

Taking Gods' name in vain: Carter mark 3

Andrew Coyle analyses Lord Carter's Review of Prisons and contrasts it to the *Corston* review on women in custody.

"We will act on Lord Carter's recommendation to build up to three large titan prisons, housing around 2,500 prisoners each."
Jack Straw, House of Commons,
5 December 2007

Lord Patrick Carter is a serial recidivist as far as writing reports for the government is concerned and his recidivism is general rather than specific. He has reviewed matters as diverse as the building of the new Wembley stadium, the state of public diplomacy and of national sport. 2006 was a particularly productive year in which he reviewed NHS pathology services, legal aid and HM Revenue and Customs online services. As far as prison related issues are concerned he has had three strikes, one in 2002 on the contribution of the private sector and the use of PFI in achieving the objectives of the prison service, one in 2003 on the management of offenders (Carter, 2003) and his most recent report in 2007 on "the efficient and sustainable use of custody in England and Wales" (Carter, 2007).

Lord Carter is a man who chooses his words carefully and who is quite open about the principles on which he bases his reviews; he does not seek to hide his beliefs. For example, the title of his review of legal aid was "A market based approach to reform". He is equally open in his most recent review of the use of custody in England and Wales. He wishes to make it more efficient and he wishes to sustain it.

He is logical in the way he approaches all his reviews. His main concern always is with process,

rather than with inputs and outputs. What that means in plain English is that he focusses on how things are done, rather than on what it is that is being done or on what it achieves. This is an appropriate approach if what is being done is the right thing to do. If it is not, then the result will be simply to do the wrong thing more efficiently. That is not a concern of Carter. He is rarely asked to review what is being done, only how to do it more efficiently. This goes some considerable way to explaining why he has been asked so many times by the government to carry out reviews on such disparate topics and in particular why he was asked a third time to review a prison related matter, despite what is now generally accepted to have been the disastrous consequence of his first review.

There are two major proposals in the most recent Carter review, the possibility of a Sentencing Commission and the construction of new prison places. It is worth taking a moment to look at how he approaches these two issues. The review does not directly address the root cause of why the prison population has risen so steeply in recent years, other than to note that more of those who come before the courts are now being sent to prison and that many offenders are being imprisoned for longer periods than would previously have been the case. Government ministers and serious commentators are privately aware that at some point these seemingly inexorable increases will have to be brought under some control. In 2002 Martin Narey, then Director General of the Prison Service, talked of the "insanity of a prison population that may hit

70,000". David Blunkett, picking up on Carter's 2004 review, tentatively suggested that 80,000 prison places might be the limit. In February 2007 John Reid promised 8,000 places on top of his predecessor's figure. Carter now proposes a further 20,000 places, without any explanation of what has caused him to change the view that he held in 2004. He could not ignore this matter completely, so he has come up with the idea, borrowed from the United States, of a Sentencing Commission. However, he is very tentative about this – he merely suggests that there should be a working party to consider the idea.

He has no such hesitation about the need to provide more prison places but even there, his proposals deserve close scrutiny. The problem of prison overcrowding is an immediate one. The Prison Service Annual Report for 2006-07 records this as being over 24%. Yet Carter has few proposals for dealing with this urgently, other than vague consideration of the purchase of a prison ship, the conversion of redundant army camps and adjustments such as "extending existing operational flexibility in population density management to all new accommodation". Instead he looks into the medium future and proposes the construction of three new mega-prisons, so called 'titans' which will have 2,500 places each, which will take "four to five years" to complete and then only if the Government fast tracks planning applications on the grounds that they are "of national importance and needed urgently".

The concept of a prison that will hold 2,500 people is quite alien to this country but not to some other jurisdictions. A number of the most infamous prisons in the United States have capacity which matches or exceeds this: Attica, with over 2,000 places; San Quentin with 5,000; the complex on Rikers Island which services New York City has space for 15,000 prisoners in ten prisons, the largest of which can hold 3,000 men. The largest prison in Western Europe is Fleury-Mérogis in Paris, with capacity for over 3,000 prisoners. It was built in the 1960s but the French have never built another prison of

this size, despite having an extensive building programme.

Most recent pressure to construct prisons of this size has come from commercial security companies, which have argued the benefit of what they describe as 'economies of scale'. These companies have pressed their arguments in a number of developing countries. One example of this was Lesotho, which a few years ago had a total prison population of 3,000. The government was keen to improve the very poor conditions in the country's prisons and to replace some of those which were beyond improvement but it lacked the resources to do this. A commercial security company offered the government a solution. This was to finance, build and manage a prison with 3,500 places. The price to be paid, in addition to the revenue one, was that all the prisoners in the country would be located in this single mega prison, very far from their homes and in an environment which would have been completely alien to the culture of the country. The government rejected this offer and instead started a process of reducing the number of people in prisons. The problems which face developing countries wishing to improve and develop their prison systems are epitomised in what has happened in South Africa. Unlike Lesotho, the government entered into contracts with commercial companies and now has two 3,000 bed private prisons. In response to continuing overcrowding the government has recently invited commercial tenders for five additional 3,000 bed prisons. This would appear to be the model which the Carter review is recommending for England and Wales.

If we are serious about the ambition to "reduce re-offending", that is, to rehabilitate prisoners, then they should be held in relatively small prisons, located as close as possible to the support structures on which they will depend after they are released, and which their families can visit by public transport. The proposed mega-prisons go against all of these principles. Speaking on behalf of the government in the House of Lords on 5 December 2007

Lord Hunt of King's Heath tried to reassure those who expressed concern about this proposal by explaining that "it is possible to build large prisons and then to split them into units, perhaps five units of 500 prisoners. However, they will draw on the best of design, new technology and support service, thereby allowing us to get the best of both worlds. It is rather like your Lordships' House and the House of Commons being together on one estate, and the undoubted benefits of sharing resources." The analogy was not entirely convincing.

So where did the idea of such large prisons come from? Commercial security companies operating in the prison "business" have long advocated that big is beautiful. Given that payments to them by the government are based primarily on the number of prisoners, it is in their commercial interest to have prisons that are as large as possible.

It is instructive to draw a comparison between the three Carter reviews and the Corston review (Corston, 2007) on vulnerable women in the criminal justice system. In preparing her report Baroness Corston consulted widely and in an annex to her report she provides details of how she did so and who she consulted: an impressive list that takes up eleven pages. This is in clear contrast to Carter who thanks "all those who have contributed to my review" but gives no indication as to who they were.

The Home Office published the Carter Report on managing offenders on 6 January 2004. It published its response, accepting the main proposals, including the creation of a National Offender Management Service, the same day. There was no opportunity for public or parliamentary debate about the wisdom of the proposal. The Ministry of Justice published the third Carter Report on 5 December 2007. That same day the Minister of Justice informed the House of Commons that "I have agreed with the Prime Minister and the Chancellor of the Exchequer additional funding of £1.2 billion, on top of the £1.5 billion already committed, to deliver a further and extended building

programme that will bring an additional 10,500 places on stream by 2014. We will act on Lord Carter's recommendation to build up to three large titan prisons, housing around 2,500 prisoners each." Once more, there was to be no debate about the wisdom of providing these extra places, nor of this entirely new concept of 'titan prisons'.

Baroness Corston submitted her report, which she had also undertaken at the request of the Government, in March 2007. It took the Government nine months to respond and when it did, one day after its contemporaneous acceptance of the Carter Report, it announced that it would establish working groups, a commission and a champion to deal with the issues raised in the report. However, while it accepted many of the report's recommendations "in principle", the Government was less than enthusiastic about Corston's recommendation for a strategy to replace existing women's prisons with suitable, geographically dispersed, small, multi-functional custodial centres within 10 years: "There is currently no additional funding available for implementation of these proposals so part of the work of the projects to consider their feasibility will need to include an assessment of the likely investment that would be needed and whether the benefits of doing so would justify the disinvestment that would be required in other areas."

Jean Corston should have realised; small, multi-functional custodial centres may be what are needed but they make no commercial sense. ■

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References

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