are increasingly being assessed on the basis of 'inmate activity' hours, hence groupwork may be viewed as a legitimate 'inmate activity'. From this we can see the importance of groupwork in prisons fitting in with the organisational structure. This is an important point, especially given the difficulties associated with broader institutional and sub-cultural constraints which remain as a core difficulty for facilitators of groupwork in prisons.

Perhaps the most obvious commonality across these four types of groupwork is that each is (usually) directly related to the control of criminal behaviour.

The offending behaviour groups are explicitly just that. Alcohol and drug misuse are commonly implicated in the commission of offences. Anger can be associated with the commission of violent crime. Psychologists have been largely responsible for the introduction of anger control groupwork in prisons. Anger control groupwork has been the fastest growing type of groupwork in prisons in recent years. About one in three prisons have tutor teams able to run anger control groups (Towl, 1991, 1993, 1994). Each of these most common types of groupwork are likely to increase over the coming years with the implementation and influence of the Criminal Justice Act (1991) in prisons. Under the terms of the Act it is clear that prisoners will have an increased incentive to attend such groups. Their early release will be subject to a demonstration on their part of having addressed the issues that led to their offending.

### Who facilitates groupwork in prisons?

Table 2 provides us with an indication of who facilitates what groupwork in prisons (of the four most common types).

Probation officers do considerably more groupwork in prisons than any other professional group. Indeed the table shows that as a professional group they report involvement in 83 groups for our four most common types. This seems to indicate a considerable input given that our total sample of returned questionnaires batches was 84, and that 18 of those reported doing no groupwork at all. Overall, prison officers do marginally more of the major types of groupwork than outside agencies. Teachers facilitate marginally more groups than psychologists. Outside agencies are responsible for facilitating many alcohol and drugs groups. Psychologists are directly involved in more anger control groupwork than alcohol, drugs and offending behaviour combined.

### What other types of groupwork are there in prisons?

Let us now turn to the four next most common types of groupwork. (See Table 3)



The pattern of responses on Table 3 differs from that of Table 1 in a number of important ways. Male training prisons and male Y.O.I.s have a similar pattern of frequencies of these groupwork types with the notable exception of lifer groups. This difference possibly reflects the respective prisoner population characteristics across these two establishment types. We expected anxiety management and social skills groups to be more prevalent in Y.O.I.s. Lifer and sex offender groupwork are relatively common in dispersal prisons. Again, this probably reflects the profiles of the prisoner populations of these prisons, given the number of life sentenced prisoners and sex offenders inside the prison dispersal system. Although groupwork 'types' have been reported in this survey it was evident from our results that some groupwork types were more homogeneous categories than others. This point is illustrated below in our description of the fourth to eighth most common types of groupwork in prisons.

Lifer groups in the different prison types are liable to be quite different in their purpose, structure and content. For example, lifer groups in dispersal prisons where prisoners are generally at the beginning of their sentences, are most likely to include psychological preparation and strategies for survival over the long term of imprisonment to follow. By contrast, lifer groups, in say, male open prisons, are likely to be more orientated towards adaptation to moving out of prison.

Sex offender groups are on the whole conducted within the national sex offender assessment and treatment programme. These groups are based on 'vulnerable prisoner' wings or units in an environment where prisoners are less likely to feel intimidated by the draconian mainstream prisoner subculture.

Social skills groups are liable to include a variety of different areas. The term social skills is a broad one and may include a whole host of different types of training skills.

Given the high levels of anxiety experienced by prisoners it is perhaps surprising that anxiety management groups are not more prevalent. However, perhaps this assumption is based on perceived needs rather than a fuller understanding of the prison context. The macho subculture of prisons are not conducive to individuals

Facilitators	Off behav	Alcohol	Drugs	Anger
<b>Probation</b>	<b>30</b>	<b>19</b>	<b>21</b>	<b>13</b>
<b>Prison Officer</b>	<b>13</b>	<b>10</b>	<b>10</b>	<b>9</b>
<b>Teachers</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>3</b>
<b>Psychology</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>7</b>
<b>Outside Agencies</b>	<b>0</b>	<b>13</b>	<b>21</b>	<b>0</b>
<b>Other</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>

showing or sharing their anxieties, particularly within a group setting.

Probably the most robust finding across all eight types of groupwork identified is that they are most commonly facilitated within male training prisons and Young Offender Institutions. To reiterate an earlier point we would argue that this is partly because training prison and Young Offender regimes in terms of their ethos and organisation are liable to be, in principle, receptive to the inclusion of groupwork 'activities'.

We will now move on to look at the likelihood of prisoners participating in groupwork in prisons. For the purpose of this paper we will restrict our discussion to the four major areas of groupwork listed in Table 1. From our survey we were able to calculate approximate probabilities of groupwork attendance by dividing the reported number of prisoners on each group per year by the Certified Normal Allocation (C.N.A.) for the prison. The C.N.A. is the

	Lifer	Social Skills	Sex Offender	Anxiety
<b>Male</b>				
Local (N = 13)	0	1	5	1
Open (N = 9)	4	1	0	1
Training (N = 19)	10	6	3	1
Dispersal (N = 5)	3	2	3	0
Y.O.I. (N = 20)	2	6	2	2
<b>Female (N = 6)</b>	2	2	1	1
<b>Unclassified (N = 12)</b>	2	3	3	2
<b>Total (84)</b>	<b>23</b>	<b>21</b>	<b>17</b>	<b>8</b>

total number of prisoner places that a prison is deemed to be able to accommodate at any given time. Hence, given 'throughput rates', our calculations are liable to represent an overestimate of the likelihood of attendance in groups for prisoners. However, certain patterns have emerged.

In terms of the total numbers of prisoners attending groupwork relative to the C.N.A. Young Offenders are the group of prisoners most likely to attend. Interestingly, women prisoners are more likely to attend alcohol control groups than other types of groupwork. Indeed, per head of population, women in prisons in our sample, are more likely to attend alcohol groups than men. Women prisoners are highly unlikely to attend offending behaviour groups. Prisoners in male local prisons are more likely to be involved in drugs groups than other groups. The probability of attendance in groupwork overall, for our four major categories of groupwork, is second highest in male training prisons.

So, in sum, most groupwork in prisons happens in Young Offender Institutions and male training prisons. Women prisoners are relatively more likely to attend alcohol control groups than men. The four most common types of groupwork in prisons are directly related to criminal behaviour. Some of the groupwork 'types' are likely to be heterogeneous in form for example lifer groups, whereas others are likely to be more homogeneous for example sex offender and anger control groups which are part of national treatment programmes. Most groupwork in prisons is facilitated by probation officers.

### **The Context**

Groupwork invariably takes place within the context of a particular culture at a particular time. The current political zeitgeist in the public sector involves a great deal of emphasis on the measurement of identified outcomes which are viewed as critical in evaluating the value (for money) of the service. The term groupwork may beget two messages for the prison managers. First, it is liable to be a constructive activity. Second, it involves using a small number of staff to engage a (relatively) large number of prisoners. This first message is generally plausible, especially so, given the baseline of 'prison life'. The second message is less convincing despite its superficial plausibility. Planning, preparation and candidate

selection are all time-consuming activities, often well beyond what would happen with one-to-one interventions. Prisoners agendas for groupwork may be somewhat different. For example, for some, groupwork is a useful forum for real change, for others, it is simply an aspect of what Goffman (1961) would term a conversion strategy. Conversion is where an inmate 'acts out' the role of 'ideal inmate'. As alluded to earlier the implementation of the C.J. Act in prisons may increase the use of such conversion strategies.

### **Evaluation**

We found very little evidence of the evaluation of groupwork in prisons. It would be a mistake to assume that a lack of evidence of evaluation work of groups is simply a product of the difficulties associated with working in a prison setting. In a recent survey of groupwork in the probation services of England and Wales no mention is made of the evaluation of the groupwork (see Caddick, 1991).

Where the evaluation of groups in our survey was reported, it tended to be of a very limited type, focusing upon whether or not participants had found the group useful and enjoyable. With such a relatively high level of groupwork activity being undertaken in prisons it seems to us to represent a significant opportunity to do evaluative work. Psychologists in prisons are well placed to assist in the design and implementation of such evaluative studies.

One of the reasons sometimes given for not evaluating groupwork is that the limitations of particular evaluations are seen as outweighing the benefits of service evaluation given a context of very limited resources. Another problem may be that group facilitators do not feel confident or able to effectively evaluate group interventions. Inevitably, limited resources may feature as a reason for not conducting evaluation work. There are also a number of conceptual and logistical difficulties associated with the evaluation of groupwork intervention.

Despite the difficulties, the evaluation of our interventions is important on both empirical and ethical grounds. The empirical point is that we need to demonstrate what works (and what doesn't). At its most basic level, the ethical point is that if it does work we need to do more of it and if it doesn't we need to stop such groups.

## Reflections

Our four major categories of groupwork (all related to criminal behaviour) are likely to persist. Offending behaviour groups will probably continue to thrive, particularly whilst there are probation officers based in prisons. Alcohol and drug groups are facilitated, in large part, by outside agencies and thus are less dependent upon prison personnel for their continuation. Anger control groupwork is the second largest national 'treatment' initiative and as such is liable to continue to increase over the coming years, although growth will be dependent upon a shift in facilitators from psychologists to prison officers. Sex offender groups are likely to improve further in quality because of the high profile and resources involved in what is the major national assessment and treatment initiative in prisons. Numbers of

lifer groups are liable to reflect numbers in the overall prison lifer population (currently on the increase). The future of anxiety management and social skills groups is less clear.

Overall, groupwork appears to be on the increase in prisons, the immediate future is fertile for development. ■

### References

- Caddick, B. (1991) **Using Groups in Working with Offenders: A Survey of Groupwork in the Probation Services of England and Wales.** Groupwork, 4(3) Whiting and Birch Ltd, London.
- Goffman, E. (1961) **Asylums**, Penguin Books, pp. 61-65.
- Towl, G.J. (1991) **Groupwork in Prisons.** Reported in The Probation Journal, March 1993, p.41.
- Towl, G.J. (1993) **Anger control groupwork in practice** In Children, Evidence and Procedure, Eds. Clark N.K. and Stephenson, G.M. British Psychological Society, DCLP, Leicester.
- Towl, G.J. (1994) **Anger Control Groupwork in Prisons.** Perspectives on Violence, The Howard League, Quartet Publishers.

# DEAFNESS

## Conference

*'In prison deaf inmates are isolated and very often frightened resulting in violent behaviour.'*

### Progress through equality

I wish to focus this article on the deaf and to give an insight into their world and their specific communication problems.

The conference was aimed to make 'professionals' aware of problems in other specialist areas. It focused on five main areas Forensic, Mental Health, Education the justice system, Rehabilitation and the Counselling services. I will be trying to extract impartial issues from that conference.

Communication at the conference between deaf and hearing people was first class and set a standard for us all to aspire to. Many lectures were 'signed' by deaf professionals and for hearing people a 'Voice over' translation was provided. For the 'spoken' lectures the 'signing' was interpreted into Sign-supported English (SSE), British Sign Language (BSL) and mouthed orally for the deaf without signing skills.

For the benefit of European visitors French Sign was provided. For the hard-of-hearing a loop system was laid which connected directly with hearing aids.

### Types of sign

To explain further about sign language, each region of the country has variations (as with our accents) and there are four main types of 'Sign', BSL, SSE, Piaget Dormann and Makoton.

Each country also has its own 'sign' language (so Esperanto it is not).<sup>1</sup>

### Forensic aspects of mental health and deafness

Under the Forensic aspects of deafness and mental health speakers from Rampton Hospital made us aware that not only were their inmates deaf but also disordered, detained and dangerous. Yet despite these

*Cristine Callaway*

*Cristine is a prison officer at HMP Holloway. She attended the British Society for Mental Health and Deafness - Third National Conference at Owens Park, University of Manchester on Friday 9 and Saturday 10 September 1994.*

<sup>1</sup> (Esperanto) = An international artificial language based on words common to the main European languages.

problems they had achieved a long-standing 'sign' class in education. During educational holidays inmates became very disturbed and frustrated at the lack of classes and consequently their lack of communication.

### **Sexual Offenders**

Within this same area came the assessment and treatment of deaf sexual offenders. This area appeared to be reliant on the services of a few dedicated 'signing' psychologists.

### **Advocacy**

One lone man in the North was meeting the challenge of helping with advocacy issues. He travelled great distances each week helping in courts and prisons but he was just completing a one year contract.

### **Issues in Education**

A small percentage of hearing children are born to deaf parents but 90 per cent of deaf children are born to hearing parents thus they have no common language and many of these hearing parents are still being told not to allow their children to 'sign'! (presumably so that speech is acquired in some mysterious way). Is this the start of frustration and anger?

A child in the past may have followed the life plan of being sent at three to a boarding school and thus deprived of both parents (in the child's best interest of course). Whichever type of school is chosen 'hearing' 'deaf or 'deaf integrated' the communication is often ineffective and the child feels he has done something wrong. Then after struggling with frustration, anger, emotional loss and learning English as a 2nd language the child is labelled 'slow'.

Then some ten years later the young deaf adult is faced with obtaining training (practically impossible) or finding a job (usually in the lower strata).

### **Culture and Language**

Being Asian or black and deaf raises sign language problems and cultural language misinterpretations over and above the accepted ones for English speakers. For example why would a hearing person in reply to a question say 'No problem' to a deaf person? Why? thinks the deaf person would they say 'No' whilst meaning 'yes'.

### **Mentally ill and Language**

The mentally ill and deaf tend to stay that way because of the lack of specialist centres. There are three around the country in London, Prestwick and Birmingham. There is a lack of specialised language for instance, there is no sign for "hallucinations". But a dictionary of specialist signs is now being compiled by Springfield workers.

### **Counselling**

A counselling service called 'Compass' in Merseyside is now undertaking counselling for the deaf and the training of deaf counsellors. A necessary service for sick people with Human Immunodeficiency Virus (HIV) and other life threatening diseases.

The St John's project is for deaf people but rehabs and housing were very sparse with Community Psychiatric Nurses and Social Workers bearing the brunt of support in their area.

### **Nursing Training**

Deaf nurses are now being trained under the National Vocation Qualification (NVQ) system and are excellent at their work. Students are now being accepted at hearing colleges but cannot take notes easily as they must watch the interpreters. Then the other problems of 'interpretation' occur which are the lack of emphasis to elucidate meanings and occasionally words are misinterpreted due to dual meanings.

Therefore given the above it is remarkable that the deaf manage to control their anger and frustration and in the majority of cases grow into normal contributory adults in our society.

### **Fear**

The ones who do not control their anger and frustration come to prison. Often to avoid stigmatisation, they have become 'easy prey' in their desperation to fit in socially.

In prison deaf inmates are isolated and very often frightened, resulting in violent behaviour. They have little access to education and even on Sundays have no access to angelic texts or signing vicars.

Medically they are interviewed by nonsigning psycho-therapists and doctors must guess at their physical symptoms.

In the whole of the country we have only three known probation officers with signing skills and a dozen or more signing prison officers.

The court diversionary scheme works spasmodically and there seems to be mixed opinions about whether or not offenders who are mentally ill, should face-up to their offending.

### **Communications outside prison via Minicom**

The plight of the deaf without reading or writing skills worsens considerably and their contact with the 'outside' world is prevented by their limited access to telephone facilities. A minicom system is a necessity, then messages can be typed and sent via the type-talk service. I am sure a minicom could be hired and moved around the prisons with convicted deaf inmates.

Hopefully, I have raised an awareness of the

problems associated with deafness. From their education, cultural and language problems followed by their mental health difficulties and their lack of facilities in prison for counselling, communication and rehabilitation.

'Improving communications' in prison becomes a whole new problem compared with our deaf equals.

Below is a short story from Jo in Holloway.

*Well, I am deaf and I am still in prison on remand, even though I am really afraid. I desperately need to talk via a minicom system to my boyfriend and parents but I could not hear with a phone card. I try to make people understand what to say but when they pass it on with 'speech' the phone card is used up very quickly.*

### **Summary**

Also bear in mind that when deaf people eat they can't sign, when they walk away they cannot be called back, they cannot hear in traffic neither can they ask directions or questions. Things we take for granted. ■

## **Letters**

### **Dear Sir,**

In your issue No. 93, it was quite understandable for Ivor Ward as the Prison Service's Equal opportunities officer to defend his department from his 'ivory' tower backed by some statistics.

The reality at grass roots level is another matter. You only need to read the vernacular press to judge the dilemma of ethnic minority staff, BOV members and other volunteers trapped and marginalised in the Service.

Could it be that the 99 per cent of Ethnic Minority that he claims to have retained is due to the fact that these people have no other alternative job prospects to turn to in the present employment climate?

Apart from paper commitments, I do not

believe that Ivor and others in his position have ventured to address the plight of these people or their quality of life in a racist and sexist culture. Only a victim is aware of the patronising and humiliating treatment one faces from so called colleagues and management.

Nevertheless, I absolutely agree with Ivor that unlike the judiciary and others, the Prison Service have made great strides to try to monitor their problem. We at least have some idea of our enormous shortcomings. All we now need to do is to spare some resources to forge ahead with racial awareness education amongst our population.

Under the charismatic leadership of Mandella and DeClerk, South Africa appears to be on the road to recovery from

the ills of apartheid. Quite frankly, it is about time Britain followed suit with some vigour instead of the usual pussyfooting.

Yours faithfully

**Anver Jeevanjee  
Board of Visitors and Prison  
Service Race Relations Group.**

### **Dear Sir,**

I have recently read Journal Issue No 94, July 1994. On reading Page One's 'comment' headed 'Breathalysers before Urine Tests', I challenge the article. In my opinion it is drugs not alcohol that is the leading problem within prison establishments.

In my experience drunken inmates admittedly can be, but are not always, a problem. They are never as difficult to deal

# Letters

with as a drug addict whose craving exceeds all else. Many addicts in prison get into large debts to feed habits and then become victims of the violence the drug culture breeds or another Rule 43 statistic crying for sleeping pills, whilst in Segregation, to help them through their cravings.

Remembering alcohol is a depressant it follows that dealing with inmates 'under the influence' is a better bet than trying to deal with those who have taken stimulants and want to 'take on the world' or taken hallucinogenics and don't know what world they are on.

No inmate ever made a fortune out of brewing hooch. They do from drugs.

No inmate ever risked HIV infection from hooch. They do from drugs.

No inmate ever risked Hepatitis infection from hooch. They do from drugs.

Add to this the increased risks to staff and I question just how much out of touch and ill-informed the Author of this short comment is.

Admittedly drunkenness is a cause of crime in the community, but as it is socially acceptable to drink, society must accept and deal with the consequences.

Possession and sale of drugs is a criminal offence as much in prison as out.

We must give more time to or take stronger action in approaching the problems caused by drugs in our prisons. Clearly, if we do not act now, the problem will get much worse.

Yours faithfully

**PESO M Brown**  
Physical Education Department  
HMP Everthorpe

**Dear Sir,**

I usually look through most issues of the 'Prison Service Journal' and find a lot of it interesting. However, I wish to make a plea through you to certain of your writers for brevity and, more importantly, for the use of

plain English if they want their material to make any impact, or even be read.

For example, the article entitled 'A Strategy for the Prison Service' in your September issue was totally bewildering. Admittedly the subject matter is not the most promising stuff for a rivetting read but although the authors say they have found their work 'enriching and liberating', this enthusiasm does not come out in the article.

Instead of a helpful and illuminating piece of work, the reader is presented with a hotchpotch of largely unintelligible material. The diagrams just add to the confusion. The article argues that the Prison Service is swamped with information', yet itself comprises 11 pages. I imagine few, if any, readers will have persisted long enough to reach the end. Instead of helping to explain and justify difficult concepts, all the article has achieved is to give proposed change a bad name.

The Prison Service's 'Better Jobs' newsletter recently won one of the Plain English Campaign's Inside Write awards for government department and agencies. In presenting the award the then Public Services Minister, William Waldegrave, said:

'Brevity takes time - it is hard work. But using plain language is being friendly to our readers'.

Ten years earlier another Minister, Lord Gowrie, in the foreword to a Cabinet Office booklet entitled 'The word is PLAIN ENGLISH', wrote:

'Using plain English is the best way to write. The audience will pay more attention to what you have to say if you can capture their interest and if they don't have to waste time unravelling the language.'

The Cabinet Office booklet urges caution in the use of jargon. Despite the 'Better Jobs' award, the use of confusing and unnecessary jargon words and phrases seems, if anything, to be growing in the Prison Service as a whole. This would not appear to comply with the wishes of Ministers.

There can be little objection to a limited use of such vocabulary where its meaning is clear. But if some jargon is unavoidable terms must be clearly defined. It is counter-productive to use jargon so extensively that the reader merely switches off. The 'Strategy for the Prison Service' article uses jargon so liberally that any sense of overall meaning is lost.

Examples are:

'external and internal environmental audits'  
'organic reorganisation'  
'Acquisition and Joint Alliances'  
'synergy'  
'Sub-Generic Strategies'  
'Cost Leadership'

Yours faithfully

**C.M. Willson**  
Construction Services  
Room 216  
Abell House

**Dear Sir,**

It was refreshing to read 'Some Are More Equal Than Others' in the July edition of Prison Service Journal. Equal opportunities (EO) in prison has for too long been the quiet recipient of expediency and lip service.

Our cardphones have no attachments for those who are hard of hearing, and our showers have no safety rails for those unsteady on their feet. Young offenders and female inmates are often marginalised en masse, while Multi-Faith rooms are often little more than an obvious afterthought in which numbers are made to fit the room, rather than vice versa. Sexual orientation is another sphere where the lack of qualitative research data points a lethargic finger at the flawed EO approach of the prison service - in which the issue has to become either fashionable or troublesome before senior management climb off the fence. The prison service happily pays UK-wide membership to Language Line for foreign nationals, yet inmates who have concerns about HIV/AIDS cannot even contact the National Aids Helpline - available free of

charge 24 hours a day - because prison telephones screen out 0800 numbers. The same policy denies us access to DSS benefit advice lines and a whole variety of other counselling services that do not cost a penny. Why?

Shortly I begin work on a book detailing the experiences of lesbian and gay inmates and staff, to be published in 1995 by Cassell. I am co-writing the book with a lesbian who was an officer for 16 years and whose partner is still a serving officer: their treatment and that of other staff who have

contacted us, shows that the homophobic 'Canteen Culture' of the police, is alive and well in the prison service.

As an openly gay prisoner with a partner outside, the prison service will not convince me it is serious about EO as long as it continues to practice such homophobic policies as that which disqualifies gay/lesbian partners from the ambit of both inter-prison visits and the Assisted Prison Visits Scheme. In January 1994 the Home Secretary said he 'did not think taxpayers would want their money spent on this sort of

thing'. Is it only heterosexuals who pay tax then?

The problem afflicting prison EO is to be found in the approach that tackles issues not because it is politically expedient at the time. The end result of such an approach is that the solutions put in place to address the problems, are often as transient, fragmented and disingenuous as the purported concerns which gave rise to them.

Yours faithfully

**Mark Leech**

**Editor, The Prisoner's Handbook**

## Reviews

# BOOKS

### **Parole in transition: evaluating the impact and effects of changes in the parole system.**

Roger Hood and Stephen Shute. University of Oxford, CCR Occasional Paper No. 13. Published 1994. Price £10.00.

The book is the first of a three-part evaluation of the parole system prior to, and consequent on, the 1991 Criminal Justice Act.

This initial study is intended to show how the system operated before the Act, and to produce baselines against which to measure the changes. The authors suggest that the evaluation will also be useful in studying the problems of parole systems in general, and point out that there has been no previous full study which examined the whole system. One would have expected an in-depth study to have preceded the Carlisle Report.

The evaluation which forms the subject of this paper was carried out between April and September 1992, before the 1991 CJA took effect.

Hood and Shute attended between them 16 meetings of Parole Board panels, at which 383 long term determinate cases were considered. They also interviewed 201 prisoners serving determinate sentences of four years or more, at Parkhurst, Albany, The Verne, Featherstone and Wandsworth, together with 54 prison officers, 20 seconded probation officers and six wing governors at the same establishments.

The study examines the actual process of the panel meetings, and how decisions were made. For instance, the average time taken for discussion and decision on long term cases was only 4.7 minutes, though panel members were expected to be thoroughly familiar with the contents of the parole dossiers before attending the meeting. The researchers found no consensus within or between

panels regarding the weightings to be given to different factors in reaching a parole decision, and there was minimal use or mention of the Reconviction Prediction Score by the panels.

In general, the prisoners interviewed, knew little about the parole system. The staff interviewed had a wide range of views and interpretations, with marked differences in attitude towards the importance of different factors leading to a favourable parole result. This reflected the vagueness of the panels on the weightings to be given to different factors.

Both the staff and inmates involved in this study saw the system as a 'lottery' and the results of this evaluation seem to bear out this view. The booklet would make depressing reading for inmates and could only serve to reinforce their cynicism.

Hood and Shute estimate that 110 fewer prisoner years per annum should be served under the new system, compared to the old. Against this must be weighed the fact that in the past many cases seen as 'high risk' by panels were still released early on parole because it was considered safer for them to be released under supervision. Under the new system, these people would still receive supervision, even if released at the two-thirds point of their sentence, and therefore may be kept in prison longer (to their NPD) than they would have been under the old system.

Both prisoners and staff interviewed had generally high expectations of the system introduced with the 1991 CJA. There can only be increased cynicism and disillusionment if these expectations are not met.

**P Midgley**

**Governor**

**HMP Kirklevington Grange**



# PUNISHMENT & POLITICS

*'... course of events ... will depend ... on ... skill, confidence and integrity; ... assert professional standards and principles; ... regain the confidence and respect of the wider public.'*

*David Faulkner was one of a number of participants in a seminar on Punishment and Politics organised by the Goethe Institute in June 1994. David Faulkner spent many years in the Home Office at a senior level guiding Criminal Justice Policy and is a long standing friend of the Prison Service. He retired as Deputy Under-Secretary of State at the Home Office in 1992 and took up his current post as Senior Research Associate at the Oxford Centre for Criminological Research.*

## **The Current Scene in England and Wales**

Crime and punishment seem to have a special fascination for people in Britain. It is illustrated by the popularity of detective novels and of police films on television; by the detailed reporting of sensational crimes - for many years in popular newspapers and now again on television; and by the debates about forms of punishment which have ebbed and flowed for 200 years.

Issues of law and order, or crime and punishment, have always been matters of acute political concern. But it is only since 1979 that law and order has featured prominently in the political parties' election manifestoes, and perhaps only in the last two years that the government has presented its policies on law and order as a test of its own credibility.

The 1980s and early 1990s were a period during which important developments took place in the country's approach to crime and criminal justice, for example

- the increasing emphasis on crime prevention, pursued independently of policies on law enforcement and the operation of the criminal justice process;
- the increasing recognition of the situation of the victim and the need to appreciate and respect victim feelings and expectations;
- reforms in the procedures for questioning, charging and prosecuting suspects and defendants, including the Police and Criminal Evidence Act 1984, the formation of the Crown Prosecution Service, and the appointment and subsequent report of the Royal Commission on Criminal Justice;
- changes in the management structure and

style of the various criminal justice services, reflecting the emphasis on efficiency and value for money which was being applied to public services generally;

- the attempts to introduce a more principled statutory framework for sentencing, to moderate the use of imprisonment, and to establish the validity and credibility of community sentences, culminating in the Criminal Justice Act 1991;
- reforms in the administration of prisons, both as regards the principles and standards to be applied following Lord Woolf's report on the prison disturbances in April 1990, and in the contracting out of certain prisons and prison functions to the private sector.

These developments were the subject of extensive consultation with all the relevant services and professional groups, and were for the most part carried out on a basis of broad agreement between the political parties. They were a natural and logical part of the Government's Financial Management Initiative, with its emphasis on outcomes, cost effectiveness and value for money.

A dramatic change of political mood, and of political direction, took place at the end of 1992 and during 1993. It was claimed that the policies pursued since 1979 were 'not working', and that they were the creation of 'soggy liberals' and 'trendy criminologists'. Crime was in future to be dealt with by vigorous law enforcement, certainty of conviction and severity of punishment, with the slogan 'prison works' and a claim that the balance of the system was to be changed 'in favour of the victim'. The government itself took the lead, but the opposition parties felt obliged to follow suit for fear of appearing 'soft on crime'. The

Labour Party did however adopt an alternative slogan 'tough on crime and the causes of crime' and continued to emphasise the social context in which crime takes place and the social and economic influences upon it.

### **A Change of Direction**

Events which may have contributed to the change of direction include

- public anger at the continuing rise in recorded crime, perhaps experienced by Members of Parliament during the 1992 election campaign;
- a public perception that criminals were 'getting away with it' because the police and the courts were powerless (or unwilling) to stop them, and that the country was being terrorised by teenage villains;
- judicial and public criticism of some of the detailed provisions of the 1991 Act;
- the exploitation of all these by the media;
- a political need to the Conservative Party to find a new, unifying focus of attention after the debates on the Maastricht Treaty;
- the political ambitions of certain individuals.

The consequences have included

- a hardening of sentencing practice as courts reacted to the change in public and political mood, resulting in a sharp increase in the prison population;
- a circular intended to restrict the use of police cautioning for minor offenders;
- a move towards 'more austere' regimes in prisons and 'tougher' standards for supervision by the probation service;

and above all

- the proposals in the Criminal Justice and Public Order and the Police and Magistrates Courts Bills before Parliament at the time of speaking.

The most relevant provisions of the Criminal Justice and Public Order Bill are those which create new custodial institutions, to be run by private companies on prison sites, for children aged 12-14; an increase in the maximum sentences available for young people aged 15-17; restrictions on the grant of bail; new police powers and new criminal

offences aimed at demonstrators, squatters, travellers and 'raves'; and changes in the presumption of innocence and the burden of proof where suspects decline to answer questions by the police or in court. The Police and Magistrates Courts Bill changes the basis of accountability for the police and the magistrates courts service, with an increase in central direction and a loss of local control; and provides the basis for a major shift in the role of the police away from their long standing functions of preventing crime and supporting the community and towards a narrow concentration on law enforcement and the detection and arrest of offenders. The Bill was amended in several important respects during its passage through the House of Lords, but the policy thrust remains.

### **A Pessimistic View**

The prevailing political view is one which reflects the classical notions of free will and personal responsibility, to be expressed through a largely retributive view of justice with little attention to preventive measures apart from those involving physical protection and security. Policies reflecting the contrasting 'determinist' view, emphasising the influences which affect personal development and human behaviour, are those which can be dismissed as the failures of the 1980s. Associated with the 'free will' view of crime is the conception of a 'quiet' or 'deserving' majority who wish to benefit themselves and those around them without interference or inconvenience from others; and of a separate, undeserving, dependent and potentially criminal class from whom they need to be protected. The latter group is seen as having been getting away with fecklessness and criminality for too long, and the balance needs to be shifted away from the criminal and in favour of the victim.

This view of crime is essentially pessimistic. It has little confidence in the prospect of individual or social progress, and in its current form it sees the motivation for human conduct mainly as a desire for personal gain and a fear of punishment or disgrace. The purpose of criminal justice is to supply the coercion which is ultimately necessary for social control. Within organisations, particularly public sector organisations including those in the criminal justice system, the view has its counterpart in an approach which has little regard for a

sense of public duty, equity or personal loyalty, and which emphasises material rewards (such as performance related pay) for those who conform; the discipline of competition; the threat of dismissal or the loss of the contract for those who do not perform adequately; and a top-down structure of output measures, performance indicators and performance appraisal.

### **A More Hopeful View**

The contrasting view is more hopeful. It believes in the capacity of individuals to change and improve if they are given guidance, help and opportunities. It emphasises respect for human dignity and autonomy. It looks more towards putting things right for the future than towards punishing what is past (although the latter may sometimes be part of the former). Within organisations, it favours a participative style of management, with consultation and representation and an emphasis on mutual trust and individual discretion. It recognises that an organisation's internal style must match its external performance: staff who do not feel respected themselves will not easily show respect for others, or receive it in return.

The criminal justice system, like other public services in this country, is placed awkwardly between these two points of view. Neither provides a complete paradigm, or a complete analysis of the dynamics of a complex modern society or a modern public service. The courts must usually take a predominantly 'free will' view of guilt and culpability, although considerations of age, social background or future prospects may enter into their judgement by way of mitigation. Coercive powers including imprisonment must always be available to be used when the public cannot otherwise be adequately protected. But preventive measures must also be taken to deal with the large volume of crime which never comes to court and which is effectively out of reach of the criminal justice process. The Prison Service and the probation service, and to some extent also the police, try to function on the basis that their task is to make things better for the future, and in the case of prisons and probation to help offenders towards the prospect of a better life. Their objectives and values, strongly reinforced for the Prison Service by Lord Woolf's report, are closer to the 'determinist' than to the 'free will' approach. The political message to

those services is often ambivalent and confusing, but a sense of hope, a belief in the possibility of progress and respect for individuals are essential to their professional identity and integrity.

It is difficult to forecast the way in which events will now unfold. Amendments may be made to the Criminal Justice and Public Order Bill during its passage in the House of Lords. Prison overcrowding or prison disturbances may return on a scale which requires emergency executive action. Finance, even private sector finance, may not be available to support a prison building programme of the size needed for the present policies to continue indefinitely. Courts may not use their sentencing powers as severely as seems to be expected. The political emphasis may in time shift from punishment to prevention. Or the political and public obsession with punishment may continue and grow, with results such as those which can be seen in the United States.

### **Tension between Politicians and Professionals**

An inevitable feature of the present situation is an underlying tension between matters of political and matters of professional or judicial judgement, and ultimately between politicians and professionals, and possibly also the judiciary themselves. It has been a consistent theme of government policy since 1979 to displace professionals, of all kinds, from the elitist, privileged and self interested positions which they are thought to have occupied; and professionals who have not shared or come to accept the government's political outlook have felt themselves to be weakened and sometimes intimidated. Academics have suffered a similar experience. The management changes now taking place in the criminal justice services (and other public services) may reinforce that situation. It is however the professionals who have ultimately to operate the system and to give effect to the legislation that is passed. The ultimate course of events will depend to a large extent on their skill, confidence and integrity; on their capacity, with academics, to sustain, renew and assert professional standards and principles; and on their ability to retain, or regain, the confidence and respect of the wider public.

# OPTIONS FOR LEARNING: TRAINING INMATES FOR WORK

*An exciting example of inter-agency co-operation between the prison and the T.E.C. in developing an imaginative scheme to help prisoners find work.*

## **BACKGROUND TO THE SCHEME**

A general consensus existed amongst interested agencies that prisoners were a particularly difficult group to get into employment or further training after release. In addition to having a criminal record, other barriers exist which impede ex-prisoners from finding work. These barriers include low skill levels, 50 per cent of those in custody have less than functional literacy levels and surveys indicate that 70-80 per cent left school with no qualifications (recent CBI estimates indicate that 75 per cent of jobs will require at least NVQ Level 2 by 1996). In addition, many prisoners have a poor previous work record, unsettled accommodation, poor health, low self esteem, low motivation and a lack of self confidence (Employment Department 1994).

The Devon & Cornwall Training & Enterprise Council (TEC) took a particular interest in the employability of ex-prisoners. The Devon & Cornwall TEC is one of 82 TEC's founded in 1991 with responsibility for the allocation of central government funds to meet the training needs of the community by contracting with approved individuals and institutions. The TEC's are the responsibility of the Training, Enterprise & Education Directorate (TEED) which is part of the Department of Employment. TECs have identified prisoners as a 'special needs' group who required particular consideration when it came to training.

As the result of preliminary discussions between Tony Murphy (Head of Inmate Activities at Channings Wood) and the Devon & Cornwall TEC, the TEC agreed to Channings Wood acting as managing agent for an options for learning scheme to be

based at the prison, subject to a satisfactory tender being submitted. The intention was that the scheme would co-ordinate a range of skills training, personal development training and work experience to achieve a single aim - employment or further training on release. The scheme would be funded by Devon & Cornwall TEC with no additional cost to the prison.

The contents of the contract proposal had to meet the same criteria as any other private training organisation. The 60 page proposal document covered details on the background of the organisation; occupational coverage; staffing and premises to be used; equal opportunities policies; quality assurance policy and means of training delivery. The TEC made it clear that Channings Wood would be dealt with like any other training provider and that there would be an enforceable contract governing the relationship. Following prolonged and difficult negotiations successfully brought to a conclusion by the hard work of Tony Murphy, the TEC agreed to sign the contract and to provide £6,000 as a set up loan for the scheme. A pilot contract lasted from November 1992 to June 1993. Successful completion of the first full contract (June 1993 to March 1994) generated a potential £150,000 for Channings Wood, which was used to meet the overheads of the scheme and to develop the scheme further.

## **THE PERSONAL TRAINING PLAN**

The Options for Learning (OFL) programme was set up as a voluntary scheme for a maximum of 100 prisoners (at any one time) who were within 18 months of a probable release date. The main objectives of the scheme were: to help

*by Shane Bryans BA, M.Phil, MBA.*

*Until February 1994 Shane Bryans was Head of Inmate Activities at HMP Channings Wood and had responsibility for the development of the Options for Learning scheme. He now works in the Market Testing Support Unit but his work at Channings Wood was carried forward by Penny Jefferies.*

prisoners gain competence in a specific range of occupational skills; to provide training which would lead to NVQ or equivalent qualifications; to provide opportunities for prisoners to develop their own personal skills (including training in how to apply for jobs, CV completion, interview techniques and reading and writing skills) and to provide a post release plan for further training or employment.

OFL aimed to meet these objectives by providing prisoners on the scheme with a Personal Training Plan (PTP). The PTP was drawn up by negotiation between a qualified member of OFL staff and the prisoner. The PTP outlined existing employment skills together with future aims, training needs and arrangements necessary to achieve a successful outcome. Prisoners were referred to OFL as part of the Sentence Planning System, by their personal officers.

The planned programme of training involves existing courses run within the prison coupled with access to guidance and support through the OFL team. The prisoners progress is regularly reviewed and assessed so that the PTP can be updated as they move through the programme. The formal bi-monthly reviews involve a visit at their place of work by a member of the OFL team and a discussion between the employer, the prisoner and the OFL team member.

In addition to developing work based competencies, the scheme also attempts to adopt an holistic approach to developing each prisoner. All prisoners on the scheme attend a variety of generic modules on a voluntary basis. The Development Training module focuses on assertiveness, stress management, working with others, negotiation skills, coping with change, time management, study skills and confidence building. The Employability Training module helps prisoners to obtain work by covering areas such as job search; agencies who can help; CV design; letters of application; telephone techniques; self presentation and interviewing skills. Where a prisoner is identified as needing Foundation Skills, day release or evening classes are arranged to assist with literacy, numeracy, problem solving, communication and computer literacy. The OFL scheme also funds individual counselling and drama therapy where the need is identified.

Prior to release all prisoners also undertake an Exit module. This module covers dealing with the Benefit Agency; interviews with the Employment Service and obtaining funding for self employment. The local Employment Service performs the key role in the Exit module by ensuring that each prisoner has a named Employment Service contact in the home area, is provided with information and suitable job vacancies, is given practical training in how to apply for jobs. Where possible job interviews can be arranged for prisoners about to be discharged.

In order to create a realistic working environment, various personal responsibilities are placed on the prisoner. These responsibilities are additional to the requirements of standard prison procedures. These additional responsibilities include each prisoner maintaining his own work time sheets (which have to be countersigned by the employer), completing self sick certification forms and agreeing to a code of conduct in the workplace. These personal responsibilities are included in the Personal Training Plan and form a 'contract' between the prisoner and the prison. If the contract is breached by the prisoner (for example by arriving late for work or not participating in the modules) the prisoner can be removed from the scheme with the loss of the associated benefits.

### **MANAGING THE SCHEME**

The options for learning scheme is run on a day to day basis by an Options for Learning Manager, her role primarily involves managing the operations, staff, finance, information and public relations for OFL.

Penny Jefferies was appointed as the OFL Manager from the start of the pilot contract. She took on most of the pioneering and developmental work and the success of the scheme owes much to her drive, enthusiasm and dedication.

The OFL team consists of two co-ordinators who are responsible for prisoner recruitment on to OFL, Personal Training Plans, OFL induction, prisoner reviews, guidance and support, providing the development/employability training and for the post release plans. In addition, there is a full time administrator who completes the necessary documentation and statistics for the TEC and manages the OFL office.

The OFL manager is responsible to the Head of Inmate Activities for the management and operation of the scheme. In order to obtain a multi disciplinary perspective, an OFL Management Committee was created. The Committee acts in a supervisory and advisory role and also authorises expenditure. As all OFL staff are employed by the Governor on short term non civil service contracts, issues such as pay and conditions of service, form of employment contract and the mechanisms for recruitment and selection had to be developed and introduced.

### **FINANCING THE SCHEME**

The scheme had to be self financing given the lack of spare resources within Channings Wood. The repayable loan and money generated from the TEC were used to pay the OFL team salaries, to provide office accommodation for the team and to meet all running costs.

The income from the TEC consisted of two elements, process funding and positive outcome funding. The 'process' funding element accounted for two-thirds of the potential contract worth and was dependent on the numbers of prisoners on the scheme. OFL generated £35 for each week each prisoner spent on the scheme. As an incentive to prisoners to take part in the scheme, £10 per week (of the £35) was kept for each prisoner until his release. The remaining £25 was used to fund the scheme. Prisoners were therefore able to accumulate a lump sum of money, half of which they could take with them on discharge. The 'positive' outcome element of the funding was related to prisoners successfully gaining NVQ's (or equivalent qualifications) and/or obtaining work or further training on release. For NVQ obtained, the prisoner had £50 added to his lump sum and OFL earned £260. For each prisoner in employment or further education at the three month post release point, OFL earned £260. Prisoners were required to contact OFL three months after release and provide evidence of their occupation or continuing training to receive the remaining half of their lump sum.

Any money remaining after operating costs (salaries, equipment, office accommodation) had been met, was used to fund special projects, supplement materials grants for

NVQ courses, pay for NVQ registration and purchase specialist NVQ equipment for which funds were not available in the prison's annual budget. The additional equipment and material grants were needed because of the advanced level of NVQ's which prisoners were keen to undertake whilst on the OFL scheme.

### **MEASURING THE BENEFITS**

The main criterion used to assess whether OFL achieved its objectives was whether prisoners actually obtained employment or further education training on release. Until very recently, prisons did not receive post discharge feedback from prisoners and were therefore unaware of whether prisoners had been helped to 'lead law abiding useful lives' following their release. OFL was able to collect post discharge data and was able to assess whether an holistic approach to the development of prisoners had improved their employability. The data collected revealed that of the prisoners who have taken part in the scheme 26 per cent had gone into a positive outcome (21.7 per cent into full time employment and 4.7 per cent into further education - training). This 26 per cent figure compares favourably with the statistics produced by the Department of Employment which indicate that on average only 10 per cent of prisoners have a job or further education to go to on release. The OFL scheme not only improved the employability of prisoners, it also provided them with a lump sum of money to take with them on release. In some cases the lump sum was used to assist with starting their own small business.

### **THE WAY FORWARD**

The options for learning scheme at Channings Wood provides a good statistically based model of where a cohesive and comprehensive multi agency approach can improve the employability of prisoners on release. A recently published guide for TEC's 'partnership initiatives - helping offenders into training and work' provides other evidence of good practice which exists around the Prison Service. The key point underlying the success of the various schemes is that the Prison Service cannot operate in isolation and only focus on a narrow work based approach if it is to achieve its statement of purpose and help prisoners lead law abiding and useful lives after release.

## SUMMARY

The Prison Services' purpose statement indicates that it is part of its duty to help prisoners lead law abiding and useful lives after release. With the growing consensus that there is a link between unemployment and crime, the Prison Service, if it is to fulfil its duty of preventing prisoners re-offending, must do all it can to ensure prisoners have a job or further training on release. As a survey by the Association of Chief Officers of Probation shows that over 70 per cent of offenders prior to sentence were unemployed, helping offenders into employment and training is not an easy task given present levels of unemployment. This paper outlines a scheme in which an intensive and integrated multi agency approach can improve the chances of employment and training for prisoners on

release. The 'Options for Learning' (OFL) scheme at Channings Wood, funded by the local Training & Enterprise Council, provides money for prisoners whilst they are training in prison, bonuses for successful completion of NVQ's, staff to co-ordinate a training plan for each prisoner and close liaison with the prisoner's home employment service. The holistic approach adopted by OFL focuses not only on developing work competencies but on developing the individual to improve his employability. The first assessment of the scheme indicate that 26 per cent of the prisoners who took part in OFL were still in employment or training three months after their release from custody. This compares very favourably with the Employment Department (1994) figures which show that 90 per cent of the 100,000 prisoners released each year have no job or training to go to. ■

# EQUAL OPPORTUNITIES WELCOMING DIVERSITY

*The Prison Service states that it is an equal opportunities employer. But is it entitled to do so? One article could not do justice to such a vast debate and so the following article by Gabrielle Garton Grimwood, Equal Opportunities Manager for the Service, picks out some of the live issues in this area. Gabrielle also responds to some of the issues raised in Comment in Prison Service Journal 94 about the way in which the Prison Service's equal opportunities strategy is being taken forward.*

*Gabrielle Garton Grimwood is  
Equal Opportunities Manager  
within Personnel Planning  
Group, Prison Service  
Headquarters..*

Section 95 of the Criminal Justice Act places a duty on those engaged in the administration of criminal justice to avoid discrimination against any persons on the grounds of race, sex or any other improper grounds. In order to provide a good quality service within the criminal justice system, the Prison Service must reflect the society in which it is based. We are, after all, here to serve all members of the public and just as society is made up of a multiplicity of groups

and cultures, so the Prison Service should reflect that diversity. It would manifestly be unjust to recruit only from one section of society and it would also be misguided: in the search for talented people to work in the Service we must ensure that anyone with the skills, aptitudes and qualities we need in today's Prison Service has the chance to apply and be considered on their merits. The essence of equality of opportunity, then, is in accepting and welcoming diversity.



Equality of opportunity is therefore one of the core values in the Statement of Purpose, Vision, Goals and Values. We are committed to the fair and equal treatment of all staff, with equal access to employment, training, promotion and career development regardless of gender, race, nationality or ethnic origin, religion, marital status, sexual orientation, disability or any other irrelevant factor.

### **Policy into action**

Having given a commitment to equality of opportunity, we have to translate that policy into action. This requires both awareness and support from staff at all levels. Again, the Statement of Purpose, Vision, Goals and Values places equality of opportunity at the centre of the Prison Service's business and the Corporate Plan 1994-97 identifies as a strategic priority the development of a well-trained staff with a shared commitment to the Service's goals and values. So the policy is in place. How successful are we in implementing it?

At a time of devolving personnel management responsibilities to establishments, groups and services, the lead in ensuring fairness and equality and delivering a good quality service is increasingly passing to Area Managers, governors and heads of groups and services. For some time Race Relations Management Teams (RRMT) have been working within establishments and, with Race Relations Liaison Officers, have acted as a focal point for driving forward the Service's race relations policy. We need now to consider what structures might be put in place to provide a similar focus for the equal opportunities strategy.

One option, which was suggested in the Equal Opportunities Annual Progress Report 1992-93, would be for an equal opportunities management team to act as an umbrella organisation within the establishment, with the Race Relations Management Team and other teams within it, dealing with such issues as gender (and particularly some of the issues arising out of the cross-postings policy) and disability. This would ensure that there would be no loss of momentum in the Service's work towards full implementation of its prisoner race relations policy - the RRMT would keep its distinct identity - and would still satisfy the need for monitoring locally the full range of equal opportunities issues.

But this is not the only option. Some Governors have already nominated a manager to act as equal opportunities co-ordinator for their establishment, again with the aim of ensuring the effective local implementation of the Service's equality strategy. Whichever option is chosen, guidance, support and advice on good practice will continue to be provided by the Equal Opportunities Team based in Personnel Planning Group at Headquarters.

### **Support groups?**

Another topical issue is that of staff groups (sometimes referred to as support groups). In some organisations in the public and private sectors, support groups have been established to provide an informal source of guidance and support to staff. These groups have often proved to be very valuable to staff who are in a minority - such as staff from the ethnic minorities or women working in a male-dominated environment - as they offer a chance to network and share experiences with colleagues in a similar situation. At the end of last year, the gay press reported the setting up of a support group for gay and lesbian prison officers and auxiliaries.

In speaking to colleagues, I have found differing views on the need for staff support groups within the Prison Service. During our recent equal opportunities seminars for staff from the ethnic minorities and staff working in cross-postings, some participants doubted whether such groups would be helpful. Some (as they saw it) did not want to draw attention to or make an issue of their race or gender: for them, the priority was getting on with the job. But other participants believed that they and others would benefit from being able, through a support group or network, to make contact with colleagues, from whom they could seek informal advice if they were experiencing difficulties at work.

Recognising this, some establishments have already formed groups where members of staff can go to air problems - in some male establishments where the numbers of women staff are especially low, some women have little or no contact with other female colleagues during their work and they in particular might welcome the opportunity to meet informally. Some of the groups which have been set up are focused on women staff, others are open to all staff. It would not be appropriate for Personnel

Planning Group to prescribe from the centre whether support groups should be open to all or focused on women, men or members of the ethnic minorities. There are arguments for and against opening a support group to all staff. A group open to all staff can help in team-building - which is welcome at a time when we are seeking to promote team working - and in breaking down any barriers or divisions between groups of staff within the establishment. This, in itself, can help to further the Service's values not only of equality of opportunity but also of commitment to staff. But staff who are in a minority within the establishment may feel more comfortable in sharing experiences or voicing concerns in a closed group, which may be their best opportunity for talking freely about issues of concern to them. This, then, is a decision best taken locally.

Support groups can therefore be a constructive way to help staff to express their concerns and, from Personnel Planning Group, we recognise the value which such groups can have. This is an area where we would hope to support local initiatives. Heads of establishments, groups and services may therefore wish to seek staff's views on whether a local group would be helpful or even, perhaps, set up a preliminary meeting to gauge response.

It is sometimes argued that support groups can become 'cliques' and can even be counterproductive by marginalising staff. However, I sense that this is a risk only if the group is the only venue at which equal opportunities matters are discussed. Any support group should be an adjunct to, not a substitute for, management's formal - and legal - responsibility for ensuring that the Prison Service's commitment to equality is acted upon. One of the principles underpinning the Service's equal opportunities strategy is that this is a management issue and, as one of our values, something that managers must convey to all staff under their command.

Equality of opportunity is not, therefore, a peripheral issue, of interest only to women, members of the ethnic minorities or staff with disabilities and it should not be left to those groups of staff alone to monitor whether equal opportunities policies are being followed. So although support groups may be an opportunity for staff to discuss

their experiences, the responsibility for implementing the equal opportunities strategy rests with managers, who must take ownership of that strategy.

### **Harassment and discrimination**

Amongst the problems which staff may want to air at a support group are harassment and discrimination and, again, a support group cannot and must not act as a substitute for managers' exercising their responsibilities. The staff survey - reported in Briefing 74 - has revealed the extent of harassment in the Service. More than a third of women staff reported difficulties at work because of their gender and half of those women describe those difficulties as sexual harassment. Just as disturbing is that 25 per cent of staff from the ethnic minorities have experienced difficulties because of their ethnic background. The survey therefore suggests that our commitment in the Statement of Purpose, Vision, Goals and Values to equality of opportunity is not being carried into the working environment and harassment is widespread.

Harassment and discrimination are inimical to our values. They are inexcusable and cannot be tolerated in a modern Prison Service. Staff must feel confident that they can bring their complaints into the open, that they will be investigated sensitively and thoroughly. The revised Code of Discipline and Standards of Conduct (published in July 1993) created specific disciplinary offences of racial or sexual harassment or discrimination towards inmates, colleagues or members of the public, which can attract the full range of penalties up to and including dismissal.

Notice to Staff 47/1992 set out our policy on sexual harassment (and it is worth reiterating that sexual harassment can include the harassment of those who are or are thought to be homosexual) and made it plain that such behaviour was entirely unacceptable. But it is clear that the problem persists and, as a Service, we need to take action to combat all forms of harassment. As part of the effort to stamp out harassment, Staff Care and Welfare Service has opened a help line for staff who are being sexually harassed or bullied. The next stage will be to add advice on racial harassment to the help line's services.

### **Staff appraisal**

There are other developments within the Service which will impact on equality of opportunity which, through lack of space, cannot be explored at any length here. One of the most significant will be the Performance, Planning and Review System. In PPRS, each members of staff will be appraised according to how they have performed in their job and how far they have achieved their objectives. By relating appraisal to performance, we intend that each member of staff should be assessed fairly and objectively and this in itself should reinforce the principle of equality of opportunity.

### **Disability issues**

So far, this article has referred primarily to the needs and interests of women and staff from the ethnic minorities. Comment in issue 94 noted that comparatively little attention was given in the annual progress report on equal opportunities for 1992/93 to disability. The Service currently employs very few people with disabilities - even if we allow for the prison officer grades and others where we must recruit people with a high level of physical fitness, we come nowhere near the three per cent quota of staff with disabilities which all employers are expected to fill. As foreseen in the annual progress report, we have reconvened the Joint Consultative Group on disability and are now looking to implement the Cabinet Office's programme of action on disabled staff in the Civil Service (which complements the existing programmes of action on women and members of the ethnic minorities).

The Prison Design Briefing System guidelines provide for access ramps, lifts, toilets and circulation routes to be made suitable for the passage of wheelchairs. New prisons which have opened in recent years have been provided with such facilities and the guidelines are taken into account where possible when existing establishments are refurbished. Yet Comment was entirely right to say that we must challenge the prevalent but erroneous assumption that the lack of wheelchair access in some establishments makes it impossible to employ people with disabilities. Only a minority of disabled people are wheelchair users and many need few or no special facilities or equipment in order to do their jobs.

### **Recognising diversity**

That same Comment also pointed to a lack of activity within the Service on issues of sexual orientation and criticised the equal opportunities strategy for concentrating on discrete groups within the workforce. For lesbian and gay staff, we have already made a start by referring to sexual orientation both in our policies on sexual harassment and in the equal opportunities statement which appears on Notices to Staff and elsewhere but, no doubt, more needs to be done. Yes, it is true that only one paragraph was devoted specifically to sexual orientation in the annual progress report for 1992/93. But the report had already stressed that, although our equal opportunities strategy has to take account of specific issues and specific areas of need - to take just a few examples, we have to monitor recruitment and promotion, we have to recognise the particular issues which surround being a woman or a member of the ethnic minorities (or both) in a predominantly white, male Service - the success of that strategy will ultimately depend on creating a climate where all members of the Service feel comfortable, respected and valued. We have to recognise the diversity within our workforce. This is about cultural change, where change will be gradual rather than dramatic. ■

*This one article can only hope to give a brief overview of a few aspects of the Prison Service's equal opportunities strategy. Further information about that strategy is available from John Thomas-Ferrand, Equal Opportunities Officer or Gabrielle Garton Greenwood, Equal Opportunities Manager within Personnel Planning Group, Cleland House, Page Street, London SW1P 4LN.*

# MANAGEMENT

## IN THE PUBLIC AND PRIVATE SECTORS

### some similarities and differences

*Sir Bryan Nicholson  
Chairman of BUPA, and  
President of the CBI*

*Sir Bryan is writing in a  
personal capacity in this  
article; the views expressed  
should not be taken necessarily  
as those of BUPA or the CBI*

I know that there is discussion and debate within the Prison Service at present on the question of whether the management of the Prison Service (and by implication management of other public sector organisations) is similar to or different from management in the private sector. As someone whose career has spanned both sectors I worked initially in the private sector with Unilever and Rank Xerox, before moving into the public sector at the Manpower Services Commission and the Post Office, and am now in the private sector again at BUPA - the matter of similarities and differences in managing public and private sector organisations is a matter which is of considerable interest to me also.

#### Managing in a Context

There are clearly important differences between public and private sector organisations, which have major implications for their management. There are, though, considerable similarities, and important basic principles of management which apply across organisations. The similarities in organisational management requirements and the common underlying principles, are probably more substantial than the differences. But the differences are of considerable importance. I take as a starting point that management does not exist in a vacuum, but rather that as managers in any organisation, we have to manage in the context of the distinctive purposes, culture and values of that organisation. Insofar as those purposes, culture and values of organisations in the public sector have some differences from those in the private sector, management in the public sector is to at least some extent different from that in the private sector.

Different organisations have different constraints and expectations of their key

'stakeholders'. Within the private sector an important group of stakeholders is, of course, shareholders, whose expectations about the financial performance of the organisation are obviously important. Within the public sector, the expectations and constraints on the organisation are of a different kind, and would typically include requirements for speed and quality of service delivery and efficiency, amongst a range of requirements which set the context for managing the organisation.

It is important, also, not to under-estimate the differences between organisations within the public sector. The differences between managing a prison, a local authority, a hospital and a school are important. It would be naive, therefore, to assume that there is only one way of managing in the public sector.

#### What of Managers Themselves?

In talking to managers in a range of public sector organisations. I am often aware that their self-perception and self-image as managers is not as positive as that of their peers in the private sector. This may partly reflect that it is only relatively recently that people with responsibilities for staff, finance, buildings and other resources in for example hospitals and schools - and perhaps in prisons also - have regarded themselves as being managers, carrying out a managerial role. It may also partly reflect stories carried in the media about inefficient state-subsidised industries, local authorities making poor commercial decisions for overtly political reasons, and so on. My experience in a range of both public and private sector organisations has been that there is not a major difference in the level of managerial skills in the two sectors; I have worked with considerable numbers of excellent managers in both sectors. A similar experience is

typically reflected also by a range of colleagues who have moved from the private to the public sector and been very favourably impressed with the managerial skills and abilities which they have found on moving into the public sector.

I do not take the view that managing in the public sector is in total more difficult or more easy than managing in the private sector - though there are some aspects which are more difficult and some which are less so. Rather, the organisational context in which one manages is different, and that needs to be taken into account constantly.

The question of any differences in management requirements between the public and private sectors has become particularly important, of course, for a number of organisations which have moved from one sector to another. In recent times in the UK that has particularly been the case for some large organisations which have been privatised. I know that my former colleagues in the Post Office have been giving this matter a considerable amount of attention. There are clearly some matters which private sector organisations need to address - such as relations with the City - which are not relevant for public sector organisations. It is too easy and too simple, however, to say that private sector organisations need to be more commercial and customer-focussed than those in the public sector. Within the Post Office, for example, a considerable amount of managerial effort, supported by substantial training and development investment, has been committed over recent years to progressively making the organisation customer-focussed through a Total Quality programme which is central to the way in which the organisation is managed, and builds in widespread involvement from large numbers of people in quality improvement projects. That is by no means a 'soft option'. It is carried out for hard-edged commercial reasons focussing directly on business performance. It is no coincidence that the Post Office has recently reported its 18th consecutive year of profits, and on a continuously improving trend. I know that many organisations in the public sector are also becoming much more customer-oriented and have invested considerable amounts in training and development to support that initiative. That is not simply in order to become more like private sector organisations. Rather, it is based on the

recognition of one respect in which all organisations - whether in the public or private sectors - are similar: that their purpose is to support their customers, and they will be successful or not depending on the extent to which they meet customer needs.

### **Who Is the Customer?**

There is a further example which illustrates, I believe, that it is not so much being in the public or private sector which directly affects management style, but rather the societal expectation and how one chooses to manage. To illustrate that, I am drawing again on my experience within the Post Office, but this time to make comparisons across different countries. Around the world, post offices have a rather similar - indeed, almost identical - function, so one might expect that they would be similar in their operational activities and how those operations are managed. In fact, they are very different. The main difference relates to the extent to which they are customer-focussed. The questions are essentially 'do they or don't they have a concept of the customer, and base the management of the organisation on a thorough understanding on what that customer wants?' And 'is that method of operating in relation to the external customers applied also in relation to internal customers, within the organisation.' Almost all the post offices around the world are in the public sector, but there are enormous differences between them in how they are managed, particularly in terms of how customers are viewed. I would be interested to learn whether a similar comparative analysis of the operation of Prison Services in different countries with different cultures would reach similar conclusions.

I would maintain, then, that the degree of customer focus is not a characteristic which now distinguishes private sector from public sector organisations, but that differences in the extent of the customer focus reflect choices which have been made about how to manage particular organisations.

### **Balancing Objectives**

But there are some significant differences between managing in the public and private sector. I have already mentioned the private sector concern with relationships with the City. I think it would be fair to say also that a commercial instinct is more commonly

found in managers who have worked in the private sector for a considerable time than in their colleagues whose experience is steeped in the public sector. On the other hand, public sector managers have more commonly had to develop skills of managing in an environment where there are multiple objectives, not all of them are quantifiable and some may be political, and where an important skill is balancing a range of objectives, some of which may be at least partially in conflict with others.

I know that there are currently a considerable number of managers in the Prison Service who are studying for management qualifications, and I am sure they will have faced the issue of similarities and differences between management in the public and private sectors in their studies. The management literature grew from a historical base firmly in the private sector. It is interesting to speculate on how different the management literature might be if it had grown from managing public sector organisations, or service organisations, rather than being rooted essentially in private sector manufacturing organisations. The growth of interest in management of public sector organisations is gradually adding to, and refining, management studies. It will be interesting to see how the management literature develops and changes over perhaps the next two decades to reflect important experience in managing in the public sector. Similarly, it is certainly true that the current management literature is based upon managing in a Western European and North American context. One can again speculate on how the current management literature might be different if it had grown and developed not from Western European and North American practice but from perhaps Indian, Chinese or South East Asian experience. And similarly, it will be interesting to see how management thinking and action evolve during the next couple of decades to reflect the increasing importance and influence of the Pacific rim in comparison with the Atlantic rim.

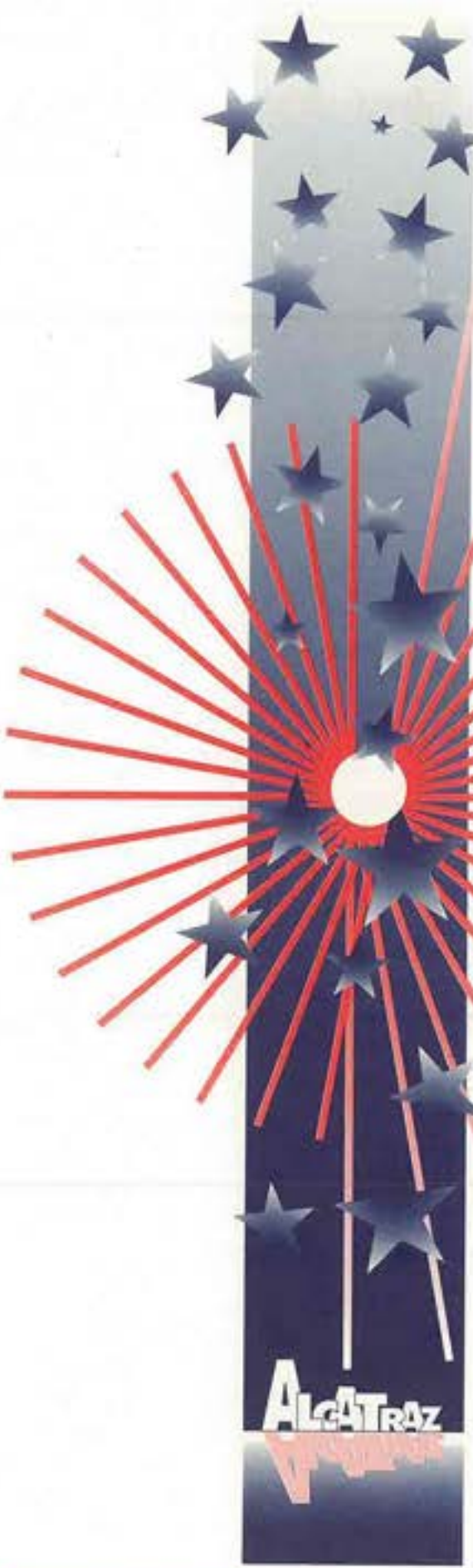
### **Managers as Professionals**

Returning to the UK, one of the main developments in recent years in management study and practice, and the integration of management study and practice, has been the development of

competencies. We have made substantial and important progress in the UK in basing a wide range of qualifications not simply on knowledge tested in traditional written examinations, but on competences which can be demonstrated in the workplace and certificated as National Vocational Qualifications. Particularly in relation to management, there has been an important debate about whether it is desirable and possible to describe management in terms of competencies of the kind developed by the Management Charter Initiative, CMI. It is interesting to see in the management competencies developed by MCI, as the result of widespread consultation with employers, educators, and other key groups, and in relation to first line managers, middle managers and senior managers, that management competencies are presented as generic and equally applicable in both the public and private sectors, though with a clear recognition that the specific context in which management is carried out is important.

In addition to formal management education programmes, we each can learn much from participation in relevant professional associations, and from discussions with friends and neighbours who have an involvement with various organisations through employment or in voluntary capacities. Providing we don't simply try to transfer experience from one organisation to another, but remain alert to the individual characteristics of particular sectors and organisations, there is a lot which we can learn from such contacts to complement our development as managers through direct experience and through more formal and structured means of learning. ■





# SUPER- MAXIMUM CUSTODY PRISONS IN THE UNITED STATES

## WHY SUCCESSFUL REGIMES REMAIN CONTROVERSIAL

*(Study of the Effects of  
Long-Term Confinement  
Under Conditions of Super-  
Maximum Custody)*

ALCATRAZ

*David A. Ward, Professor of Sociology and Principal Investigator and Norman A. Carlson, Senior Lecturer in Sociology and former Director, Federal Bureau of Prisons, U.S. Department of Justice, University of Minnesota.*



Although the critical issues confronting prison administrators vary between countries, one problem is evident in most correctional systems. That issue relates to the management of the small number of violent and dangerous offenders who, for whatever reasons, engage in predatory or disruptive behaviour while incarcerated. Though the proportion of such offenders is very small, typically accounting for less than 1-2 per cent of the total prison population, they frequently present a very real threat to institutional order and security as well as to the safety of staff and their fellow inmates.

To control this small subset of the inmate population, correctional policymakers have historically relied on two principal strategies — dispersion or consolidation. While each of these methods have advantages, there has been comparatively little empirical evidence as to which is the most effective. Correctional systems have generally moved from one strategy to the other based on factors other than research results. Dissatisfaction with one method results in a shift in hopes that the other strategy may somehow prove more effective.

Under the dispersion model, inmates who represent management problems are scattered to as many prisons in the system as possible, thus limiting their total number in any single institution. In so doing, administrators hope that they will cease their disruptive behaviour and begin to participate in regular institutional programs. Dispersal also seeks to prevent the establishment of groupings or gangs that attempt to control illicit activity through threats, intimidation, and violence directed toward staff and inmates.

While it has the obvious advantage of not requiring an expensive 'super-max' physical plant with its large staff, dispersal often results in each prison in the system being forced to employ high levels of security and control to deal with only the

tiny minority of the population that requires such supervision. Consequently, the freedom and activities for the vast majority of offenders who want to serve their sentences without incident and seek release as quickly as possible are severely restricted.

To maintain order under the dispersal strategy, predatory offenders often end up spending long periods confined to disciplinary segregation units because of actual, threatened, or even rumored involvement in serious rules violations. When staff patience wears out, they are then likely to be transferred to another institution in an attempt to temporarily disrupt alliances with other troublemakers and to give them, as well as staff, a fresh start. But experience indicates that simply transferring management problems from one prison to another reduces disruptive behaviour for only a brief period of time — or until those inmates reach the stage in their lives where the aging process itself prompts a slow down in physical activity and a more contemplative state of mind. But as the current generation of troublemakers grows older, a new, younger group is always moving up to take its place.

The obvious alternative to dispersion has been consolidation — the intentional concentration of the most aggressive, escape — prone, and disruptive prisoners in a single facility where the level of security and the overall regime is specifically designed to control them. The small number of 'super-max' prisons in the United States specifically designed and built to house these particular offenders are well known due to the notoriety of the inmates, the drama of events in these prisons, and the controversy that these particular regimes evoke. And while the consolidation strategy can positively impact the quality of life and operation in other prisons in the system, it also has limitations. Although they are generally small in size, they require a large staff complement to insure security and control, and are therefore considerably more expensive to operate — ranging up to \$36,000-\$40,000





per year, per inmate, in some US systems. And these special institutions, even when they are successful in controlling violence, tend to produce criticism that the punishment is too harsh and thus exacerbates already emotionally unstable personality problems.

Administrators and wardens/governors spend a significant amount of their time dealing with the concerns raised by this small percentage of their prison population. Because of our backgrounds and academic interests, we are quite familiar with steps that the US Department of Justice has taken since the early 1930's to try to manage the most violent and disruptive prisoners held in federal custody. In 1934, the Department of Justice acquired the former military prison of Alcatraz Island in San Francisco Bay and converted it into a high security penitentiary for 'habitual' offenders and 'intractable' prisoners — a prison that became popularly known as 'The Rock'. Until its closure in 1963, Alcatraz served as the symbol of the federal government's no-nonsense approach in dealing with its most highly publicized offenders, its most sophisticated prison escape artists and riot leaders, and its most assaultive inmates.

The decision to close 'The Rock' and to disperse its inmates to other federal prisons throughout the country was made for several reasons. One important factor concerned the high operating and maintenance costs of an island facility as well as the deteriorating infrastructure resulting from sea air corrosion. But, the primary consideration was a major shift in public policy in the United States regarding the purpose of imprisonment. During the 1960's the federal prison system like those in many states, entered an era in which rehabilitation became the dominant rationale for penal confinement. The continued operation of Alcatraz, an institution dedicated only to incapacitation and deterrence, did not fit comfortably in a field that began to call itself 'corrections'.

While a new 500 bed maximum security penitentiary was authorized and constructed in Marion, Illinois to coincide with the closure of Alcatraz, a decision was made by the Bureau of Prisons and the Department of Justice to abandon the concentration model and to disperse problem prisoners to various federal prisons across the country. As a result, Marion was opened as a standard federal penitentiary with the full range of programs and activities and the freedom of movement for inmates that went with them. Marion operated in this manner until 1978 when as a result of increased conflict between inmates, often along the lines of race and ethnicity, and encouraged first by the growth of the 'inmate rights' movement and later by the drug trade, the level of assaults and violence directed toward staff and inmates passed the level of tolerance in the federal system.

Controls and restrictions including the establishment of a special high security 'control unit' within Marion increased over the next few years until late October, 1983, when two correctional officers were murdered in separate incidents on the same day and on the following day, the 26th inmate was killed. From that date to the present, Marion returned to the basic elements of the Alcatraz regime, now officially called, 'indefinite administrative segregation', but more popularly identified as a 'lockdown'. The press and its critics soon labelled Marion, 'the new Alcatraz'.

The basic elements of a 'lockdown' regime in the federal prison system, consists of the following key elements:

1. Each inmate is housed in a single cell.
2. No congregate activity is allowed, except in pre-transfer units.
3. Inmates spend 23 hours of each day in their cells, emerging only in handcuffs and leg restraints to be escorted, one at a time, to an enclosed exercise area or to a locked, barred shower stall.







4. Educational (correspondence courses), religious, and case work activities are conducted by staff through the bars of each inmate's cell, inmates do not go to their offices.
5. No contact visiting is permitted, except with attorneys.
6. No commissary is allowed; cell activities are limited to watching a five-inch black and white TV, listening to a radio (with earphones), reading, and writing letters and legal briefs.
7. Inmates do have access to books and articles from a basic law library, to paralegal assistance, and to their attorneys.

The principal differences between the Marion and Alcatraz regimes are that congregate activities, except for inmates confined to disciplinary segregation, were allowed on the Rock. A work assignment at Alcatraz was, however, a privilege to be earned by good conduct. There were no psychologists, case workers, teachers, or vocational training instructors on staff at Alcatraz. The Marion staff includes a psychologist, an education supervisor, and case manager, who deal with routine inmate concerns regarding transfer and parole hearings, family problems, and access to educational and religious resources.

The key difference for the inmates at Marion is the right, never enjoyed by their predecessors at Alcatraz, to uncensored written communication and contact visits with their attorneys, and access to a law library so that they may file legal briefs related either to their sentences or to the 'conditions' of their confinement.

The use of physical punishment was not allowed at Alcatraz and is strictly prohibited at Marion. The punishment in both prisons was, and is the restraint on activities and the limited number of privileges and amenities compared to standard penitentiaries.

The use of maximum coercive authority by the government always attracts the attention of the press, and since the 1960's the electronic media, as well as from prison reform groups and inmates' rights organizations. Operations at Alcatraz and Marion have produced the same allegations from critics:

1. That men are psychologically disabled as a result of serving long years under such highly restrictive regimes.
2. That inmates from these prisons transferred back to standard penitentiaries are so filled with rage at being kept 'like animals in a cage' that they strike out against other prisoners and particularly against employees of the system that so confined them.
3. That when they are finally released to the 'free world' their post-release criminal conduct will demonstrate that the anger engendered by experiences in Alcatraz or Marion will be taken out in the form of assaults on the citizens.

It might have been a little more difficult to close Alcatraz in 1963 if the accuracy of these charges had been known at the time, but follow-up studies require that years pass to measure post-release behaviour. And for prison staff, their current prison population is almost always considered to be more difficult or dangerous than its predecessors. In any case, Alcatraz represented the wrong symbol with the new emphasis on 'rehabilitation' — a policy direction in which the federal prison system was expected to play a leading role. But, we now know the answer to the concerns that have been raised about the effects of confinement under super-maximum custody conditions as the result of a lengthy and comprehensive follow-up study of the 1,550 inmates who served time at Alcatraz from 1934-1963 — answers which contradict both the conventional wisdom and the opinions of most of the experts. Briefly stated, the evidence from this project, which was funded by the



National Institute of Justice, allows the following conclusions:

First, the proportion of the inmates experiencing mental health problems (measured at Alcatraz, at subsequent prisons and after release from prison, by the diagnoses of mental health professionals, by referrals to mental health wards, to federal medical centers, or to civilian mental health facilities, and/or placement on psychotropic drugs) was seven per cent, exactly the same figure found for a matched comparison of inmates who served time during the same three decades as Leavenworth, a standard federal penitentiary.

Second, fewer than ten per cent of the inmates were returned for reasons of misconduct in the prison to which they had been transferred from Alcatraz. Furthermore, a special follow-up of the post-Alcatraz conduct of the 250 inmates who had behaved badly enough to earn a trip to the island but were suddenly returned to other prisons when the decision was made to stop operations in 1963, indicates that few resumed their troublemaking ways, although they quickly maneuvered themselves into the best inmate jobs in the prison to which they were sent. (The Alcatraz staff, when asked if this evidence suggested that the inmates did not need placement in an Alcatraz type regime, uniformly responded that even a year or two on the Rock was sufficient to help prisoners 'get the message'.)

Third and perhaps most importantly, half of the Alcatraz inmates, all officially labeled as 'habitual, incorrigible' offenders, were not returned to prison after their release — a recidivism rate predicted by none of the more than 100 former Alcatraz inmates, officers, and administrators who were interviewed for this project. And, of those inmates who did come back to state or federal prisons as parole violators or with new terms, almost all stayed on the streets after their next release.


We know that most of you are thinking to yourselves 'how much of the explanation for these findings lies in the Alcatraz regime and how much lies in the only correctional experience that has been consistently proved effective — the aging process.' The Alcatraz Study indicates that both these factors worked together.

It is the case that most of the Alcatraz inmates were released when they were in their early 40's. But, interviews with the inmates who succeeded and with those who failed the first time they were released clearly indicates that these men came away from a penal setting in which they had been given plenty of time — with very few distractions — to think about their future prospects. As many inmates put it, 'for the first time in my life, I stopped running around.' A careful examination of the character of this group, and it should be emphasized that this is a special and atypical group of the entire federal prison population, shows them to be men with strong personalities who made decisions based on rational choice. They were not out-of-control automatons being buffeted about by powerful, unconscious, psychological forces and early childhood experiences or by social disadvantages over which they had no control. This study clearly indicates that the Alcatraz inmates had the time and the inclination, by virtue of the aging process, to start calculating the costs and benefits of both past and future misconduct and that even those who later failed clearly understood what went wrong with their resolve to avoid doing more time.

Having learned something about the consequences of confinement at Alcatraz, we now turn to the question of whether men from the Rock's successor, the US penitentiary at Marion, Illinois, appear to be reacting to their experiences living under a lockdown regime in ways that differ from their predecessors. Or, stated another way — are the same allegations about the damaging effects of a lockdown regime also incorrect?







At this point, David Ward wishes to note that this research reflects the willingness of the Bureau of Prisons to allow continued study by a university criminologist of its most controversial and highly publicized prison regimes and that the comparative study of the records of both the Alcatraz and Marion releasees now under way is being carried out by Ward and Thomas Werlich, Research Analyst at U.S.P. Marion. At this time only preliminary data based upon the experiences of the first 56 inmates to be released to the free world after confinement at Marion since the lockdown was imposed is available. But that data has produced a recidivism rate exactly the same as that found for the Alcatraz inmates — 50 per cent of Marion's 'career criminals' have so far not returned to prison. And, only two of the 28 inmates have been returned for committing assaults against persons; the most frequent reason for their return has been for drug and alcohol abuse. The Alcatraz follow-up has the advantage of looking at the post-release conduct of more than 500 inmates for many years and the experience of the Marion study group will become clearer with the passage of time and as the size of the study population increases, but it should be noted that other recidivism studies indicates that most failures occur during the first 36 months after release, a time period that does apply to the Marion releasees.

In regard to the other questions that relate to the impact of confinement under a 'lockdown' regime we can also report that assessment of the mental health of the inmates conducted by a psychiatrist from the best known psychiatric clinic in the United States — the Menninger Foundation — produced expert testimony in a federal court hearing on the conditions at Marion that no significant deterioration was evident. Fewer than five percent of the inmates have, since 1983, been transferred to the federal medical center for psychiatric reasons. An important finding for Bureau staff, and for inmates, is that all but 12 of the 450 men confined at Marion when the lockdown began have been

transferred to other prisons and none of them has been returned for seriously injuring or killing an employee and only one has been returned for killing another prisoner. At Marion itself which experienced 26 inmate and three staff murders and hundreds of assaults on both staff and inmates prior to the imposition of the lockdown, only five inmates (in the more open pre-transfer units) and no employees have died violently over the past 10 and a half years. Finally, Bureau of Prison figures indicate that rate of assaults and killings in other federal prisons showed a decrease which has continued since indefinite administrative segregation became the program at U.S.P. Marion.

In super-max or 'maxi-maxi' prisons in the United States where the maintenance of order has become the principal goal, Marion has been clearly successful in reducing violence and its success can be measured by the fact that 36 state departments of corrections have now established 'Marion type' regimes in at least one of their prisons. But, success in controlling violence directed toward staff and other prisoners has not eliminated the controversy and the concerns that have been raised by inmates and special interest groups over the past six decades in regard to the federal government's super-maximum custody prisons. The unusual problem that this state of affairs poses for correctional administrators and staff is how to deal with criticisms of regimes for which there is strong evidence that they have proved to be successful.

One issue that invariably arises in regard to the government's most dramatic and thus most intriguing penitentiaries is whether or not the media should have access and be allowed to interview inmates. During the 30 years that Alcatraz was in operation, the Bureau of Prisons had a firm policy that included the press from even visiting the island and from having any contact, even through correspondence or by telephone, with any inmate or employee other than the



warden (who met the press in an office in a federal building on the mainland). The result was that news reporters became even more determined to find out what was really happening on 'The Rock' and were forced to rely for their sources of information on rumours, occasional leaks or comments by staff, but primarily on the sensational accounts of former inmates. Not surprisingly the prisoners told the media what they wanted to hear — that all sorts of gross physical and psychological abuses were being routinely inflicted on the hapless convicts locked up on 'America's Devil's Island'. Throughout its existence, Alcatraz was continually in the news as a result of the media's speculation and periodic reports of events, such as escape attempts, strikes, protests, and the occasional trials of prisoners in the federal court in San Francisco for crimes committed on the island. Most of these stories were highly inaccurate but they became a major factor in shaping the public's perception of the institution and the staff who worked there. The policy of making absolutely no responses to press inquiries, not even to corrections of misinformation, and the denial of access to the prison for all but government officials helped to create the image of Alcatraz that has led Hollywood to make 14 movies to date about the prison and prompted the press to generate countless articles and stories, all of them critical of Bureau of Prison policy and practices at a prison that held less than one per cent of the federal prison population.

During the early 1970's, the Bureau reversed the press policy and began routinely allowing reporters to tour institutions and to interview inmates. While Marion continues to receive an inordinate amount of attention from the media and has been the subject of a considerable amount of negative publicity, the allegation can no longer be made that the prison and its staff are attempting to 'cover up' or hide conditions when any inmate who agrees may be interviewed. Despite accounts by


prisoners that the staff regard as incorrect, distorted, or misleading, federal correctional administrators agree that the open press policy has been beneficial in terms of more accurately portraying to elected officials, to other criminal justice administrators, and to the general public what goes on behind the walls of the federal government's best known penitentiaries.

Another important factor that did not apply at Alcatraz is that since the mid-1960's federal district courts have played a major role in determining the basic conditions of living in all prisons, state or federal. U.S.P. Marion has been the subject of several cases brought by inmates and outside support groups which have alleged that 'conditions,' particularly under the lockdown regime, violate their constitutional rights to be protected from cruel and unusual punishment. In a recent case in which a group of inmates contended that the lockdown constituted cruel and unusual psychological punishment, the federal court after a lengthy hearing of much testimony from the inmate and government sides ruled that 'indefinite administrative segregation' did not violate the inmates rights. Here again review by an outside agency of prison operations helped to provide public information, including the staff's testimony about prison life and problems, and working conditions for them, has not negatively impacted operations.

An important challenge in managing 'super-max' prisons relates to staff, particularly correctional officers. Working under a lockdown regime with this particular collection of prisoners is an inherently stressful experience which can be both dangerous and intimidating. For that reason, correctional administrators must constantly be alert to staff morale, to the possibility of burnout, and to the development of unprofessional behavior. Unless well-trained and closely supervised, employees may respond to threats and violence by using inappropriate amounts of force when







confronting disruptive inmates. One way in which administrators at Marion and at other federal correctional institutions attempt to control these types of staff inmate interaction is the requirement that videotaping be called for when a potential confrontation between officers and inmates appears likely; for example, the forced cell move of a resistant inmate. Years of experience at Marion has demonstrated that videotaping these incidents tends to insure that staff follow carefully drawn policies and procedures when using force. In addition, the tapes can serve as evidence if an inmate alleges that he was abused by staff and they are available for viewing by news reporters, other government officials, and for staff training purposes.

If high security prisons are to have credibility with the public, the media, and with legislators and the courts, procedures must be developed to insure that only those few inmates in the entire system who require truly maximum control are transferred there. In addition, the classification and transfer process has to provide a mechanism for each inmate to be reviewed regularly so that he can be returned to a standard prison setting as soon as possible. Unless such a process is in place, there will be little inmate turnover and the high security facility will have no space for the small, but always emerging group of prisoners who are working their way up to Marion through the disciplinary segregation units of standard federal penitentiaries. High security prison staff tend to be suspicious of good inmate behavior ('he's just lying in the weeds or he's just trying to get us to relax') as well as bad behavior and are not inclined to believe that any inmate has changed his behavior for the better. Such views would not result in many recommendations for transfer if staff opinion was the only criterion.

The Federal Bureau of Prisons attempts to insure confinement at Marion is for a specific time and purpose by delegating transfer authority to the director of the

regional office which includes Marion and numerous other penitentiaries under its jurisdiction. Inmates transferred for control purposes are given an anticipated transfer date out of Marion shortly after they arrive. Unless they become involved in further disruptive behavior, they will progress from lockdown status to an intermediate housing area and ultimately to a unit having congregate activities prior to being transferred to other prisons.

Without question, the operation of a high security prison such as Marion places a number of pressures on correctional administrators. As indicated, these institutions generate a significant amount of local, regional, and national media attention. In order to accurately respond to requests for information, it is important that governors/wardens assigned to these facilities have the ability to relate to the press and other groups in an open and forthright manner. By accurately presenting the institution's response to negative charges and claims administrators can have a positive impact on staff morale — someone speaks for them and their concerns — as well as helping communication with the local community.

Despite the problems, particularly the public relations problems that these special regimes produce they have proved to be an essential element of correctional policy in American prisons. While it may seem somewhat ironic that correctional administrators must spend time defending practices that have proved to be highly successful, this situation reflects the ambiguity in American thinking that brings its traditional suspicion of the government's exercise of its power into conflict with the increasingly popular view that when offenders are locked up, it should not be in 'a country club' and that the keys to their release should be thrown away.

*This paper was presented at the Prisons 2000 Conference at the University of Leicester in April 1994.*



# TECHNOLOGY

## IDEOLOGY AND PRISON OFFICER TRAINING

### Introduction

The following paper is a case study of the interplay between ideology, prison technology, and prison officer training<sup>1</sup>. Ideology provides the legitimacy of the state to inflict harm upon its citizens (Cavadino, 1992; Sparks, 1994). It also determines the goals we seek to achieve with prisons and the views we hold about prisoners. The need for organisations to have clear and explicit goals is well established (Perrow, 1961; Etzioni, 1975). Furthermore, 'How we view the offender affects what we do with him, and determines what, precisely, we hope to accomplish' (Toch, 1979, p147) suggesting an iterative relationship between our views of the offender and the purpose of prisons. Grant (1992) refers to the views we hold about prisoners as their status. In sum, legitimacy, purpose and status are central to the concept of an ideology of prisons.

Technology refers to the application of knowledge to achieve identified ends. It includes the physical environment, the architecture and security system of the prison and also refers to the styles of prisoner management. These could be an impersonal barrier system or a highly interactive style based on the application of interpersonal skills; it may be a unit management system or a two week rolling roster. It could be argued that in most cases technology is based on an ideology. However, while ideology can change, certain components of technology cannot (for example, the architecture of prison). Technology may well be a given and therefore can be viewed as a constraint upon ideology.

The critical role that training plays in the prison system is well understood by prison administrators (see for example, Mugford, 1988) yet rarely is covered in the literature. This lack of attention is surprising since prison officers are the staff with the most contact with prisoners and thus create and control the prison world. If prisons are to achieve certain goals or to run according to certain ideologies then they will do so through prison officers, not academics, judges, prison administrators or forensic psychologists and the like. The prisoner/prison officers relationship is thus critical to the **application** of ideology. It is only possible to manipulate the prison officer component of the equation (we cannot advertise for particular types of prisoners). While prison administration is clearly crucial, the training and indoctrination of prison officers will be the major means of achieving a special ideology.

This paper attempts to identify the ideological factors and technological imperatives that have influenced the development of prison officer training in Western Australia. It starts with an examination of the ideological crisis in prisons, noting that this crisis is part of an evolving process. The impact of major ideologies on training are then analysed including the recent moves to professionalise prison officers through the involvement of a university. One of the major conclusions is that for the last 20 years there has been incongruence between ideology, technology and training. Finally, the need for coherency between these three factors is discussed and an ideology based on the prisoner as a citizen is suggested.

*Guy Hall, Edith Cowan University. This study is based upon the author's experience of prisons in Western Australia but has relevance to all systems and is especially topical in the current context of ongoing penal philosophies in this country.*

1. I would like to acknowledge the influence of David Grant on my understanding of these ideas; and thank Irene Froyland for her feedback on the paper.

### **The Ideological Crisis**

The Western Australian prison system consists of 13 prisons accommodating just over 2,000 prisoners. The largest prison, Casuarina, has 400 prisoners of whom approximately 360 are in single cells. The secure prisons have all been built since 1970 and the older ones have all undergone substantial renovations. There is no 'slopping out' - all prisoners have toilets in their cells (some have full ensuite facilities). In the last 20 years there has been one major disturbance - a riot in Fremantle prison, which has since closed down. The system has some problems with overcrowding and budget restraints but compared to the English and some American jurisdictions these pale into insignificance.

While there may be no resource crisis it is evident that there is an ideological one. This clearly a common problem, succinctly put by Cullen et al: 'Corrections, then, has experienced an ideological crisis' (1993: 72). Even managers of prisons have made the observation that prisons 'have lost the plot' (Fisher, Hall and Smith, 1993: 2). Grant believes 'that the continuing crisis of New South Wales prisons springs from fundamental conflicts about prisoner status, that is, about the very nature of what a prisoners is' (Grant, 1992, viii). Sentiments regarding an ideological, status or legitimacy crisis have been expressed consistently over the 1980's and 1990's (for example Bottoms (1983), Braithwaite and Pettit (1990), Garland (1990), Cavadino (1992), Grant (1992), and most recently Sparks (1994)).

This crisis can be understood as part of an evolutionary process of ideological development. As Garland notes 'one theory effectively supersedes another only when it explains the same range of data and problems more plausibly' and goes to state that 'in the sociology of punishment, theories have not been superseded so much as passed over in preference for other lines of questioning' (1985: 13). Grant refers to this process as archaeological layering and states that 'Each new perception of prisoners has simply entered into a struggle for ascendancy with its successors while other perceptions lie dormant until the

opportunity for re-emergency presents itself' (1992: 29).

As each model or ideology becomes operationalised it outlines prison management principles and expected roles for prison officers. Thus, as a new ideology becomes dominant, the role expectations grow on top of the existing ones. This process is one of sequential evolution, not revolution. Therefore, pre-existing models, and hence role expectations, remain part of the broader management system. As will be shown, the role of the prison officer in Western Australia has been based on a number of different and potentially conflicting models, paradigms, or ideologies. Even more critical, with the lack of any clearly accepted model of prisons, the role of the prison officer remains dependent upon these previous ideologies.

Just as prison management and role expectations have grown on top of pre-existing ideologies so too has prison officer training. Thus, the training of prison officers lies fundamentally on confused or shifting ground. With no clear purpose of prisons there can be no role clarity and thus no clarity of training.

The importance of the relationship between a clear purpose of imprisonment and the role of the prison officer is noted by Thomas and Stewart (1978) as one of the 'great truths' of effective prison administration.

*In a situation where men are locked up, there must be a strong, intelligible, administrative framework designed to achieve certain ends. The first is to make clear to prisoners what their rights and obligations are. The next is to offer staff of all ranks, in all departments, clear unequivocal direction about their duties, how they are to be carried out, how failure or success is to be judged, and what is to be defined as unacceptable treatment of prisoners.*

*(Thomas and Stewart, 1978: 60).*

As noted above, the ideological crisis of prisoners can be viewed as a result of an evolutionary process within which models have grown on top of one another. Generally three major periods of penology<sup>2</sup>, Classical, Positivist and Neo-classical, have

2. Although these periods are based on the associated schools of criminology some differences are noted. Generally a school of criminology is not constrained to just prisons or punishment but to a wide range of issues related to crime.

been identified. It will be demonstrated how these periods have dominated the ideology and technology of the prison system since its inception. The focus of the analysis will be on the role of the prison officer and prison officer training in the Western Australia prison system over the last ten years.

### **The Classical Period**

Like most other prisons systems, the WA system commenced operation under influence of the Classical School of Criminology. Classical criminology has its roots in a combination of retributivism and utilitarianism (Roshier, 1989; Braithwaite and Pettit, 1990).

The essential elements of the retributionist position are that:

- i. The only acceptable reason for punishing a man is that he has committed a crime.
- ii. The only acceptable reason for punishing a man in a given manner and degree is that the punishment is 'equal' to the crime.
- iii. Whoever commits a crime must be punished in accordance with his desert (Pincoffs, 1980: 542-543).

The major force of this argument is that criminals should be punished because they deserve it. Thus punishment is both a means and an end in itself. This retributivist argument, therefore, suggests that imprisonment should be punishing and that it should be punishing to all prisoners.

Utilitarianism takes a different view of punishment and argues that it should be viewed only as a means to an end. The Utilitarian argument is that social utility is a necessary and sufficient condition for punishing an individual with the amount of punishment being determined by how much good it would provide (Feinberg and Gross, 1980). 'Good' or social utility is achieved by ensuring that punishment acts as both a general and specific deterrent and thus ultimately produces good for the community by the prevention of further crime. To this end, prisons should be designed to achieve deterrence making them as aversive as possible.

Foucault (1979) and Grant (1992) suggest that the ideology associated with this period was based on two views of offenders. The first was that they should be viewed as enemy of the state. They suggest that this viewpoint preceded the introduction of

prisons but it is arguable that this ideology was (and still is) influential during the entire period up to positivism. For example, staff were frequently recruited from the armed services; uniforms were influenced by militaristic designs; rank names were militaristic; and drill was a common feature of prison life. In Western Australia, it is common for officers to talk of the prison service being a para-military organisation. Indeed, many openly harbour a desire for a return to drill and discipline.

The second view of offender was that of the sinner and flawed machine. Grant suggests that 'In its most excessive form, imprisonment was to be a machine for grinding out whatever was roguish and grinding in the tractable, productive citizen' (Grant, 1992: 35).

In sum, prisons were originally conceived to be highly punishing places which were to act as either a tool for retribution or as a powerful deterrent. The severity of the punishment was tolerated because the status of the prisoner was either that of the enemy or the sinner. The early Australian experience of prisons is entirely consistent with this viewpoint, that is, Australian prisons were extremely brutal, violent places (Castles, 1982). Indeed, they have remained that way for most of their history (Grant, 1992; Thomas and Stewart, 1978; Zdenkowski and Brown, 1982).

This penal philosophy of punishment was achieved through a number of different means, most notably, the management regime, the prison architecture and the nature of the interaction between the officers and the prisoners.

In Western Australia, Fremantle Prison, built in 1855 along the traditional lines of a Victorian penitentiary, was designed for the separate system (Thomas and Stewart, 1978). The separation in Fremantle was extreme, prisoners were isolated in their cells, with buckets as their ablution facilities, for more than 17 hours per day. The prison was dominated by a 'barrier' security system which emphasised the distinction between officers and prisoners. Movement around the prison or within the Divisions was controlled by gates and passes. The perimeter security was a single limestone wall manned by officers with guns.

Although not always officially sanctioned, the role of the officer was to maximise the punishment of the prisoner. At the minimum the role of the prison officer

was impersonal and distant with emphasis on physical control. Interaction between officers and prisoners was actively discouraged. It is clear that in addition to this, officers directly engaged in the brutalisation of prisoners (Castle, 1982; Grant, 1992; Thomas and Stewart, 1978; Zdenkowski and Brown, 1982).

Prison Officer training during this period was minimal (and in some cases non-existent). The emphasis in the early part of the century was on drill and fire arms training (Thomas and Stewart, 1978). By the 1960's this emphasis had changed to drill, fire arms and detailed understanding of the rules and procedures of Fremantle Prison, even if an officer's ultimate place of work was not that prison. This lack of training may well have been a reflection of the recruiting strategies of the time. As noted previously, many staff were formerly with the armed services (still a common occurrence) and therefore supposedly well versed in fire arm use, drill and discipline. Since these feature were likely to be found in former service personnel further training could be considered unnecessary. The focus on fire arms and drill combined with the recruitment of service personnel certainly suggests an ideology which viewed prisoners as enemies of the state.

The classical period was dominated by an ideology that viewed prisoners as traitors or sinners who should be sent to prison for punishment. The technology of these prisons and the role of the officer were designed to extract this punishment.

### **The Positivist Period**

The influence of positivism began to be felt in Western Australia in 1963 with the introduction of parole. Rehabilitation, an important component of the positivist period, became a recognised purpose of the system in 1972 with the establishment of the Treatment and Training Branch.

Roshier has suggested that positivism has three main features: determinism, differentiation and pathology, where 'Pathology means that criminals are not only different from non-criminals, but there is also something "wrong" with them' (Roshier, 1989: 21-22). During the positivist period ideology shifted to view prisoners as

'sick' and, therefore, in need of 'treatment'. An important component of this traditional medical model was that the right and proper persons to 'cure' prisoners were the experts of the various professional specialists (psychologists, psychiatrists, social workers and so on). Prison officers were effectively alienated from the rehabilitation ideology as the new professions carved out this role for themselves.

In addition, the rehabilitation ideology brought with it a belief that specialisation was an essential component of good management so that by the late 1970's there were more than ten different 'types' of prison officers at the lowest rank (for example, censor officers, transport officers, assessment and orientation officers, records officers and so on). Furthermore, one of the 'new' rehabilitation professional groups, welfare officers, were recruited from prison officers. In the absence of any rehabilitation role, and with the removal of many traditional duties into the specialist positions, the majority of officers were left with purely custodial roles. It is not surprising then that the dominant ideology of punishment (based on retribution and deterrence) remained unchanged for prison officers.

The technology associated with this period was strongly influenced by the status of prisoners as 'sick' and in need of 'treatment'. Canning Vale Prison was designed and built during the positivist period<sup>3</sup>. Although a larger site than Fremantle, it was dominated by the 'envelope' of the single building, within which were the living units, workshops, education facilities and recreation facilities. It was clearly an 'institution' designed for 'not normal' people (clearly a connotation here to a psychiatric institution). The accommodation of prisoners was significantly improved with communal dining areas and in-cell toilet facilities. However, vestiges of the punishment ideology was evident in the decision to retain lethal barriers<sup>4</sup>.

The new ideology of positivism may have not directly altered the prisoner/prison officer relationship but it clearly did have impact on the role of the officer. An important element of the rehabilitation philosophy was that offenders could be changed by those who were appropriately qualified. For prison officers to be part of

3. Design commenced in 1971 but the prison was not commissioned until 1982.

4. In its original design gun towers were included. The use of non-lethal barriers, and thus removal of the armed guards occurred in the late 1980's.

this system they too needed to become properly trained (even though they were never admitted into the inner sanctum of rehabilitation professionals). Furthermore, it is arguable that the introduction of the human service professionals into the prison system directly led to the belief that prison officers should also be seen as professionals. To this end, it was recognised by the administrators of the prison system that training should become a significant component of the system. There was initially resistance to this dramatic increase in training by prison officers who viewed it as an additional intrusion by the professionals (Thomas and Stewart, 1978).

In response to this pressure to professionalise, prison officer training in Western Australia developed rapidly during this period. A formal two week programme was introduced in 1967. The University of Western Australia was asked to provide input into curriculum development in 1969 and in 1970 a Training College was established within the Department. It is arguable that the design features of the new prisons such as Canning Vale, rather than the ideology of rehabilitation per se, provided the direction for training. The new prisons allowed much greater freedom of movement, more recreation and work activities, friendlier reception procedures and a greater emphasis on individual responsibility. To meet this demand, the focus of the course was on the prisoner management procedures such as reception, searching, muster checks as well as the legal and administrative components of the job. Naturally, drill and fire arm training remained a significant component. Significantly, prison officers were not directly trained in processes that aimed to rehabilitate the offender.

In sum, the ideology of rehabilitation provided the impetus to professionalise but provided little direction about the role of the officer nor the relevant type of training. Training appeared to be designed to meet the technology of the system rather than the ideology of rehabilitation.

### **Post-Positivism**

Following the publication of Martinson's (1974) evaluation of the effectiveness of correctional treatment, rehabilitation as a purpose for prisons became increasingly less popular. According

to Cullen and Gendreau (1988) 'Nothing works' became a doctrine of penology to be embraced by both conservatives and liberals. This 'nothing works' led to a resurgence of retributivist criminal justice models (Braithwaite and Pettit, 1990; Hagan, 1990). Braithwaite and Pettit (1990) suggested that the return of retributionist ideologies was based not only on the failure of the earlier models but also the injustices that were perpetuated in the name of these models (for example, indeterminate sentences and enforced treatment). There is considerable argument about whether reformatory penal policies were ever genuinely in practice (Garland, 1985) and more argument about the 'failure' of rehabilitation (DiIulio, 1991; Cullen and Gendreau, 1988). Notwithstanding this, there is no doubt that there has been a significant shift away from the rehabilitation ideology to alternative models.

In Western Australia this shift to retributivist ideologies was characterised by the renaming of the Department of Corrections to the Prisons Department in 1979. The demise of rehabilitation was greeted with some enthusiasm by prison officers. I do not think that this enthusiasm was based on the excesses or failures of the rehabilitation era but because, as noted above, it was an ideology that they had never been invited to embrace.

The new models fell generally into the category of neoclassical or post classical theories (Hagan, 1990; Roshier, 1989). Neoclassical theory is a continuation of classical approaches to punishment albeit somewhat more sophisticated since there is acknowledgement of mitigating circumstances. As Roshier puts it 'The main individual characteristics that have been incorporated, under neoclassicism, as making a difference to the culpability of offenders have been age, mental capacity and intent' (Roshier, 1989: 11). Braithwaite and Pettit argue that retributivism has provided a new justification for the maintenance of punishment as the 'pre-eminent response to crime' (Braithwaite and Pettit 1990: 6). Cullen and Gendreau (1988) point out that this shift to retribution is consistent with a return to law and order, get tough and war on crime policies of the late 1970's and early 1980's. Indeed, Cavadino (1994) refers to this period as being influenced by the 'law and order' ideology.

The neoclassical schools, however, provided no ideology for prisons, at least, not in Western Australia. Although the message may have been punitive, few were seriously suggesting a return to the brutality of the previous years. The neo-classical schools stated clearly, and it was a message well accepted in Western Australia, that imprisonment, the loss of liberty, was to be the punishment. There was no role for prisons to be a punishing experience beyond this loss of liberty. But if prisons were not places for punishment nor places for rehabilitation what then was to be their purpose? What would be an appropriate ideology? It was evident that the post rehabilitation period was without explicit statements about the fundamental purpose of imprisonment and about the nature of prisoners. Garland referred to this lack of ideology and suggests that 'for nearly two decades now those employed in prisons, probation and penal administration have been engaged in an unsuccessful search to find a 'new philosophy' or new 'rationale' for punishment' (1990: 6). He suggested that the major frameworks have been the justice model, humane containment, selective incapacitation, modified rehabilitation and even abolitionism. Cragg (1992) noted that these frameworks provided 'little guidance on how those sentenced to imprisonment should spend their time' (1992: 5). He later stated that 'Pure retributivist theories are notoriously difficult to defend and widely thought to be indistinguishable from the thoroughly disreputable goal of revenge' (1992: 5).

In my opinion, the answer came from an entirely different area. Occurring at the same time as this movement to retribution, was the general social movement of economic rationalism. In the public sector the 'the new speak' became corporatism and managerialism (Considine, 1988; Pusey, 1991; Wanna, O'Faicheallaigh and Weller, 1992)<sup>5</sup>. In very broad terms, this movement was characterised by the belief that many of the problems of the public sector could be solved through better management practices and specifically by the use of private sector management techniques (Wanna, O'Faicheallaigh and Weller, 1992). As Wanna et al state it 'Today's public sector manager consciously searches for "economy"

and "efficiency", rewards "management by objectives", extracts "value for money" in budgeting, and looks for standards of "effectiveness" in program delivery which can be ascertained by "performance indicators"' (Wanna et al, 1992: 11).

Corporatism became influential in prison management through the 1980's and remains a very powerful force. For example, in his address to the Australian Bicentennial International Congress on Corrective Services, the Executive Director of the Western Australia Department of Corrective Services spoke of corporate plans, an enhanced role of prison officers and strategies for change (Hill, 1988). While the context was penal, the message was managerial. A similar ideology was evident in Kidston's (1988) address 'Correction Policy and Management Issues'. It is arguable that managerialism provided a framework for the movement of the private sector into the management of prisons (Sparks, 1994).

With no clear purpose for imprisonment being provided by the neo-classical position, corporatism provided an alternative ideology - prisoners were viewed as 'objects of administrative action'. Beyond this, it is difficult to discern any views on the status of prisoners. However, this is not to suggest that managerialism had no impact, quite the reverse. The focus changed from the prisoner to the management of prisons, specifically, the work of the prison officer. In this context there have been significant changes in both the scope and diversity of the role of the officer.

The 1980's saw both horizontal and vertical enlargement of the prison officer's role. The role of the prison officer was re-defined to span four main areas:

- maintenance of custody;
- attending to the welfare needs of prisoners;
- assistance in the provision of constructive activities for prisoners (work and recreation); and
- contributing, to a more limited extent, to the provision of developmental opportunities for prisoners (counselling, skills development, education). (Hill, 1988)

5. In Western Australia at this time the government publicly spoke of WA Inc. Interestingly, the failure of WA Inc resulted in a Royal Commission and the criminal investigation of the major players. A 1994 review of the public sector has recommended the privatisation of some government enterprises, including prisons.

At the same time officers were given greater responsibility for prisoner supervision, control and sentence planning. This responsibility was achieved through case and unit management<sup>6</sup>. To make way for these changes, welfare officers were removed from the system and two ranks were eliminated.

During this period, Casuarina prison was designed and built. The major ideological influences should have been economic rationalism and retributivism but this is not entirely evident. Certainly there was considerable emphasis placed on the security technology of institution with the use of multiple electronic and physical barriers. Yet other principles such as the maximisation of prisoner/officer/prisoner interaction; the minimisation of harm (physical, social and emotional) to the prisoner; maximising the perimeter security to allow for minimised internal security; internal design to reflect the normal (outside) world as much as possible; and non-lethal barriers seem entirely inconsistent with either retributivism or economic rationalism.

The end result was a prison that had many of the attributes of a small campus or town. Accommodation blocks were spread across the site, with separate hospital, education, industrial and recreation areas or facilities. Accommodation in small units (30 prisoners per unit) with their individual dining facilities and cells with flush toilets and hand basins were included. One cell block was provided with its own cooking facilities with cells which have full en-suite facilities. Security was to be achieved through two main processes: high technology perimeter security and high levels of prisoner/prison officer interaction.

The lack of an explicit ideology driving the design of Casuarina was evidenced by the lack of a clear role for the prison officer. This absence purpose was noted by the Superintendent in October 1993 (Fisher, Hall and Smith, 1993). Without an explicit ideology for this prison one would expect that officer training would fall back to the pre-existing one. As noted above, rehabilitation merely emphasised the importance of professionalism. Without direction from the rehabilitation and post-rehabilitation period one would expect the ideology of retribution and the need to meet

the technological demands of the system to remain dominant. This hypothesis was tested against an analysis of prison officer training undertaken by the author in 1990 the results of which are discussed below.

### **Analysis of Prison Officer Training**

As part of a general review of prison officer training, the author, in 1990, evaluated the training of prison officers for Casuarina prison. The training course was not structured around generic themes but rather covered specific topics of very short durations (typically topics were covered in 1.5 hours). In order to undertake a content analysis, it was necessary to arrange those topics into general cognate areas. After discussion with training staff a final list of 11 categories was used. A Senior Officer was asked to go through every item in the course and indicate to which category the item belonged. Following this, the total time spent on each topic as well as the percentage of the total was determined for each category.

The results for the analysis are given in the table following. The first column is the categories that were used for the analysis; the second represents the total amount of training time spent on that category in hours; and the third column is the percent time spent on that category. The final column was derived by dividing the previous cell (time spent on category) by the sum of the column.

The results showed that the greatest amount of time in the course was spent on physical skills. This category consisted of topics such as physical training; self defence; drill; and restraints training. These skills dominated the course, taking up nearly one third of the time available. The next most common category was prisoner management. This category included topics such as unit management; prisoner supervision; discipline; assessment and orientation of prisoners; case management; escorting prisoners; reception; searching; authorised absences; and drug identification. This category was oriented to prisoner control issues and prisoner movement.

The analysis suggests that the major themes covered in this course were physical control skills. There is no doubt that this

6. Case management refers to prison officers being allocated a case load of prisoners. Officers would be expected to provide their case load with information regarding their progress through the prison and to provide the basic welfare services. Unit management is a system that rosters a group of officers to a unit for an extended period so that they can establish a good rapport with the prisoners in that unit.



Table 1		
Category	Hours on Topic	% of Total
Physical Skills	71.5	31
Prisoner Management	38.83	17
Orientation	32	14
First Aid/Fire Drill	23.75	10
Legal Issues	21.33	9
Interpersonal Skills	19.83	9
Aboriginal/Intercultural Issues	9	4
Report Writing	5.67	2
Welfare Skills	4.5	2
Personal Issues	3	1
Community Based Issues	2.25	1

emphasis originally emanated from the Classical period and had changed very little in the intervening period. The technology of Canning Vale, a prison designed during the full bloom of the positivist era, was evident in the category 'prisoner management'. However, the impact of the technology of Casuarina prison had been minimal. The design of Casuarina placed great importance on prisoner/prison officer interaction through unit and case management as well as emphasising control through the use of interpersonal skills yet interpersonal skills and welfare skills combined amounted to only 11 per cent of the course. It was evident from this analysis that training had not kept pace with the design features of the new prison.

### **Increasing Professionalism: Prison Officer Training and University Education**

The results of the above evaluation caused some consternation within the Western Australia Department of Corrective Services, and the author, in conjunction with a Chief Officer was requested to review training and develop a new curriculum. The goals of the review was to ensure that prison officers should have the skills to be able to function effectively in prisons and to maximise the opportunity for credit transfer into an academic award at a University.

The ideology behind this review was still managerialism with the content driven by the technology of the tasks of the prison

officers. We approached the review by concentrating on the core competencies that we believed were required for the job 'prison officer'. These competencies were derived from a thorough job analysis. We ensured that we only identified behaviours and knowledge that were critical to the position. Most significantly, we did not establish a purpose for prisons, and from that, what it was that prison officers do to contribute to that purpose. The decision to link into a university academic programme was based on an express purpose of professionalising the prison officer position.

Briefly, the new course aimed to

- equip officers with core competencies;
- help them gain a broader understanding of the Criminal Justice System and their role in it; and
- develop good interpersonal skills.

In addition, the delivery of the material was altered such that it would be presented in an educative manner which sought to exercise critical and analytical thinking and judgement. The new programme, therefore, was both educative and skills based. A description of the course has been provided elsewhere (Hall, 1993).

The extent to which these aims were met was evaluated in a number of ways. Firstly, the new programme was content analysed and compared to the 1990 study. The results of the analysis are given below<sup>7</sup>.

Table 2		
Category	Previous Course %	New Course %
Physical Skills	31	10
Prisoner Management	17	26
Orientation	14	3
First Aid/Fire Drill	10	8
Legal Issues	9	18
Interpersonal Skills	9	19
Aboriginal/Intercultural Issues	4	3
Report Writing	2	1
Welfare Skills	2	9
Personal Issues	1	2
Community Based Issues	1	2

7. Aboriginal and Intercultural Issues were integrated into specific work related areas. In the analysis, it has been categorised according to these areas rather than as Aboriginal and Intercultural Issues (for example, cross cultural communication was categorised as Interpersonal Skills).

Clearly there were marked differences in emphasis. Most significantly, the physical components of the course no longer dominated. These were replaced largely by a concentration on interpersonal skills. This concentration reflects the importance of these skills as a 'technology' of control in Casuarina prison.

The course was also evaluated using structured feedback from specific Superintendents, Senior Officers and trainees the results of which have been reported elsewhere (Hall, 1993). Briefly, this evaluation showed strong acceptance of:

- the increased emphasis on interpersonal skills;
- the use of training prisons rather than a training college;
- the general content of the course; and
- the use of university academics to provide content and assessment of trainees.

On the negative side, there was a concern that the Department had lost control of the course, particularly evident amongst a significant group of Superintendents who viewed the University's involvement with some reticence. After considerable discussion with the author, and some internal reorganisation of responsibilities this concern became less serious and the involvement of the University is now generally well accepted.

In conclusion, the professionalisation of prison officers in Western Australia has progressed significantly by the engagement of a university to provide substantial input into the training of officers. This development has been well received by prison officers and prison administrators. However, it is evident that the crisis of ideology has not been resolved. Analysis of the new programme suggested managerialism and the technology of a campus style prison to be the major forces behind the development. An ideology clearly stating the purpose of prisons and the role of the prison officer still needs to be identified.

### **New Ideologies**

Managerialism has been criticised for devaluing social objectives and not concentrating on important social issues (Sawer, 1989). For prisons, in Western Australia, this may have been a blessing in

disguise. While there have been law and order campaigns, few people (of any consequence) have seriously suggested that prisons return to the brutal and punitive regimes of yesteryear. That is, there has been no determined return to an ideology where in the prisoner was viewed as an enemy of the state. None-the-less it has been established that there is a need to develop a new ideology.

Although not explicitly stated, Casuarina seems to suggest an implicit view of the prisoner - that of citizen. Grant (1992) has suggested that an ideology of prisoners as citizens, with the attendant rights, privileges and obligations, is an appropriate status for the modern era. Grant's influence is not limited to his academic discourse on the New South Wales prison system, he is also the Director General of the Western Australia Ministry of Justice. Under his direction, attempts have been made to operationalise the concept of citizenship. While this has proved somewhat elusive to operationalise (Fisher, Hall and Smith, 1993) the model does provide a useful starting point.

It recognises that most prisoners will be returned to the community and that whilst in prisons they have significant contact with other members of the community. With its focus on both rights and responsibilities it provides protection for prisoners yet demands that they should strive to become law abiding citizens both in prison and when they return. The latter focus suggests that prisons should provide an environment which aims to reduce offending behaviour. DiIulio (1987) and Cullen et al (1993) both note that prison administrators recognise the importance of rehabilitation as an end in itself and as an appropriate prison management regime. Furthermore, it is clear that the general public, judges and offenders view rehabilitation as an important component of the criminal justice system (Indermaur, 1992; Walker and Hough, 1988). As noted by Sparks (1994) prisons must ensure justice for prisoners which this model provides through the recognition and protection of prisoners' rights. A properly constructed prison management system based on the citizenship ideology can be legitimated with the three groups (the public, staff and prisoners) identified by Cavadino. Finally, the ideology is entirely consistent with the political doctrine of the new right and utilitarianism (arguable the

major political doctrines of the modern, western state). The new right doctrine emphasises the maximisation of individual liberty (Nozick, 1974) which is achieved if offenders are removed from society and when returned to society do not re-offend. Similarly, general utility is enhanced if offenders do not re-offend when released. At first glance then, the ideology appears sound although further work is necessary. The Ministry of Justice and the author are continuing to work on a model that clearly ties an ideological position with management practices and ultimately prison officer training.

Other theories or models of punishment have been suggested (for example, Braithwaite and Pettit, 1990; Cragg, 1992) but these have not been directly related to ideologies of imprisonment. DiIulio (1987) notes that 'Most prison administrators were highly conscious that a particular correctional philosophy was at work in the way they governed their state's prisons' DiIulio, 1987: 166) and goes on to give description of the control, responsibility and consensual models. The relationship between these models and the criminal justice system and the implications for the role of the officer have yet to be further illustrated.

### **Conclusion**

In the introduction, it was argued that the critical component of implementing or applying an ideology was the prisoner/prison officer interaction. This relationship forms the basis of our views of the prisoner and what we might hope to achieve. It is arguably the litmus test of an ideology. We can only influence this relationship by manipulating how officers behave, principally, through their training and indoctrination. Therefore, if an ideology is to be effectively implemented there must be congruence or coherency between it and the training of officers.

In analysing the Western Australia prison system, it was found that the curriculum of prison officer training has not matched the official ideology since before the introduction of rehabilitation. Basically, we have not been training officers to do what we want them to do. If universal, this lack of coherency may partly explain Garland's observation that 'the penal institutions of the United Kingdom, the United States of

America, and many other Western nations have experienced a crisis of self definition' (1985: 6).

Substantial changes have been made to the role of the prison officer in the Western Australian prison system over the last 20 years. The analysis examined how positivism and managerialism influenced these changes and how officer training responded to these developments. Both positivism and managerialism contributed significantly to the professionalisation of the role of the prison officer, culminating in Western Australia with the involvement of a university in training. However, it was argued that neither provided a clear role for the prison officer, and in the absence of an explicit ideology, training was found to be based on pre-existing and out-dated ones. In sum, one cannot avoid ideology in prisons, even if it was a desired outcome, the void will always be filled, most likely by a superseded one. This analogy to archaeological layering, as suggested by Grant (1992), appears to be confirmed by the study.

Although the ideological crisis has not been resolved, there are some alternatives being suggested. The ideology of the prisoner as a citizen proposed by Grant (1992) appears to have some merit. This ideology is implicit in the town planning model of Casuarina prison and is consistent with the major political doctrines of Western European countries.

This study shows the need for an explicit expression of ideology from which prison management principles should be derived. It is from these explicit statements that the nature of the prisoner/prison officer interaction and the role of the prison officer should evolve and hence from which prison officer training is generated. In the current case, the lack of such explicit statements resulted in training programs based on the technology of the system and outdated or superseded ideologies. ■

*A list of references is available from the editor or author.*

# Bishop to Prisons

Scene  
from here

The job of Bishop to Prisons came into existence in 1974 when the Prison Chaplaincy became part of the Home Office establishment, and the need for an informal link between the Home Office and the Church of England came to be acknowledged. (There are equivalent posts in the Roman Catholic and Methodist Churches). The task was undertaken by a succession of suffragan bishops, and it was duly handed on to me in 1985 when I was Suffragan Bishop of Maidstone.

Like a number of responsibilities in the Church of England, there was no job description and no induction course. I was given a Licence to move freely within prison establishments of England and Wales, on behalf of the three Archbishops, and in due course I acquired a Home Office pass. However, there was comparatively little experience to go on, no particular brief and very little in the way of expenses. Almost immediately I walked into an uneasy situation in that for the first time a Chaplain-General (Keith Pound) had been appointed from outside the ranks of the Chaplaincy. As far as I was concerned this was an advantage, for it gave me the opportunity to develop the work with someone who had come to it fresh, and with a wealth of previous experience, but it certainly overshadowed my activities for the first few years, and there were suspicions (wrongly) that I had had a hand in this change.

I began to develop my work along three particular lines. My first responsibility was to support the Chaplain-General and the Headquarters team by being available to them for help and advice, and by acting as a sounding board for some of their ideas and concerns. The job of Bishop to Prisons came into

existence in 1974 when the Prison Chaplaincy became part of the Home Office establishment, and the need for an informal link between the Home Office and the Church of England came to be acknowledged. (There are equivalent posts in the Roman Catholic and Methodist Churches). The task was undertaken by a succession of suffragan bishops, and it was duly handed on to me in 1985 when I was Suffragan Bishop of Maidstone.

Like a number of responsibilities in the Church of England, there was no job description and no induction course. I was given a Licence to move freely within prison establishments of England and Wales, on behalf of the three Archbishops, and in due course I acquired a Home Office pass. However, there was comparatively little experience to go on, no particular brief and very little in the way of expenses. Almost immediately I walked into an uneasy situation in that for the first time a Chaplain-General (Keith Pound) had been appointed from outside the ranks of the Chaplaincy. As far as I was concerned this was an advantage, for it gave me the opportunity to develop the work with someone who had come to it fresh, and with a wealth of previous experience, but it certainly overshadowed my activities for the first few years, and there were suspicions (wrongly) that I had had a hand in this change.

I began to develop my work along three particular lines. My first responsibility was to support the Chaplain-General and the Headquarters team by being available to them for help and advice, and by acting as a sounding board for some of their ideas and concerns. In practice this meant fairly regular contact with the Chaplain-General

*Under this title the Journal invites someone who is not a member of the Service but who knows us well to contribute a reflection on some aspect of our work. Bob Hardy, the Bishop of Lincoln is also Bishop to Prisons. Here he writes about that role.*

and the chairmanship of the Prison Chaplains Advisory Group (PCAG). The PCAG has no formal basis or membership, but has evolved into a group of people with a wide variety of experience in penal affairs who provide an informal forum for the airing of concerns regarding the Chaplaincy. Its membership includes three Chaplains, nominated by the Chaplaincy Conference, a Magistrate, someone from a Diocesan Penal Affairs Group, a representative of Prison Fellowship, a Prison Governor and someone from the Board of Social Responsibility in Church House, Westminster. The group meets three times a year and gives the Chaplain-General an opportunity to air his concerns and get some reaction from others working in the area of penal affairs. It also, of course, gives him an opportunity to listen to the views of the Chaplains working in the field. So we have talked about the mission statement of the Chaplaincy, the training of chaplains, worship in prison, and general moral issues, as well as many of the practical details of running the chaplaincy during a time of great change.

The second area of concern I developed was in the formal representation of the Chaplaincy to the Church of England, and vice-versa. I continued to be part of the interviewing process when Church of England clergy joined the Chaplaincy. Four years ago this changed dramatically when we decided to conduct the interviews on a residential basis, using a variety of initial exercises, and the expertise of a psychologist as well as a Governor, alongside the resources of the Chaplaincy. All of this has led to an improvement in the professionalism of Chaplains, and has helped us make better appointments overall.

We have also developed two other groups to keep the drawbridge down between those who are working in prison, and those outside. One is a Penal Affairs Group amongst members of General Synod. This group meets regularly during the sessions of Synod and is an attempt to inform Synod members about current issues facing the Chaplaincy. In January 1991 the Group was able to mount the first debate on penal affairs in General Synod for over ten years, and this, together with continuing contacts has enabled us to keep some of our concerns before the wider church. Our other initiative has been to develop Diocesan Order and Law Groups around the country. The aim of

these groups is to provide a means by which parishes and deaneries can be informed and briefed about the situation in prisons and alerted to general issues of order and law. We also hoped that these groups would be a forum for Prison Chaplains to share their concerns and to be a means by which ministry in prisons is integrated more fully into the life of the church. The effectiveness of these groups has been variable, and I am very conscious that they have not worked as well as I had hoped.

Another way in which I have tried to raise the profile of prison ministry has been through the Lincoln Conferences which began in 1989. In these I have been marvellously helped, by the Chaplain of Lincoln Prison (Alan Duce) and HM Inspector of Prisons, Judge Stephen Tumim. The conferences have been held every two years (another is planned for April 1995) and have attracted widespread support and interest. We have been able to attract a distinguished series of international speakers who have generously allowed us to publish their contributions to the Conferences. And we have been able to bring together a wide cross-section of those concerned with penal affairs, so that they could meet and listen and talk. All this has enabled us to break down the distinctiveness of our particular tasks and to share both vision and enthusiasm.

More recently, my entry into the House of Lords has enabled me to contribute to a number of debates on penal concerns.

My third area of endeavour has been much less formal. It has been simply my efforts to get to know the prison world from the inside, to talk regularly to those within it, and to support them in their endeavours and concerns. So I have tried to visit prisons regularly, to listen to Governors, prison staff and chaplains. I have tried to answer prisoners' letters when they have been sent to me. I have tried to stand up for justice in individual situations, to improve the system, and to set right things I know to be wrong. The work is always interesting. I find it compelling in the best sense of that word, and I often regret that I have so little time to devote to it.

What are my impressions? I have been associated with the Chaplaincy during a time of enormous change. My concern has been

above all to ensure that matters of faith remain integral to the total life of prisons, and are not marginalised or regarded as simply another activity. The Statement of Purpose for the Prison Service gave a new impetus to the work of the Chaplaincy as it approached the 1990s and our strategic plan for the Chaplaincy as part of 'activity Services' builds on this. But we need to do all we can to ensure that the work of the Chaplaincy continues to be at the heart of the Prison Service.

I say all this for three particular reasons. The first is my conviction that most of the issues faced by the Prison Service are at root theological. Redemption, Hope, Forgiveness and Justice are basically theological terms. The Christian Church has a long experience of exploring and developing them. It needs to be able to feed them into the current debates on vision and values.

The second is my belief that the outside community must become involved inside if real change in penal affairs is to occur. No one has put this better than Pierre Allard, the Director of Chaplaincy, Correctional Service of Canada:

'The myth that Chaplains can fulfil their ministry of reconciliation without the help of the larger faith community must be forever dispelled. However talented, however powerfully empowered by the Spirit, however strongly mandated by their churches, Chaplains must realise the communal dimension of the new covenant, and their own limitations in representing the outside community ... Those who have experienced forgiveness from God must also

experience forgiveness, acceptance, reconciliation from their brothers and sisters outside the walls. In the same vein, volunteers are not a nice addition or a passing fad. They are an integral part of the Chaplains' ministry.'

My third conviction is a more general one. It is what continues to intrigue me about the world of penal affairs. Again, I can best express it by another quotation from our Lincoln Conferences, this time by Professor Norval Morris of Chicago:

'The criminal law controls the largest powers that the State exercises over the citizen in times of peace. It defines the difficult balance between the autonomy of the subject and the authority of the State - a balance on which a democratic society ultimately depends. In my mind prison is a sort of barometer for that balance. If we get the balance right here and hold it steady, we won't be likely to go wrong elsewhere. Justice, not social protection, not crime reduction, is the over-riding purpose of the criminal law. We won't achieve that over-riding purpose until we have a more adequate armamentarium of responses to crime and make more parsimonious use of imprisonment.'

In his 1991-92 Annual Report HM Chief Inspector of Prisons summed up the work of the Chaplains in the Prison Service as 'a group of people constantly finding ways of making good things possible.' I would like to think that that description could in some way be applied to my own contribution as Bishop to Prisons. ■

## READABLES

*The following items have recently been acquired by the Prison Service College Library. They are only a small selection from our recent additions. More complete lists and our journals bulletin are sent to the training officer in each establishment every month.*

The Prison Reform Trust has produced a wealth of interesting material in the past and continues to do so. One of its recent publications 'Prison Magazines: a survey and guide' (PRT 1994) gives a comprehensive view of the magazines produced in prisons throughout England and Wales, surely of

interest to all education departments throughout the country.

The field of forensic psychiatry is one which intrigues many. Hugh Miller, an expert on forensic medicine, who acts as an advisor to many TV programmes, has produced 'Unquiet Minds' (Headline, 1994) a readable account of many of the personality disorders which have at one time or another grabbed the headlines. Whilst by no means a textbook on the subject, it provides an insight for the layman.

# PRISONS IN ENGLAND AND GERMANY

a comparative  
study of the  
two systems

*Ursula Smartt, Senior  
Lecturer and Prison  
Researcher at Thames Valley  
University, London.*

## Introduction

'We strive to be the best prison service in the world - let's see whether we can learn anything from Germany' - the Head of Training said to me at Newbold Revel Prison Service College at the beginning of 1994. This comment was to set the scene for a challenging week in April 1994, when 14 German prison Governors and Secretaries of State of the Ministry of Justice from the Northern Federal State of Lower Saxony (Niedersachsen) visited some English prisons to learn about the officers' and governors' training at Newbold Revel.

I was to act as interpreter and together with the staff at Newbold Revel organiser of the party's stay and visit to four prisons; Holloway women's prison, Long Lartin, Glen Parva, Grendon and the newly privatised local prison Blakenhurst. From an interpreter's point of view, this was not an easy task, since one cannot just simply 'translate' word for word, but I had to know the two sometimes quite different criminal justice and prison systems in order to summarise and paraphrase long speeches and explanations which were taking part throughout the week of the German officials' stay.

## Prejudices on both sides

The German delegation arrived with a number of preconceptions about the English prisons system. Firstly, I had to explain that the system was not a 'British' one, but that my explanation of the prison and criminal justice system had to be confined to 'England and Wales'.

Secondly, the Germans were expecting to find the majority of English prisons in the Victorian condition that John Howard had written about, literature with

which most of the German Governors were familiar. They expected to find 'slopping out' and inhumane conditions. What they discovered were four modern or newly refurbished institutions. Not that the German conditions are 'hotel-like'.

Over the past two years as part of my prison research, I have visited a number of prisons in both East and West Germany. Some major differences exist for remand prisoners in both systems.

Third and lastly, the biggest prejudice on behalf of the German officials lay in the training of prison officers and the educational background of the governor. Most German governors are lawyers and many have been state prosecutors (Staatsanwalt) in their previous work. Upon entering each English prison the German delegation took great trouble in finding out what the 'educational' background of each governor and indeed each prison officer was. They were in for some surprises.

The German penal system is aware of the shortcomings of dealing with remand prisoners correctly. There has been an attempt in Germany since the early 1950s to formulate a special prison code for remand prisoners (Untersuchungshaftgesetz), the latest draft was published in 1982, but the German Ministry of Justice is not, as yet, prepared to change the rules.

Furthermore, one might suspect that German lawyers wish to draw out the legal proceedings, since their client is 'only' experiencing the deprivation of liberty, yet he has the civil rights equal to any other citizen. I expected to find German remand prisoners' accommodation more 'comfortable' than the ones I have seen in England and Wales. I expected to find the German institutions giving their remands more rights to privacy, association, assembly, the right to consult a legal expert and



possibly conjugal rights. This was, sadly, not the case in all of the German institutions visited whether in the old West or new East German Lander.

### **The Prison Visits**

Entering prison is a trying process especially with a delegation of 14 German officials. To be able to make this visit possible involved endless communications to the German Ministry of Justice which is the governing body not as in England, where it is the Prison Service Agency. Since the German prison service is as it is in the USA - based on the Federal State idea, obtaining access to prisons in Germany is easier and the governors have greater autonomy with regards to decision making, once the relevant Ministry of Justice of each State has approved the project. This is not the case with regards to the English system. The idea of an official visit to English prisons was dreamt up by two German governors from Lower Saxony together with an area manager at Prison Service Headquarters in Cleland House eight months previously and it took a great deal of persuasion to make the visit to the various prisons possible. Once governors had been cajoled into accepting the idea, each prison put on an extremely interesting day's visit and a rather good lunch which always impresses a German stomach - therein lies the destruction of another myth: the English have no decent food to eat.

In each prison we were given an extensive guided tour around and were free to visit cells and talk to inmates. After the 'guided tour' the governor usually held a meeting where the German delegation was able to speak with governors and specialist staff at length. The days at Grendon and Glen Parva were the most fascinating for the German delegation, not only because a governor from a therapeutic prison in Bad Gandersheim and one from the large North German Youth Custody and Remand Centre in Hamlin (Hameln) were present and could draw direct comparisons and indeed many similarities between the two systems but also because everybody was able to learn the most from these two establishments.

### **Young Offenders**

At Glen Parva the most startling revelation was the newly introduced Bullying

Unit. It took me some time to translate the word 'bully' into German since this term in itself does not exist - it had to either be interpreted as a type of tyrant or remain 'Der Bully' which fast entered the German prison terminology for that week and, maybe, for the future. It rather appealed to the German nature that here the 'nasty boys' were segregated to undergo a severely ostracised regime for a short time with cleaning the cell until one could 'touch all walls and the floors with white gloves', laying out the kit to perfection and not being able to sit or lie on the bed all day. After Germany's recent historic past and the obsession with humane treatment in prisons according to the European Convention of Human Rights, the German governors could not believe what they were seeing. But, as they had to admit, this type of short-sharp-shock treatment does seem to work.

Equally successful is the special unit for vulnerable inmates which gives these youngsters a chance to develop into drug and alcohol free individuals without being bullied. At the end of the week the German delegation recommended that one ought to seriously look at these two regimes, particularly for the young offenders.

### **Therapeutic Communities**

At Grendon, the delegation could not believe, especially after having seen the most technically advanced security system at Long Lartin, that with so little security there had been no escape since 1962. The Governor of the therapeutic prison in Bad Gandersheim, an establishment slightly smaller than Grendon treating men and women inmates, noted many similarities between the two establishments. It was remarkable when both Grendon and Bad Gandersheim Governors compared notes they found to their amazement that their therapy programmes with long term criminals with a severe criminal record were very similar.

The therapeutic community groups consisted of eight inmates and a team of about seven specialists and officers: the groups would equally meet three times a week and the therapy would last at least 18 months in each establishment. Statistically, evidence was similar too with approximately 33 per cent of recidivism after therapy if the term of at least 18 months had been successfully completed. The only difference being that Grendon had measured this

success rate over two and Bad Gandersheim over five years. The results were surprisingly similar. Both Governors welcomed a future exchange in person, of personnel and of ideas.

From an interpreter's point of view, the most challenging days were equally the visits to Grendon, Glen Parva and Blakenhurst, where my knowledge and vocabulary of the systems were severely put to the test. Starting with Grendon, where the German group was divided into two groups of seven, one for the morning and one for the afternoon, so as not to overpower inmates and staff who are having such visits thrust upon them almost daily - as one inmate put it 'we're going to charge soon, you know, miss, we sometimes feel like animals in a zoo.' However, they by no means behaved like animals when I was asked to lead a therapeutic group of eight lifers, all in the system for murder, with seven of my German visitors for about one hour of 'frank discussion'. Whilst I had warned my German delegation that they can expect equally frank questions from the inmates who are encouraged as part of their therapy to be inquisitive as well as 'tell all' to the visitors, it came as quite a shock to the German system when they too were asked intriguing and sometimes personal questions which they were expected to answer. A translator's nightmare presented itself with regional accents from Glasgow, Manchester and Belfast together with subjects who weren't used to being interrupted in their stream of consciousness by having their soul searching experiences translated into German. The experience was a moving and memorable one for me and all the participants from both sides when some forthright and often rather blunt queries were being put.

### **Skills Training**

The Glen Parva experience proved interesting, not only from the bullying and vulnerable prisoners aspect, but also with regards to the meaningful employment and training undertaken with NVQ Training in areas such as carpentry, painting and decorating and machine tool setting. Germany has a high degree of vocational training for young people, but to see this in practice here in a prison of all places when the regard for vocational training in England is not so high as on the continent was a pleasant surprise, particularly since the pre-

requisite to a German prison officer's entering the profession is an apprenticeship in a trade such as those taught at Glen Parva.

The German delegation was impressed with the sophisticated machinery and the level taught in what seemed to them an impossible 18 week's course only. This underlined the German preconception that a craftsman can only be fully qualified after at least three years of apprenticeship training. It was explained to them by a training officer at Glen Parva that this used to be true of the English work ethic but that due to the recession the training of such skills had to be cut, and that the employers would look more favourably on shorter skills training.

### **Working with the Community**

A further idea which impressed the Germans was the involvement of prisoners with the community which hardly exists in Germany. Holloway and Glen Parva both demonstrated that the inmates could work with disabled or disadvantaged people who would usually visit the prison and its sports facilities once a week. Glen Parva demonstrated some good ideas and practices regarding placing youngsters who would be considered for parole on a work placement in the community such as a sports centre, or in the case of Holloway in a local hairdresser's or tailor's.

A frank discussion evolved with the Governors and staff of Glen Parva and Blakenhurst when the subject of privatisation or 'Market Testing' arose. Glen Parva's Governor put it succinctly when challenged 'we need to see this challenge as a positive step to change old fashioned set-in ideas to be more competitive even in the prison service.'

### **Modern Prisons**

The Blakenhurst experience left the Germans marvelling, since the head of the German Prison Service of lower Saxony - 'Mr President', stated that 'personal freedom is something very valuable and it must be the prerogative of the State alone to take this freedom away - the German Prison System will never be privatised'.

Germany simply does not have a single new prison such as Blakenhurst and the four other newly opened prisons since 1992. The most 'modern' prison in my research sample is the bunker like eleven-storey high 'parking deck' as the Germans

call it, of Frankfurt Preungesheim Remand Prison built in the mid 70s with the German RAF and Baader Mainhoff terrorists in mind. There had been a glimmer of hope last year when the first new prison to be opened on 1 April 1993 in Weiterstadt near Frankfurt, to relieve the overcrowded and inhumane conditions for the Frankfurt remand centre. The day before the opening ceremony, the JVA (Justizvollzugsanstalt - official name for German prison) Weiterstadt was blown up by German terrorists.

### **Legal differences and similarities for remand prisoners in England and Germany**

The British legal procedures are accusatorial, which means that the main part of starting the proceedings, giving evidence and establishing the truth, are played by the parties themselves. The judge merely acts as an independent, objective observer who himself does not participate in the investigations, whereas in Germany under the inquisitorial system, the judge plays a fairly important role in the conduct of the proceedings and in establishing the truth. There are thus important differences as to the respective roles of powers of the judge, the police and the prosecutor<sup>1</sup>.

Since 1968 the English Courts only distinguish between arrestable and non-arrestable offences; offences are moreover divided into summary offences, triable before a Magistrates' Court, and indictable offences which are triable before the Crown Court, before a judge and jury. Certain offences may be tried either way, depending on the election by the prosecution or defence. This possibility does not exist within the inquisitorial system.

It surprised the German Lawyer cum Prison Governor that 'laymen' are used in the remand procedures as in the case of Magistrates' Courts in England, a lay-judge would not exist in the German system. In the Federal Republic of Germany (FRG) the Public Prosecutor (Staatsanwalt) has an overall responsibility for pre-trial proceedings, the examining judge controls, and is in turn controlled by the

'Staatsanwalt' who gives advice on bail or remand proceedings.

The Court may order the suspect to be lodged in a Bail Hostel. Under English law, there are no special provisions for compensation in the case of unlawful arrest or detention, but the general right to damages exists, but the victim must prove unlawful arrest or damages.

In the FRG the provisions relating to detention on remand (Untersuchungshaft) can be found in the Code of Criminal Procedure (Strafprozeßordnung) first promulgated in 1877 and frequently amended since<sup>2</sup>. This special clause in article 119<sup>3</sup> specifies the fact that remand prisoners are not allowed to be kept in the same cell as convicted prisoners and that, if at all possible, the remand prisoner ought to be kept completely separate from the rest of the convicted prison population. Compensation in case of unlawful detention is dealt with by a special Act<sup>4</sup> which modifies the legislation existing since 1904; the daily compensation in Germany for unlawful arrest only amounts to a minimal sum of DM10. per day (approx £4.) The German Prison Act ('Strafvollzugsordnung') of 1977 provides an example of how the ethos rights have been used in legislation. At the beginning of this piece of legislation a number of basic principles are listed; these allow for changes in wider society to be translated into prison rules, hence the principle, 'life in prison shall be assimilated to life outside prison as much as possible'<sup>5</sup>. If the prisoner feels that his rights have been violated the Act provides for him to seek extensive judicial review of his complaint.

### **Overcrowding**

In principle, the judge can only imply the deprivation of liberty. Equally, the total maximum period spent on remand (before the judge's intervention) is legally fixed in Germany, ie, one year unless there is the danger of recidivism. A statement by the Rt. Hon. John Patten, MP, a Minister of State at the Home Office on 11 September 1989 to the 1989 International Half-Way house Association: 'The remand prison population has grown strikingly over the last decade. In

1. cf. Grosz, McNulty, Duffy. Pre-trial detention in Western Europe. In: ICJ Review No 23. December 1979.

2. Latest version used is the 'Strafprozeßordnung' (StPO) of 7 April 1987.

3. cf. § 119, 1-6, StPO Vollzug der Untersuchungshaft.

4. cf. 'Gesetz über die Entschädigung für Strafverfolgungsmaßnahmen', 8 March 1971.

5. The German Prison Act 1977 ('Strafvollzugsordnung') Section 3 § 1.

1979 it stood at around 6,100 whereas now, despite some recent improvements, it stands at about 10,700. This means that about a fifth of the prison population is made up of unconvicted and unsentenced prisoners. Not only has this growth contributed significantly to the overcrowding in local prisons, but at times there has been substantial and even more unwelcome overspill into police cells.

This has placed an intolerable burden on the police, and provided totally unsuitable accommodation for defendants - all at a great expense for the taxpayer ... Bail decisions are a matter for the Courts and there will inevitably be many cases where bail has to be refused for good and proper reasons. On the other hand, people should be remanded in custody only when this is absolutely necessary and for the shortest possible time.'

In England this period is not laid down by law (in Scotland it is a maximum of 110 days from committal).

### **Remand Prisons in England and Germany**

There are currently 160 remand institutions for adult men and women in Germany all with similar overcrowding problems. Whilst the numbers of male adults on remand in German prisons in March 1985 was 13,047, the number of remands had gone down to 11,961 by March 1988. This led to a wave of the German Government closing down a number of prisons and remand institutions<sup>6</sup>. However, due to the unification of Germany, crime as measured by the criminal statistics of persons imprisoned has increased. The average daily remand population in March 1990 was 13,047 male adults on remand and this number had increased by March 1991 to 14,258. This underlines the problem of continued over-crowding in German prisons and was evident in all the institutions I had visited, namely Berlin Moabit, Chemnitz (ex-Karl Marx Stadt), Bremen, Frankfurt, Munich and Oldenburg. Frankfurt thus remains a prison with a CNA of 739 having had an average population of between 750 and 800 since 1992 for adult male remand prisoners.

The Woolf Report suggests that remand prisoners should be accommodated

in conditions 'which reflect the prisoner's remand status', ie, innocent unless and until proven guilty. Furthermore, 'They must reflect too the reasons for which the remand has been granted under the Bail Act 1976'<sup>7</sup>. To emphasise the importance of these matters the Woolf/Tumim inquiry recommended that there should be a separate 'Statement of Purpose', setting out the Prison Service's responsibilities relating to remand prisoners, ie, that remands should be accommodated, treated and managed separately from convicted prisoners and that the remand prisoner should spend his/her time in a constructive manner, for example, working or furthering his/her education, and that contact with employment, family and community should remain intact.

German prisoners take the remand status very seriously indeed when it comes to segregating remands from convicted prisoners. The legal grounds for committing a person on remand are exactly the same in England as in Germany, yet the interpretation of the Prison Rules are quite different in each system. Whilst in England the fear of absconding and re-offending whilst on bail seem to take precedence, whereas the German system is obsessed with the 'interfering with witnesses' concept. So much so that if there were any accomplices or partners in the same crime in one prison, for example, JVA Bremen or JVA Frankfurt remand prisons they could not take part in any activities for fear of meeting or 'interfering' with each other.

Thus, the German delegation was shocked to find out that with remands in the English prisons some accomplices 'even murderers' were accommodated in the same cell, would share activities with convicted inmates, were allowed telephone calls and uncensored letters. Indeed, the HMP phone card became quite a novel collectors' item, and officers had to scurry around in each of the prisons visited to obtain as many used phone cards for the German governors as possible. One entrepreneurial governor will, in fact, contact the 'Deutsche Telecom' to suggest this idea. What is there to gain from the German segregation of remand inmates? Why do the English prisons have a Rule 43 unit and the German prisons integrate the vulnerable prisoners in the usual daily routine?

6. Statistics taken from the Federal German Ministry of Justice. 'Bundesministerium für Justiz', 30 January 1992, Bonn.

7. cf. Woolf Report, para 1.206.

## Conclusion

### *Treatment and Regimes in the English System - Are there lessons to be learned for the German Criminal Justice System?*

'Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this'<sup>8</sup>.

The emphasis of the European Prison Rules 64-70 is on the principal objectives of the treatment and training regimes as regards the underlying duties of prison managements and the needs of prisoners. They provide the main lines of an approach to policy and regime design that are to confront the problems of reconciling the conflicts between the functions of prisons as instruments of social control and the demands of training for individual release. Each prison ought to provide a wide ranging programme of training and/or educational opportunities relevant to the circumstances of outside life, bearing in mind, of course, the prisoner's own sentence and circumstances and the resources of the establishment. Thus, the contact between prisoners and prison staff ought to be enhanced and encouraged, to lead to a smooth and natural re-socialisation at the end of sentence.

These can take the form of spiritual support or guidance groups, education, physical education, the development of social skills groups, counselling or other recreational activities. Within the regimes, prisoners will thus be given the opportunities to participate in activities which will encourage their sense of responsibility, self-reliance and to stimulate their interest in their own treatment. 'The preparation of prisoners for release should begin as soon as possible after reception in a penal institution'<sup>9</sup>. Foreign nationals must be included in this scheme to alleviate feelings of isolation.

Whilst some of the German visitors had heard of the above European guidelines they were rather impressed to find that in all the institutions visited they found some kind of activities programme and it was noted that for inmates and staff alike, physical

education and weekly training took precedence. The European prison Rules and thus new prison regimes in England and to a lesser extent in Germany have recognised that physical education and a whole range of sporting and recreational activities in modern prison regimes have become a major activity of high importance to the general health and wellbeing of prisoners and staff.

It has also proved to be of particular value to prison managements in the large and overcrowded establishments at times of pressure and in reducing tension and providing healthy and positive outlets when other resources are constrained. Together with work, training and formal education, this has become the basic design of any prison regime. Some institutions show impressive programmes in connection with new programmes of staff training. There is large scope for community co-operation either outside or within the institution which the Germans will take on board as part of their regimes which are as yet too wound up in legal and prison rules procedures to adopt a more pragmatic approach as witnessed in the English prisons. PE and a wide-ranging programme of recreation ought to form a major part of modern prison life.

Staff involved with these developments were seen to be given encouragement and promotional incentives to enhance their professional abilities and status to cope with the increasingly sophisticated equipment and demands of their population.

The German prison management, according to the Head of the Prison Service, should see these programmes as an integral part of the overall philosophy of the treatment regimes. He agreed with the statement that activities ought not to be carried out in isolation, they should complement the regime: 'thus a properly organised programme of physical education, sport and other recreational activity should be arranged within the framework and objectives of the treatment and training regime. To this end, installations and equipment should be provided'<sup>10</sup>. ■

8. cf. European Prison Rule 64 (1987).

9. cf. European Prison Rule 70.1 (1987).

10. cf. European Prison Rule 84 (1987).

# THE PRISON SYSTEM IN THE RUSSIAN FEDERATION

Yuri Ivanovich Kalinin

*This paper was presented by General Kalinin, Head of the General Department of Penitentiary Institutions in the Ministry of the Interior of the Russian Federation, at the conference on 'Punishment: Legality, Justice and Humanism' held in Ryazan, Russia between 4-8 October 1993. It was prepared for publication by Dr Andrew Coyle, Governor of Brixton Prison.*

The prison system in the Russian Federation is known as the sentence enforcement system. It is a complex of governmental, legal, socio-economic and other institutions which are all part of the Ministry of the Interior.

The system includes 513 correctional labour colonies, 160 pre-trial detention centres, 14 prisons, 59 educational labour colonies for juveniles and 104 institutions for alcoholics. The system has in its care 574,500 convicted prisoners. Included in this number are 19,100 women and 19,200 juveniles. 35,700 persons are confined in corrective labour inspectorates. There are also 138,000 pre-trial prisoners<sup>1</sup>.

Most convicted prisoners have been found guilty of serious crimes. Almost 25 per cent have committed premeditated murder or serious assault. Twenty per cent have committed armed robbery, robbery or rape. Over 60 per cent are recidivists. Over 45,000 of these are regarded as being extremely dangerous. The number of persons who are racketeers or who belong to Mafia-type organisations is growing rapidly. This difficult mix of prisoners can lead to dangerous situations in prisons. Prisoners are at risk from each other and additional crimes are committed in penal establishments.

The prison system in the former Soviet Union was set up as an integral part of the national economy. It was highly centralised and hierarchical. Little attention was paid in this system to the reform of prisoners.

For many years little was done to improve physical conditions in prisons. On the premise that crime would quickly be eradicated, the leaders of the country saw

little need to allocate funds to build new colonies and prisons. This has led to problems of significant overcrowding at a time when all the forecasts are that the number of people in prison is likely to increase because of the growing crime rate.

Until recently great secrecy surrounded all penal establishments. The recent growth of democracy in Russian society and the implementation of principles of social justice have obliged the prison service to recognise the human, civil and legal rights of prisoners. The previous structure of the prison service did not meet the standards which are now required of public organisations. It retained many of the negative features of the notorious Gulag system<sup>2</sup>. These included an over-abundance of pointless petty regulations, priority given to economic interests, an emphasis on ideology and poor material conditions.

## Setting the Agenda for Reform

The first task in reforming the prison system in Russia was to set realistic objectives for the service. Article 20 of the present Penal Code of the Russian Federation describes the aim of punishment as being 'to correct and re-educate convicts, to show them the value of work, to make them law-abiding and public spirited and to deter convicts and all others from committing future offences'.

Such far-reaching objectives are not practical. For example, it is not realistic to expect that corrective labour in a prison setting will 're-educate' a prisoner. The new draft of the Penal Code excludes this notion of 're-education' as an objective of

1. In addition there are approximately 113,000 prisoners detained in 218 forest zone colonies, which are administered by a separate department of the Ministry of the Interior.

2. Gulag is the acronym for Glavnoye Upravlenie Lagerei, the Central Administration of Camps.

imprisonment. But Article 40 of the new draft retains the reference to encouraging prisoners to adopt 'an honest attitude towards work and to obey the law'.

The following principles underline the proposed reformation of the prison system:

- treating prisoners as human beings
- a strict observance of the human rights of prisoners
- encouraging prisoners to lead law-abiding lives
- treating different categories of prisoner according to their status

This last principle means that prisoners who continue to behave unlawfully while in prison will be segregated from others and will enjoy a very limited range of privileges. The majority, who behave in a law abiding manner, will enjoy extensive privileges. These will include:

- the creation of normal conditions of imprisonment
- the implementation of measures for the social rehabilitation of offenders

If we can achieve these objectives, we will have gone a long way towards implementing the international norms and guidelines for the treatment of prisoners.

### **Encouragement not Coercion**

The reform of the prison system cannot happen without significant changes in legislation. The drafts of a new Penal Code and a new Sentence Enforcement Code have already been published. Unfortunately it will take some time to complete this legislative process. However, it is clear that the new national prison policy will concentrate less on coercion and more on encouraging prisoners to lead law abiding lives.

Already changes have been introduced. Since 1 January 1992, prisoners have been paid the full rate for their labour. The previous 50 per cent deduction has been abolished. On 9 July 1992 the Russian Federation adopted a law 'On the changes and amendments to the tax system of Russia (No 3017-1)'. This included a provision that prisons and correctional institutions would only be required to pay a percentage of the normal tax to central government. We hope that in future we will be excused payment of all tax, not only to central government but

also to regional administrations. There are already indications that local administrations are adopting a more positive attitude to correctional labour systems. This has happened, for example, in the regions of Yakutia, Khakassia, Buryatia, Kemorovo, Jaroslavl, Samara, and Krasnoyarsk.

The new economic reality has meant that we have had to reform the method of production in the prison system. To help us to do this, we have proposed that the Supreme Soviet should adopt a resolution 'On some characteristic features of work in correctional institutions'. We have also been able to influence draft legislation on anti-monopoly activity, on bankruptcy and on tax policy.

### **Prisoners' Rights**

On 12 June 1992 a law 'On amending and supplementing certain chapters in the Correctional Labour Code of the Russian Federation, the Penal Code and the Criminal Proceedings Code' was adopted. This is an important piece of legislation which defines the general policy for reforming the prison system. It is aimed at increasing the efficiency of the prison system, at respecting human rights and at bringing Russian laws into line with the international norms and guidelines for the treatment of prisoners. Its adoption has meant a complete re-assessment of how the various parts of the prison system operate.

For the first time the right of prisoners to freedom of conscience and free observance of religion has been recognised. Ministers of religion now have free access to prisons and are entitled to conduct religious services. Rooms have been set aside as places of prayer and in some labour colonies churches have been built. Provision in this respect is not always easy since there are forty different religious denominations in Russia.

Prisoners also have a right to personal safety. This means that the prison administration must act as soon as a prisoner complains that his or her life is in danger. This normally means a transfer to a safer environment.

### **Accountability**

There is increasing provision for public oversight, for example, by people's deputies, of the prison administration. Local councils may appoint representatives who



can meet with prisoners to listen to their complaints and familiarise themselves with prison regulations. Prison staff are also required to carry out their duties in a professional manner, to act humanely in their dealings with prisoners and not to humiliate them.

Time spent in prison is now taken into account when calculating pension rights. All prisoners are now given time off work. For some categories of prisoner this takes the form of leave outside the institution. Immediate home leave is given in the case of a family emergency.

The previous restriction which prohibited prisoners receiving parcels from home until they had served half their sentence has been abolished.

Special provisions are made for women prisoners. Those who have children in the nursery of the colony receive a special allowance.

Dietary punishments have now been abolished.

The following categories of prisoner are entitled to free food, clothing, underwear and shoes; juveniles, disabled prisoners, women after the first four months of pregnancy, women who cannot work because they have babies in the nursery of the colony, men over the age of 60 and women over the age of 55 who do not work and those who are unable to work because of their physical condition.

The frequency of short term and long term visits has been increased<sup>3</sup>.

An increasing number of prisoners are allowed to move about unescorted. These may live outside the secure perimeter of the colonies.

There is now no limit to the number of letters or telegrams which a prisoner may send. They may also have access to telephones. Restrictions on visits or parcels are no longer imposed as punishments.

Convicted women prisoners may now wear their own clothes.

Convicted persons may now use their own resources to pay for additional medical treatment and to take out insurance. Like all other Russian citizens they also received privatisation vouchers.

The new law has confirmed that convicted prisoners are obliged to work. This

may be in state-owned enterprises, or on a contractual basis with other companies or on individual work. Previously there was no minimum wage for prisoners. Those who meet pre-assigned work quotas are now entitled to be paid at least the minimum labour rate.

Attempts are now being made to give prisoners a greater sense of personal responsibility, to encourage them to deal with their personal problems and to organise their daily activities. Prisoners are also encouraged to set up funds in each prison for cultural and welfare activities and to help them when they are released.

Arrangements are in hand to set up a psychology service within the prison system. Psychologists receive full time and part time training in the High School of the Ministry at Ryazan and some are already at work in colonies.

### **Improved Conditions Lead to Stability**

Taken together, these initiatives have helped to make our prisons more stable. The number of escapes has gone down this year. There have been few incidents of hostage taking and the number of killings has also decreased. A great deal of creative work has been carried out in prisons in regions such as Rostov, Chelyabinsk, Ulianovsk, Kaluga, Oryol, Yaroslavl. This work has shown the benefits which can flow when there is trust and dialogue with prisoners. They have a greater social awareness. The environment in the prison has improved. Prisoners may also make external contacts which can help them on release.

The draft Penal Code has abolished exile and deportation as punishments. Almost 60 per cent of the offences in the draft code can be punished without imprisonment. A significant number of offences have been decriminalised and approximately 90 per cent of the articles in the draft Penal Code are concerned with humanising the system.

It is proposed to have limited forms of imprisonment as well as conditional release. In each region there will be colonies for the different category of offender. This means that they will be able to serve their sentences close to their homes.

3. A short term visit usually lasts for three or four hours and is taken in the prison or colony visiting room. A long term visit will last up to 72 hours. In this type of visit the prisoner and his or her family will live in a small self-catering flat within the prison perimeter.

### **Allocation Policies**

In implementing these reforms we were at pains to change the structure of the labour colonies. In future we plan to allocate prisoners according to their individual needs rather than by type and length of sentence. This will prevent the former practice of allocating prisoners across the entire country. This served largely to confirm them in their criminal ways, to make new contacts, to share criminal experiences and indeed to spread crime even more across the country. At the same time, it made it difficult for families and friends to visit and increased the likelihood that prisoners would attempt to escape.

As a first step to that end, the Law of 6 August 1992 'On the Unification of Reinforced and General Regimes in Correctional Labour Institutions' provided for a single type of establishment for all convicted prisoners. Before this law came into force, prisoners were liable to be allocated to a colony in any one of Russia's 57 regions. This will no longer happen. Instead, there will be an ordinary, a simplified and a strict regime within each colony. Prisoners will progress through each regime and can expect to spend the last part of their sentences in a regime outside the secure perimeter. This will help their re-integration into society.

### **Minimum Standards**

In our view the draft Penal Enforcement Code meets all the basic requirements of international standards, both in terms of crime control and of the humane treatment of offenders. In this respect it is important to bear in mind a distinction which is often overlooked by the mass media and some human rights organisations. There are two kinds of international norms: those which are obligatory and those which are recommended. There can be no exception to the obligatory norms. They must be included in national laws and implemented without delay. A good example of this type of norm is the UN Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (1975) and the Convention on the same subject which was adopted by the United Nations in 1984. This norm admits of no exception at any time.

An example of a norm which is

recommended would be Article 9 of the UN Minimum Standard Rules for the Treatment of Prisoners. This requires that each prisoner should have a separate cell or room to sleep in at night. However, paragraph two in the Preliminary Observation on these Rules notes: 'In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times'. The minimum standard about single cell accommodation could not be met in Russia, either now or in the near future, although we recognise it as something to be aimed for.

### **Resource Constraints**

We are also restricted because of shortage of physical and technical resources for the prison system. Most of our prisons and colonies need major reconstruction but this can only be done at huge expense and over a long period of time.

We recognise that the draft Code includes some regulations which are at odds with the way we want our society to develop. As well as increasing privileges for prisoners in order to encourage good behaviour, the new legislation also reinforces some punitive measures. Recently our prisons have been destabilised by a number of hostage taking incidents, by escapes and by other disruptive incidents. Our legislators have accepted the need to ensure good order in all prisons. For example, the penalty for hostage taking has recently been increased to 15 years imprisonment and that for escape to eight years.

### **Purpose of Imprisonment**

The new legislation has to take account of existing discrepancies between the Russian Constitution and the international treaties and covenants signed by Russia or the former Soviet Union. Over the last few decades the legislation dealing with prison and related matters has not always been in accord with the national constitution. An important first step was made with the adoption on 21 July 1992 of the law 'About Institutions and Bodies Enforcing Custodial Sentences'. This new legislation was based on the principles of legality, humanity and respect of human rights. The objectives of the prison system have been defined as follows:

1. To enforce the sentence of imprisonment or capital punishment.
2. To ensure that there is good order in prisons so that prisoners, staff and all other officials shall be physically safe.
3. To provide work for prisoners as well as education and training.
4. To provide health care for prisoners.
5. To assist in any necessary investigation.

The penal system is based firmly on the constitution of the Russian Federation and other legislative acts. From time to time in the past the Ministry of the Interior has had problems in negotiating with local authorities when setting up correctional labour institutions, especially prisons and colonies for particularly dangerous offenders and for prisoners suffering from tuberculosis. Now such matters fall to be decided by the government of Russia.

For the first time the financial arrangements for the prison system take account of the objectives of the system. After statutory deductions the profits from the production in the colonies can now be used to improve prison conditions, to provide more work and to develop social facilities in the colonies. The arrangements for paid work for the prisoners are wide-ranging. They may work on behalf of the colony, on their own account or in other forms of business. The law now ensures that those who work in prison establishments may not profit from the work of prisoners.

### **Use of Force**

Special mention should be made of the regulations restricting the use of force, including weapons, in prisons. Staff have the right to use physical force in order to apprehend prisoners and to prevent criminal acts and administrative offences within prisons if this is necessary. In extreme circumstances tear gas and firearms may be used, for example, when staff are being attacked, when life or safety is being threatened by prisoners, when there is a danger of mass disorder, to free hostages or to recapture escaped prisoners. The use of such measures is restricted by law.

A major change is that the new law also recognises the rights and responsibilities of prison staff. The relationship between staff and prisoners is defined. This is another example of the new legal basis under which the prison system operates. These changes will help to improve the

position of staff, will allow us to recruit a high quality staff and to dismiss incompetent personnel.

The law now gives legal and social protection to members of staff and their families. Recognising the stress involved in prison work, the law grants staff certain privileges. Staff who work in direct contact with prisoners and in the most difficult conditions will receive a 50 per cent increase in salary and additional pension rights.

### **Staff Conditions**

Prison staff now have the same conditions of service as the militia. They have a right to priority accommodation, they are eligible for interest free loans, have priority listing for telephones and have the right to free use of public transport throughout Russia.

By resolution of the Supreme Soviet psychiatric labour institutions will be closed on 1 June 1994. At the same time the forced treatment and re-education of chronic alcoholics will be ended. Responsibility for the treatment of such individuals will be transferred from the Ministry of the Interior to the Ministry of Health, which is as it should be.

This same resolution also deals with the issue of guarding the perimeter of correctional institutions. Until now prison staff have been responsible for guarding the perimeter of pre-trial detention centres and prisons and a small number of labour colonies. However, perimeter security in the majority of labour colonies has been the responsibility of troops of the Ministry of the Interior. This arrangement has been less than perfect. It has led to a confusion about the limits of respective responsibilities of the two sets of staff. The escort units of the Ministry troops are below strength and this has led to a weakening in security. We also question whether it is proper that immature 18 to 20 year old youths should be given the responsibility for guarding prisoners. There have been examples of trafficking and even of prisoners being assisted in escape.

The transfer of all security responsibilities to prison staff will permit better control and will ensure that only fully trained staff will carry out this task. This is what happens in other prison systems. Such changes will require additional financing. We have to hope that the necessary resources can be found. There will also be difficulty in providing accommodation and employment

for the families of these new staff since many of the labour colonies are situated in remote areas.

### **Setting Priorities**

Some of the new legislation came into force on 24 August 1993. It will require co-operation with the Ministries of Finance, of Labour and of the Economy. Its implementation will help stabilise the situation in our prisons and will encourage us to adapt prison conditions to take account of international norms and guidelines.

In this paper I have tried to describe the main changes which are taking place in the prison system in Russia. In conclusion, I would like to underline what we see as our priorities, as confirmed by the Decision of the Board of the Ministry of the Interior on 30 June 1993.

In respect of operational matters:

- to apply the provisions of the laws of 12 June 1992 'On Introducing Changes to the Penal Code' and 'On Institutions and Agencies of Imprisonment';
- to prevent escapes and improve security;
- to introduce measures to deal with organised crime and corruption;
- to build new prisons and labour colonies in regions of Russia where none exist at present;
- to divide prisons and colonies into smaller units, to create a psychology service and to encourage prisoners to observe the law;
- to lay in sufficient supplies and sources of heat and energy for the winter

months;

In respect of industries and finance and the need to provide prisoners with work:

- to prepare work plans for each unit for 1993 to 1994 for developing industrial production, to create additional jobs and to concentrate on production of goods for the Ministry of the Interior and also for public consumption;
- to expand joint ventures between private and state owned enterprises;
- to collaborate with local authorities in developing programmes for regional employment for prisoners;
- to expand outlets for the marketing and sale of products, in both the private and the public sectors;
- to develop agricultural enterprises;
- to supervise the construction of new labour colonies and in particular of pre-trial detention centres;
- to improve control of the allocation of resources; to reduce losses, embezzlement and the waste of financial and technical resources.

In respect of personnel:

- to fill vacancies for detachment commanders, junior security inspectors and prison officers;
- to set up a comprehensive training system, initially for prison officers;
- to ensure that staff work within regulations at all times;
- to pay special attention to the social needs, particularly of retired staff and of the families of officers who have lost their lives or who have been injured. ■

## **READABLES**

*Some more items that have recently been acquired by the Prison Service College Library.*

Books from two familiar authors have been added to stock.

Desmond Morris fans will be interested to read the book of his last TV series 'The Human Animal' (BBC, 1994). For those who did not see the series, this aims to show how much human behaviour owes to our animal ancestry.

Edward de Bono (of 'Lateral Thinking' fame) has recently published 'Parallel Thinking' (Viking, 1994). This claims to

move thinking processes on from traditional Socratic thought - the search for truth - to de Bono thinking - 'design forward for value', a new method designed to deal with the complexities of modern living.

A recent addition to our management shelves is 'Gods of management' by Charles Handy (Century Business, 1991). Using four ancient gods to represent different styles of management, Handy analyses changes in work and organisation, illustrating throughout with real-life case studies and examples.

# OFFENCES

## AGAINST PRISON DISCIPLINE

*We are grateful to Anthony Boucher, Senior Assistant Statistician in Statistics Division, of the Home Office Research and Statistics Department for this article.*

Adjudication statistics are compiled and published annually<sup>1</sup>, giving information on offences proved guilty at adjudication (including attempts) and the punishments awarded at Prison Service Establishments. Those for assaults are used to form one of the Key Performance Indicators of the Prison Service (KPI2).

The statistics are derived from the information input by establishments to the LIDS computer system. Checks are made to ensure completeness by monitoring any omissions from the charge numbers, which are sequentially numbered throughout the year, and these are followed up with individual establishments.

In 1993 there were over 100,000 guilty findings at adjudication, an increase of 13 per cent from 1992. When the size of the prison population was taken into account the number of proved offences was at its highest ever level (226 offences per 100 population, compared with 200 in 1992). The category which accounted for the biggest part of this increase was unauthorised transactions (which includes the possession of a

controlled drug). Provisional figures for the first eleven months of 1994 indicate a similar level of offences per 100 population to 1993.

The most common offences which were punished were disobedience, disrespect and 'other' offences, largely against good order and discipline. When combined these accounted for 66 per cent of all offences in 1993. Offences involving violence accounted for about 12 per cent of offences, the same as in 1992. As in previous years, females had a higher rate of offending against prison discipline than males (340 v 222 per 100 population).

The most common punishments given were additional days awarded and stoppage or reduction of earnings in both male and female establishments. In male establishments the use of additional days ranged from 26 per cent of punishments in remand centres to 53 per cent in open prisons.

There were higher levels of offending establishments housing younger prisoners as the table below shows.

**Offences punished per 100 population in male establishments by offence, 1993**

England and Wales Type of establishment	Number of offences punished per 100 population						
	All offences	Violence	Escapes or absconds	Disobedience or disrespect	Wilful damage	Unauthorised transactions	Other offences
All Male Establishments	222	26	4	103	12	36	42
Remand centres	370	87	6	138	46	68	25
Local Prisons	186	21	4	87	9	34	30
Open Prison	140	1	5	28	1	25	80
Closed Training Prisons	195	12	1	102	6	27	46
Open YOI	396	25	35	129	11	80	116
Closed YOI	388	70	5	196	23	52	41
Juvenile YOI	566	137	13	226	39	88	62

(1) Annual Publication : 'Offences against Prison Discipline and Punishments England and Wales' 1994.





