

Any progress on prisons?

Frances Crook puts penal policy reform in historic context.

It is very easy to feel depressed about penal policy but if we take the long view there is a lot to celebrate and much to build on for the future.

The Howard League for Penal Reform was founded in 1866 when the first Royal Commission on Capital Punishment recommended the abolition of public executions. The Commission recommended that the crime of murder be divided into those that were premeditated and those which were committed under sudden impulse or passion. A minority group recommended that capital punishment might safely be abolished. It took one hundred years to achieve abolition in practice and it was Jack Straw who swept away the last legislative anomalies. The UK has now signed up to international protocols supporting abolition of the death penalty.

As the Council of Europe has led the way in ensuring that abolition of capital punishment is a prerequisite for membership, Europe is now free of states that support the death penalty. After centuries of bloody public and secretive executions carried out by states across the continent, this is a huge reform that must be celebrated.

I also think, and this may be more controversial, that in prison conditions and the treatment of prisoners has improved. When you read diaries, personal accounts, surveys or academic books about prisons in the nineteenth century, it is clear that prison life was harsh. Yet in some ways, the confusion at the heart of the system of prison has remained. Prison labour is good example. In September 1867 the first report of the Howard Association said:

“The departments on which it has appeared most desirable to concentrate its principal endeavours have been the promotion of reformatory and remunerative prison labour, and the abolition of capital punishment. The urgent need of the former is indicated by the fact that the cost of English prisoners now averages upwards of £34 per head, whilst they only earn £2 each towards their own subsistence, and too often quit the gaols no better qualified to gain an honest living than when they entered them.”

Prison work has hardly changed. It is still repetitive, poorly paid, organised and carried out in a desultory and unimaginative manner and generally serves to prove that crime is both more exciting and pays better.

Few prisoners have ever had real work experience, even those who have worked have mostly been in the informal economy – a little cash in hand to help out the brother-in-law in his garage. Prisons employ prisoners on the same basis, cash in hand for helping out with the catering or cleaning.

It serves to reinforce the idea that informal payments are legitimate, yet many prisoners are serving time for doing just that.

Whilst there is now more education and generally courses on a whole range of issues related to offending, these in some ways serve to make prison more bizarrely unlike real life. It often feels like they have been invented to give people something to do. As prisoners are not doing what the rest of us are doing, work, they have to be occupied somehow.

Last year the Howard League for Penal Reform set up a social enterprise inside Coldingley prison employing six prisoners on the national minimum wage. They spent six months being trained as graphic designers and the business went live in March this year. They have done commissions for voluntary organisations and NOMs. We are pretty sure that we are employing the only six prisoners working inside a prison who are paying tax and national insurance. They are employed on the same terms and conditions as our other staff and will get the same pension payments. This means that taxpayers should benefit as the prisoners (long termers) will be released with job skills and experience, savings and the beginnings of a pension.

We hope that this will set the precedent for all outside employers and if I am invited to write for *CJM* again in 140 years, the few prisons remaining after our successful wholesale reform will be employing prisoners on realistic wages and fair terms and conditions.

I am, by nature, an optimistic person and I am confident that the sort of significant reforms I have drawn attention to will be the foundation for real change in the future.

Perhaps the best hope for the next century is the development of restorative justice, an entirely new concept for the way a society should respond to crime. For the past two thousand years the justice system has been based on the principle of proportionate revenge, an improvement on the massacres that preceded the acceptance of an “eye for an eye”. Now we have a real opportunity to develop a system of justice based on healing the damage done by crime. New ideas emanating from Canada suggest that it is possible not only to heal but to transform and improve by learning from events.

Wouldn't that be wonderful. In two or three generations we could have taken this country from the ghastly to the sublime, from Tyburn to apology and restoration.

Frances Crook is Director of the Howard League for Penal Reform.