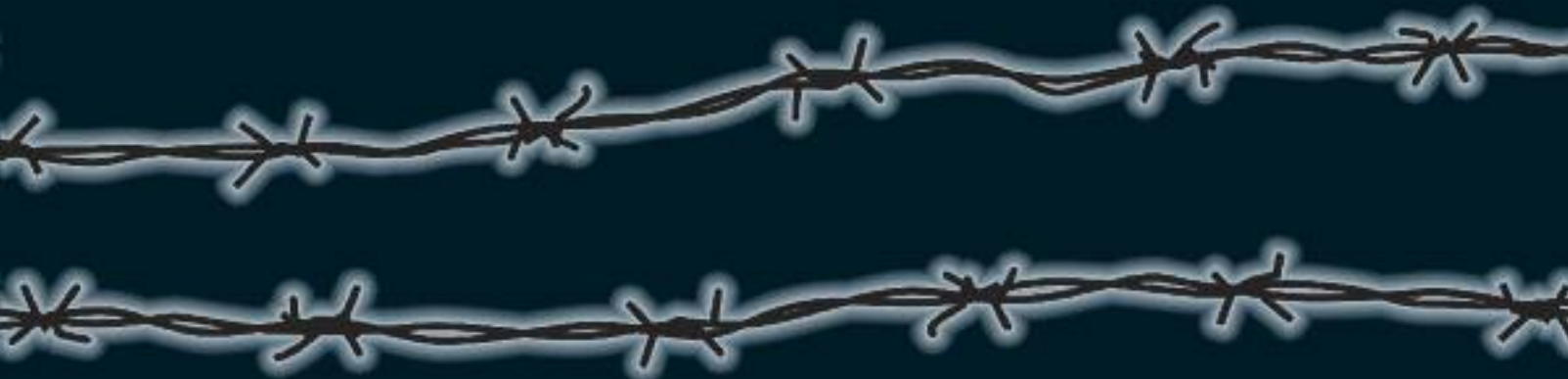


PRISON SERVICE JOURNAL

March 2013 No 206

Ethnicity Religion
Gender Race
Sexual Orientation
Age
Multiculturalism



Contents

Dr Peter Dunn is an inspector with HM Inspectorate of Prisons and a Visiting Fellow of the Mannheim Centre for Criminology, London School of Economics and Political Science.

Laura Jones is a Forensic Psychologist-In-Training at HMP Grendon and **Professor Michael Brookes** is Director of Therapeutic Communities at HMP Grendon and Visiting Professor, Faculty of Education, Law and Social Sciences, Birmingham City University.

Conn Mac Gabhann works for The Irish Chaplaincy in Britain and is author of *Voices Unheard: A Study of Irish Travellers in Prison*.

Dr Liz Hales is a Visiting Scholar at the Institute of Criminology, University of Cambridge and **Professor Loraine Gelsthorpe** is University Professor in Criminology and Criminal Justice at the Institute of Criminology, University of Cambridge.

Curtis R. Blakely is an assistant professor in the Justice Systems Department of Truman State University, Kirksville, Missouri, USA.

Arne Richards is Artistic Director of Oxford Concert Party.

2 Editorial Comment

3 Slipping off the equalities agenda? Work with LGBT prisoners Dr Peter Dunn

11 Transgender Offenders: A Literature Review Laura Jones and Professor Michael Brookes

19 Irish Travellers in Prison — The Unknown Prisoners Conn Mac Gabhann

25 The Criminalisation of Migrant Women — research findings and policy and practice implications Dr Liz Hales and Professor Loraine Gelsthorpe

31 Thermodynamics, Newtonian Motion, and the Prison: The Effects of Energy, Entropy and Mass on Rehabilitation Curtis R. Blakely

36 The Oxford Concert Party Arne Richards

Editorial Board

Dr Jamie Bennett (Editor)
Governor HMP Grendon & Springhill

Steve Hall
SERCO

Dr Karen Harrison
University of Hull

Professor Yvonne Jewkes
University of Leicester

Dr Helen Johnston
University of Hull

Martin Kettle
HM Inspectorate of Prisons

Monica Lloyd
University of Birmingham

Alan Longwell
Northern Ireland Prison Service

William Payne
Business Development Unit
Dr David Scott
University of Central Lancashire

Dr Basia Spalek
University of Birmingham

Christopher Stacey
Unlock

Ray Taylor
HMP Pentonville

Dr Azrini Wahidin
Queens University, Belfast

Mike Wheatley
Directorate of Commissioning
Ray Hazzard and Steve Williams
HMP Leyhill

Paul Addicott
HMP Pentonville
Dr Rachel Bell
HM & YO1 Holloway
Maggie Bolger
Prison Service College, Newbold Revel
Alan Constable
HMP Winchester
Dr Ben Crewe
University of Cambridge
Paul Crossey
HMP Gloucester
Eileen Fennerty-Lyons
North West Regional Office
Dr Michael Fiddler
University of Greenwich

March 2013

- 41 **Going Inside? Frankie Says...**
Diane Kemp

Diane Kemp is based at the Centre for Applied Criminology, Birmingham City University.

- 45 Book Review
The Little Book of Prison: A Beginners Guide
Tim Newell

Tim Newell is a retired prison governor and was formerly Governor of HMP Grendon and Springhill.

- 45 Book Review
The Little Book of Prison: A Beginners Guide
Norman Reid

Norman Reid is a prisoner at HMP Grendon.

- 47 Book Review
Controversial Issues in Prisons
Yvonne Jewkes

Yvonne Jewkes is Professor of Criminology at University of Leicester.

- 47 Book Review
Prisons, Punishment and the Pursuit of Security
Yvonne Jewkes

- 49 Book Review
Firesetting and Mental Health
Laura Jacobs

Laura Jacobs is a Forensic Psychologist in Training working at HMP Grendon.

Cover design by **Stephen Williams**, HMP Leyhill.

The Editorial Board wishes to make clear that the views expressed by contributors are their own and do not necessarily reflect the official views or policies of the Prison Service.

Printed at HMP Leyhill on 115 gsm Satimat 15% Recycled Silk
Set in 10 on 13 pt Frutiger Light
Circulation approx 6,000
ISSN 0300-3558
© Crown Copyright 2013

Editorial Comment

There is no question that prisons in England and Wales have made significant advances in recent years in promoting diversity and equality. The racist murder of Zahid Mubarek at Feltham in 2000 and the subsequent public inquiry acted as a signal case which exposed the extent of institutional racism and galvanised a commitment to address the fundamental problems. However, issues of power and inequality are not easily resolved and are wider than race and ethnicity. This edition of *Prison Service Journal* includes four articles that address aspects of diversity that are arguably less visible and less discussed but nevertheless are of crucial importance.

Dr. Peter Dunn, an inspector with HM Inspectorate of Prisons, discusses the experience of homosexual prisoners. He argues that they are subject to a 'cycle of invisibility' where their sexual orientation is hidden due to their own fears and the insensitivity of those who live and work in prisons to the challenges, fears and experiences of gay and lesbian people. Laura Jones and Michael Brookes, both from HMP Grendon, offer a literature review regarding transgender offenders. This is an area that has been subject to little research and as a result there is only a limited understanding of the complexities. Jones and Brookes are able to reveal some of the intense experiences of those coming to terms with their gender identity and also the challenges of trying to work therapeutically with those who are concurrently undergoing significant changes. Both of these articles poignantly highlight that the painfulness of the experiences of some individuals means that they are at heightened risk of suicide. For those people, sexual orientation and gender identity can be matters of life and death.

The third article is from Conn Mac Gabhann, who works for The Irish Chaplaincy in Britain and authored *Voices Unheard: A Study of Irish Travellers in Prison*. This article argues that Irish Travellers suffer unequal hardship in prison as a result of deeply entrenched social and economic exclusion. It is argued that they have poor levels of literacy, mental illness, limited access to services, discrimination and prejudicial licence conditions for release. Critically, this report suggests that recognition of this group is patchy and there is a lack of an overall strategy to address their needs.

The final article addressing diversity relates to migrant women and is produced by Dr Liz Hales and Professor Loraine Gelsthorpe, from the Institute of Criminology, University of Cambridge. This follows on from an article published in *PSJ* in November 2011. This article tracks the experience of these women through the criminal justice system where they can feel bewildered, confused and out of control.

Together, these four articles highlight how the criminal justice system, a large bureaucracy with a challenging task, can sometimes struggle to meet the needs of particular groups. Whilst individual members of staff attempt to provide the best service they can, the time, resources and facilities to better meet the needs of individuals are sometimes unavailable. It has been argued by Richard Sparks and Elaine Crawley¹ that, large organisations such as prisons do not only embed institutional racism but also suffer from 'institutional thoughtlessness' in relation to other groups. That is what is highlighted by these four articles. For individuals within those groups they can experience painful consequences in terms of their access to services and life chances, but also feel profound effects in their sense of identity and well being, what has been described by Richard Sennett and Jonathon Cobb² as the 'hidden injuries' of inequality. The intention of these articles is to highlight and continue to push for acknowledgement, responsiveness and sensitivity to the needs of disadvantaged or powerless groups.

This edition of *PSJ* also carried two reviews and an article responding to Frankie Owens's Koestler award winning *The little book of prisons: A beginners guide*. The articles are authored by an academic, a serving prisoner and a former prison governor, so drawing together a variety of perspectives. Owens's book is a deceptively jocular book about getting through a first prison sentence in a local prison. Whilst providing plenty of laughs, it also reveals some of the fears, anxieties and pains of imprisonment as well as giving an insight into the culture and practices of the prisoner world. The book has generated a significant amount of coverage and commentary and *PSJ* is delighted to dedicate space to serious consideration of this work.

-
1. Crawley, E. & Sparks, R. (2005) *Hidden injuries?: Researching the experiences of older men in English prisons in The Howard Journal of Criminal Justice*, 44, 345-56.
 2. Sennett, R. & Cobb, J. (1972) *The hidden injuries of class* New York: Norton and Co.

Slipping off the equalities agenda?

Work with LGBT prisoners

Dr Peter Dunn is an inspector with HM Inspectorate of Prisons and a Visiting Fellow of the Mannheim Centre for Criminology, London School of Economics and Political Science.

Once I was comfortable with saying 'I am gay' out loud I came out to my personal officer on the wing. That was not such a good idea as he was homophobic and told the whole wing. I cannot explain the hatred that some prisoners and staff had for me. Every day I was told I am a disgrace to my culture and that I should kill myself. Unfortunately I got very depressed and tried to kill myself, but thankfully I didn't succeed. I still get threatened every day but I will never let them get to me again. I am a gay man and I am proud of it no matter what they do to me. I will never be ashamed of how I am again.

(Pedro, a gay prisoner writing for *Bent Bars Newsletter*¹)

Introduction

How representative is Pedro's experience? With the impetus provided by the Equality Act 2010 and social changes that have reduced discriminatory attitudes towards lesbians and gay men in British society,² we might think such extreme and brutal homophobia is becoming rare. But as I shall show, Pedro's situation may not be uncommon.

Firstly, it may be helpful to briefly describe the context in which this article sets out to explore the issue of homophobia and transphobia in prisons.³ In 2011 the National Offender Management Service (NOMS) gave the governors and directors of prisons in England and Wales more discretion than they had hitherto enjoyed about how they manage diversity and equal opportunities by issuing a new Prison Service Instruction, PSI 32/2011 *Ensuring Equality*.⁴ Several earlier orders and instructions concerning equalities were withdrawn. The PSI reminds prison staff that they have responsibilities to eliminate discrimination and promote equality. It contains fewer mandatory actions than the instructions it replaced. At the same time, monitoring of prisoners' sexual orientation has also been introduced, following piloting in five prisons during 2011. Monitoring is driven by legislative and human rights imperatives. The Equality Act 2010 prohibits discrimination on the grounds of sexual orientation in the provision of goods, facilities and services and in 2007 the single Commission for Equality and Human Rights was established to oversee rights in all the main equality dimensions, including transgender and sexual orientation. Statutory authorities must now monitor sexual orientation.⁵ Even though these provisions form a new imperative to address the needs of

LGBT prisoners, it can be argued that combating homophobia in prisons is slipping off the NOMS agenda at a time of economic constraints and the resulting loss of specialist equalities roles in prisons.

With reference to the existing literature, I shall explore the quality of the current engagement with sexual orientation and transgender issues in prisons in England and Wales. I draw upon HM Inspectorate of Prisons inspection findings to explore how well outcomes for LGBT prisoners are considered and provided for. The benefits of monitoring — and the risks arising from it being poorly implemented — are also discussed, with some conclusions reached about the extent to which it can be put to good use in helping to correct the discrimination, heterosexism, homophobia and transphobia that has been described in the literature and by many prisoners with whom HMIP staff have spoken.

The literature

The academic literature about LGBT prisoners is very limited and is dominated by, mainly, North American scholarship focusing on transgender prisoners. The very few research studies that have looked beyond transgender to the wider and different issues of gay, lesbian and bisexual prisoners has mostly been focused on the role of masculinity in propelling homophobia in prisons. A key issue that is relevant to the practical focus here is Michael Kimmel's argument that 'homophobia is a central organizing principle of our cultural definition of manhood'.⁶ The theoretical framework underpinning that assertion holds that homophobia is a resource that prejudiced individuals and social structures use to enable the promotion of heterosexual masculinity as the sole

1. Bent Bars Newsletter 1; <http://www.bentbarsproject.org/resources/newsletter> (retrieved 3 November 2012).
2. Stonewall (2012) *Living together: British attitudes to lesbian, gay and bisexual people in 2012*; London, Stonewall.
3. The terms 'prison' and 'establishment' refer here to state-operated and privately run prisons, and include young offender institutions.
4. Ministry of Justice, National Offender Management Service (2011) PSI 32/2011 *Ensuring Equality*.
5. Aspinall, P and Mitton, L (2008) *Operationalising 'sexual orientation' in routine data collection and equality monitoring in the UK*; Culture, Health & Sexuality: An International Journal for Research, Intervention and Care, 10 (1), 57-72.
6. Quoted in Robinson, R (2011) *Masculinity as Prison: Sexual Identity, Race and Incarceration*; California Law review, 99, 1308-1408 (p. 1332).

legitimate type of masculinity, in which many have a strong vested interest. Homophobia works by encouraging people to join together in vilifying gay men who challenge conventional ways of being 'masculine'. In doing so, they are able to simultaneously demonstrate their own masculinity and uphold masculine heterosexual norms. Upholding heterosexual norms is of course a process in which women as well as men might participate. If Kimmel's analysis is accepted, it can help us to see how eliminating homophobia in men's prisons is inevitably a huge challenge. It is made even more difficult by the tendency of bureaucracies to perpetuate discrimination rather than seek to overcome it *via*, as Hayman describes, 'the unthinking repetition of the ordinary ways of operating in the world'.⁷ From the perspective of a British criminologist, Yvonne Jewkes echoes Kimmel's argument in writing that prisons are environments 'where misogyny and homophobia go hand in hand with proof of one's own 'normal' masculinity'.⁸ Although homosexuality is the subject of much scorn and derision among prisoners and officers, it is also commonplace, and a feature of prison life. Men who feel less powerful in prison than in their lives outside may despise gay or transgender prisoners as a means of restoring their self-image.

Therefore, the victimisation of gay men who are dismissed by *macho* prison culture as in some way feminised and not 'real' men helps to explain sexism, racism, nationalism, tribalism and homophobia in prisons.⁹ The literature on masculinity and prisons is helpful when considering male establishments, but other than the insights it offers into the ways in which women too can be complicit in upholding conventional heterosexual norms, it has much less to offer us in understanding the experience of lesbians in prison.

The literature about lesbian prisoners is also very limited and some very brief references to feminist

Men who feel less powerful in prison than in their lives outside may despise gay or transgender prisoners as a means of restoring their self-image.

theoretical perspectives about women in prison may be helpful here. Women are in any case punished for transgressing traditional female gender roles,¹⁰ one of a range of factors that may have resulted in the excessive imprisonment of women. The 'fetishism of prison security'¹¹ that Carlen describes provides a rationale for the degrading treatment of female prisoners of all sexualities. Corston pointed out that the prison system is designed by and for men, not around the particular needs of women.¹² The disproportionate use of imprisonment with women is likely to have a particularly negative effect on lesbian prisoners. The Reverend Dr Connie Baugh, a pastor working in American women's prisons, wrote: 'In fact, many institutions are so paranoid about homosexuality that they have rules against any physical contact. You could be given an infraction just because you gave another prisoner a hug'.¹³ This, as will become apparent later, is not solely a problem in US prisons. Stereotyping causes many lesbian prisoners to be seen as predatory, and the pervasive nature of homophobia inside and outside prisons ensures many lesbians internalise those stereotypes.¹⁴

Turning to the more extensive literature about transgender prisoners, Mann writes about how the nature of prison hierarchies based on masculine dominance produces conditions in which it is particularly difficult for transgender inmates to survive. She argues that transgender prisoners are accorded the lowest possible status, leaving them at high risk of violence, exploitation and sexual harassment, 'because the prison hierarchy subjugates the weak to the strong and equates femininity with weakness'.¹⁵ Tarzwell claims that some prison staff reinforce hierarchical patterns of hyper-masculine dominance, so gay as well as transgender prisoners are under-protected. To illustrate that process of reinforcement, he cites evidence that sexual assault of gay and transgender prisoners is often assumed to be

7. In Levit, N (2001) *Male prisoners: privacy, suffering and the legal construction of masculinity*; in D Sabo, T Kupers and W London (eds.), *Prison Masculinities*; Philadelphia, Temple University Press (p.93).
8. Jewkes, Y (2002) *Captive Audience: Media, Masculinity and Power in Prisons*; Cullompton, Willan (p.18).
9. Jewkes, 2011 (see note 8).
10. Tarzwell, S (2006) *The gender lines are marked with razor wire: addressing state prison policies and practices for the management of transgender prisoners*; Columbia Human Rights Law Review, 38, 167-219.
11. Carlen, P (1988) *Sledgehammer: Women's Imprisonment at the Millennium*; Basingstoke, Macmillan (p.7).
12. Home Office (2007) *A report by Baroness Jean Corston of a Review of Women with Particular Vulnerabilities in the Criminal Justice System: The Corston Report*; London, Home Office.
13. In Markowitz, L (2000) *Lost on the inside*; In the Family, 5 (3) (p.13).
14. Markowitz, L (2000). See note 13.
15. Mann, R (2006) *The Treatment of Transgender Prisoners, Not Just an American Problem – A Comparative Analysis of American, Australian, and Canadian Prison Policies Concerning the Treatment of Transgender Prisoners and a "Universal" Recommendation to Improve Treatment*; Law and Sexuality Review, Lesbian Gay Bisexual and Legal Issues 91, 92-134 (p.105).

consensual sex.¹⁶ Robinson adds that because sexual activity is against prison rules and therefore has to be clandestine, all sexual activity, whether consensual or non-consensual, may be perceived to be equally reprehensible, thereby providing opportunities for the sexual victimisation of vulnerable prisoners to remain concealed.¹⁷ Sexton *et al.* analysed data drawn from American victimisation studies and concluded that 'transgender inmates are marginalized in ways that are not comparable to other prison populations.'¹⁸ Whittle *et al.* report similarly high levels of victimisation of transgender people in the UK, exacerbated by unsatisfactory access to services, including health care. They conclude that: 'Trans people are over-represented in the prison population in proportion to the estimated trans population and in every sphere of life, are subject to high levels of abuse and violence.'¹⁹ Over-representation may, it has been claimed, partly result from transgender people resorting to offending to fund gender reassignment surgery.²⁰

The monitoring of sexual orientation

Monitoring the sexual orientation of prisoners might provide a further impetus for developing LGBT focused work in prisons, but there is a risk of it doing the opposite if few prisoners are confident in identifying themselves as lesbian or gay. Assumptions might be made that there are very few gay and lesbian prisoners and their needs may, as a result of their low visibility, remain unrecognised. A Stonewall leaflet designed to encourage the completion of monitoring forms points out that 'if local authorities and hospitals and police forces and employers don't know who's out there, they can't be expected to get it [the provision of services] right.'²¹ But the manner in which

. . . the manner in which sexual orientation is monitored is fraught with difficulty, especially for prisoners who may be fearful of victimisation from other prisoners and discriminatory attitudes from staff if they tick anything other than the 'heterosexual' box.

sexual orientation is monitored is fraught with difficulty, especially for prisoners who may be fearful of victimisation from other prisoners and discriminatory attitudes from staff if they tick anything other than the 'heterosexual' box. Aspinall and Mitton argue that in the UK, experience of sexual orientation monitoring is scant and there have been few studies, providing little to draw upon when trying to construct an effective monitoring mechanism. Sexual orientation is not a variable that is consistently used and defined in official surveys. Consequently, the definitions of sexual orientation

(which are far from straightforward), categorisation, and a range of other methodological problems have to be addressed without any useful existing body of evidence. There are no robust data about the size of the LGB population and estimates are widely divergent. There is uncertainty over the demographic characteristics of LGB people because some of these variables are known to be correlated with non-response in surveys.²²

In his study of a US prison with a wing known as K6G that had been designated for gay prisoners, Robinson describes difficult dilemmas about how to identify gay prisoners. His study has strong implications for monitoring of sexual orientation in British prisons — despite, it is hoped, the absence of any plans to establish a 'gay wing' in the UK. Pointing out that 'gay Identity is not a neutral vessel; it is

an amalgam of homophobic stereotypes and largely unsuccessful attempts by pro-gay people to subvert those stereotypes.'²³ He describes how prisoners are selected for K6G. They are asked if they are gay in a busy room in the hearing of other prisoners: the assumption is made that prisoners will be willing to provide the information. Some refuse to identify as gay

16. Tarzwell, S (2006). See note 10.

17. Robinson, R (2011). See note 6.

18. Sexton, L; Jenness, V; and Sumner, J (2010) *Where the Margins Meet: A Demographic Assessment of Transgender Inmates in Men's Prisons*; Justice Quarterly, 27 (6) 835-866.

19. Whittle, S; Turner, L and Al-Alami, M (2007) *Engendered Penalties: Transgender and Transsexual People's Experiences of Inequality and Discrimination*; London and Manchester, Press for Change / Manchester Metropolitan University (p.21).

20. Poole, L; Whittle, S and Stephens, P (2001) *Working With Transgendered And Transsexual People As Offenders In the Probation Service*; Probation Journal, 49, 227-232.

21. Stonewall (undated) *What's it got to do with you? 10 reasons why you should fill in those funny box things at the end of forms*; London, Stonewall.

22. Aspinall P, and Mitton, L (2008). See note 5.

23. Robinson, R (2011) *Masculinity as Prison: Sexual Identity, Race and Incarceration*; California Law review, 99, 1308-1408 (p. 1336).

because of the lack of privacy and because officers asking the question have not explained why they are asking it. The result of such crude questioning is that K6G is mainly populated by white, middle class inmates who are sufficiently confident and 'out' to identify as gay. Black and *Latino* prisoners (who may not wish to alienate themselves from the support systems that their racial community provides for dealing with racial discrimination by publicly identifying as gay in the prison) stay on 'normal' location. Robinson concludes that 'by designating just a sliver of its population as vulnerable, the jail may seek to absolve its constitutional responsibility to protect *all* people in its custody... by removing gay and transgender inmates — but not attending to hegemonic masculine norms... — the Jail simply shifts victimization.'²⁴

Some of the crude monitoring methods Robinson describes are replicated in the UK. In a recent inspection, inspectors criticised the prison's monitoring methods. The induction officer handed the newly arrived prisoners a form on which they were told to indicate their sexual orientation, offering no explanation of it. He did not ask the prisoners if they could read, or check they understood the question. Neither did he provide information about how the sexual orientation information would be used, where it would be kept, and who would have access to it. He appeared embarrassed about asking, and he did not know why sexual orientation was being monitored. It was difficult to imagine many prisoners being willing to tick anything other than the 'heterosexual' box.

Clearly, great care needs to be taken about how monitoring is done. Staff should be trained about its purpose and how to ask the question. Prison officers should be encouraged to think about and question their own attitudes to LGBT people so that these do not obstruct their ability to perform the task of monitoring appropriately. Questions about sexual orientation should normally be asked by officers, not by prisoners who help with induction; unless there are very strong reasons for allocating the task to a particularly well trained, visible and conscientious team of prisoner diversity representatives who are thoroughly supported and supervised. It should be possible to reassure prisoners that information about their sexual orientation is confidential and the data are made anonymous before analysis and reporting. It must be recognised that, for reasons set out in the literature, the data are almost certainly an underestimate of the size of the LGB community in the prison and that some groups, such as Black and minority ethnic gay men, may be particularly reticent about identifying themselves as gay.

HMIP inspection findings in relation to work with LGBT prisoners

Turning now from the theoretical literature and the issue of monitoring to a more practice-focused analysis of the treatment of LGBT people in British prisons, I will describe some of the conditions and experiences that HM Inspectorate of Prisons inspectors and researchers have found recently.

In many prisons, a 'cycle of invisibility' exists in relation to lesbian or gay prisoners; while the numbers of transgender prisoners are so few that, with often only one transgender prisoner in an establishment at a time, they are isolated and often have only very restricted access to the regime. The cycle of invisibility can be represented thus:

Figure 1: the cycle of invisibility.



The invisibility of gay and lesbian prisoners is compounded by the heterosexist tendency of some staff to perceive being gay, rather than homophobia, as the problem. During a recent inspection we talked with an Iranian gay man who was facing deportation at the end of his sentence. He was fearful of being killed on his return to Iran and he had asked staff for help in contacting organisations that had experience of supporting Iranian gay men. A letter the diversity senior officer had written to him concluded: 'If I can be of any further help to you with problems arising from your homosexuality please do not hesitate to ask.' He told us how upset he was about that phrase, which expressed the officer's failure to understand that his problem was

24. Robinson, R (2011) (p.1314). See note 23.

not being gay, but the prospect of encountering extreme, violent homophobia on return to his homeland. While it is perhaps understandable that some staff might not understand subtle distinctions that have serious implications, it is inexcusable that a senior officer who had been given a lead role around diversity should be so ignorant.

In a category C training prison, we found the prison had no idea of the number of prisoners who might describe themselves as gay, and there was no gay support group running. A group had previously existed. It had flourished under the leadership of a prisoner diversity representative, but since his release the group had become moribund. Nevertheless, five per cent of prisoners there were willing to identify themselves as gay when completing our survey, surely enough to make a gay prisoner's group or consultative forum sustainable even if only a small proportion of prisoners wanted to attend it. The community of gay prisoners there appeared to have gone from being vibrant and visible to being hidden and isolated. That illustrates how progress made in combating homophobia and upholding LGBT rights in prison is fragile: hard-won gains can very easily be lost. Findings such as these led HM Chief Inspector of Prisons to conclude that '(s)exual orientation and gender remained generally the least well protected characteristic in prisons under the Equality Act 2010.'²⁵

With, it seems, relatively small numbers of LGB and very few transgender prisoners, quantitative survey-based research is of limited value in understanding the experience of LGBT prisoners (in the Inspectorate's surveys of prisoners that are undertaken shortly before inspections, between 3 and 5 per cent of prisoners identify themselves as being gay or lesbian). Prisoners' accounts of their experiences are therefore particularly important, and inspectors can often verify what prisoners say about their treatment by observation, talking with other prisoners, inspecting documentation, and enquiring with staff. The following are examples of unsatisfactory engagement with LGBT issues that inspectors have recently found in prisons:

Policy: In some establishments there was little mention of LGBT issues in equalities action plans. Many of those that did specify actions to combat homophobia were never reviewed, rendering them ineffective. Unlike data concerning racist incidents, homophobic incident reports were in many establishments not analysed nor

discussed by the senior management team, and therefore little was known about homophobic victimisation. In some, staff accepted the invisibility of LGBT detainees, offering inspectors the rationale that 'we don't get many here' or 'we don't know who they are' for having made little attempt to address homophobia and provide support for gay, lesbian or transgender prisoners.

Challenging homophobia: often, staff failed to challenge homophobic name-calling and abuse, which was often not addressed in violence reduction strategies. Discrimination against LGBT detainees was sometimes excused by reference to religious teaching or 'cultural' norms that were not questioned. In some establishments no clear statement was made during induction or in residential units that homophobic or transphobic abuse would not be tolerated.

Supporting gay and lesbian prisoners: some establishments had no information about LGBT support or social organisations. Or, prison staff gave out the address of LGBT support organisations without inviting prisoners to tell them about their concerns, which may have conveyed the message that the staff was not interested, or not competent to provide support. Many establishments had no gay group or consultation forum. Often, LGBT magazines were not available through the library or prison shop. In a men's

... progress made
in combating
homophobia and
upholding LGBT
rights in prison is
fragile: hard-won
gains can very easily
be lost.

prison, two gay prisoners were given warnings for putting their arms round each other following a bereavement, because officers found that action 'offensive'. In a young offender institution, a diversity manager's plans to display the Stonewall *'Some People are Gay: Get Over It'* posters on residential units were blocked by other staff. In one prison, condoms were not available because it was against the ethos of the establishment to accept that, despite their proscription, some prisoners would nevertheless have sexual relationships.

In 2012, prison inspectors participated in a workshop about inspecting work with LGBT prisoners, designed to raise our awareness of LGBT issues when inspecting. In small groups we discussed the following five scenarios, what the issues were, and how outcomes for LGBT prisoners could be improved. The first four scenarios are from recent prison inspection reports. Scenario 5 is from the personal experience of a gay ex-prisoner who helped us devise the workshop.

25. HM Chief Inspector of Prisons (2012) *Annual Report*; London, The Stationery Office (p.45).

Scenario 1

Inspection finding: 'Lesbian and bisexual women were more negative than other women in our survey and several we spoke to said staff were heavy-handed in dealing with women deemed to be behaving 'inappropriately'. We saw two women reprimanded for hugging each other and were shown a number of negative incentives and earned privileges slips for similar actions. This lack of tolerance to non-sexual physical contact and displays of affection was reinforced by the sexuality section of the diversity policy, which focused on how women should behave rather than how lesbian and bisexual women would be supported.'

What are the issues?

Staff seemed to be fearful of lesbian relationships. There was an intolerance of physical expressions of affection out of all proportion to any legitimate concerns about good order and discipline. The issuing of IEP warnings in those circumstances were in many instances an over-reaction. It was a practice that provided opportunities for any staff with homophobic attitudes to find a 'legitimate' means of expressing them. The diversity policy was not an appropriate document in which to specify standards of behaviour.

What could be done to improve the situation?

Staff attitudes and culture should be challenged through line management and by training. There should be better management checks on IEP warnings. The diversity policy should be revised with content on appropriate behaviour placed elsewhere.

Scenario 2

Inspection finding: 'Provision for gay and bisexual prisoners was better developed than in many other establishments. Gay and bisexual prisoners generally did not feel discriminated against and they said that any abuse from other prisoners was dealt with robustly by staff. There was a well-attended prisoner-led meeting for gay, bisexual and transgender prisoners but it afforded insufficient privacy. Two prisoners identifying themselves as transgender did not feel adequately supported.'

What are the issues?

Insufficient attention had been given to providing a private meeting room for the forum, but in many other respects the prison was doing well in combating homophobia. Staff might require training about the needs of transgender prisoners, and it may be that the prison had not prepared properly for the recent arrival of two transgender prisoners.

What could be done to improve the situation?

A better meeting room could be provided, or prisoners not attending the forum could be kept away from the room during meetings. The diversity manager should review the training needs of staff in relation to transgender prisoners. Staff could be encouraged to interact more with the transgender prisoners. A senior

manager should speak with the transgender prisoners regularly to find out if their experience of the prison was improving, with LGBT issues discussed regularly at meetings of the diversity and equality action team.

Scenario 3

Inspection finding: 'Gay prisoners we spoke to complained that there were copies of *Nuts* and other similar magazines in the library, but no gay publications such as *Attitude* and *GT*. They had been told they could order them through the shop, but were worried about the high cost, and being 'outed' by ordering them. Some of the staff was concerned about the possibility that gay publications would have sexually explicit content so there was resistance to stocking them.'

What are the issues?

The staff had assumed all gay publications are pornographic. Why had they not made any effort to find out about those that do not have explicit sexual content? Tolerance of heterosexually explicit magazines (some of which might be offensive to female staff) but intolerance of gay publications, whether or not they have sexual content, is discriminatory and unacceptable. Prisoners being worried about being 'outed' by shop ordering and delivery processes might indicate that the establishment is not safe for gay prisoners, and that should be investigated.

What could be done to improve the situation?

The library should review their coverage of LGBT media and stock publications of interest to gay prisoners. A forum should be established so that prisoners can be regularly consulted about the library, shop, and their safety.

Scenario 4

Inspection finding: 'There was a draft strategy for religion but the needs of older, gay, bisexual and transgender prisoners were not strategically mapped, and a prisoner who was gay had been managed under the closer management arrangements because of abuse he had been subjected to by other prisoners because of his sexuality.'

What are the issues?

The prison had failed to address the needs of gay and transgender prisoners, with no policy coverage, and gay prisoners were not safe. It was unacceptable that closer management arrangements were being applied to protect a prisoner from abuse when staff has a responsibility to ensure the safety of all prisoners. Homophobic abuse should have been challenged immediately. Instead, staff allowed the victimisation to escalate to the point where exceptional measures were needed to protect him.

What could be done to improve the situation?

Senior managers should consider how it was that the prison's culture and environment allowed this

situation to develop. The needs of gay and transgender prisoners should be reviewed, and an action plan about them implemented. Implications for staff training should be explored. Managers should ensure that the staff is proactive in challenging homophobic and transphobic abuse.

Scenario 5

Situation: the prison had established a GBT support group that attracted members through word of mouth. A prisoner had requested support but was told nothing was available, despite the existence of a group, which he had not heard about.

What are the issues?

Staff being ignorant of the gay group's existence suggests a failure of communication, and the prisoner's personal officer should have taken responsibility for finding out what support was available. Why had the diversity manager not promoted the group's benefits among staff? There was no champion in the prison for gay and transgender matters. That raised questions about the quality of the support provided to diversity representatives and the attitudes of staff.

What could be done to improve the situation?

The group should be promoted among staff and prisoners, with safeguards put in place to ensure that homophobic prisoners cannot disrupt it. Managers should review the support and supervision that prisoner diversity representatives receive. Staff ignorance should be addressed through training and supervision, while communications about equalities issues should be made more systematic.

Discussion

The inspection findings described here suggest that much of the theoretical literature, including some of the American research, is relevant to LGBT prisoners in England and Wales. For example, the unfair penalties imposed against American prisoners who put their arms around each other were also found being used against LGBT prisoners in English prisons. Recurrent themes in the inspection findings, surveys, and prisoner consultations include the tendency of staff to overlook homophobic or transphobic abuse and victimisation, a failure to support gay prisoners affected by homophobia, and the lack of effective challenging of prisoners with discriminatory attitudes and behaviours, particularly in the male estate. These conditions may reflect shared acceptance by some staff of the hyper-masculine norms referred to by Kimmel and Jewkes, above; those norms being the progenitors of homophobia and transphobia. It may also reflect the difficulty that large bureaucratic

organisations have in challenging deeply ingrained heterosexism. That difficulty contributes to the 'unthinking repetition of the ordinary ways of operating' that Hayman²⁶ described. Meanwhile, the relatively small numbers of prisoners who identify themselves as being lesbian, gay or transgender helps the 'we don't have many here' attitude to persist, so homophobia remains unchallenged.

While monitoring is rolled out, budgetary cutbacks mean that specialist diversity posts have been cut, which might result in a loss of focus on the needs of minorities in prison who may be too fearful of reprisals to be speak out and be noticed. The *Ensuring Equality* PSI requires an overall action plan to be produced and reviewed as part of governors' responsibilities in taking a lead role in equality and diversity work. It may have been wrongly assumed that senior managers have the expertise, commitment and resources available to implement the most effective means of working towards the required outcomes. The PSI elides the importance of policy in bringing about improvements. Tarzwell reminds us that effective policy mandates action to ensure equalities, clarifies responsibilities, reduces the discretion that personnel have to discriminate unfairly, and articulates the necessary organisational commitment to change.²⁷ Through its diminution there may be insufficient focus on those imperatives.

Despite the existence of useful resources to help prisons monitor in an acceptable and effective manner²⁸ there are instances of monitoring being implemented carelessly, without regard to the complexities of the task. Raising the issue of sexual orientation during or shortly after prisoners' induction provides a good opportunity to challenge any homophobic attitudes, while also engaging positively with gay and lesbian prisoners to provide information and reassurance. But that will only happen if prison officers are sensitive to the pervasive and subtle nature of homophobia, and have learned how to be proactive in confronting it effectively. Prison officers who have not been through that learning process will ask the monitoring question clumsily (or prisoner diversity representatives will be told to ask it), causing monitoring to be another oppressive experience for gay and lesbian prisoners. The resulting underestimate of the LGBT prisoner population will give prisons who are taking no effective action to tackle homophobia a means of appearing to be doing the right thing, while allowing them to claim there is no need to provide support because they now 'know' that they 'don't have many here'.

The small numbers of transgender prisoners means that their needs are often overlooked, so preparations for the arrival of a transgender prisoner are sometimes

26. In Levit, N (2001). See note 7.

27. Tarzwell, S (2006). See note 10.

28. See Nacro (2010) *Guide to working with lesbian, gay and bisexual offenders in custody*; London, Nacro.

badly thought-through, despite attempts by well-intentioned staff to get it right. Many prison officers are unlikely to know a transgender person and will not therefore have had the opportunity to question the negative stereotypes they will inevitably have absorbed, unless training has provided that important opportunity. Bureaucracies are slow to provide guidance to staff. A Prison Service Instruction on the care and treatment of transgender prisoners was not issued until 2011, despite the Service having undertaken in 1997 to write it.²⁹

One recent inspection report remarked positively that there were very few reports of homophobic victimisation, which was interpreted as evidence that the prison was a safe place for gay prisoners. Inspectors ‘triangulate’ findings by looking for other information that can verify or refute them, but it was not clear from the report whether efforts had been made to ask gay prisoners if they had sufficient confidence in the handling of discrimination incident reports to submit them. That may show how assumptions arising from heterosexist norms are, of course, not confined to prison staff but are also sometimes evident among prison inspectors as well, an issue that the Inspectorate is addressing.

Summary

The effects of unfair discrimination are not trivial — the attempted suicide that Pedro described at the start of this article reminds us that these can be life and death issues. Inspection reports have described some very positive work being done in prisons to tackle homophobia and support LGBT prisoners, and imperatives derived from equalities legislation should provide an impetus to turn pockets of good practice into provision that can be found in every establishment. Nevertheless, the inspection findings described here suggest that some prison staff are still allowed to find new and creative ways of oppressing LGBT prisoners, while the institutional bureaucracies in which they work have not always understood that it is endemic homophobia, not homosexuality, that is the problem to be addressed. In some establishments support groups have been allowed to fail, gay prisoners are reluctant to be visible (which may suggest they feel unsafe) and sanctions are applied unfairly against lesbian or gay prisoners. That may be because few of the prisons inspected during 2011-2012 had effective strategies for combating homophobia. Failure to tackle homophobia amounts to complicity in the abuse of LGBT prisoners.

Some of the theoretical frameworks that address the relationship between masculinity and homophobia can provide insights into the difficulties of sustaining progress on these issues. The literature on masculinity and prisons

can help us understand the durability of homophobia and other oppressive practices, like sexism, in prison. It can help us appreciate the difficulties that policy makers, managers and staff face in seeking to overcome it and indicate which strategies might be effective. Staff can become as embroiled in the relationships of dominance and subordination as prisoners are, automatically reproducing and perpetuating discriminatory practices. That is, unless they are aware of their potential collusion with those practices and they are given the resources, support, and training required to equip them to tackle heterosexism and homophobia effectively. Meanwhile, monitoring, despite its necessity and the good intentions behind it, may become a source of misleading and inaccurate data. It might allow NOMS to appear to be progressing the equalities agenda in prisons while, in reality, senior managers are given the freedom to monitor, perhaps unknowingly, in ways that fail to achieve the objective, and which may be yet another anxiety-raising and potentially dangerous experience for gay prisoners to endure. There is a risk that the loss of specialist diversity staff in prisons will mean there are fewer staff competent and available to consult, empower and support LGBT prisoners, celebrate LGBT culture, and challenge homophobic abuse. It remains to be seen if outcomes for gay, lesbian and transgender prisoners will improve, or whether the impetus will slip away as prisons are expected to do more with greater numbers of prisoners and ever-reducing resources.

APPENDIX 1: Gay prisoners’ suggestions

A gay prisoners’ forum in a men’s prison recently made the following suggestions about how discrimination against LGBT prisoners can be reduced (and these illustrate the value of consultation):

- Confidentiality — staff must not pass on information about sexual orientation without the subject’s consent
- There should be LGBT prisoner representatives to talk to, who will take problems to staff for action
- Staff should provide information about organisations outside the prison that prisoners can contact for support or information
- It is essential to maintain a group or forum for LGBT prisoners that meets regularly
- There should be visible positive role models, celebrations of LGBT culture, and LGBT publications should be available
- It would be useful to have talks or visits from a gay men’s health worker
- There should be a robust means of reporting homophobic abuse, with action taken to stop it
- All policies should be equality impact assessed to ascertain if there might be a particular impact on LGBT prisoners.

29. Whittle, S *et al.* (2007). See note 19.

Transgender Offenders:

A Literature Review

Laura Jones is a Forensic Psychologist-In-Training at HMP Grendon and **Professor Michael Brookes** is Director of Therapeutic Communities at HMP Grendon and Visiting Professor, Faculty of Education, Law and Social Sciences, Birmingham City University.

Questions concerning the management and treatment of transgender offenders are becoming increasingly prevalent as the prison service becomes progressively more sensitive to the needs of those who have commenced the process of gender reassignment or who are contemplating starting this complex journey. This article aims to address some of these questions and so assist front-line staff, managers and clinicians in their work with transgender offenders. It does this through reviewing some of the published literature to explore three key areas of concern: Firstly, what does the research tell us about working with and relating to transgender offenders? Secondly, what are the gaps in the research regarding transgender offenders? And, thirdly, can transgender offenders engaged in gender reassignment process also effectively engage in a therapeutic intervention, including being a resident member of a therapeutic community?

Gender identity definitions

When considering and discussing gender identity, a number of terms and phrases have been used. These include:

Transgender which is sometimes understood as an umbrella term to cover a wide variety of atypical gender experiences which may or may not lead to a permanent change of gender role and will not necessarily lead to surgical intervention¹. Trans or transgender is not a mental illness².

Gender Dysphoria (sometimes called *gender variance*) is a commonly used professional term used to describe experienced dissonance between gender

identity and phenotype (the external characteristics of the body)³.

*Gender identity disorder*⁴ (GID) is a condition where there is a strong and persistent cross-gender identification and a persistent discomfort with the sex or a sense of inappropriateness in the gender role of that sex⁵.

*Transsexualism*⁶ is experienced when there is a desire to live and be accepted as a member of the opposite sex, usually accompanied by a sense of discomfort with or inappropriateness of one's anatomic sex along with a wish to have hormonal treatment and surgery to make one's body as congruent as possible with the preferred sex⁷.

'*Trans people*' refers to people who cross contemporary cultural gender boundaries for any reason⁸.

Gender reassignment occurs when there is the changing of social gender roles, the taking of feminising or masculinising hormone treatment and having surgery to alter the body to be more congruent with gender identity. Not all trans people who change gender role will elect hormonal treatment or genital reassignment surgery⁹.

Legal context

It is only within recent years through the introduction of the 2004 Gender Recognition Act that transsexual people can apply to have legal recognition as members of their new gender. Mitchell and Howarth¹⁰ highlight that the Gender Recognition Act states that applicants need to have been living in their new identity for a minimum of two years and to have medical support before a certificate is issued. Cases are reviewed by the 'Gender Recognition

1. Royal College of Psychiatrists (2006). *Good practice guidelines for the assessment and treatment of gender dysphoria (Open Consultation Document)*. Available at: http://www.translondon.org.uk/resources/Standards_of_Care_Draft_v8.3bp.pdf (accessed 11 December 2012).
2. Department of Health (2008). *Trans. A practical guide for the NHS*. Department of Health.
3. Barrett, J. (2007). *Transsexual and other disorders of gender identity*. Oxford: Radcliffe.
4. American Psychiatric Association (2000). *Diagnostic and Statistical Manual of Mental Disorders* (Fourth Edition, Text Revision). Washington, DC: APA.
5. GIRE (Gender Identity Research and Education Society) (2008). *Guidance for GPs, other clinicians and health professionals on the care of gender variant people. Transgender wellbeing and healthcare*. London: Department of Health.
6. World Health Organisation (1992). *The ICD-10 Classification of Mental and Behavioural Disorders: Clinical Descriptions and Diagnostic Guidelines*. Geneva: World Health Organisation.
7. See n.5.
8. See n.2.
9. Eyler, A.E. (2007). Primary medical care of the gender-variant patient. In R. Ettner, S. Monstrey and A.E. Eyler (Eds), *Principles of transgender medicine and surgery* (pp.15–32). New York: The Haworth Press.
10. Mitchell, M. & Howarth, C. (2009). *Trans research review*. Manchester: Equality and Human Rights Commission.

Panel' and it is they who issue, when considered appropriate, the Gender Recognition Certificate'. Notably, applicants do not necessarily have to have had gender reassignment surgery before the certificate is issued.

Experiences of transgender

General literature within the area of transgender highlights what it may be like to experience gender variance, and illustrates why understanding, managing and supporting transgender offenders is important. For example, it is highlighted that those experiencing gender variance have experienced discomfort with their identity for many years, and for some this feeling can go as far back as they can remember. Therefore, addressing their gender discomfort may feel critical, they may experience high levels of distress and they may feel suicidal¹¹. Further reports have stated that trans people are at greater risk of depression and risk of suicide¹² and that the need for gender reassignment is often reported as a matter of life and death¹³.

Zandvliet¹⁴ states that the gender transformation process is a time of profound change, as the person's whole life becomes visible and requires redefining in, for example their relationships and sexuality. Furthermore, Levine and Davis¹⁵ argue that the transition of living full-time in a new gender identity is a complex, intricate and convoluted process¹⁶. Moreover, it is argued that sometimes transgender people may not have realistic expectations of surgery and consequently feel disappointed and frustrated by the limitations of the outcomes¹⁷.

The literature highlights the need for transgender people to access therapy/counselling. A point highlighted is that effective psychotherapy is crucial to supporting the self-assessment process and should be accessed prior to and during someone's treatment programme. It helps people to be clearer about their gender identity including whether they want to start or reverse treatment¹⁸. Purnell¹⁹ argues that not accessing effective counselling during gender transition invites future problems.

Literature on transgender offenders

This review found that the majority of literature on transgender offenders has been conducted in the United States. These publications precede the most up to date Prison Service guidance on working with transgender offenders so will be discussed prior to reviewing UK literature.

US forensic studies

Nine studies were identified which have looked at the transgender prisoner population in the United States. Notably the majority of studies have investigated policies concerning the treatment of transgender prisoners.

A point that it is repeated within the literature is that there is very little scholarly information available regarding transgender prisoners²⁰. Yet, as Jenness²¹ indicates, transgender prisoners are a visible population because they are often seen as the source of disorder within prisons and thought of as management problems. Additionally, it is highlighted that transgender prisoners are often targeted by others.

Demographics of US transgender prisoners

One demographic assessment of transgender prisoners in men's prisons²² found that the composition of the transgender population was a marginal one, noticeably different from the composition of the total population of prisoners in prisons for adult men. Transgender prisoners tended to be: middle aged (36-45); white or black (in comparison to Hispanic, Asian/Pacific Islander and Other); convicted of sex offences or property crimes; and less frequently identified as gang members. Furthermore they found that: over 70 per cent reported having a mental health problem at some point in their lives; alcohol and drugs were misused; there was an increased rate of HIV, and physical victimisation was high.

It was also reported that transgender prisoners were uniquely stigmatised and disadvantaged in terms of 'life

11. See n.5.

12. See n.2.

13. Zandvliet, T. (2000). Transgender issues in therapy. In, C. Neal and D. Davies (Eds) *Issues in therapy with lesbian, gay, bisexual and transgender clients* (pp.176-189). Buckingham: Open University Press.

14. Ibid.

15. Levine, S.D & Davis, L. (2002). *What I Did For Love: Temporary Returns to the Male Gender Role*. Available at: http://www.wpath.org/journal/www.iiav.nl/eazines/web/IJT/97-03/numbers/symposion/ijtvo06no04_04.htm (accessed 11 December 2012).

16. Maguen, S., Shipherd, J. & Harris, H. (2005). Providing culturally sensitive care for transgender patients. *Cognitive and Behavioural Practice*, 12, 479-490.

17. See n.5.

18. See n.1.

19. Purnell, A. (2011). The client leads in gender counselling. In A. Purnell & J. Bland, (Eds.) *Trans in the twenty first century: Concerning gender diversity* (pp. 91-105). London: Beaumont Trust.

20. Tewksbury, R. A. & Potter, R. H. (2005). Transgender Inmates: A Forgotten Group. In S. Stojkovic (Ed.) *Managing Special Populations in Prisons and Jails*. Kingston: Civic Research Institute.

21. Jenness, V. (2010). From policy to prisoners to people: A "soft mixed methods" approach to studying transgender prisoners. *Journal of Contemporary Ethnography*, 39, 517-553.

22. Sexton, L., Jenness, V. and Sumner, J. (2010). Where the margins meet: A demographic assessment of transgender inmates in men's prisons. *Justice Quarterly*, 27 (6), 835-866.

chances', with the recommendation being that policies needed to balance treating transgender prisoners in a similar way to other prisoners whilst at the same time acknowledging and taking into account the implications of their differences.

Transgender and the prison environment

Edney²³ highlighted factors that create difficulties for transgender prisoners. These include that there can be extreme vulnerability from sexual violence from other prisoners. As a result some are placed in 'protection' which means they are disadvantaged within the prison system and experience a more punitive daily regime. In terms of treatment and well-being, there can be inadequate or inappropriate medical and psychological care, and in particular institutional practices can 'erase' aspects of transgender lives so presenting challenges in achieving 'real life' experience.

Blight²⁴ noted that transgender prisoners have a unique set of issues that could increase the risk of assault and self-injurious behaviour, while Brown and McDuffie report studies²⁵ which highlight that in a custodial environment the challenges to managing transgender prisoners include safety considerations, predatory behaviour by other prisoners, rules regarding clothing, hair and make-up and healthcare considerations unique to this population.

Tarzwel²⁶ argues prison can be a brutal experience for any prisoner, however she states that the hyper-gendered prison experience is particularly difficult for transgender individuals. She argues that transgender individuals are not compatible with a system that relies on and requires gender boundaries to function.

Transgender and legal cases

Alexander and Meshelemiah²⁷ highlight a number of legal cases involving transgender prisoners. Examples include prisoners suing the Director of the Bureau of

Prisons and the Medical Director for its policy regarding transsexual prisoners, challenging the Bureau of Prison's policy on treatment for transsexual prisoners and a discrimination lawsuit based on denial of treatment.

This article highlights that the courts have not informed prisons how to treat transsexual prisoners, instead this responsibility is given to mental health professionals who are able to make decisions regarding treatment. However, it is suggested that prison mental health professionals may receive pressure from prison administrators who employ them to not recommend surgery. Furthermore, the study states that a prison mental health professional who recommends surgery is not likely to remain employed within the prison system for long.

Tarzwel argues prison can be a brutal experience for any prisoner, however she states that the hyper-gendered prison experience is particularly difficult for transgender individuals.

Transgender and custodial policies

Brown and McDuffie²⁸ summarised policies regarding transgender prisoners' health care and housing in 44 state prison systems. They found that there were large differences in healthcare provisions for prisoners with gender dysphoria (GD) or related conditions. It was reported that the majority of systems permitted diagnostic evaluation, although there was a wide variability in access to cross-sex hormones and de novo initiation of treatment. There was

consistency in the denial of surgical treatments for GID.

Similarly, Edney²⁹ argues that a major worry for transgender prisoners is that they may not receive adequate medical treatment for their condition whilst in prison. He highlights that decisions regarding medical treatment depend on the prison and jurisdiction. It is put forward that some jurisdictions allow the continuation of hormonal therapy for prisoners who started this prior to custody. However, others would stop the supply of medication when the individual entered custody. Furthermore, few jurisdictions supported sex surgery.

Tarzwel³⁰ argues that without policies specifically addressing the needs of transgender prisoners, they are not likely to receive gender affirming medical care and

23. Edney, R. (2004). To keep me safe from harm? Transgender prisoners and the experience of imprisonment. *Deakin Law Review*, 9, 327-338.

24. Blight, J. (2000). *Transgender Inmates*. Australian Institute of Criminology: trends & issues in crime and criminal justice, No 168. Available at: <http://www.aic.gov.au/documents/A/8/6/%7BA867CA37-BCA3-4AAF-8464-1EF0352658AD%7Dt168.pdf> (accessed 11 December 2012).

25. Brown, G. & McDuffie, E. (2009). Health care policies addressing transgender inmates in prison systems in the United States. *Journal of Correctional Health Care*, 15 (4), 280-291.

26. Tarzwel S. (2006). The gender lines are marked with razor wire: addressing state prison policies and practices for management of transgender prisoners. *Columbia Human Rights Law Review*. 38, 167-219.

27. Alexander, R. & Meshelemiah, J. (2010). Gender identity disorders in prisons: what are legal implications for prison mental health professionals and administrators? *The Prison Journal*, 90 (3), 269-287.

28. See n.25

29. See n.23.

30. See n.26.

may face harassment and assault. She highlights that whilst courts have recognised that transsexualism is a serious medical need requiring treatment, they have consistently held the position that constitutionally no particular treatment is required. Tarzwell concludes that few states have implemented written policies addressing the management of transgender prisoners and that existing policies do not guarantee safe, sensitive placement or provision of gender-affirming medical care to transgender prisoners. Her study provides recommendations which include involving transgender individuals and transgender advocates in the development and revisions of written policies regarding the management of transgender prisoners — that transgender prisoners should have a management and treatment plan which should be created by a transgender committee. Further guidance includes that decisions regarding the placement of a transgender prisoner must be based on the prisoner's subjective gender identity, preference and safety. Also, it is recommended that staff participate in transgender awareness training.

A point noted by Springer³¹ is that not being able to access transgender health care in institutions has caused or added to serious negative health outcomes including depression, exacerbation of other mental illness, suicidal thoughts and behaviour. In contrast to the US, Brown³² highlights that prisoners in the UK have similar access to transgender healthcare as they would outside of institutions.

A review of policies of correctional facilities relating to transsexual prisoners in Europe, Australia, Canada and the United States³³ found that:

- ❑ Only 40 per cent of correctional services departments had either formal or informal policies which addressed issues such as hormone treatment.

Further guidance
includes that
decisions regarding
the placement of a
transgender prisoner
must be based on
the prisoner's
subjective gender
identity, preference
and safety.

- ❑ The majority would not initiate hormone therapy, although they would maintain previously prescribed hormone treatment.
- ❑ Genital status was the main factor which determined placement in a men or women's prison.
- ❑ There was no agreement on the risk of either physical or sexual assault of transsexual prisoners.
- ❑ In nearly all cases there was no specialised counselling or therapy provided for transsexual prisoners.
- ❑ The majority of respondents indicated that sex reassignment would not be considered for an already incarcerated transsexual of either biological origin.

❑ The majority adopted the concept of 'freeze framing' which refers to when the individual is 'freeze framed' at the stage he or she was at when they arrived in custody. Dickey³⁴ highlights that the argument for freeze-framing is based on 3 factors (i) the artificial nature of the prison environment, (ii) the difficulty assessing accurately the intensity of gender dysphoria in such an environment and (iii) the lack of genuine real-life test³⁵ in such a controlled setting.

Brown³⁶ highlights that institutions can adopt the freeze frame approach in order to deny care to prisoners. He argues that it is possible to achieve the real life experience in a prison setting, and that revisions to standards of care should include that GID is a serious medical need requiring treatment in prison. Brown recommends that treatment for prisoners with GID should be considered on an individual basis, with no blanket denials of care for prisoners diagnosed with GID and that hormone therapy could be started de novo for prisoners if medically appropriate.

A further comparative analysis of American, Australian and Canadian prison policies concerning the treatment of transgender prisoners was conducted by

31. Springer, A. (1981). Cited in n.32.

32. Brown, G. (2009). Recommended revisions to the world professional association for transgender health's standards of care section on medical care for incarcerated persons with gender identity disorder. *International Journal of Transgenderism*, 11, 133-139.

33. Petersen, M., Stephens, J., Dickey, R. And Lewis, W. (1996). Transsexuals within the prison system: An international survey of correctional services policies. *Behavioral Sciences and the Law*, 14, 219-229.

34. Dickey (1990). Cited in n.33.

35. "The real-life test is almost universally accepted as an essential means of evaluating the severity of transsexual feelings and comprises being able to successfully live, work, attend school or perform community-based volunteer work, in the larger society, in the adopted gender role, for a period of at least one and more often two full years before qualifying as a surgical candidate" (See n.33).

36. See n.32.

Mann³⁷. She found that both the US and Canada locate transgender prisoners in prisons based on the prisoner's anatomical sex and include a maintenance policy of 'freezing' transgender prisoners hormone level (at the level it was when they entered prison). Australia, however, continues hormone therapy for those prisoners who commenced therapy prior to coming into prison and adopts the gender-identity approach which locates prisoners in prisons corresponding to their gender. This identity-based placement takes into account the psychological as well as the physical aspect of GID. It helps the individual to maintain their sense of identity and promotes gender equality. However, it was commented that this approach could lead to problems, such as increased safety concerns for the transgender prisoner. While prisons in the US do not provide sex reassignment surgery, transgender prisoners in Australia and Canada do have the opportunity to undergo sex reassignment surgery, but at their own expense.

Across the different studies, consistent recommendations were: that hormone therapy started in the community should continue and not cease on entry into prison; transgender prisoners should be provided with the opportunity to undergo sex reassignment surgery at their own expense; and psychotherapy should be offered to transgender prisoners.

UK forensic studies

While there is no official monitoring within the prison system for gender identity³⁸, Poole, Whittle and Stephens³⁹ indicate that transgender people may be over represented in the Criminal Justice System. Brown⁴⁰ suggests possible reasons for this including experiencing discrimination, marginalisation and rejection.

To date, it appears that there is one published article in the UK which relates to transgender offenders, and

this explores working with transgender offenders in the probation service⁴¹. The small exploratory survey identified probation practitioners who were in contact with transgendered offenders and explored their views on what would enable them to work more efficiently with this client group. They expressed that they did not have sufficient knowledge or confidence to raise issues of trans status when writing pre-sentence reports. Questions concerning how to appropriately deal with transgender offenders were raised, which included understanding prejudice and discrimination and how to cope with their own feelings about transsexuals.

Hartmann, Becker and Rueffer-Hesse⁴² highlight that comorbidity rates for psychological problems with transgender individuals are higher than in other populations. Consequently, officers' assessments are more complex. Poole, Whittle and Stephens found that officers experienced difficulties in managing other challenging or problematic behaviours that transgender offenders are presented with. However, they also reported that probation officers considered transgender offenders to be similar to other prisoners in many ways, and that their offending behaviour needed to be addressed regardless of their trans status. Some broad areas of guidance for working with

Poole, Whittle and Stephens found that officers experienced difficulties in managing other challenging or problematic behaviours that transgender offenders are presented with.

transgendered people in the CJS were provided within the study and included that they should: be shown respect for their chosen path and should be referred to by the appropriate gender pronoun and name of choice; be involved in the decision — making process about their health and social needs; be given personal privacy whenever possible; have a right to medical treatment and a medical assessment file should be completed; have the right to confidentiality of medical care; and staff should avoid disclosing information about their transgendered status, if at all possible, without express permissions.

37. Mann, R. (2006) The treatment of transgender prisoners, not just an American problem. A comparative analysis of American, Australian, and Canadian prison policies concerning the treatment of transgender prisoners and a "universal" recommendation to improve treatment. *Law and Sexuality Review*, 91 (15), 92-134.

38. Barnett Page, C. (2012). Personal Communication to first author, 4 July 2012.

39. See n.38.

40. Brown, G. (2001). Cited in n.25.

41. Poole, L. , Whittle, S. & Stephens, P. (2002) Working with transgendered and transsexual people as offenders in the probation service. *Probation Journal*, 49, 227-232.

42. Hartmann, U. Becker, H. & Rueffer-Hesse, C. (1997) Self and Gender: Narcissistic Pathology and Personality Factors in Gender Dysphoric Patients. Preliminary Results of a Prospective Study. Available at <http://www.wpath.org/journal/www.iiav.nl/eazines/web/IJT/97-03/numbers/symposion/jt0103.htm> (accessed 12 December 2012).

In addition to this study there is a *Prison Service Instruction 2011/07, The care and management of transsexual prisoners*, which was written to comply with the Equality Act 2010 where gender reassignment is specified as a protected characteristic in law⁴³. The PSI reflects many of the points highlighted within the US literature concerning consideration of healthcare and housing/location of transgender prisoners. It provides guidance on:

Medical treatment, for example, that 'Establishments must provide prisoners who have been diagnosed with gender dysphoria with the same quality of care (including counselling, pre-operative and post-operative care and continued access to hormone treatment) that they would expect to receive from the NHS if they had not been sent to prison'

Prisoners living in their acquired role, for example, that 'an establishment must permit prisoners who consider themselves transsexual and wish to begin gender reassignment to live permanently in their acquired gender. ... permitting prisoners to live permanently in their acquired gender will include allowing prisoners to dress in clothes appropriate to their acquired gender and adopting gender-appropriate names and modes of dress'.

Location within the estate, for example, 'In most cases prisoners must be located according to their gender as recognised under UK law. Where there are issues to be resolved, a case conference must be convened and a multi-disciplinary risk assessment should be completed to determine how best to manage a transsexual prisoner's location'.

UK non-forensic studies

A small number of studies have explored transgender peoples' experiences outside of a forensic setting. Whittle, Turner and Al-Alami⁴⁴ conducted a qualitative study which included analysis of responses

A recommendation put forward for healthcare providers was for there to be a staff development structure that regularly incorporated training about trans people's issues.

from self-identified trans people in an online survey and found that the main trigger point for inequality or discrimination was when the individual began their transition process in the workplace. Other trigger points were when a person started cross dressing in public, during the process of gender reassignment surgery or when a person's trans status was discovered within the family home. A recommendation put forward for healthcare providers was for there to be a staff development structure that regularly incorporated training about trans people's issues.

Mitchell and Howarth⁴⁵ conducted a review of academic sources, 'grey' literature (non-published or non-peer-reviewed) and policy documentation on trans people, in order to establish a recent and relevant evidence base on equality and discrimination in relation to trans people. They found that there is no official estimate of the trans population. Furthermore they found that trans people experience social exclusion as a result of transphobia. For example they argued that there may be an increased risk of experiencing housing problems and homelessness, due to transphobic reactions and harassments by family, neighbours and members of their local community. In addition, despite anti-discrimination and equalities legislation, trans people continue to experience restricted opportunities, discrimination and harassment within employment. In terms of access to medical treatment, trans people can experience significant delays in access to gender reassignment treatment through the NHS.

Guidance for professionals working with transgender individuals

A number of documents have been published which provide guidance for professionals, that is clinicians, psychologists and health professionals, when working with transgender and gender dysphoria^{46 47 48 49}. Key points

43. Lambie, S. (2012) Rethinking gendered prison policies: Impacts on transgender prisoners. Howard League for Penal Reform ECAN Bulletin, Issue 16, August 2012. Available at: <http://t.ymlp209.net/bhumavabuywaraeeuapauswqe/click.php> (accessed 12 December 2012).

44. Whittle, S., Turner, L., Al-Alami, M. (2007) *Engendered penalties: Transgender and transsexual people's experiences of inequality and discrimination*. London and Manchester: Press for Change/Manchester Metropolitan University.

45. See n.10.

46. See n.1.

47. See n.2.

48. See n.5.

49. British Psychological Society (2012) *Guidelines for literature review for psychologists working therapeutically with sexual and gender minority clients*. Leicester: British Psychological Society.

that are likely to be applicable when working with transgender offenders are:

Relating to transgender people

- ❑ Patient autonomy for decision making should be emphasised and staff should be flexible in responding to the wide range of needs among trans people^{50 51}.
- ❑ Refer to individuals as their self-identified gender, regardless of their appearance or stage of transition^{52 53}. Staff should use the preferred language of sexual and gender minority clients⁵⁴.
- ❑ It is important that trans people are not judged⁵⁵.
- ❑ It is important that clients have access to support in order to explore their own feelings about their gender identity in a non-threatening, non-judgemental, supportive environment⁵⁶.
- ❑ The avoidance of assumptions and stereotypes is important⁵⁷.
- ❑ Staff should remain neutral regarding outcomes, so that the client does not feel that a particular outcome is favoured. Staff should not pressure trans people to change roles, as they may do so prematurely⁵⁸.
- ❑ Staff should aim to create and maintain a respectful relationship in which the client feels able to explore gender concerns⁵⁹.
- ❑ Avoid humour directed at discriminated groups and which permits the expression of prejudice to seem normal⁶⁰.
- ❑ Allow the client to have space to define their sexuality⁶¹.

Staff self awareness

- ❑ Acknowledge the potential challenges sexual and gender minority clients may face in their relationships and families⁶².

- ❑ Be trained to act with intelligent sensitivity⁶³.
- ❑ Educate yourself about this client group in order to provide clinically appropriate, sensitive and supportive care⁶⁴.
- ❑ Reflect on your personal views around sexuality and sexual and gender minority issues⁶⁵.
- ❑ Have an accepting attitude and avoid having the belief that being trans is the problem⁶⁶.
- ❑ Recognise the effects of societal discrimination and prejudice⁶⁷.

Discussion

This review attempted to answer three questions, which will be addressed in turn.

1) What are the gaps in the research regarding transgender offender?

The review has highlighted that there are very few studies on transgender offenders in the UK. The majority of studies available are based on US samples addressing issues concerning healthcare services and provision, policies and allocation of transgender offenders in custody. Thus, further research on transgender offenders in the UK is warranted. Given the lack of research, explorative studies concerning transgender prisoners' experience of custody may be beneficial, especially since the small literature available indicates that there are a number of factors that create difficulties for transgender prisoners. Whilst it is not possible to establish the number of transgender prisoners within the prison system, the sample size available is likely to be small therefore consideration of qualitative designs may be priority.

2) What does the research tell us about working with/relating to transgender offenders?

The review provides broad guidance for working with transgender people in the criminal justice system, although this echoes the general guidance provided when relating to transgender people. Key concepts include respecting privacy, referring to the individual

50. See n.1.

51. See n.5.

52. Maguen, S., Shipherd, J. & Harris, H. (2005) Providing culturally sensitive care for transgender patients. *Cognitive and Behavioural Practice*. 12, 479-490.

53. See n.5.

54. See n.49.

55. See n.5.

56. Ibid.

57. See n.49.

58. See n.49.

59. See n.5.

60. See n.49.

61. Ibid.

62. Ibid.

63. See n.2.

64. See n.52.

65. See n.49.

66. Ibid.

67. Ibid.

using their preferred gender pronouns and name, respecting autonomy in decision making, being responsive to individual needs and for professionals to be reflective of their own beliefs and biases and take responsibility in educating and learning about this population.

3) *Can transgender offenders engaged in gender reassignment process also effectively engage in a therapeutic intervention, including membership of a therapeutic community?*

The lack of research on transgender offenders in the prison system and their engagement in offending behaviour programmes makes it difficult to provide a definitive answer to the above question. However the literature does provide some points for consideration when an offender decides to start the gender reassignment process whilst engaged in a therapeutic intervention.

(i) Potential difficulties that could affect engagement with the therapeutic process

- ❑ Addressing gender discomfort may feel critical to the offender, they may experience high levels of distress and they may feel suicidal⁶⁸.
- ❑ Gender transformation can be seen as a time of profound change, and a complex, intricate and convoluted process⁶⁹.
- ❑ Transgender offenders may need access to therapy/counselling to focus on their gender identity and gender reassignment/transition process.

The above points indicate that the gender reassignment process alone is a complex, stressful and life changing event, which could impact on an offender's psychological capacity to engage in an intensive treatment intervention. Therefore, sequencing of treatment may need to be considered.

(ii) Sequencing of treatment

Literature within the area of treatment sequencing highlights factors that may be helpful when considering the sequencing of engagement in the gender reassignment process and engagement in a therapeutic intervention:

- ❑ When patients present with several problems that need treatment, if one problem makes it difficult to address the other, the initial problem needs to be addressed first⁷⁰.
- ❑ A question that might help when considering this area is: 'Does the process of gender reassignment affect the offender's short and long term response to the therapeutic intervention and residency within a therapeutic community' ⁷¹?

Conclusion

In conclusion this literature review has highlighted there is limited research on transgender offenders in the UK, indicating that further research is required in order to increase our knowledge of this population. However, there are a number of publications on the care and treatment of transgender people where guidance can be drawn upon to inform our practice of working with transgender offenders.

The current literature indicates that transgender offenders engaging in gender reassignment process may find it difficult to also effectively engage in an intensive therapeutic intervention, and therefore there is an argument for consideration of sequencing of treatment. However, there is no research evidence to support this assumption, therefore it would be advised that each case is considered on an individual basis and a 'blanket policy' should be avoided.

68. See n.5.

69. Seen n.16.

70. Federici, A., Rowa, K., & Antony, M. (2010). Adjusting treatment for partial- or non-response to contemporary cognitive-behavioral therapy. In D.McKay, J. Abramowitz, & S. Taylor (Eds.). *The Expanded Scope of Cognitive-Behavior Therapy: Lessons Learned from Refractory Cases* (pp. 11-37). Washington, DC: American Psychological Association.

71. Brown, T & Barlow, D (1992) Comorbidity among anxiety disorders: Implications for treatment and DSM IV. *Journal of consulting and clinical psychology*, 60 (6), 835-844.

Irish Travellers in Prison — The Unknown Prisoners

Conn Mac Gabhann works for The Irish Chaplaincy in Britain and is author of *Voices Unheard: A Study of Irish Travellers in Prison*.

Introduction

The Travellers in Prison Research Project, (TPRP), an initiative of the Irish Chaplaincy in Britain, (ICB), conducted research across prisons in England and Wales during the period August 2010 to March 2011 in order to establish an accurate picture of prisoners from an Irish Traveller background. The culmination of this research, *Voices Unheard*, is the first study of Irish Travellers in prison in England and Wales.¹ It is a presentation of data regarding Irish Travellers in prison. By accurately describing the situation of Irish Travellers in prison, it is hoped that the report will prove to be a catalyst for effective monitoring of this prisoner group and consequently, the efficient deployment of available resources for Irish Travellers in prison. Effective service delivery to Irish Travellers in prison can result in a reduction in re-offending amongst this group and a corresponding reduction in the harm done to society in general.

Since 2003 HM Prison Service has been aware of the failure to adequately address the needs of Irish Travellers in prison in England and Wales.² Irish Travellers suffer unequal hardship in prison. Poor levels of literacy, mental illness, limited access to services, discrimination and prejudicial licence conditions for release disproportionately affect Traveller prisoners. Despite official recognition of these issues and the HM Inspectorate's assertion that Gypsies and Travellers make up 5 per cent of prisoners in male Category B Prisons and 7 per cent of prisoners in local female prisons, little intervention has taken place to encourage rehabilitation amongst this group.³ Without appropriate strategies for Travellers in prison, society will continue to bear the social and economic burden of warehousing an ethnic group who cannot access education courses because they cannot read; who cannot complete rehabilitation programmes because they cannot write; and who cannot file their grievances because they cannot complete forms.

Overview

The Commission for Racial Equality, (CRE), in *Race Equality in Prisons* (2003), highlighted the obstacles facing Irish Travellers in prison:

*Failure area: Access to goods, facilities or services... Prisoners with low literacy skills had difficulty adapting to prison life and accessing prison services. In the case of Irish Travellers, this is compounded by prejudice and discrimination, leading to high levels of self-harm.*⁴

A review of this CRE report, *Race Review 2008*, by the National Offender Management Service, (NOMS), found that serious problems remained regarding the treatment of Irish Travellers in prison:

*Overall, the Review Team [conducting the inquiry] was concerned that, five years on from the CRE report, there was still a lack of recognition in the establishments visited of the issues facing White minority groups and therefore no strategy in place to tackle these. Particular concerns relating to Gypsy Traveller Roma prisoners included: difficulties accessing services, including offender behaviour programmes, as the literacy level required was too high, derogatory and racist name calling primarily by prisoners, and by some staff, in two of the prisons visited, lack of confidence in the complaints system and the lack of cultural awareness and understanding of staff.*⁵

Race Review 2008 expressed a hope that improved monitoring of Irish Travellers (and Gypsies) would improve access to the services and facilities which make possible a prisoner's rehabilitation:

1. Mac Gabhann, C., (2011), *Voices Unheard: A Study of Irish Travellers in Prison*. London: Irish Chaplaincy in Britain.
2. Commission for Racial Equality, (2003), *Race Equality in Prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part Two*, London: Commission for Racial Equality.
3. HM Chief Inspector of Prisons, (2011), *Report on an unannounced full follow-up inspection of HMP Wormwood Scrubs*, London: Her Majesty's Inspectorate of Prisons, p.111; and, HM Chief Inspector of Prisons, (2010), *Report on a full unannounced inspection of HMP Bronzefield*, London: Her Majesty's Inspectorate of Prisons, p.117.
4. Commission for Racial Equality, (2003), *Race Equality in Prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part Two*, London: Commission for Racial Equality, p.83.
5. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.59.

...the majority of establishments do not record how many Gypsy Traveller Roma prisoners they have in their population. The Review Team found no monitoring of these groups being undertaken in the establishments visited, and Gypsy Traveller Roma prisoners complained that they did not feel their needs were considered.⁶

Given the lack of ethnic monitoring of Gypsy Traveller Roma prisoners in most establishments, further work is needed to ensure equality of access to goods, facilities and services for this group. A priority area both nationally and locally is to ensure that the needs of Gypsy Traveller Roma prisoners are addressed.⁷

No official figures for the population of Irish Travellers or the combined population of Gypsies, Roma and Irish Travellers exist. This is in contrast to the 15 other ethnic categories which are closely monitored. The lack of detailed figures for Irish Travellers in prison is all the more striking in view of the high visibility of Travellers in many prisons and NOMS' expressed concern regarding Travellers in prison.

As a result, important issues affecting Irish Travellers in prison have been inadequately dealt with, to the economic and social detriment of society. Without accurate statistics regarding the prison population, relevant government bodies are ill-equipped to challenge offending behaviour, encourage rehabilitation and implement successful resettlement strategies.

The recently concluded Travellers in Prison Research Project, (TPRP), begins to address this lack of monitoring and the consequent omission of this group from prison strategies.

The Context

The life of an Irish Traveller is often short, framed by exclusion and discrimination. In Britain and Ireland, opinion polls frequently identify Travellers as the most disliked group in society.^{8,9} The negative social factors

which face Irish Travellers in everyday-life present serious challenges to prisons and prison staff in relation to the custody, rehabilitation and resettlement of Traveller prisoners.

A number of prisons and members of staff have made laudable efforts to develop effective strategies to work with Irish Travellers and deal with their distinctive needs. Indeed, TPRP identified prisons in which particularly dedicated staff in their own time and on a voluntary basis facilitate group meetings for Travellers. Unfortunately, however, many prisons have been unable or unwilling to address the particular needs of their Traveller population.

TPRP identified no overall strategy within prisons to deal with the specific custody, rehabilitation and resettlement needs of Irish Travellers. This seems to be a significant lacuna given, frequent replication of offender

background, offending patterns and stated causes of offending behaviour. It is realistic to believe that given the relatively homogenous nature of this prisoner group that a consistent national strategy could improve rehabilitation and resettlement services. The human argument for such a change is obvious.

The financial argument is no less compelling. Excluding expenditure met by other government departments such as health and education, NOMS spends between £23,040,000 and

£38,385,000 per year on Irish Travellers in prison.¹⁰ Holding in custody a prisoner group with recurring offending patterns and consequently identifiable rehabilitation interventions such as literacy training, employment skills and accommodation needs and yet not addressing these needs means that prisons continue to place an unnecessary burden on the tax payer by failing to challenge re-offending. TPRP, therefore, should serve as a catalyst for a formal re-evaluation of approaches to the rehabilitation of Travellers in prison.

TPRP, working with limited resources and limited access to prisons, managed to take a 'snapshot' of Irish Travellers in prison. The research is not a complete picture of Irish Travellers in prison in England and Wales. It is, however, a first step in establishing the size of the Irish Traveller population in prison, their profile and the main issues which affect their progress on the journey of

6. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.59.

7. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.61.

8. For attitudes to Travellers in the UK see: MORI, (2001), *Citizenship 21: Briefing Notes on Profiles of Prejudice*, London: MORI.

9. For attitudes to Travellers in the Republic of Ireland see: Mac Gréil, M., (2010), *Emancipation of the Travelling People, A Report on the Attitudes and Prejudices of the Irish People towards the Travellers Based on a National Social Survey 2007-2008*, Maynooth: National University of Ireland.

10. Mac Gabhann, C., (2011), *Voices Unheard: A Study of Irish Travellers in Prison*. London: Irish Chaplaincy in Britain, p.7.

rehabilitation and resettlement. TPRP believes that this research and in particular the resulting recommendations (outlined below) offer prisons, prison staff and Irish Travellers in prison, an opportunity to significantly improve the rehabilitation of a group, routinely (and inaccurately) characterised as 'hard to reach.'

One prevailing insight gained by TPRP during the research, was that some prison governors and staff believed that providing different approaches to the needs of Irish Travellers in prison would be preferential treatment of this group. Prisons and prison staff need to be reminded that providing equal opportunities may mean offering the same services in a flexible manner. The status quo means that a sizeable number of Irish Travellers pass through prison with little or no engagement with prison services — a costly mistake and a missed opportunity. The basic principle regarding the provision of services should not be one size fits all but rather what approach will succeed in achieving the successful rehabilitation of prisoners for their good and the good of society.

Irish Travellers in Britain: A Recognised Ethnic Group

Irish Travellers are traditionally a nomadic people who originated in Ireland.¹¹ While the majority of Irish Travellers live in Ireland there are Irish Traveller communities in a number of other countries including the United States and Germany. The largest Irish Traveller community outside of Ireland is based in the United Kingdom. There are no accurate figures for the population of Irish Travellers in the United Kingdom. Although Irish Traveller communities, particularly in Britain, maintain strong links with Ireland, the classification 'Irish Traveller' is most accurately seen as an ethnic identifier rather than an identifier of nationality.

The basic principle regarding the provision of services should not be one size fits all but rather what approach will succeed in achieving the successful rehabilitation of prisoners for their good and the good of society.

Irish Travellers have been a part of British society for centuries.¹² Irish Travellers were, until the 1950s, an integral part of the rural economy in Britain, providing a wide range of skills and labour. Urbanisation, mass production of plastics, the mechanisation of agriculture and the bureaucratisation of society have undermined the traditional basis of the Traveller economy. Irish Travellers, as a result, have become marginalised economically and in turn, have become increasingly marginalised socially. A hostile media and definitively anti-nomadic legislation such as the Criminal Justice and Public Order Act 1994, have exacerbated the precarious condition of this group.^{13 14} Irish Travellers have not always adapted to the dynamics of contemporary life in Britain. Committed to retaining their strong family bonds and nomadic way of life, many Travellers have refused to assimilate into British society. On occasion, maintaining the Traveller way of life, has, for some Travellers, meant living apart from mainstream society. Experiences of pervasive prejudice from within mainstream society, for example, in terms of accommodation or educational opportunities, have conditioned some in this community to become less concerned with society's rules and more interested in their own survival and prosperity. TPRP found that this narrative frequently results in the imprisonment of Irish Travellers.

Irish Travellers were established as a legally recognised ethnic group in 2000.¹⁵ For the first time in March 2011, Irish Travellers (alongside 'Gypsies') were categorised as a distinct ethnic group on the national census.¹⁶ As a legally recognised minority, the Equality Act 2010 places a positive legal obligation on the National Offender Management Service, (NOMS), to see their individual needs receive due regard.¹⁷ In terms of prison

11. In contrast, it is widely believed that both English Gypsies (also known as Romanies or Romany Gypsies) and the Roma communities living across Europe originated in Northern India.
12. Power, C., (2004), *Room to Roam, England's Irish Travellers*, London: Community Fund, p.5 and Kenrick, D., and Bakewell, S., (1990), *On the Verge: The Gypsies of England*, London: Runnymede Trust, p.10.
13. '...media commonly suggest to their readers, in their representations of Travellers, that this category of people routinely display certain negative characteristics not only typical of but essential to the group: that is, they represent Travellers in a stereotypical and prejudicial fashion,' Morris, R., (2000), *Gypsies, Travellers and the media: Press regulation and racism in the UK*, *Communications Law*, Vol. 5, No. 6, 2000, p.213.
14. The Criminal Justice and Public Order Act 1994, withdrew the duty on local authorities to provide new Traveller sites and required Travellers to secure their own sites at a time when planning regulations had been considerably toughened.
15. *O'Leary v Allied Domecq*, 29/8/2000, CL 950275.
16. The 2011 Census used a combined 'Gypsy or Irish Traveller' category.
17. The Equality Act 2010.

policies, services and staff this must be done in a way which:

- ❑ Eliminates discrimination, harassment and victimisation towards Irish Travellers;
- ❑ Fosters relations between Irish Traveller prisoners, staff and other prisoners by recognising the need to tackle prejudice and promote an understanding of Irish Traveller culture; and
- ❑ Improves equality of opportunity for Irish Travellers in respect to services in prison.

In meeting these obligations the Act necessarily allows scope for treating some prisoners more favourably than others. Specific measures may therefore exist for one ethnic group to ensure that they have the same level of access and opportunity in respect to a particular service.

NOMS also has obligations under the Human Rights Act 1998.¹⁸ These are to uphold the individual rights of prisoners enumerated in the European Convention of Human Rights. Notably, these include respect for an individual's private and family life and protection from discrimination in the enjoyment of the protected rights.¹⁹

NOMS recognises its equality obligations and their legal nature in its published guidance, 'Promoting Equality in Prisons and Probation: the NOMS Single Equality Scheme 2009-2012'.²⁰ In addition to listing the specific duties contained in the Equality Act, it states:

The governing principles to be adopted in meeting the general duty include the fact that promoting race equality is obligatory, and must be central to all functions, including planning, policy making, service delivery, regulation, inspection, enforcement and employment; that public authorities must meet the duty to promote equality of opportunity in all relevant functions; and that the weight given to race equality must be proportionate to its relevance to a particular function (e.g. those that affect the public most or different groups in different ways).²¹

Despite this acknowledgment and the fact that the Glossary includes a 'Gypsy Roma Traveller' acronym, the substantive text of the document makes no reference to Irish Travellers or indeed Gypsy Roma Travellers. While race appears as a prominent issue, the focus is entirely on meeting requirements of other Black and Minority Ethnic, (BME), prisoners. As such, the specific needs of Irish Travellers, independent and different from those of the

other parts of the BME community, have remained outside the scope of official attention. This is the case, notwithstanding the fact that NOMS is under a legal obligation to ensure their equality of opportunities and treatment.

Conclusion

To have an equality policy without ethnic monitoring is like aiming for good financial management without keeping financial records... Ethnic monitoring can tell you whether you are offering equality of opportunity and treatment to all ethnic groups. It can also tell you how and why you are falling short of this ideal.²²

TPRP found that in most cases, Irish Travellers in prison in England and Wales are not routinely identified by prisons as Irish Travellers nor are they identified as constituent of the wider Irish Traveller / Gypsy ethnic category employed in the 2011 Census. The consequence of failing to effectively monitor the population of Irish Travellers in prison is that the distinctive rehabilitation and broader custody issues of this ethnic minority are left unaddressed during the sentence period. TPRP concluded that because prison monitoring processes failed to count Irish Traveller prisoners, this prisoner group was often ignored in terms of suitable service provision.

In the prisons which actively promote awareness of Traveller life and culture there was an increased willingness by Irish Travellers to identify themselves as Irish Travellers. Traveller prisoners indicated that it was only in establishments in which Travellers were treated equitably that they felt they could identify as Irish Travellers. In the prisons which promoted an awareness of Traveller culture through regular Traveller groups, Traveller Prisoner Representatives and Traveller Diversity Representatives the atmosphere between prisoners and staff was more positive than those prisons which did not include Travellers in their Race Equality Action Plan (REAP).²³

Regrettably, although NOMS have been aware of the distinctive problems evident amongst Travellers, a substantial minority in prison, no such strategy has been or is in place to identify this prisoner group. TPRP is deeply troubled that following concerns expressed in the CRE report published in 2003, regarding 'access to goods, facilities or services' for Irish Travellers and the

18. Human Rights Act 1998, s.6.

19. European Convention on Human Rights, Art.8 and Art.14.

20. NOMS, (2009), Promoting Equality in Prisons and Probation: the NOMS Single Equality Scheme 2009-2012, London: NOMS.

21. NOMS, (2009), Promoting Equality in Prisons and Probation: the NOMS Single Equality Scheme 2009-2012, London: NOMS, p.32.

22. Commission for Racial Equality, (2002), Ethnic Monitoring. A Guide For Public Authorities, London: Commission for Racial Equality, p.3.

23. Requirements for race equality action planning are outlined in *Prison Service Order, (PSO), 2800, Race Equality*.

subsequent NOMS report published in 2008, there has been a failure to effectively address the monitoring of this prisoner group.^{24 25}

*Given the lack of ethnic monitoring of Gypsy Traveller Roma prisoners in most establishments, further work is needed to ensure equality of access to goods, facilities and services for this group. A priority area both nationally and locally is to ensure that the needs of Gypsy Traveller Roma prisoners are addressed.*²⁶

Three years later, TPRP found no indication that prisons believed that the monitoring of Gypsy Traveller Roma prisoners was a priority. TPRP, to date, has found

only ad hoc attempts to effectively monitor Travellers and in turn, to address the needs of this prisoner group.

The Irish Chaplaincy in Britain, (ICB), is a leading Catholic social justice charity which works with the Irish community across Britain. It has three dedicated projects: The Older Persons Project, The Irish Council for Prisoners Overseas (ICPO) and The Travellers Project.

***Voices Unheard: A Study of Irish Travellers in Prison* is available to download from The Irish Chaplaincy in Britain's website: <http://www.irishchaplaincy.org.uk/>**

Main Findings

- ❑ Irish Travellers represent between 0.6 per cent and 1 per cent of the entire prison population.
- ❑ Irish Travellers represent between 2.5 per cent and 4 per cent of the minority ethnic population in prison.
- ❑ Irish Travellers may represent between 5 per cent and 8 per cent of the foreign national population in prison.
- ❑ 54.3 per cent of Irish Travellers in prison in England and Wales were born in Great Britain. 37.9 per cent of Irish Travellers in prison were born in the Republic of Ireland. 6.8 per cent of Irish Travellers in prison were born in Northern Ireland.
- ❑ 55.5 per cent of Irish Travellers in prison normally (i.e. prior to imprisonment) live in a house or a flat.²⁷
- ❑ 51.7 per cent of offences involving Irish Travellers were in relation to unlawfully obtaining property.^{28 29}
- ❑ 59.3 per cent of Irish Travellers were identified as requiring basic educational intervention.
- ❑ 26.1 per cent of Irish Travellers in prison were identified as having mental health problems.
- ❑ 58.9 per cent of Irish Travellers in prison have at least one child under the age of 18.
- ❑ 64.7 per cent of female Irish Travellers in prison had mental health problems.
- ❑ 46.3 per cent of all Irish Traveller prisoners are young adults (between 18 and 21 years of age).
- ❑ 51.6 per cent of Traveller Young Offender males have a child (or children).
- ❑ 58.4 per cent of offences committed by Traveller Young Offenders were offences related to unlawfully obtained property.
- ❑ 52.2 per cent of Traveller Young Offenders were identified as requiring basic educational intervention.
- ❑ There is no effective, overall strategy for monitoring Irish Travellers in prison as a separate group or as part of a broader Gypsy Traveller Roma category.
- ❑ Prisons have failed to formulate or implement measures to ensure equality of opportunity for this prisoner group despite the stated 'priority' given to addressing 'the needs of Gypsy Traveller Roma prisoners.'

24. Commission for Racial Equality, (2003), *Race Equality in Prisons: A formal investigation by the Commission for Racial Equality into HM Prison Service of England and Wales, Part Two*, London: Commission for Racial Equality, p.83.

25. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.61.

26. NOMS, (2008), *Race Review 2008, Implementing Race Equality in Prisons – Five Years On*, London: NOMS, p.61.

27. In many cases, settlement in housing is due to an inadequate supply of Traveller sites rather than preference and often results in isolation, loss of family support and psychological distress, (see: Greenfields, M., (2009), *Better Housing Briefing 10: Gypsies, Travellers and accommodation*, A Race Equality Foundation Briefing Paper, London: Race Equality Foundation, p.1&2).

28. This figure can be compared to a corresponding figure of 30.5% for all prisoners nationwide, (see: Mac Gabhann, C., (2011), *Voices Unheard: A Study of Irish Travellers in Prison*. London: Irish Chaplaincy in Britain, p.28).

29. The high proportion of offences involving misappropriated property is typical of a minority group who are socially and economically marginalised in society, (see: Miller, J., (2009), *21st Century Criminology, A Reference Handbook (Volume 2)*, London: SAGE Publications).

- ❑ Irish Travellers in prison are commonly subjected to racist treatment.
- ❑ Traveller sites were regularly presumed prima facie, to be unsuitable accommodation for Travellers released on licence.
- ❑ Irish Travellers were frequently denied Home Detention Curfew (HDC) based on a presumption of unsuitability as regards accommodation on a Traveller site.^{30 31}
- ❑ Prisons should implement and encourage education programmes which are culturally suitable for Irish Travellers such as the peer mentoring reading programme, Toe by Toe.³²
- ❑ Prisons should develop strategies for Traveller prisoners with literacy problems who wish to access rehabilitation programmes.
- ❑ Prisons should consider options for facilitating access to occupational courses such as bricklaying and painting without stringent literacy requirements.

Recommendations

- ❑ The entire prison estate should introduce an effective process for monitoring the population of Irish Travellers in prison.
- ❑ Prisons which have five or more Travellers in custody should facilitate regular meetings of this prisoner group with access to appropriate resources.
- ❑ Prisons should appoint a suitable Traveller as a Traveller Representative who should be involved in reception, induction, monitoring and delivery of services for Traveller prisoners.
- ❑ Cultural awareness, equality and diversity training for prison staff should include information on Irish Traveller culture.
- ❑ Celebrations of importance to Irish Travellers such as St Patrick's Day and Gypsy Roma Traveller Month should be recognised and used to create wider cultural awareness in prison.
- ❑ Prisons should permit the transfer of appropriate sums from a Traveller prisoner's canteen account to his or her PIN phone account in recognition of the more expensive phone calls to mobile phones in the UK and internationally.
- ❑ Prisons should afford all Irish Traveller prisoners the opportunity to purchase the approved international phone card.
- ❑ Prisons should permit visiting orders to be left at the prison entrance or at an appropriate designated address in the case of Traveller prisoners without an officially recognised address.
- ❑ Resettlement services in prisons should have identifiable strategies for dealing with Traveller prisoners.
- ❑ Conditions for release on licence should take account of a Traveller's right to reside on a Traveller site.

N.B. In the time elapsed between the writing of this article and its publication the code 'W3' for 'Gypsy or Irish Traveller' was for the first time included on the P-Nomis offender management system. While there is still much work to be done to meet the needs of

Travellers in prison, this is an important development. Knowing more about the size and distribution of the Gypsy and Traveller population will allow the Prison Service to work more effectively with these groups, and provide more resources to meet their particular needs.

30. Prison Service Order 6700, 5.13.3, (v), states that a substantive reason for retaining a prisoner, eligible for Home Detention Curfew, in custody is a 'lack of suitable accommodation for HDC.' However, the presumption that Traveller sites are unsuitable generally for HDC (or indeed, as regards any licence conditions) appears contrary to the findings of the European Court of Human Rights which affirmed that the UK Government has a positive obligation by virtue of Article 8 of the European Convention on Human Rights to facilitate the Traveller way of life. As 'HDC must be viewed as a normal part of [a prisoner's] progression through the sentence,' (PSO 6700), Travellers must not be excluded from HDC solely on the basis of the type of their habitation.

31. Technical objections to applications for HDC on Traveller sites, based on access to utilities on sites, are misplaced as the majority of Traveller sites have full access to utilities. Prison Service Order 6700, 5.17 states that 'The address to which the prisoner is curfewed must have an electricity supply. As long as this condition is met the address should be technically suitable for the installation of the curfew equipment.'

32. Toe by Toe is a peer to peer reading scheme organised in prisons in the UK by The Shannon Trust.

The Criminalisation of Migrant Women — research findings and policy and practice implications

Dr Liz Hales is a Visiting Scholar at the Institute of Criminology, University of Cambridge and Professor Loraine Gelsthorpe is University Professor in Criminology and Criminal Justice at the Institute of Criminology, University of Cambridge.

What happens in the criminal justice system when 'offenders' are also victims? Between May 2010 and November 2011, we carried out research on the criminalisation of migrant women (ESRC funded).¹ The overall aim of this research was to further our understanding of migrant women, that is, foreign national women who enter the UK from overseas to seek work or asylum, voluntarily or under coercion, and who end up in custody on criminal charges. We have been looking at this in the context of economic and political debates around migration and asylum and the increasing awareness of the scale of international crime that profits from the illegal movement of people across borders, their sale as commodities, and their exploitation and abuse within organised crime.

Our first task was thus to identify whether there are potential victims of trafficking, smuggling and work under duress in custody and, in the context of national data, give an indication of the nature of the problem. By identifying and monitoring cases of potential victims, our second task was to provide evidence on how such victims are managed within the criminal justice system and by the UK Border Agency. From this, our intention was to identify current compliance with the rights of victim protection in the context of the European Convention on Trafficking² and the Human Rights Convention.³

In the November 2011 edition of the *Prison Service Journal* (Issue 298) we outlined the background to this research, our research design, the themes that were emerging and progress to date. In this article we summarise the key findings from our research report and the policy and practice implications which emerge.

Key findings

At the start of the research period in May 2010, The Ministry of Justice figures showed that there were 838 foreign national prisoners in the female prison estate, accounting for 19 per cent of the women's prison population.⁴ The annual figure for foreign national receptions in 2009 was 2,454 of which 1,219 were untried receptions.⁵ Within the immigration estate in 2010, 4,337 women were taken into detention, of which there were 2,799 receptions at Yarl's Wood IRC, where monthly figures showed that 112, one third, were being held post completion of a prison sentence.⁶

The research data on case management focussed on the South-East of England and was gathered in relation to women who were initially held at HMPs Holloway and Bronzefield and then Morton Hall, Drake Hall and Downview.⁷ Interviews were also carried out at Yarl's Wood IRC.⁸ It is worth noting that on four of these prison sites the average foreign national population was 30 per cent during the period of the research.

Snapshot data gathered on the primary offence charges for the foreign national population in one of the prisons indicated that 33 (26 per cent) of these were in relation to their immigration status, or the use of false instrument, deception or fraud to access work, benefits or pass through customs on entry or exit from the UK. For an additional 26 (24 per cent) the primary offence charges were for cannabis production, street robberies and the sale of counterfeit goods (offences potentially linked with trafficking).⁹ Hibiscus casework data revealed a similar pattern, but with a higher dominance of those charged in relation to deception and fraud.¹⁰

1. ESRC RES-062-23-2348.

2. Council of Europe (2005) *Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report*. <http://www.coe.int/trafficking>.

3. Of equal relevance are the United Nations General *Bangkok Rules for the Treatment of Female Prisoners* approved in October 2010, after commencement of this research.

4. Ministry of Justice (2010) *Offender Management Statistics*. Table 7.14 Population in prison establishments by nationality and sex. (One day count for 30th June 2009).

5. Ministry of Justice (2010) *Offender Management Statistics*. Table 6.4 Untried receptions in prison establishments by sex, ethnic group and nationality 2009.

6. These data were made available for the researchers by the UKBA Analysis, Research and Knowledge Management Team.

7. The key prisons at the time of research for post sentence transfers.

8. The Immigration Removal Centre, used by the UK Border Agency for women in this catchment area for hold, pending removal.

9. From two snapshots of primary offence charges within the foreign national population at HMP Bronzefield in May 2010 and September 2011.

10. Hibiscus, a voluntary sector agency, was working with foreign national prisoners on the five prison sites at the start of the research. Data was accessed from all new case files opened between 2009-10.

Following on from research presentations to foreign prisoners and detainees in the selected sites, 103 migrant women charged or sentenced for offences potentially linked with illegal entry or exit from the UK or work under the control of others consented to attend an initial screening interviews. From these interviews evidence emerged that 43 were victims of trafficking¹¹, of whom two were formally re-assessed as children whilst in the adult estate.¹² An additional 5 women had entered the country independently, but had then been worked in slavery or servitude like conditions and 10 had entered the UK in the hands of agents and had been arrested resultant on the theft of their documents by their smugglers.

With their consent, the progress of these 58 women within this 'target group' was then monitored in terms of their management within the criminal justice and immigration systems. This was carried out by 49 follow up interviews in prison, 10 in Yarl's Wood IRC and 15 more in the community for those who were not immediately deported. We tracked their progress through the courts, observing 33 appearances and gathered additional information by communication by letter and examination of relevant paper documents held by those interviewed, their legal representatives and relevant others, wherever this was feasible.¹³

The screening interviews included women from 32 different nationalities, but the dominant nationalities of those within the target group were Nigerian (21) and Vietnamese (18) with representative from 15 other countries. Only 11 women in the target group had completed secondary education, 6 had only attended school for a couple of years and as a result had problems with literacy and 41 of these women needed interpreter support.

Five of those within the target group had been trafficked as children, one of whom had been re-trafficked after deportation from another EU country. For the others who were initially complicit in the decision to leave their country of origin, reasons for migration included a mixture of economic necessity and need for asylum and for all but eight it was their first move from home. Methods of recruitment showed regional variations in terms of marketing, the level of network involvement, payments and enforced debt bondage.

Eight of those trafficked did not travel directly to the UK, but were first moved to other countries to work en route. Twenty of the women trafficked were forced to work in prostitution and 15 in cannabis production. Six worked in domestic servitude, two were acting as drug mules and eight were involved in street robberies and the sale of fake goods. An additional five women were forced into these areas of work after entering the country independently of those who controlled them in the work.

The common experience of all the women within this target group was seemingly one of disempowerment, and for those trafficked or smuggled this process started from the point of recruitment. All of those interviewed indicated that they had been victims of physical and/or emotional abuse. Twenty-four women disclosed in interview that they had experienced multiple

rapes and for an additional two women this had been an ongoing threat. For those who migrated to seek asylum, disclosures indicated that these experiences started prior to their move and were the key reasons for migration. For others, disclosures in interview indicated that it was integral to the relationship they had with those who brought them to the UK, who worked them under duress and to whom they were

sold. For many the hold and threats made by those who had recruited, moved and controlled them did not disappear on arrest.

The women's experiences led them to reveal to us that they felt socially isolated, vulnerable, traumatised, subject to flashbacks, ashamed to tell others what had happened and finding difficulty in knowing whom to trust. One of the key threats imposed by those who held them was to pass them on to the police or immigration and this, combined with their experiences of multiple trauma, impacted on their ability to cope with arrest, imprisonment and detention.

In terms of the offences for which those within the target group had been charged, the two key offences were for use of false instrument with intent (20) and production of a controlled drug (14). Of those 43 who were identified as victims of trafficking by the researchers only 11 were processed through the National Referral Mechanism (NRM) and this did not happened for two of these women until their sentence was completed. Four other women were advised that this option was open to

All of those interviewed indicated that they had been victims of physical and/or emotional abuse.

11. Conclusions as to victimisation of trafficking were drawn from accounts of recruitment, transportation, exploitation and evidence of physical and emotional abuse as outlined in the section on Identifying Victims in SOCA (2012) *National Referral Mechanism* (NRM) www.soca.gov.uk/about-soca/ukhtc/national-referral-mechanism.

12. Within this report the term 'women' includes these two children.

13. Formal consent was sought from all interviewees for engagement in this research and before accessing additional information from relevant others.

them, declined to go through this process.¹⁴ With those who did go through the NRM, the Competent Authority¹⁵ was UKBA who were also responsible for assessing their asylum status and in four of these cases they gave negative Conclusive Grounds decision. In these cases evidence was presented by the Poppy Project (three cases) and AFRUCA (one case) outlining the data they gathered from detailed interviews and their specialist experience to indicate a contrary conclusion.¹⁶ Even where referrals were made to the NRM that resulted in a positive decision and non prosecution, the victims spent on average four months in custody.¹⁷

For the other 36 there was no formal recognition of their victim status and no access to appropriate support or protection from deportation other than applying for asylum. Of equal significance is the fact that, to date, in only one of the cases did victim disclosures result in a full police investigation in relation to the actions of the perpetrators. In two other cases, where the women stated they had been held in sex work, there was only one follow up interview in custody by two male officers. In both cases the women, who were still on remand declined to disclose all that they had experienced without legal support. In none of the five cases of criminalisation resultant on work under duress, or in slavery like conditions, was this formally presented to the court in terms of a non guilty plea and only one of the women whose smuggler had stolen her documents was encouraged to plead not guilty to intentionally entering the country without legal documentation.¹⁸

A key question of this research was therefore why so few of those, whose disclosures at interview with the researchers exemplified the key indicators of being a victim of trafficking, had been identified as such within the criminal justice system. Similarly, we looked at why

those arrested on offences committed under duress, in ignorance or resultant on the action of those who had controlled them were held entirely responsible for their actions. The findings suggest the following contributory factors:

- ❑ Apparent failure by those making the arrest to facilitate or respond appropriately to disclosures of victimisation and to understand the impact of ongoing threats on the arrestee's ability to fully and freely disclose all that had happened at their initial interview.
- ❑ Inconsistent and limited contact time with legal representatives which inhibited a development of trust. The common experience was a different legal representative at each stage in the proceedings, no legal visits at the prison and the first contact with the barrister at court before the pleas and directions hearing.
- ❑ Only four of the women in the target group were granted bail and this was on average after four months in prison. The psychological impact of imprisonment, from point of arrest impacted on pleas entered and advice from legal representatives was influenced by trying to ensure the shortest term in custody.
- ❑ Possible disempowerment by the criminal justice system where the victim is already traumatised and does not understand the process and/or the language used.
- ❑ Lack of knowledge and /or uncertainty by potential first responders in terms of their roles and responsibilities within the NRM.
- ❑ Reluctance on the part of the adult victim to pursue the formal route of recognition through the NRM.¹⁹
- ❑ In cases where the defence did not raise the issue of trafficking in defence but in mitigation, there were

A key question of
this research was
therefore why so
few of those, whose
disclosures at
interview with the
researchers
exemplified the key
indicators of being a
victim of trafficking,
had been identified
as such within the
criminal justice
system.

14. This was due to a wish to return home and/or fear of the repercussions of making full disclosures.

15. Within the NRM, UKHTC and UKBA are the two named Competent Authorities (CA) which are authorised to decide on whether the evidence gathered indicates the individual is a victim of trafficking. The initial decision is one based on reasonable grounds (RG), but the final decision, which the courts must take into account when deciding whether it is in the public interest to continue a prosecution with a potential victim of trafficking, is the Conclusive Grounds (CG) decision.

16. These two organisations are recognised within the NRM protocol as First Responders due to their specialist knowledge in relation to trafficking issues with women (The Poppy Project) and children (AFRUCA).

17. For clarification of the Legal Guidance on how the CPS should manage these cases see section on Prosecution of defendants charges with offences who might be trafficked Victims, Crown Prosecution Service Legal Guidance (2011) *Human trafficking and smuggling*. http://www.cps.gov.uk/legal/h_to_k/human_trafficking_and_smuggling/ (Latest Update April 2011).

18. This resulted in a finding of Not Guilty.

19. The consent of a child is not required.

only two examples where the CPS adjourned proceedings for an NRM assessment, resulting on a decision as to whether it was in the public interest to continue with the prosecution. This did not happen in court proceedings for any of those charged in relation to cannabis production.

The greatest fear of most of those interviewed appeared to be that of return to their home country. Thirty-one had applied for asylum and at the end of the research period we were aware of 14 outcomes. The two children were given leave to remain for five years. The other 12 applications were all refused, six of which had gone through the appeal process. On the whole, evidence gathered on immigration case management for those in the target group indicated that they were viewed as illegal migrants, rather than victims of trafficking or abuse by others. Evidence gathered from interviews with asylum seekers in custody²⁰, indicated that they were disadvantaged in terms of:

- failing to receive appropriate advice from their legal representative on the potential impact of their plea and resultant sentence on their immigration outcome
- problems in accessing legal representation in custody for their immigration matters
- having full immigration interviews in custody without advance warning and not being given advice on how to gather relevant information to ensure that they were adequately prepared for the interview
- seeming failure on the part of asylum officials to recognise the impact of multiple trauma and sexual abuse on the applicant's ability to disclose all experiences in a full and consistent fashion.²¹

One common experience of all women interviewed was not understanding what was happening in terms of management of their cases and not being given the opportunity by the police, courts or their legal representative to tell their whole story. This was evidenced in interviews when the researchers were asked: *'Can you please tell me what is happening'* and *'why after all I have*

been through are you the first person to listen to my whole story?' The women's experiences in court were that they were effectively 'off stage' and although the majority were technically guilty of the action with which they were charged, they felt that they should have the opportunity to explain why this action was committed.

The difficulties that these women faced in understanding the systems through which they were being processed was exacerbated by failure to ensure the provision of adequate interpreter support and access to documents in a language they could understand. This was observed by the researchers in a number of court appearances and by the fact that all communication from UKBA and their legal representatives, with the exception of two letters, were seen to be in English. This lack of understanding, receipt of letters they could not understand, including those from UKBA with a time limit for response, created many demands for prison diversity teams and a number of women talked of reliance on bi-lingual prisoners for help in understanding these communications.

Twenty-eight of the women in the target group stated they had dependent children and one of their primary concerns was in relation to their children. For the seven who had children within the UK, arrest procedures and refusal to grant bail resulted in traumatic separations, in two cases exacerbated by the fact that children were being breastfed. In three cases monitored, where children were taken into care by social services, re-contact was only re-established after three weeks, six weeks and 14 weeks and one of the women had only one visit by her children during her 16 weeks in custody. Upon release there were further delays in re-unification. This is despite the fact that none of these women were considered to present a risk to their children.

There were equal concerns expressed by the 21 women, whose hold by traffickers had cut off all communications with their children back home. In two of these cases, the mother's escape from her traffickers had repercussions for the children, with carers having to relocate following telephone threats, a kidnap attempt and a violent attack on a family member to establish the children's whereabouts.

One common
experience of all
women interviewed
was not
understanding what
was happening in
terms of
management of their
cases and not being
given the opportunity
by the police, courts
or their legal
representative to tell
their whole story.

20. This includes those from the wider screening group.

21. Querton (January 2012) *A gender analysis of UK asylum law, policy and practice*, Asylum Aid, demonstrates how widespread this failure is.

Key Policy and Practice Implications

Our research findings lead us to raise a number of questions and suggestions in relation to policy and practice. For instance:

1. The identification of victims could arguably be improved by the following:

- The use of the transposition phase of the new EU Directive to develop a greater and wider understanding of offences potentially resultant on victimisation by traffickers and for closer adherence to the CPS guidelines.²²
- Exploring of different ways of increasing awareness of the trafficking indicators by the police, DWP²³ and relevant others, when making arrests for offences such as deception, fraud and cannabis production, where the incidence of links between the offence and trafficking is highest.
- Where there are indicators of victimisation, irrespective of whether or not this impacts on the decision to proceed with criminal matters, the instigation of automatic follow up interviews, carried out by female staff and with appropriate interpreting support, to investigate the alleged abuse of human rights.
- In recognition that defence counsel cannot act as first responders, it may be helpful to establish guidelines to facilitate speedy Reasonable Grounds (RG) assessments by experienced advocates for those appearing in court and for whom bail is routinely denied until this decision has been made. The assumption could then be for bail to be granted for the reflection and recovery period and a Conclusive Ground decision.
- Within the prison environment similar established guidelines for accessing these RG decisions alongside formal record keeping by appropriate members of staff in relation to this.
- Research findings also suggest that the training of and involvement by healthcare staff as active first responders might merit closer examination, as they are often the first staff to be in a position to identify the health indicators.²⁴

2. Management through the criminal justice system could be improved by the following:

- Access to induction videos for all remand prisoners, with interpreted subtitles in the key languages on how the court system functions and what happens at different phases, including explanation of legal terms such as indictment, plea and mitigation.
- Standard questions before police interviews and at all court appearances on the need for interpreting support, with follow up checks that the defendant understands what is being said. In some cases it may not be sufficient just to ask 'Do you need an interpreter?'
- The routine translation of letters and key court documents to ensure the defendant understands what is happening and their rights in relation to this.

3. Management through immigration procedures could be improved by:

- Access to an induction video with subtitles available for all foreign national prisoners and detainees who wish to claim asylum, explaining the application procedure and impact of a prison sentence on this.
- Recognition that the illegal migrant status of many victims of trafficking may be the result of the actions of others who brought them into and held them in the UK, withheld their documents and sometimes issued their victims with false identities.
- Recognition given to the asylum needs of some victims in relation to implementation of threats to them and their family and the risk of being re-trafficked to pay off alleged debts.
- In recognition that those in custody rarely have access to immigration solicitors, advance written notice of all immigration interviews, with notes explaining the structure and aims of the interview, advice on how they can best prepare for this meeting. They should always be advised of the option of a female case worker and interpreter.
- We would also suggest that it may be helpful for all communication from the UKBA to be sent in a language that the recipient understands.
- In addition, the experience of our target group suggests that it is important to take account of

22. During the course of this research the 2002 Framework Decision was replaced by a new fuller EU directive which the UK government applied to opt into in April 2011, with a two year deadline for transposition. European Union Parliament (05/04/2011) *Directive 2011/36EU on preventing and combating trafficking in human beings and protecting its victims* European Union Parliament (2011).

23. Department of Work and Pensions, who are involved in prosecutions where fake documents have been used to access a National Insurance number or benefits.

24. Authorised healthcare staff are formally recognised as First Responders in the NRM.

the multiple trauma, sexual abuse and the disempowering effect of trafficking in the management of asylum claims.

4. Ensuring that the best interests of the child are met where the arrestee is the mother, our policy and practice suggestions include:

- The need for sufficient time and support to be given at the point of arrest for preparations to be made for the separation and to access a carer known to the child would be helpful.
- That it is appropriate at all bail applications for the bench to be aware of childcare responsibilities before making a decision, to

ensure that there is an appropriate balance between the risk of absconding by the defendant and what is in the best interests of the child.

- Where a placement in the care of social services is the only option, it would seem appropriate to set in place contact arrangements from day one, with provision for a supervised phone call in relation to this between both parents if there are joint arrests.
- The findings indicate that support facilities for those in custody to re-establish links with their families would be of value.

Throughout this research we have been aware of the impact of resource reductions on the Prison Service, UKBA, Legal Aid, Court Services and third sector input. It is arguable that this has had a disproportionate impact on women in this study. However many of the above

observations in relation to policy and practice concern the improvement of procedures within the resources that are currently available to ensure better compliance with the European Convention on Trafficking, the Human Rights Convention and the Bangkok Rules approved in 2010.²⁵

PRISON SERVICE
JOURNAL

Edge Hill
University

The Prison and the Public

27 March 2013

Edge Hill University

Plenary speakers:

Dr Jamie Bennett (Governor of HMP Grendon, Research Associate at the Centre for Criminology, University of Oxford, and Editor of the *Prison Service Journal*).

Eric Allison (prisons correspondent for the *Guardian* newspaper, trustee of the Shannon Trust and a former prisoner).

This one-day conference will focus on the relationship and interface between the prison and the public. The imposition of state punishment has historically kindled the public imagination and, as such, the 'private' world of the prison has become increasingly exposed through a range of modes. The aim of this conference is to explore the variety of means through which the prison becomes connected with the public and vice versa. This conference will be multi-disciplinary, topics will include:

- Representations of prisons in film, TV and literature
- The relationship between the prison, prison service and the public
- The role and methods of the media and journalism in relation to the prison
- Academic analysis (criminological, historical) of the prison and the public
- The construction, purpose and diversity of prison exhibitions
- Visual images of, and from the prison in art and photography.

Speakers will include academics, writers, practitioners, artists, journalists, archivists and curators and those who work within TV and film. Selected contributions to this conference will be published in a special edition of the *Prison Service Journal*.

Please submit an abstract of about **250 words** and a short biography by **Friday 22 February 2013** to either Alyson Brown (browna@edgehill.ac.uk) or Alana Barton (bartona@edgehill.ac.uk). To book whether giving paper or just attending see www.ehu.ac.uk/bookthepreisonandthepublic

25. UN General Assembly A/C.3/65/L/5 (2010) (2010) *Bangkok Rules for the Treatment of Women Prisoners*. (Of particular relevance are rules 5,10,11,12, 13, 25 and 26).

Thermodynamics, Newtonian Motion, and the Prison:

The Effects of Energy, Entropy and Mass on Rehabilitation

Curtis R. Blakely is an assistant professor in the Justice Systems Department of Truman State University, Kirksville, Missouri, USA.

Recently, I authored a paper entitled *Sub-atomic particles and prisoners: A novel examination of socio-physics and penology*¹ that used physics to obtain insight into offender behavior. That endeavor required that I became familiar with the works of many prominent physicists. As I became familiar with their contributions, I grew keenly aware that commonalities exist between all academic fields. I came to regard the lines that have traditionally separated the scientific disciplines as being arbitrary partitions that must be crossed if we are to increase our understanding of the social world.

In my earlier paper I compared the prison to an atom's nucleus since each serves as the unifying force through which congregation and interaction occur. The proton, since it is positively charged, was likened to those inmates that have a favorable attitude toward treatment. Conversely, since the electron is negatively charged, it was compared to those inmates that have an unfavorable attitude toward treatment. Furthermore, negatively-oriented inmates were seen as having a detrimental influence on positively-oriented inmates since energy and peer influence were viewed as equivalents and were hypothesized to flow from a negative toward a positive orientation. This was seen as impeding offender reform and perpetuating criminality. To break this cycle, an insulator was proposed to prevent negatively and positively-oriented inmates from interacting. The similarities between the social and physical realms depicted in that paper serve as the basis for the present effort.

To begin, we must recognize that physics is the most fundamental of all disciplines. Physicists have long suggested that connections exist between all fields, asserting that every serious attempt to advance our understanding of the human condition must take physical laws into consideration. There exists a persistent belief that without physics, science (both social and natural) would suffer. In fact, in Checkland's influential book on 'systems' he frequently applies physics to the social

sciences.² Even renowned scholar Stephen Hawking acknowledges that a consideration of the natural sciences ideally allows us to 'predict human behavior' thereby, increasing our understanding of the social realm.³

In the following pages, the *Laws of Thermodynamics* (dealing with energy) and the *Laws of Motion* (which pertain primarily to movement and force) are applied to the study of the prison. I selected these 'mainstays of physics' after informally polling students during the 2011/12 academic year. More specifically, students were asked to provide suggestions about those 'physical laws' that they would like to appear in this paper. I agreed to select the two most frequent responses and surmised that to do so would provide a rigorous test of physics' ability to provide insight into prison operations. In addition to determining if (and to what extent) these *Laws* provide insight into the social realm, my intent herein is to encourage creative and innovative thinking. History proves the importance of using imaginative and inventive means in our search for understanding. In fact, Albert Einstein, perhaps the most noted physicist of all time openly endorsed interdisciplinary study and is credited with stating, '*imagination is more important than knowledge*'. This quote emphasizes the importance for scholars to think in a broad, creative, and intuitive fashion. Perhaps this paper can make a positive contribution to this process by encouraging students to do the same. This ability is of vital importance since the role played by the prison within a democracy is paramount to the recognition, promotion, and protection of citizen rights. Few other institutions more directly reflect a nation's values or have such an impact on public safety as the prison. Therefore, any approach that increases our understanding of its operations should be welcomed.

Before proceeding, it is necessary to define a few terms in order to promote a complete understanding of the material to follow. While these terms were defined in my previous paper, their definitions have continued to evolve, making it necessary to revisit them briefly:

□ *penology*, as used herein, refers to the study of the prison (including its inmates, employees, and social

1. Blakely, C. (2010). Sub-atomic particles and prisoners: A novel examination of socio-physics and penology. *International journal of criminal justice sciences* (vol. 5, iss. 2).
2. Checkland, P. (1993). *Systems thinking, systems practice*. New York, NY: John Wiley and Sons, Inc.
3. Hawking, S. (2002). *Godel and the end of physics*. Public lecture given at Texas A & M University; College Station, TX. (March 8).

impact). While I occasionally use the word *corrections*, I do so in the narrowest of meanings, restricting its use to the institutional setting.

- ❑ *socio-physics* is the study of social phenomena from a physics perspective. Since this approach is relatively new, little scholarship exists. In fact, no other application (my previously paper notwithstanding) exists where physics is directly applied to penology.
- ❑ *socio-physicists* are scholars that advocate the use of physics to achieve a greater understanding of human and institutional behavior. The overall number of socio-physicists is currently small (as measured by publications) and is largely limited to physicists themselves.
- ❑ the terms *interest*, *effort*, *time*, and *resources* are considered to be manifestations and functional equivalents of energy since they are individually and collectively necessary for the achievement of the prison's objectives.

It is also important to understand that I am not a physicist nor do I wish to portray myself as such. Instead, I am a penologist that seeks a greater understanding of the prison. While the comparisons herein rely on observations, definitions, and laws commonly associated with the physical sciences, they are nonetheless progressively applied to the social realm. Finally, while my previous paper used physics to obtain greater insight into inmate behavior, the present effort is primarily undertaken to increase our appreciation of the prison as a social 'system'.

Energy and Entropy

Thermodynamics is the study of energy in the forms of heat, pressure, and movement. The history of thermodynamics can be traced to the mid-seventeenth century and to the efforts of Otto von Guericke, Robert Boyle, and Robert Hook (among others). They observed that energy flows from a state of excitement toward a state of rest. For example, the steam that rises from a cup of hot tea (representing a state of excitement or high energy) into the surrounding air (representing a state of rest or low energy) is easily visible. In this example, the tea loses energy to its environment which is confirmed by the rising steam. In time, the tea's temperature will equal that of the surrounding air. If the cup contains iced tea, the flow of energy will be from the environment into the beverage as is demonstrated by the melting of the ice. In this example, the tea represents a state of low energy whereas the air represents a state of high energy. Given time, the tea will be warmed and its temperature will equal that of

the surrounding air. Both examples depict a transfer of energy between objects and environments, with energy continually seeking a lower level. The amount of energy that is associated with (or available to) an object or system often varies and tends to decrease over time.

Physicists interested in thermodynamics pay particularly attention to energy and how its movement and transfer affect system performance. A *system* is a set of components that collectively form an integrated whole. Each component has a functional as well as a structural relationship to the others, with all components working toward a common objective. A system is considered *open* when exchanges of energy occur between itself and its environment and *closed* when no exchanges occur. Furthermore, a state of *entropy* is said to afflict a system when it no longer functions properly or performs at an optimal level. A consideration of energy and its movement within and between objects and systems has routinely been used to explain the dynamics associated with social interaction.⁴

In physics, Isaac Newton is considered a scientific luminary and will forever be associated with the *Laws of Motion*. Newton realized that the direction and momentum of an object remains unchanged unless acted upon by forces that include gravity and friction. Likewise, an object at rest tends to stay at rest, resisting movement. And, similar to the laws of thermodynamics which acknowledge the influence that energy has on the behaviors of objects and systems, Newton recognized that increases or decreases to an object's mass will likely produce a corresponding change in its behavior. He memorialized his ideas within *Mathematical Principles of Natural Philosophy* in 1687 (commonly referred to as the *Principia*). Collectively, the laws of thermodynamics and motion suggest that:

- ❑ energy always seeks its lowest level,
- ❑ the amount of energy associated with (or available to) an object or system often varies and tends to dissipate over time,
- ❑ a system's level of entropy tends to increase over time,
- ❑ changes in mass and/or energy levels tend to produce changes in the behaviors of objects and systems, and
- ❑ an object or system, at rest or in motion, will remain so unless otherwise acted upon.

To determine if and to what extent these observations apply, we must consider the historical and contemporary nature of the prison. Detectable changes in the prison will provide insight into its use of energy, its level of entropy, and how each may affect its operations and ideological orientation.

4. Barrow, J. (1991). *Theories of everything: The quest for ultimate explanation*. New York, NY: Oxford University Press.

Rehabilitative Momentum

Prison scholars identify the prison's traditional objectives as rehabilitation, retribution, deterrence, and incapacitation. While these objectives have collectively exerted significant influence over the prison's activities, an assessment of rehabilitation, more so than an evaluation of any other objective, promises to provide relevant information about the prison's operational and ideological underpinnings. Since rehabilitation is a proactive pursuit requiring a committed effort by officials and inmates alike, its achievement is more energy and resource-dependent than that of other objectives. Therefore, a consideration of rehabilitative-energy may prove crucial to a greater understanding of the prison.

When considering rehabilitation, it becomes evident that as early as the 16th century, its achievement was viewed as a crime-preventative and a promoter of public health. A colonial interest in rehabilitation is detailed in William Paley's, *Principles of Moral and Political Philosophy* (1785). Paley, an English philosopher and religious leader (1743-1805) wrote extensively on the subjects of free will and repentance. Paley's efforts helped ensure that offender reform held a place of prominence in the fledgling prison system of colonial America. For example, in 1787 a group of colonial leaders met at the home of Benjamin Franklin and endorsed rehabilitation as a correctional pursuit. Then in 1870 at a meeting of the National Prison Association (an organization now known as the American Correctional Association) penologists again affirmed the importance of rehabilitation. This assured rehabilitation a place of prominence in American penology for another one-hundred years.

Rehabilitation's prominence was challenged in the latter half of the 20th century when two large and exceptionally violent riots cast doubt on the prison's ability to facilitate inmate reform. The first of these riots occurred in 1971 at the Attica Correctional Facility located in upstate New York. During this riot, 43 individuals were killed. Media accounts of this event portrayed inmates as brutal, inhumane and unworthy of educational, vocational, or therapeutic provisions. The second riot occurred at the Penitentiary of New Mexico located in Santa Fe (1980) and resulted in the deaths of 33 inmates. Its timing solidified the decade-old movement against rehabilitation that had, by this time, gained considerable

political support. These two high-profile riots helped create a perception that America's prisons were on the brink of anarchy and collapse. In fact, nearly 60 per cent of all twentieth century riots occurred during the 1970's and 1980's, with approximately 40 per cent of them occurring in the 1980's alone.⁵ These riots were effectively used by opponents of treatment to solicit support for their position. Robert Martinson, an outspoken opponent of therapeutic initiatives, co-authored the '*nothing works*' report (1974). In fact, the phrase 'nothing works' became the mantra for those that sought to abolish treatment for inmates. Martinson's position was supported by James Q. Wilson (1975) and David Fogel (1975), each of whom demanded that the prison free itself from rehabilitative ideology.

Correctional Mass

Contemporary scholars often ignore the historical relationship between rehabilitation and imprisonment — instead, they tend to portray the prison as an institution whose sole purpose is and has always been punishment. This portrayal has been actively buttressed by the courts. For example, in *Mistretta v. United States* (1989) the U.S. Supreme Court declared that the federal judiciary was no longer interested in rehabilitation. This declaration

. . . a consideration
of rehabilitative-
energy may prove
crucial to a greater
understanding of
the prison.

was made at a time when the number of offenders being sentenced to prison had reached epidemic proportions. Consider that over the past thirty years, the size of the inmate population has increased by 500 per cent — making the United States the world's leading user of the prison.⁶ In fact, nearly 1 out of every 100 American adults is now behind bars, an imprisonment rate that is 5 to 8 times higher than that of other nations. Currently, state and federal prisons hold about 1.6 million individuals (compared to 300,000 in 1980) and when jail inmates are included, this number approaches 2.5 million.⁷ These figures suggest that the probability for an American citizen to be imprisoned during his/her lifetime tripled between 1974 and 2001.

Consider further that between 1985 and 2004 state correctional expenditures increased by 200 per cent, yet treatment initiatives were simultaneously reduced and eliminated due to financial-necessity. In fact, one state even considered terminating all of its full time prison-based teachers as a way to reduce its operating budget.

5. Montgomery, R. and Crews, G. (1998). *A history of correctional violence: An examination of reported causes of riots and disturbances*. Lanham, MD: American Correctional Association Press.

6. Pew Center on the States (2011). *State of recidivism: The revolving door of America's prisons*.

7. Pew Center on the States (2012). *Time served: The high cost, low return of longer prison terms*.

Currently, America's correctional system (including both institutional and community-based components) cost taxpayers about \$60 billion a year with the states of Connecticut, Washington, and Michigan having a combined correctional budget deficit of \$14.5 billion.⁸

Judicial and legislative actions have done little to reduce costs associated with incarceration. In fact, the judiciary is sentencing more offenders to prison than ever before. In 1980, approximately 50 per cent of those individuals convicted in federal court were sentenced to prison. By 2001, 82 per cent received a similar sentence. Comparable trends have been observed at the state level where nearly 70 per cent of all convicted felons now receive a term of incarceration.⁹ The length of time 'served' has also increased. For example, the typical federal inmate now serves 90 per cent of his/her sentence prior to release.¹⁰ Similarly, from 1990 to 2009, the average term of confinement served by state inmates increased by thirty-six percent. However, the typical Florida inmate has seen his/her 'length of confinement' increase by 166 per cent over the past 20 years.¹¹ Many states, following the federal example, have also adopted 'truth in sentencing' laws that require inmates to serve a minimum 85 per cent of their sentence prior to release, up from a national average of 44 per cent in 1996.¹²

In spite of judicial and legislative action, offender rehabilitation remains desirable with nearly 90 per cent of all Americans currently supporting treatment for prisoners.¹³ Nonetheless, it remains difficult to locate information on existing programs and their effectiveness as measured by recidivism rates. This is partly due to an uncertainty about how to measure recidivism. Some researchers measure it by re-arrest, others by re-conviction, still others by re-incarceration. This makes it especially difficult to compare results among programs since no standard approach exists. Of the three methods used to measure recidivism, re-arrests proves popular since it provides the broadest test available while remaining free of correctional manipulation. In 1983, approximately 63 per cent of all ex-inmates were re-

arrested within three years of release, increasing to 68 per cent by 1994.¹⁴ Increases in the arrests of former inmates have subsequently led to increases in their confinement. For example, the proportion of former inmates returning to federal prison (within 3 years of release) increased by nearly 7 per cent between 1986 and 1994.¹⁵ Currently, about 70 per cent of all ex-inmate's return to state custody within 3 years of release, up from about 33 per cent in the early nineteen-eighties.¹⁶ In spite of these findings, studies of existing programs consistently show that treatment can reduce recidivism rates by ten to twenty-percent.¹⁷ One California-based program produced a 'return to custody rate' of less than eleven-percent.¹⁸ A recent multiple-state study found that inmate participation in educational programming produced a 9 per cent reduction in re-arrest rates, an 8 per cent reduction in re-conviction rates, and a decrease of 10 per cent in re-incarceration rates during the three years following release.¹⁹

A Return to Physical Laws

Having briefly reviewed the laws of thermodynamics and motion, it now becomes necessary to explain how these laws pertain to penology. These laws suggest that:

- ❑ an aging prison system will gravitate toward a low energy state. In this respect, the prison is similar to other objects/systems and tends to lose energy over time. Rehabilitation, being a proactive pursuit, requires large amounts of sustainable energy. In fact, of all the prison's pursuits, rehabilitation may be the most energy-dependent. A decrease in the prison's energy level is reflected in a reduction/elimination of rehabilitative initiatives.
- ❑ an aging prison system will gravitate toward an entropic state. In this respect, the prison is similar to other systems and tends to become less effective over time. Historically, the effectiveness of the prison was directly related to its ability to break the criminogenic cycle. A change in recidivism rates

-
8. Engel, L., Larivee, J. & Luedeman, R. (2009). An examination of four states and their budget efforts. *Corrections today* (December).
 9. Durose, M., Levin, D. and P. Langan (2001). *Felony sentences in state courts, 1998*. U.S. Department of Justice, Bureau of Justice Statistics (NCJ 190103).
 10. Sabol, W., Adams, W., Parthasarathy, B., and Yan Yuan (2000). *Offenders returning to federal prison, 1986-97*. U.S. Department of Justice, Bureau of Justice Statistics (NCJ 182991).
 11. Pew Center on the States (2012). *Time served: The high cost, low return of longer prison terms*.
 12. Durose, M., Levin, D. and P. Langan (2001). *Felony sentences in state courts, 1998*. U.S. Department of Justice, Bureau of Justice Statistics (NCJ 190103).
 13. Warren, R. (2007). *Evidence-based practice to reduce recidivism*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.
 14. Langan, P. & Levin, D. (2002). *Recidivism of prisoners released in 1994*. U.S. Department of Justice, Bureau of Justice Statistics (NCJ 193427).
 15. Sabol, W., Adams, W., Parthasarathy, B., and Yan Yuan (2000). *Offenders returning to federal prison, 1986-97*. U.S. Department of Justice, Bureau of Justice Statistics (NCJ 182991).
 16. Silk, E. (2011). *70% of state's released inmates return to prison*. Stanford University, Peninsula Press.
 17. Warren, R. (2007). *Evidence-based practice to reduce recidivism*. Washington, DC: U.S. Department of Justice, National Institute of Corrections.
 18. Silk, E. (2011). *70% of state's released inmates return to prison*. Stanford University, Peninsula Press.
 19. Steurer, S., Smith, L. & A. Tracy (2001). *Three state recidivism study*. Office of Correctional Education, United States Department of Education.

among former inmates (or an excessively high recidivism rate) provides a gauge by which the prison's effectiveness can be assessed.

- ❑ when an object/system gains or loses mass, its behavior is affected. Mass within the prison is equivalent to the size of its inmate population. Recent population increases have contributed to reductions in therapeutic initiatives. Conversely, a future decrease in mass may permit the prison's behaviors to more closely approximate those of its pre-expansion state.
- ❑ an object/system at rest or in motion will remain so unless forced to act otherwise, to behave in any other manner requires a significant expenditure of energy — either to accelerate/decelerate the object/system or to alter the essence of its actions. If future treatment initiatives are to gain momentum, a substantial investment of energy will be required.

I must now confess that I was deceptive in my previous assertion that all systems are susceptible to energy-loss and entropy. Generally speaking, only closed systems are at risk for these fates since their ability to draw energy from their surroundings is negligible. Yet, it doesn't appear that the prison is completely a closed system nor does it appear to be exclusively an open system. Instead, it displays traits common to each. Consider, for example, that both prisons and closed systems each operate in an isolated fashion, having limited interaction with their external environments. In fact, prison officials have long operated under the 'hands-off doctrine'. This doctrine, popularized by the U.S. Supreme Court's ruling in *Pervear v. Massachusetts* (1886) and reaffirmed in the *Prison Litigation Reform Act* (1995), shields the actions of prison administrators from external review and intervention, greatly reducing the number of exchanges that occur between the prison and society. Yet, the prison should also be considered an open system since it interacts with the public, even if those interactions are limited and are highly controlled. For example, interactions inevitably occur during furloughs, work-release, school-release, and public-outreach programs (even though the availability of these programs has decreased). Furthermore, 95 per cent of all inmates are eventually paroled or discharged, representing the largest

and most enduring exchange that occurs between the prison and society.²⁰ In essence, the prison exhibits a duality in its nature — it operates under the specter of isolation and limited social interaction, but engages in various practices/programs where exchanges are inevitable. While penal practices may be suffering from energy-loss and entropy, an almost inexplicable immunity appears to have protected the prison's ideological orientation from a similar fate. This immunity is reflected in the continuing support that rehabilitation enjoys among prison staff. This immunity may be partially attributable to the public's continuing support of treatment — suggesting that energy derived from an

external source may affect prison operations and ideology differently or that multiple types of energy exist — those that influence the prison's operations (political) and those that influence its philosophy (popular). Nonetheless, there appears to be a disjunction between the prison's practices and its current ideological orientation.

Conclusion

Massive inmate populations continue to result in a redistribution of resources and a reordering of the prison's operational priorities. This has forced prison practices toward the lower end of the energy-spectrum — yet, support for rehabilitative ideology endures among prison officials and the citizenry. Whether

rehabilitative initiatives will reemerge remains unknown. However, a reemergence, were it to gain sufficient momentum, would require a decrease in correctional mass and a substantial investment of energy. Provided a decrease in prison mass could be achieved, current levels of institutional and public support appear capable of supplying the energy requirements necessary to power rehabilitative initiatives.

While social scientists have traditionally been hesitant to utilize the natural sciences to gain insight into human and institutional behavior, contemporary researchers are broadening their approach to obtain a more comprehensive understanding of the social realm. Socio-physics encourages the development of creative, innovative, ideological, and interdisciplinary modes of inquiry and in doing so, promises to help advance our understanding of how energy, entropy, and mass affect the prison.

In essence, the
prison exhibits a
duality in its nature
— it operates under
the specter of
isolation and limited
social interaction,
but engages in
various
practices/programs
where exchanges
are inevitable.

20. Pew Center on the States (2011). *State of recidivism: The revolving door of America's prisons*.

The Oxford Concert Party

Arne Richards is Artistic Director of Oxford Concert Party.

The Oxford Concert Party is a registered charity committed to harnessing the transformative power of music to improve people's lives, especially for those who are or experience themselves to be imprisoned by isolation, disability, illness or walls.

Our principal aims are the advancement of education and enrichment of community life through music. We aim to make music accessible to all and offer a diverse range of musical traditions including original compositions, Vivaldi, Argentinean Tango, Russian music and Scottish and Irish folk tunes. Our approach and eclectic mix of musical styles, instruments and traditions lends itself well to projects that aim to promote inclusion and break down false barriers of perception. We have two principle areas of work: a) public performance and touring, b) participatory project work with older people, especially those with dementia, prisoners, refugees and asylum seekers, people with special needs, children and young people in educational settings. Our extensive experience of music projects in high security prisons has shown that music can have a transformative effect on inmates and has even helped to 'turn around' several offenders, now released, with whom the group still keeps in touch.

We are currently halfway through a three year programme of work which has been generously funded by The Patsy Wood Trust and The Joseph Rank Trust, two organisations which recognise the value of the work we undertake. We are grateful to them and to the regimes which welcome us into their prisons.

Who we are and why we do this

The musicians of the Oxford Concert Party, (Isabel Knowland, Gregory Warren Wilson, Lianne Melchior, Trevor Burley, Lucy Hare and myself) are all established and sought after professionals who can regularly be found in the pit of West End musicals, on concert platforms with major orchestras and recording with chart topping groups such as Suede, Coldplay and Spandau Ballet. So why do we choose to break into our successful professional careers to spend a week at a time in the unglamorous surroundings of prisons? It is because we are all passionately committed to increasing opportunities for prisoners to access the healing and humanising power of music. We are convinced of the long-term benefit this work brings to prisoners individually, the prison community collectively and thus ultimately, society as a whole.

I am the Artistic Director of the Oxford Concert Party (OCP) and an authority on music for healing and my work as a consultant music therapist has taken me to Scandinavia, the Far East, Australia and the USA. I also have a busy practise as a hypnoanalyst in which I incorporate the little known technique of Guided Imagery through Music. I believe that the very act of coming together with others, making vocal sounds, laughing together, learning music from different cultures, breathing and physically moving all have a remarkably powerful cathartic and therapeutic effect. This belief is the foundation on which we have developed and built OCP's prison projects.

Development of our work in prisons

We started our prison work in 1992, initially playing straight concerts in many prisons throughout the UK and Ireland, including HMP Grendon, HMP Bullingdon, HMP Whitemoor, HMP Canterbury, HMP Perth, HMP Leyhill, HMP Dartmoor, and in Ireland Cork Prison, Limerick Prison and Mountjoy Prison. The concerts were always very successful, but it became apparent from the response of many of the prisoners that a more prolonged and personal contact was really needed. Hence OCP started doing four-day projects often involving men who had had no previous experience of practical music-making as well as those who already had musical skills. These evolved further into our current five day projects. We have taken these projects to prisons including HMP Grendon, HMP Whitemoor, HMP Dartmoor, HMP Blundeston, HMP Peterborough, HMP Shepton Mallet and HMP Lancaster Castle. The response of prisoners to the projects has been such that the OCP is constantly developing and extending its work in prisons in the belief that music can play a key role in the rehabilitation process. We have consistently received incredibly positive feedback from the prisons and inmates alike who have valued these workshops, all of whom have experienced both the immediate and longer terms effects of this work in their lives.

As prison populations grow it becomes more and more important to offer prisoners opportunities which challenge the roots of repetitive offending behaviour. Our prison projects aim to play a key role in the rehabilitation process for prisoners, offering a unique opportunity for prisoners to participate in a 5-day music workshop which culminates in a performance for other prison inmates. This does much more for the

participants than simply develop their musical skills; it provides a safe space for inmates to step back from their habitual lives and selves, develop teamwork and explore and express a range of emotion and thought often repressed in the prison environment. We seek to bring about a respectful and positive approach to working together as a group through problem solving, taking turns, listening to one another and taking responsibility. Prisoners are given an opportunity to take risks, to try things out and share ideas in a creative way. The process of our unique approach to working with prisoners, particularly 'lifers', is extremely important, demanding intensive, sustained work from the inmates and building momentum over the 5 days. We find that our projects work most effectively with Category A and B prisoners.

The basics of the project are the same in each prison, with an opening concert by the group to any inmates who wish to attend, followed by the workshops (the number of which can vary in agreement with each prison) with a group of 20 — 25 inmates, and finishing off with a concert of the work created during the week. Although the group has a wealth of experience and resources on which they can call, the content of the workshops is largely dictated by the participants. We can illustrate this best by describing a project run in HMP Dartmoor.

We embark on this
without clear
knowledge of
where we will end
up, but all know we
will change and
grow on the way.

How the Dartmoor workshops worked

Our main objective in this project was to work with two separate groups, consisting each of around twenty men, for three sessions each and to produce two concerts on the final day. This particular event was arranged by the Quaker Minister at the prison, Monica Hazell, with funding from the West Devon Quakers and Ockham Holdings.

As with previous workshops/concerts in other prisons, we had no real knowledge of who would be taking part, whether they played instruments or how they might respond and therefore we adopted an open ended, flexible approach to what might happen. I rather like to think of this type of venture as that undertaken by Odysseus on his journeys to and from the legendary island of Ithaca. For us, it neatly describes the process by which groups and musicians come together for a shared experience. We embark on this without clear knowledge of where we will end up, but all know we will change and grow on the way. From previous, similar projects I am quietly confident that

such groups of inmates will provide a wealth of ideas and resources, whether or not they have experience of music, and it is our job to harness and encourage these and to create a performance together. Very often, this process is far more important than the final outcome and although the sessions are usually enjoyable and frequently humorous, there are some painful moments as people work through real issues in a supportive group structure. Through the medium of sound improvisation and composition of musical form, everyone has the opportunity for self expression, taking turns to take responsibility, listening to others and being listened to by others. People are given the opportunity to work in small groups, produce individual pieces or to merely take part in the larger workshop context. Inmates very often find a new-found confidence in exploring simple musical skills as well as self respect and respect towards other people's contributions.

The project took place in the main body of the chapel which was equipped with some electric guitars, a good sound system and a drum kit. The OCP provided a collection of percussion instruments including drums, shakers, bells, gongs, tambourines and various sound-makers from around the world. The two separate groups met from 9.30am to 11.30am each morning (Vulnerable Prisoners Unit) and from 2pm to 4pm (Main Prison).

Session One

With both groups, the aims of this session were to:

- ❑ Introduce ourselves, the instruments we play and some of the music we perform.
- ❑ Get to know one another as a group through rhythmic games and discussion.
- ❑ Think towards a final outcome of the project in the form of a performance of inmates' music and poems, OCP repertoire and a larger scale improvised structure to be played by everyone.

We began the workshop session by exploring sounds made by several exotic instruments including a Tibetan prayer-bowl, a didgeridoo, a large gong from Indonesia and some Chilean rainsticks. We passed the instruments one by one around the seated circle and each person was invited to play. As well as a useful 'ice breaker' and a gentle introduction to making sounds in a simple way, this activity enabled us to observe responses and to get to know each individual informally.

Each member of the OCP introduced themselves in turn. We talked a little of our lives as professional musicians and demonstrated our instruments. Inmates were invited to try the instruments and we discussed the range of music written for them. The workshop group played some simple rhythm games using a variety of percussion instruments. We looked at the basis of Flamenco music as a 12 beat structure and composed a short piece in this form.

We also improvised a rhythmic composition based upon the type of shoes we were wearing. This was immediately very popular and proved to be a great success in the final concert. We then performed some pieces to the men: the first movement of Vivaldi's concerto for two violins and continuo; a piece I composed, 'An Armenian in Krakow'; and 'La Cumparsita' (an Argentinean Tango).

Session Two

The aim of this session was to develop and add to the material for the performance, including individual items and poetry.

We saw a marked change in members of both groups at this stage of the project, both in their attitude towards the activities and to each other. We had observed a more supportive and overall sensitive atmosphere with the vulnerable prisoner group from the beginning but with the second group there was also a distinct softening and a real commitment towards the project. It became evident that people were willing to take risks, to try things out and share ideas in a creative way.

We began the session by developing a structure to involve everyone in composing, improvising and playing either percussion instruments or guitars, drums and keyboards. The structure (in a rondo form) was based upon the Irish melody 'Eamonn a Chnuic' to be played by OCP. The workshop group was divided into three groups each of which included two members of OCP. Each group was asked to compose an 'episode' which would be played in between performances of the main theme. This exercise produced an extraordinary burst of ideas, experimentation with sounds and words and discussion in all groups involved.

Several men produced individual items for the final performance including poems by Mike, Paul and Phil from the first group and by Danny, Phinny and Angus from the second group. Some of these were performed with musical backing by musicians and inmates and will

be published in the OCP newsletter, 'Party Notes'. Other items included songs and pieces by Phinny, Danny, Jimmy and Angus. The workshop group then worked on 'Silly Samba' which involved all inmates and musicians with the addition of a rock-style drummer. We concluded the session with our rhythmic piece 'Sole Music', based on the type of shoes we were wearing, and more listening to OCP repertoire.

Session Three and Performances

Our main task in this final session was to rehearse and consolidate all the items for the final performance. By this time the men were so involved and motivated by the project that it was necessary to stem the flood of ideas flowing from them in order to make up a programme!

The performances were played to audiences of inmates, prison visitors, sponsors and other professionals working with offenders. Each performance lasted for about an hour and consisted of the work discussed above as well as music performed by OCP. This included pieces from the baroque era, Celtic and Latin American music and original compositions by myself.

This project was an outstanding experience for us. It proved to be a powerful transformative process for all involved and was a testament to the commitment of the men and the palpable dedication of Monica Hazell who was determined to make it a success. Monica's response to the project was as follows:

A Music Project at Dartmoor Prison

We were privileged to welcome the Oxford Concert Party to the prison from 10th — 13th January. The Artistic Director, Arne Richards, is a consultant music therapist, and his unique compositions and arrangements for the Oxford Concert Party show his love of world music and inspirational style. Last year the group entertained us with a concert; this year three days of music workshops, men from the Vulnerable Prisoners Unit in the mornings, the Main in the afternoons, culminating in two concerts on the fourth day. This was a unique and very valuable experience for the men involved.

We saw a marked change in members of both groups at this stage of the project, both in their attitude towards the activities and to each other.

Arne's quiet manner and delightful sense of humour soon had the men relaxed and listening intently. They were introduced to the instruments played by the group, were able to handle them and experiment with a wide range of percussion. They were treated to a wonderful range of music played to them by the group who played with exciting vitality and sensitivity. The music included Arne's composition 'An Armenian in Krakow', which was his way of expressing the experience of visiting Auschwitz concentration camp — a composition of haunting beauty and pathos. The men were gradually drawn in to interpret a variety of moods using the instruments available. Every man's contribution was valued, and they gradually gained confidence to express healthy emotions that could rarely be expressed on the 'Wing'. There were exercises in rhythm and sound interpretation, and the men were encouraged to be sensitive to the variations of tone and colour in the instruments they played. As could be expected the morning and afternoon workshops contrasted strongly. The V.P.U. were soon producing very imaginative work. Some of them brought their own poetry which was read with an appropriate background of music. It was good to see the men working so well together in groups, listening to each other, accepting and working with the precision needed in starting and ending a piece, and 'fading out' on occasions to create further atmosphere. All this required self-discipline.

The men greatly respected the professionalism of the group, and came to value the opportunity to create music alongside such a quiet, sincere and brilliant group of musicians. The afternoon group were enabled within the first session to express themselves freely with the percussion. There was a lot of noisy expressive drum playing, some of it very good, but possibly resolving a lot of frustration and working out of aggression. Each evening the Oxford Concert Party discussed the day's work and planned the day ahead around the evolving creativity of the men they were working with. The 'Mains' exuberance was gradually tempered and these men, as the V.P. U., were

expressing other moods and greater sensitivity in their playing. Again the men were soon working together cooperatively, listening, and treating other members of the group with respect. The culminating concerts were much enjoyed and the Oxford Concert Party very satisfied with the week's involvement. The officers who were detailed to oversee the workshops and concerts were very impressed, and couldn't believe their luck in being able to experience such musical brilliance. The men were loathe to say goodbye to their friends who proved to be such unassuming people. I hope the memory and influence of their presence will linger in the prison for a long time to come.

Outcomes from the projects

The feedback from post project evaluations is always very positive. HMP Blundeston recently said, 'It makes the regime so much happier when they can see your obvious experience of working with the prison system. Area are happy because you tick four out of five boxes that justify what we do with arts in prisons'.

The inmates are equally happy. Comments have included:

- ❑ It should be sent to evry jail so they get the chance (sic)
- ❑ Classical music keeps me calm. I would like more days for the project
- ❑ Good to mix different types of music, cultures and instruments. Beautiful sounds. It brought the different nationalities of men together which is unusual in prison. It was calming.
- ❑ Usually you see people but don't talk to them, but now we have got to know each other.
- ❑ ****ing great!

The inmates think that the musical and artistic quality of OCP is excellent and they find that their experience of the project is better than expected. The outcomes for our projects are: encouraging communication; nurturing self-esteem; building trust and confidence; and increasing social and interpersonal skills. A high percentage of participants (between 70 per cent — 86 per cent) feel that we achieve excellence in all the outcomes, with the remainder considering us good. As a participant from a project in HMP Shepton Mallet said, 'Your work helps a deprived group of people in prison to regain some self esteem and to work in harmony with others.'

The feedback from
post project
evaluations is
always very positive.

But how do these outcomes impact on and translate into the real lives of inmates? The impacts of the workshops can be life-changing. In some cases it has provided new impetus towards creative musical work on release, in others it has afforded an opportunity to release long-held emotion or opened minds to modes of expression habitually shunned. We know three men with whom we are still in contact whose lives have changed completely since their involvement in one of our projects over 10 years ago.

For reasons of confidentiality, we will not go into details, but these three men had each in some way or other had a passing involvement with music either before their sentence or as a result of trying to find something to occupy their minds whilst inside. None of them had thought of music as a possible way of life after their time was up. However, on their release, one went on to study music at university; another is a singer/songwriter who has worked with prison charities; and the third is channelling his energies into creative musical activities and working to hard to raise funds for an orphanage in Afghanistan. Most importantly for them, and for the wider society, they have not reoffended.

These are three great human stories, sufficient in themselves to prove the validity of our work. However, money is always an issue in judging any project, and this is no different when working with offenders. Therefore, it is worth mentioning that in the last 10 years, the tax payer has potentially saved at least £1 million, the cost to have kept just these three men within the penal system. This does not take into account what they have contributed through paying tax and being financially active members of their communities.

We do not claim that our week long projects in themselves are the only element in turning these mens' lives around, but we believe that our work can be a catalyst in the process which helps an inmate see a new

possibility for their lives. With the ongoing and invaluable support provided by the chaplaincies, educational departments, writers in residence and other services within prisons, the inmates can begin to create a new life for themselves on their release. The projects contain a strong element of sustainability in that staff within the prison will be encouraged to use and develop the ideas utilised in the workshop sessions with other groups.

We recently completed a project at HMP Shepton Mallet where Revd Peter Browne, the Chaplain, said the value of the project was 'immeasurable'. He further added:

'The instant impact on the participants was very noticeable. I have never had so much positive feedback from any course. Also the long term value will present a lot later when we see how many continue with music... I would recommend any Chaplaincy Teams who are inclusive and holistic in their work to book in the OCP. I feel it can only benefit the work of Chaplaincy and its profile in the prison, and certainly improves the quality of the lives of those in our care.'

In conclusion, it is probably best to leave the last words to an ex-offender:

'With such long periods of time to endure so many people in prison have to struggle with their awareness of not only how much suffering they caused their victims and themselves, but how useful they possibly could have been in society had they

thought out what it was they were planning to do Self esteem can be talked about and reasoned, but it is only when you truly feel it deep inside yourself that you experience what it means for another person to think you are important enough to want to spend some time in your company. This is what the Oxford Concert Party did for me and I will be eternally in their debt.'

If you would be interested in having a prison project in your establishment, please contact Oxford Concert Party via www.oxfordconcertparty.org

The impacts of the workshops can be life-changing. In some cases it has provided new impetus towards creative musical work on release, in others it has afforded an opportunity to release long-held emotion or opened minds to modes of expression habitually shunned.

Going Inside? Frankie Says...

Diane Kemp is based at the Centre for Applied Criminology, Birmingham City University.

This short article is a critical analysis of Frankie Owens's (2012) *Little Book of Prison* (LBP), which recently won a Koestler Award, and is also informed by subsequent interviews undertaken with Owens for a separate research project. The LBP is based on Owens's experiences of serving a sentence of less than 12 months, at a single unnamed institution — which he has since revealed to have been HMP Winchester — and therefore the extent to which his experiences are generalizable is open to question. Even so, given that the provision of information for offenders regarding expectations of and preparations for serving a prison sentence appears to be a somewhat under-researched area, a case study about what one prisoner thinks other prospective prisoners might need to know about prison to help them adjust to prison life is worthy of scrutiny.

This is not to deny that there are a range of hard-copy and electronic handbook resources produced by the state and third sector, upon which prisoners and their families are able to draw.¹ There has also been a contribution to this subject by Charles Bronson.² Nonetheless, there has been little critical analysis of these handbooks, particularly the extent to which they meet the needs of a diverse population of prisoners, and it is implicitly argued here that the extent to which prisoners are prepared (or not) for their prison experience is an important area of research. Certainly from Owens's own perspective, this was a book he'd have found useful to read:

I was educated with a degree and a master's degree. I did not come from that background

and so it was absolutely new to me. I hadn't visited any family in prison..... so you know it was very alien. I was very much in 'cuckoo' when I arrived in there.³

Academic research about what prisoners' expectations about what prison was going to be like have been informed by a variety of sources including previous experiences of prison;⁴ 'comparable' life events such as service in the armed forces;⁵ stories from friends⁶; guidance from fellow prisoners;⁷ and media representations.⁸ The latter despite the variation between realities of prison life and portrayals of prison in popular culture noted elsewhere.⁹

How then would all of this compare with the experiences and advice that Frankie might give? Might there be value in having the LBP more widely available to newly received prisoners, who in turn might better respond to what Frankie says?

Reactions he received while in prison seem to bear this out:

When I finished it ...I managed to type it in the computer and print it out. I gave that to about 4 or 5 in-mates from different areas and different sentences and (asked) what do you think? And they all come back with positives to be honest which was great.¹⁰

General Observations

The critical analysis of the LBP consisted of three main stages. Firstly, whilst reading though the

1. See for example Citizens Advice Bureau 2012; Direct Gov 2012; Prisoners Advice Service 2012; Prison Reform Trust 2004; Prison Reform Trust 2008.
2. Bronson, C. and Richards, S. (2007) *The Good Prison Guide*. London: John Blake Publishing.
3. Owens, F. (25th April 2012) *Interview*.
4. Harvey, J. (2005) Crossing the Boundary: the transition of young adults into prison, in Liebling, A. and Maruna, S. *The Effects of Imprisonment*. Cullompton: Willan.
5. Crawley, E. and Sparks, R. (2006) Is There Life After Imprisonment? How Elderly men Talk about Imprisonment and Release, *Criminology and Criminal Justice*, 6 (1) pp. 63-82.
6. See n.3.
7. Rowe, A. (2012). Women Prisoners. In Crewe, B. and Bennett, J. (ed) *The Prisoner*. London: Routledge, pp. 103-116.
8. See for instance, Jewkes, Y. (2002). *Captive Audience: Media, Masculinity and Power in Prisons*. Cullompton: Willan Publishing. Jewkes, Y. (2012) Identity and adaptation in prison. In Crewe, B. and Bennett, J. (ed) *The Prisoner*. London: Routledge, pp. 40-52. Souza, K. and Dhami, M. (2010). First Time and Recurrent Inmates' Experiences of Imprisonment. *Criminal Justice and Behaviour*, 37(12), pp. 1330-1342.
9. See for instance, Wilson, D. and O'Sullivan, S. (2004). *Representations of Prison in Film and Television Drama*. Winchester: Waterside. Wilson, D. and Groombridge, N. (2010). "'I'm making a TV programme here!': Reality TV's 'Banged Up' and Public Criminology", *The Howard Journal of Criminal Justice*, 49/1: 1-17.
10. See n.3.

handbook, I noted down some general observations relating to factors such as structure and length. Secondly, a mapping exercise was conducted, recording the presence or absence of topics on a grid. Finally I embarked upon a more detailed exploration, commenting upon the nature and depth of coverage of topics and groups of topics in the LBP.

The first general observation is that the LBP is, as its title states 'little', and runs to only 111 pages in length. It is also pocket sized, and proceeds in chronological order: getting to court; getting to prison; getting through induction; getting through first weeks; 'getting on with your bird'.¹¹ The LBP also covers some subjects in depth, whilst others are only rather superficially mentioned. For example, while the fear of violence was noted as a key concern in the literature exploring prisoner expectations of prison,¹² there is only a very brief reference to violence in the LBP — reporting upon an incident which happened during association but not giving a detailed account.¹³ Indeed, as the LBP is written from the prisoner perspective, the literature would lead the reader to expect to see the fear of violence as a prominent theme but it is not addressed to any real extent in the handbook.

On the other hand, in support of the importance of social relations with other prisoners and staff, which was identified as another concern within academic literature, applying to both first time prisoners and those with prior experience of incarceration,¹⁴ the LBP devotes significant attention to the nature of a prisoner's relationship with his cellmate, emphasising consideration, empathy and solidarity.

Cell etiquette is a particularly central theme. To cite two examples, 'Blow your nose and clear your throat

before bed and ask your pad mate to do the same as this will minimise the snoring',¹⁵ and with reference to toilet etiquette, 'Taking a dump, dropping the kids off at the pool, this needs to be humane to your cell mate. Choose association and leave windows and doors open to air the room'.¹⁶ In addition, a reference to the paying off a cellmate's debt highlights the way in which prisoners are associated with each other, 'I ticked some burn and split it with Dave as he may be gone before his canteen arrives so I'll be stuck with his debt (bollocks)'.¹⁷ In addition, the LBP identifies particular facilitators of positive relationships with other prisoners and effective strategies for creating a good impression upon arrival, particularly through the use of clothing:

*New trainers will give you some status with seasoned inmates, Nike Air Max new design or originals, Addidas Gazelle or some classic Nike Cortez. No High Tech as you're more likely to get pushed around the landing, dropped down the queue for a game of pool, or when using the phone or at dinner.*¹⁸

The LBP makes frequent reference to 'screws'¹⁹ and occasional mention of 'lady screws'²⁰ However, whilst this would appear to emphasise the homogeneous way in which prisoners perceive prison officers, the LBP does include references to jovial social interactions with prison officers,²¹ appearing to challenge the 'us and them' theme identified in other literature.²²

Rules, Regulations and Getting On

The LBP is particularly adept at bringing rules, regimes and processes to life, highlighting the extent

The LBP is particularly adept at bringing rules, regimes and processes to life, highlighting the extent to which the lived reality of what appear to be clear and unambiguous is often shrouded in complexity and difficulty.

11. Owens, F. (2012). *The Little Book of Prison: A Beginners Guide*. Hampshire: Waterside Press, pp 91-104.

12. See footnote 3.

13. Owens (2012: 33).

14. See n. 3 and 5.

15. Owens, (2012: 34).

16. Owens, (2012: 37).

17. Owens, (2012: 49).

18. Owens, (2012: 23).

19. Owens (2012: 25, 27, 37, 60, 76, 82, 93, 97).

20. Owens (2012: 62).

21. Owens (2012: 43 and 62).

22. See, for example, Crawley, E. (2004) *Doing Prison Work: The Public & Private Lives of Prison Officers* Cullompton: Willan.

to which the lived reality of what appear to be clear and unambiguous is often shrouded in complexity and difficulty. Examples of this include contact with friends and family and Owens details the frustrations of becoming aware of additional, important information. Examples include the regularity with which phone credit can be purchased and the often long queues for use of the prison telephones, all of which can act as significant barriers to making use of this facility. Personal hygiene provides another example. The LBP casts light on the often problematic nature of showering:

Take regular showers, sounds obvious but a definite once you get over the stereotype of getting jumped...Another prison lottery is the fun game of chasing the hot water. This runs alongside finding the best block and the best cubicle if you have them...Showers when you get all the above right are a welcome treat even though you are stuck with prison issue shampoo and soap.²³

There are several topics that appeared within the LBP which might suggest that these topics have the potential to highlight the ways in which the lived experiences of prisoners may differ from the perceptions held by HM Prison Service. For example, boredom was a central theme in the LBP and, in particular, the difficulties of finding things to occupy time. Owens referred to the value of afternoon naps;²⁴ frustrations at having obtained a pack of playing cards only to find that a cellmate did not know how to play;²⁵ drawing upon memories of childhood;²⁶ and trading possessions with other prisoners.²⁷ The LBP also referred to the importance of 'personal time' in terms of opportunities for masturbation, a topic which is strikingly absent from more formal handbooks related to starting a prison sentence. Owens refers to this as:

Personal time (PT) is aka self-abuse...you know knocking one out...spanking the monkey...flogging the dolphin might be your thing but this is a tricky one if you don't have a single cell...Even if you have the place to yourself you are still chancing getting caught.²⁸

The LBP is also good at explaining the importance of tobacco and reveals hidden, but important dimensions of smoking essential for everyday life in prison. Rather than simply being an activity in need of regulation and cessation, the LBP sheds light on the way that tobacco is used and traded as a prison currency, swapped for toiletries, pens, paper and luxuries²⁹ and subject to varying

exchange rates depending upon the newness of the prisoner trading it — 'The going rate is 50 per cent but as new fish you will be stung for double bubble all day long'.³⁰ Indeed, the LBP states, 'So even if you don't smoke, you will need tobacco'.³¹

Finally, the LBP makes direct reference to the representation of prison in the media. This had been noted in the academic literature as something upon which first-time prisoners relied to inform their expectations of

. . . boredom was a central theme in the LBP and, in particular, the difficulties of finding things to occupy time.

prison,³² despite the wide gulf between the realities of prison life and media images of prison.³³ The LBP recommends films and television programmes that are useful in informing expectations, placing particular emphasis upon one programme and suggesting that in relation to Owens' prison experience, life did imitate art to an extent:

But the crème de la crème is the comedy series 'Porridge' with Ronnie Barker and Richard Beckinsale. That show will know you off your arse, it's hilarious and it gives you the right mentality for prison.³⁴

23. Owens (2012: 34-35).

24. Owens (2012: 63).

25. Owens (2012: 64).

26. Owens (2012: 64).

27. Owens (2012: 65).

28. Owens (2012: 63-64).

29. Owens (2012: 23).

30. Owens (2012: 54).

31. Owens (2012: 23).

32. See for instance Harvey (2005) n.4, Souza and Dhami, (2010) n.8.

33. See n.8.

34. Owens (2012: 40).

Discussion

The LBP seems to work best when it attempts to bring official guidance about prison to life, highlighting complexities, frustrations and misinterpretations. Furthermore, there is an overtly *human* theme running throughout the LBP which adds to its interest and charm. In the LBP, Owens shares with the reader thoughts and feelings that are distinctly personal and private; his self-perception; his relationship with his family; and things within his life that have meaning for him.

In interview he has made the *human* experience of going to prison more explicit still:

... what I was doing was emotionally shutting down in front of other people and saying this is what is happening and not really caring. The 'devil may care' kind of persona. When you are behind a door and you do actually open up and you think about who you've hurt and what you've done and why you are there and that kind of stuff, so it's kind of an emotional roller-coaster that you are riding.³⁵

This enhances the authenticity of the handbook and may indeed serve to build the reader's trust in the advice and guidance that is being given. After all, personal insights are not a feature of most official guidance about prison, and while this might suggest that HM Prison Service would do well to have the LBP issued to all new prisoners — in itself, not a bad idea — there is also one obvious problem with LBP and the advice that Frankie offers.

The LBP is a written resource, and this presents challenges for a significant proportion of the prison population whose literacy levels would prevent them from engaging with such a resource. Indeed, 48 per cent of prisoners are at, or below, the level expected of an 11 year old in reading.³⁶ Furthermore, the nature of a prisoner's familiarity with the English language presents further barriers. This does present significant problems for the LBP. Even if the LBP was translated, for example, care would need to be taken with the book's extensive use of metaphors and slang and it could be argued that the removal of such features would

compromise the very authenticity of the book. This again raises the issue of the relevance of such a handbook to a diverse prison population and the generalizability of what Frankie says in the LBP. After all, it could be claimed that the book reflects some of Owens' social and personal characteristics, which might be relevant to those sharing these characteristics, but of limited value to those who do not.

Owens himself acknowledges those differences, while recognising some commonalities with the other inmates:

I moved away from the estate that I grew up in whereas these guys stayed in their environment. I'd kind of moved away from that. So like I say I was a bit like a cuckoo really but ... it was pretty alright I had street smarts as well. So originally you grew up in the estate and you know the way things are and you know how to behave and you know how to be respectful and you kind of you mind your manners.³⁷

Conclusions

This critical analysis has explored a relatively under-researched area, that of the prisoner handbook and was formed around a critical analysis of the LBP. Having duly acknowledged the issue of generalizability it nonetheless seems fair to conclude that the LBP has the potential to better engage with prisoners than those handbooks written by state and third sector organisations. Above all, in documenting a personal journey, it could be argued that prisoners would find this prisoner-authored handbook more convincing and relevant through the empathy that Frankie conveys. Whilst issues around literacy and language do need to be considered and alternative formats explored, it still seems possible to make a strong case for the LBP in its potential to aid adaptation to life in prison.

This is no small matter for, as Souza and Dhimi³⁸ note, adaptation to prison life may contribute towards successful resettlement and have a positive impact not only on prisoners, but for all stakeholders in the criminal justice system.

35. See n.3.

36. Hansard, House of Commons Deb (2007). Col. 548W.

37. See n.3.

38. See n.8.

Reviews

Book Review

The Little Book of Prison: A Beginners Guide

by Frankie Owens

Publisher: Waterside Press (2012)

ISBN: 978-1-904380-83-2

(paperback)

Price: £8.99 (paperback)

I was recently asked to advise a friend about what to prepare her son to expect when going into prison (as seemed likely at the time). I was not aware of any guidance that was readily available so I made up some suggestions based on my experience of working in prisons, particularly those that received people from court whose first time in custody it was. Sad to say the son was sentenced to custody and I was later reassured that my advice had come to be useful and reassuring. My advice was from a staff's perspective inevitably.

If this book had been available he would have got a fuller view of what to expect and an insider's guide on how to survive and get some benefit from the experience. This is a hard hitting set of survival notes from someone writing as they live their time in prison. It is grounded in reality.

Frankie Owens writes with sound practical advice which is not for the faint hearted. He takes prison seriously, recognising it as the worst place to be. The book may well not be one that staff recommend for although the advice is sound in relation to the experience it does not mention all the processes and procedures and decisions that go into a reception and induction process. But it is nevertheless helpful for prison staff to read this book to appreciate the pressures on and priorities of those

coming in. Knowing how sensitive and difficult the early time in prison can be prisons have developed extensive systems of assessment and observation to seek a safe experience for prisoners. But this book is from a person who is a strong prison survivor and is already aware of the needs of those who end up in prison. Indeed he was a provider of services for some of those needs in his previous employment, before he ended up inside himself.

Frankie Owens provides five excellent golden rules that will give a flavour of the content, they are:

1. Keep you head down, do your bird, ride out your bang up.
2. It's nice to be nice, be positive, entertain and see the bright side.
3. Don't believe everything you hear inside HMP.
4. Pay your bills if you borrow.
5. Never lose your cool.

This is great guidance for a surviving experience, and certainly more positive than my words were to my friend. The underlying message of not showing your weakness is sound but not always possible and not always helpful in relation to the programmes and activity the prison provides.

Sections on The Court Appearance, the First Night and Cell Etiquette are well described and particularly sensitive is the issue of 'personal time' when sharing a cell — when your cellmate is on a visit or at an interview. The last section is called Never Going Back in which Frankie Owens takes full responsibility for what he did and the consequences for himself and his family and friends (victims). He points out the benefits of time

inside for him, including getting and staying clean of drugs, looking healthier, losing weight and having time to write a book!

The one bit of advice I gave which Frankie Owens also gives is to keep a notebook of the experience so you can process calmly what is happening to you and how best to respond.

This is a good book promoting how to make the most of the worst experience.

***Tim Newell** is a retired prison governor and was formerly Governor of HMP Grendon and Springhill.*

Book Review

The Little Book of Prison: A Beginners Guide

By Frankie Owens

Publisher: Waterside Press Ltd (2012)

ISBN: 978-904380-83-2

(paperback)

Price: £8.99 (paperback)

Frankie Owens was a prisoner until August 2011. He landed in prison after a tempestuous period in his life including co-dependency on drugs and alcohol. He was arrested 25 times in seven months of what he describes as a 'manic hyper bender'. Owens felt it would be useful to others if there was a manual for those about to experience prison for the first time. In the introduction he opens by describing himself as a 'first time offender'. However, given his seven month manic hyper bender, he should perhaps more accurately revise the term to 'first time HMP

resident'. Nevertheless, this is a minor complaint, Owens offers great insight, capturing the quintessential elements of the, at times monotonous, experiences of prison life. This he does with entertainment value up there with modern stand-up comedy.

Owens covers many of the ups and downs, constraints and demands of being in a local prison. The opening page boasts a list entitled 'Golden Rules of LBP' (Little Book of Prison) The rules include 'Keep your head down' which implies staying out of trouble; 'Ride your bang-up' meaning you must cope with your time behind your cell door, and 'never lose your cool' among others like 'never believe everything you hear' and 'paying your bills'. The opening sets the tone, with Owens' writing enticing the reader with its conversational style and assembly of memorable quotes, discussion and testimonies. The personality of Frankie Owens comes through strongly.

Entwined with the comedy of Owens there is a seriousness and good knowledge on the subject of addiction. He has done his research and even provides insights into the business side of drugs and their intellectual property status. He also explores desperate situations including withdrawal. His sometimes outlandish advice includes duplicitous strategies for doctor's appointments, known as the 'Doctors Blag' and he even draws upon his personal experience to suggest the best medication available for those experiencing drugs and alcohol abuse.

Making the right first impression is addressed by Owens whilst discussing court appearances and entry into prison. He suggests that essentials should be carried including tobacco, known as 'the prison currency', and the importance of bringing a toothbrush. He also offers the handy hint that having a 'skinhead' haircut and being clean shaven is a

good way to look 'hard' on arrival to prison. However, I imagine these points of advice may be unpopular among Rastafarians, Muslims and The New Romantic movement die-hards.

The book is littered with duplicitous techniques or blags, such as claiming claustrophobia in order to avoid an uncomfortable journey from the court in an escort vehicle, or 'sweatbox'. These are sometimes so outlandish as to be purely satirical, for example, suggesting that 'sweatbox' drivers should be asked to stop at the nearest Burger King drive through with the sweetener of offering to pay the bill. Others are more revealing, for example where he describes his feelings approaching the prison for the first time as: 'your arse going 20 pence 50 pence'. There came a point when I wondered how long Owens thought the tricks and blags would have the given effect now that they are out in the public domain by publishing them. Although he appears to be a proponent of upholding the so called 'Inmate Code', in my opinion, his paradoxical desire to uncover this publically, suggests a sign of his silent yearn for change.

The book continues through reception on arrival in prison. Owens quotes inmates' comments and conversations, giving the reader a true feel of what can be expected going through the reception process. The prison induction process is described as a comedy of errors, with an anecdote of a stolen TV bringing the process to a premature halt. Owens seems to be a natural and confident comedian and his stories are highly entertaining, whether that is stringing out yarns or riffing on topics such as the absence of pockets in prison tracksuits. One of my favourites is his conversation with a CARATS worker called Viv, who claimed she had not seen any of their faces before. Owen replies

'We have met Viv', 'Have we?' she replies. 'Yes you were drunk at the nightclub and I lent you a score (£20), I'm just here to pick up the 20 quid' says Owens. Laughing and joking clearly made life inside more bearable for him, and in fact he recommends a sense of humour as a necessity. However, the laughter is sometimes bitter sweet. Later in the book, he uses the book to rekindle his broken relationship, indirectly talking to his ex wife with declarations of love. At this point there is a sense of regret beneath the mildly mischievous tone.

The day-to-day challenges of prison life are covered throughout the book. Owens goes through the nuts and bolts of canteen, phone credit and other entitlements. He talks about the boredom and uncertainty, and doesn't hide away from the base human needs such as toileting and masturbation, but also talks about how to insulate against bad memories. The subculture of prisons is also exposed. He describes 'hooch' (homemade alcohol) as a 'Cell made delight' with reasonably clear instructions on how to produce it. He also gives advice on getting hold of sleeping tablets. This he does whilst also sermonising to the reader to stay away from drink and drugs.

The most impressive aspect of this book is the way that Owens establishes a rapport with the reader. He does this with a chatty, informal style, chastising himself for his own gossip and rants, and also cheekily prodding the reader occasionally darting at them with 'You little Rat'. By the end of the book, I felt like Frankie Owens was my cell-mate. His style and execution is either perversely skilful or an absolute fluke, but whatever it is, it is certainly good.

Norman Reid is a prisoner at HMP Grendon.

Book Review

Controversial Issues in Prisons

By David Scott and Helen Codd

Publisher: Open University Press
(2010)

Price: £22.99 (paperback)

ISBN: 10 0335223036 (paperback)

Controversial Issues in Prisons is an accessible text discussing eight specific penal controversies in England and Wales; among them, the number of mentally ill people locked up, suicide and self-harm rates among prisoners, the treatment of sex offenders, the incarceration of immigrant detainees and foreign nationals, the drug culture in prisons, the number of women and children behind bars, and the effects of imprisonment on prisoners' families. Each chapter has a common framework: how have people conceptualised this penal controversy? What does the official data tell us? What is its historical context? What are the contemporary policies? Are they legitimate and, if not, what are the alternatives? The eight controversies are bookended by an initial chapter titled 'Thinking about controversial issues in prison', and a final chapter on 'Abolitionism'. The controversies are painted with fairly broad brushstrokes and throughout most of the book, Scott and Codd's criticisms of the toxic environments they describe are largely voiced through the work of critical criminologists, including Pat Carlen, Joe Sim, Barry Goldson and Diana Medlicott.

Evident throughout the volume is the inextricable link between prison and poverty and in the final chapter the narrative becomes personal, polemical and impassioned. Here the authors speak of incarcerating children as 'institutionalized abuse' (p. 163) and describe a penal system 'in crisis, riven with deep divisions, unnecessary suffering and waste of life' (ibid). Their partial solution is a

policy of deliberate exclusion from prison of vulnerable people; a strategy of 'selective abolitionism'. However, they remind us that the failure of the prison service to deal adequately and humanely with prisoners reflects society's failings. Social exclusion tends to be repeated over entire lifecourses and in the wider economic, social and political context, they say, the Capitalist State has 'blood on its hands' (p.106).

The visceral and emotive language adopted in the final chapter both serves as a 'call to arms' and underlines the difficulty that scholars and reform groups face when highlighting the problems, degradations and injustices inherent in imprisonment. The accusation can always be levied that we are simply tinkering at the edges and doing nothing to fundamentally challenge the institution of the prison itself. Indeed Scott and Codd go so far as to berate liberal penal reform organisations for being co-opted into maintaining the existing penal apparatus (p. 168) and while they could not be accused of this themselves, there is surely an unresolvable tension between writing academic books and seeking to upend the status quo. The critical, abolitionist stance taken by the authors also precludes them from highlighting much that is positive or progressive within the penal system; for example, about successful individual prison communities, pioneering penal 'experiments', or about enlightened governors trying to change the system from within. It is as if to illuminate pockets of good practice, however small, would undermine their overarching message, which is that prisons are 'places of sadness and terror, harm and injustice, secrecy and oppression' (p.170).

Given the potential scope of 'controversial issues in prisons', this is a relatively slim volume and the chapters are quite short. Inevitably

the choice of eight controversies raises questions about selectivity and omission. Indefinite detention, chronic overcrowding, issues of privacy and surveillance, poor education provision, inadequate training, pointless, exploitative or injurious prison labour and the dominance of psychology and psychologists in prisons, are among the many subjects that I would deem controversial, but which are mentioned only in passing, if at all. Nonetheless, this book is an engagingly written and well-researched introduction to the topics covered. Practitioner-professionals and university students will welcome Scott and Codd's clear and lucid approach and *Controversial Issues in Prisons* is a valuable teaching contribution to debates on the most pressing problems facing prisons and penology.

Yvonne Jewkes is Professor of Criminology at University of Leicester.

Book Review

Prisons, Punishment and the Pursuit of Security

by Deborah Drake pp.220

ISBN: 978-0-230-28293-3

Publisher: Palgrave Macmillan
(2012)

Price: £55.00 (hardback)

ISBN: 9780230282933 (hardback)

The overarching premise of *Prisons, Punishment and the Pursuit of Security* is that security within the penal system has run parallel to its rise in prominence in a post 9/11 society. A study of all five men's maximum-security prisons in England, one of the aims of the book is to demythologise both the prison and the high-security prisoner. Acknowledging that few of us have first-hand experience of

deep immersion in these establishments, author Deborah Drake takes seriously her mission to use this experience to reflect on social problems, dominant political ideologies and gaps in knowledge and understanding. She dissects the notion of 'evil', arguing that we must separate the action from the perpetrator and avoid essentialist explanations that overlook the social origins of violence and cruelty. She notes that in her interviews with long-term prisoners (which numbered over 200) she encountered no monsters; a fact which she admits she found unsettling for it is these popular characterisations that underpin the politically endorsed belief that the 'wilful exclusion, segregation or exile of certain members of society is an appropriate response when particular, socially censured acts are committed' (p. 24).

Having established a case for the prison being the preferred method of crime control globally, Drake focuses on the establishment of long-term max security imprisonment in England following the abolition of the death penalty in 1965 and the Mountbatten Report (1966) which adhered to a model of security and control based on the premise that long-term prisoners should retain the expectation that they will be released. Now, of course, many countries, including England and Wales, are introducing strategies that limit the release prospects of even those people who manage against the odds to preserve or develop pro-social skills in prison and who would pose minimal public safety threat on release. Additionally, as Drake says, many of her respondents were Category B inmates and were housed in maximum-security conditions 'by chance, not by necessity' (p. 77).

The watershed moment in English prison history which accounts for the transformation in attitudes to and practices of security

was the escapes from Whitemoor in 1994 and Parkhurst in 1995. The inquiries into these events, headed by Woodcock and Learmont respectively, ushered in a new regime of security and control, including a dramatic reversal of policy on all privileges that could be presented by the media as inappropriately conceived indulgences to an anti-social population. With a growing political and public appetite for punitive punishment to be inflicted on the 'worst of the worst', the escapes that precipitated these erosions of humanity were viewed politically as a fortuitous catalyst for change.

Drake's commentary never fails to be anything but thoughtful and thought-provoking and is augmented by interview data from a group of prisoners who are rarely given a voice. I found two passages particularly affecting. Reflecting on the life sentence as compared with the death penalty, one respondent says: 'even if they hang you, it was all over with, wasn't it? There's no messing around, you're not going to have people digging you up every few days and saying 'you're still a guilty bastard' and putting you back in your coffin' (p. 100). Another interviewee encapsulates the role of the prison psychologist: 'they want to peel you like an onion...They want you to reveal your soul to them...And then they want to clothe it with their clothes and send you out into the world a broken, defeated, soulless person' (p. 101).

Such quotes are used sparingly and arguably there was an even greater opportunity to give character and dimension to the individuals who are usually flattened out by politicians and journalists into over-simplified cardboard cut-outs and caricatures. Where interview transcripts are included they do more to convey the pointlessness of imprisonment than any scholarly treatise. That notwithstanding, *Prisons,*

Punishment and the Pursuit of Security is an elegantly written exposition advancing measured arguments and is a bold study of imprisonment in a risk-attuned and retributive society. Deb Drake's great achievement here is to shine light on the very 'deepest' end of the penal estate at a time when security has risen to a level of prominence that eclipses every other consideration, including what it means to be human in such environments.

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

Book Review

Firesetting and Mental Health

Edited by Geoffrey L. Dickens, Phillip A. Sugarman and Theresa A. Gannon.

Publisher: The Royal College of Psychiatrists (2012)

ISBN: 978-1-908020-37-6

(paperback)

Price: £ 35.00 (paperback)

This book contains key contributions from a wide range of both academic and clinical settings from a number of countries worldwide. The consensus from the opening pages appeared to be the apparent wealth of literature available concerning juvenile firesetting, but the clear lack of literature available on the subject of adult firesetting. The assessment and treatment of firesetters has been the subject of growing interest from researchers more recently, which previously had been described as sporadic, especially where adult firesetters are concerned. This book aimed to highlight the gaps within the firesetting literature, and to bring

current research and contemporary views in both areas of theory and practice into review.

This book contains fourteen chapters in total, and is divided into two main parts. The first part outlines important theoretical questions surrounding the issue of firesetting in a broad context of populations in terms of definitions, rates of prevalence, typologies, and theoretical models. The second part focuses on the assessment and treatment of firesetters, picking up themes from the first part of the book, and acknowledging a diverse and wide range of implications and recommendations for practitioners.

There are several key features within the chapters from the first part of the book to mention. Chapters explore the particular challenges presented by a range of firesetter characteristics — adult and juvenile firesetters, offenders, male and females, firesetters with intellectual disability, personality disorder and mental health issues, demographic and developmental characteristics, and brain abnormalities. What is clear from the chapters covering characteristic considerations is the need for more research studies to be able to draw valid conclusions from such a heterogeneous group. Chapter two focuses on providing a framework to apply to firesetters, and highlights the need for theoretical models to provide a basis for risk assessment and treatment by being responsive to different typologies. An interesting point is raised here in terms of ensuring typologies can facilitate understanding of underlying processes and functions of behaviour, which is essential when considering any risk assessments or treatment pathways.

There is particular inclusion of the role that intellectual ability has within firesetters. Evidence from the research presented within the

book suggests that firesetters are generally seen to have a lower intellectual ability, which appears to hold across male, females, and differing ages. However, what is made apparent, as with most other areas of firesetting literature, is the lack of conclusive research studies to draw any meaningful and generalisable conclusions and the need for developing a research base. Furthermore, there are recommendations for those practitioners working with firesetters to increase knowledge and awareness when working with firesetters who have intellectual disabilities. In addition to the inclusion of intellectual ability, the motivations of the broad range of firesetters identified within earlier chapters are extensively explored. In an era where risk assessment and rehabilitation is focussed upon, these chapters aim to address some important considerations around both motivation and dangerousness. What is reflected within these chapters is the main focus of current literature on motivation, not recklessness. There is a call for future research to consider the idea of recklessness, due to the destructive and dangerous potential of arson on endangering life. That said, there are some consensual opinions of motivations highlighted such as revenge, excitement, vandalism, crime concealment and profit based gain. Overall, the area of motivation is also suggested as being under-researched, and the overwhelming message is that of countless opportunities for future studies on a range of firesetters.

There is a wide variety in subject matter and a good balance of issues discussed within the second part of the book. Initially, the focus begins with both historical and current guidelines in terms of law. Interestingly, a point

raised with this chapter highlights how sentencing laws largely consider the seriousness of arson; something that this book suggests is an under-developed area of research. When considering the assessment of firesetters, a number of chapters explore the difficulties of differentiating firesetters from other types of offenders. Assessment of firesetters is outlined as requiring the inclusion of a number of factors, such as historical, individual characteristics, dynamic characteristics, as well as the assessment on any previous firesetting that may have occurred. These chapters clearly add to the discourse of assessing firesetters, however, there is a call for more research to develop and validate risk assessment tools to specifically focus on the act of firesetting.

Following on from the chapters considering assessment, the final chapters move on to explore treatment considerations. There are clear messages translated to the reader in terms of treatment programmes, that there are no clear empirically validated treatment programmes. Of the treatment programmes that do exist, the majority are educationally based designed for young firesetters. Suggestions are highlighted within the book for treatment models that are inclusive of therapeutic multi-modal approaches to treatment, including behavioural and social approaches. What was apparent to me was the lack of research on treating firesetting offenders within the prison service and mental health settings, and perhaps due to working within a therapeutic community, the failure to identify that future research could consider how this particular multi-model approach could be a helpful intervention for some.

The overriding message within this book is the countless

opportunities for research to help in guiding both theoretical and practical knowledge within the area of firesetting. This book accomplished a much-required task in bringing together the firesetting literature and highlighting the apparent gaps,

whilst giving a thorough and comprehensive review. There are a number of enjoyable chapters focusing on the diverse and unique nature of firesetters, which I believe, broadens the book's appeal beyond academics and practitioners, to those who may

have an interest in reading about individuals who set fires.

Laura Jacobs is a Forensic Psychologist in Training working at HMP Grendon.

PRISON SERVICE JOURNAL

PUBLICATIONS



The Prison Governor: Theory and Practice by Shane Bryans and David Wilson

Describes in one closely argued book, the history of imprisonment, the management of prison staff, the understanding of prisoners, the developing role of the Governor and some well governed prisons.

Order Form (Please photocopy this page)

The Prison Governor

£4 for prison staff

£5 for non Prison Service staff

Include £3.00 p+p per book

Copies

☐

Total

.....

Cheque Value

.....

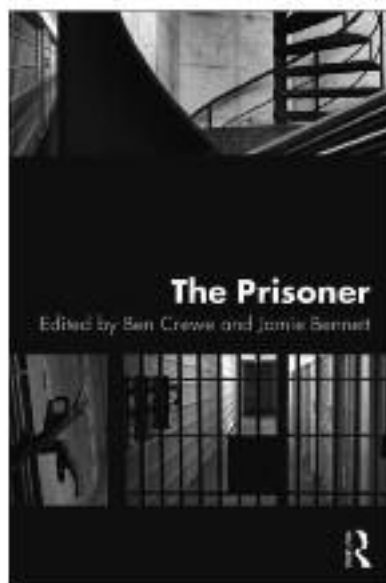
Enclose a cheque made out to 'HM Prison Service' and send to:
Prison Service Journal, c/o Print Shop Manager, HMP Leyhill, Wotton-under-Edge,
Gloucestershire, GL12 8BT. Tel: 01454 264007

Name..... Address

.....

..... Signature

New from Routledge Criminology



The Prisoner

Edited by

Ben Crewe

*Deputy Director, Prisons Research Centre, Institute of Criminology,
University of Cambridge*

and

Jamie Bennett

Editor, Prison Service Journal

**Request a Complimentary Exam Copy today at
www.Routledge.com**

Little of what we know about prison comes from the mouths of prisoners, and very few academic accounts of prison life manage to convey some of its most profound and important features: its daily pressures and frustrations, the culture of the wings and landings, and the relationships which shape the everyday experience of being imprisoned.

The Prisoner aims to redress this by foregrounding prisoners' own accounts of prison life in what is an original and penetrating edited collection. Each of its chapters explores a particular prisoner sub-group or an important aspect of prisoners' lives, and each is divided into two sections: extended extracts from interviews with prisoners,

followed by academic commentary and analysis written by a leading scholar or practitioner. This structure allows prisoners' voices to speak for themselves, while situating what they say in a wider discussion of research, policy and practice. The result is a rich and evocative portrayal of the lived reality of imprisonment and a poignant insight into prisoners' lives.

The book aims to bring to life key penological issues and to provide an accessible text for anyone interested in prisons, including students, practitioners and a general audience. It seeks to represent and humanise a group which is often silent in discussions of imprisonment, and to shine a light on a world which is generally hidden from view.

November 2011 | Paperback: 978-0-415-66866-8 | **£24.99**

Visit Routledge Criminology online

For news and updates, special deals, and information on new and forthcoming titles, follow us on Twitter @Routledge_Crim, and visit www.routledge.com/criminology

Visit our website for more information and online ordering:
www.routledge.com

 **Routledge**
Taylor & Francis Group

PRISON SERVICE JOURNAL

Purpose and editorial arrangements

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

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

From May 2011 each edition is available electronically from the website of the Centre for Crime and Justice Studies. This is available at <http://www.crimeandjustice.org.uk/psj.html>

Circulation of editions and submission of articles

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

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

Subscriptions

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

United Kingdom

single copy	£5.00	
one year's subscription	£25.00	(organisations or individuals in their professional capacity)
	£18.00	(private individuals)

Overseas

single copy	£7.00	
one year's subscription	£35.00	(organisations or individuals in their professional capacity)
	£25.00	(private individuals)

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

PRISON SERVICE **JOURNAL**

This edition includes:

**Slipping off the equalities agenda? Work with
LGBT prisoners**

Dr Peter Dunn

Transgender Offenders: A Literature Review

Laura Jones and Professor Michael Brookes

Irish Travellers in Prison — The Unknown Prisoners

Conn Mac Gabhann

**The Criminalisation of Migrant Women — research findings
and policy and practice implications**

Dr Liz Hales and Professor Loraine Gelsthorpe

**Thermodynamics, Newtonian Motion, and the Prison:
The Effects of Energy, Entropy and Mass on Rehabilitation**

Curtis R. Blakely

Going Inside? Frankie Says...

Diane Kemp