

Prison expansion. Back to the drawing board?

Titans may have been abandoned but their replacements are little better, argues Jon Collins.

When Jack Straw regained responsibility for prisons as Secretary of State for Justice, six years after the end of his tenure as Home Secretary, he found a criminal justice system in crisis, with a prison population at the very edge of what the prison estate could contain. He was also awaiting the results of a review by Government troubleshooter Lord Carter into improving the balance between the supply and demand of prison places.

Carter's report, published in December 2007, called for, among other measures, a substantial increase in prison capacity, including building three 'Titan' prisons, each providing up to 2,500 places. On the day of the publication of the report, without debate or consultation, the Ministry of Justice announced that it had accepted Lord Carter's recommendations and would be building three Titans as part of a building programme to increase capacity to just over 96,000 places by 2014.

The Titan proposals faced condemnation from a range of experts. To express their opposition, 35 criminal justice organisations, from the Prison Officers' Association to the Prison Reform Trust, signed an open letter to Jack Straw in August 2008, calling on him to abandon the proposals for Titan prisons. Among the other critics were the Prison Governors' Association, who rarely engage in public lobbying on prisons policy but have been highly critical of Titans, and the Prisons Inspectorate, the independent 'watchdog' for the prison service.

Now, more than 16 months after Titans were announced, the Ministry

of Justice has gone back to the drawing board. Titans, it has been announced, have been scrapped. Instead, five 1,500-place prisons will be built, with only two, both in the South-East, being commissioned immediately. If Straw hoped that this U-turn would end the controversy that Titans whipped up, he was mistaken. Instead of being welcomed, the new proposals have been met with a similar wall of criticism to that which greeted the announcement of Titans.

The reason why Titans were abandoned is not clear. The Ministry of Justice has asserted that they consulted on the proposals, reviewed the negative responses and amended the proposals accordingly. However, most commentators have disputed this, instead suggesting that it was the recession that was the real cause. A third suggestion is that the Ministry of Justice believed that obtaining planning permission for the three Titans would be too difficult, with local opposition already emerging where potential sites were identified. Yet whichever of these is true, it is hard to see how the new proposals are a significant improvement.

Looking first at the opposition on policy grounds, Titans faced two overarching criticisms. The first was that 96,000 prison places by 2014 were neither necessary nor desirable. The second was that even if a prison capacity of 96,000 was needed, Titans were not the best way to deliver the additional places.

The new proposals do nothing to address the first criticism. These five new prisons will deliver the same number of places in total as the Titans would have and it remains the Government's intention to deliver

96,000 prison places by 2014, as Carter recommended. A detailed analysis of whether these places will be needed is beyond the scope of this article. However, it should be noted that an independent examination of the evidence used in Lord Carter's report to underpin its recommendations, carried out by a former assistant director of research at the Home Office, described aspects of the report's analysis of the factors driving up the prison population as 'inadequate' and 'highly misleading' (Hedderman, 2008). Similarly, the House of Commons Justice Committee reported that it was 'concerned that Lord Carter's review does not explain in any detail the evidence or the reasoning behind his conclusions', adding that 'it is clear that the substantial investment now being made on the basis of those conclusions is not based on solid foundations' (House of Commons Justice Committee, 2008). This suggests that the assumptions that were made in the report of what prison capacity would be needed should be treated with considerable caution.

But even if you accept the Government's argument that an increase in capacity on this scale is necessary, are five 1,500-place prisons a more appropriate way to deliver a substantial proportion of the additional prison places than the abandoned Titan proposals? The primary concern about Titans was that prisons holding 2,500 offenders would not be as effective as smaller prisons. Data made available by the Prisons Inspectorate and analysed by the Prison Reform Trust shows that overall large prisons perform less effectively than smaller prisons, concluding that 'a comparison of large and small prisons, based on 154 factors, revealed that larger institutions are consistently poorer at meeting prisoner needs and creating a healthy prison environment' (Prison Reform Trust, 2008). In an essay on Titan prisons, Liebling (2008) has also argued that better 'moral performance' is found in smaller prisons, based on analysis of several studies of prison life. She adds that 'larger prisons, with highly

competent but remote governors (or chief executives) may make the struggle for legitimate regimes and staff behaviour harder' (ibid).

Yet these criticisms are only mitigated slightly by the new proposals. While the planned 1,500-capacity prisons would be smaller than Titans, they would by no means be 'small'. On the contrary, they would still be bigger than any existing prison in England and Wales, with the exception of HMP Wandsworth, which is designed for 1,086 but is currently severely overcrowded, holding 1,643 prisoners. Is this too big? The seminal Woolf Report on prisons, prompted by the 1990 riot at Strangeways, recommended that prisons should not normally hold more than 400 prisoners. This is supported by the Prisons Inspectorate, which has itself recently examined the effect of prison size on performance, concluding that 'size was the most influential factor in how prisons performed against the tests of safety and respect, and overall. Prisons holding 400 or fewer prisoners were significantly more likely to perform well in these tests than larger prisons holding more than 800 prisoners' (HM Inspectorate of Prisons, 2009). If size is the most significant factor in prison performance, and around 400 is the optimum capacity, then these new prisons, at nearly four times that size, would be likely to be among the worst in the country. This also has implications for a planned 1,620-place prison in the West Midlands, part of the Ministry of Justice's broader prison expansion programme.

The new prisons would also inevitably be geographically distant from the communities that they would serve, just as Titans would have been. Yet prisons work more effectively when they are linked into the local community. The Woolf Report also emphasised the benefits

of prisons rooted in local communities, while Charles Clarke, when responsible for the prison system as Home Secretary, called for community prisons which would become a 'vital part of the civic fabric of every locality' in a speech to the Prison Reform Trust. Titan prisons would have been a move in the opposite direction, another factor that was roundly criticised in consultation responses. Yet these new proposals will suffer from the same problem. Too big to be integrated into a truly local catchment area, the new prisons will fail this crucial test.

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However, the majority of the media has suggested that the primary factor in scrapping Titans was cost, rather than concerns about effectiveness. The Government's support for the Titan proposals was based in part on the assumption that Titans would be the most cost-effective way of achieving a substantial increase in prison capacity, based on economies of scale. It can be assumed therefore, that if the Government was right, building five smaller prisons would be more expensive than building three Titans. This is reflected in the Government's response to the consultation, which recognises that the five proposed prisons will be marginally more expensive to build than the Titan prisons would have been. The response claims that this will be offset by the greater savings that can be achieved with the new proposals, as a higher number of new prisons will provide greater flexibility and therefore allow more unsuitable prisons to close. Even if this proves to be accurate, the consultation response concludes that the overall cost would be very similar (Ministry of Justice, 2009). If Titans are unaffordable, so are the new proposals.

The final reason suggested for abandoning Titans was that obtaining planning permission for the three sites would run into fierce local

opposition. Again, however, it is hard to see how the new proposals will fare any better. Planned new prisons are always unpopular in their proposed areas, although once built they generally make good neighbours. If five prisons are now to be built, five planning battles, instead of three, will need to be won.

The question of what is the best way to increase prison capacity arguably diverts attention away from the bigger and more significant issue of whether a prison population of 96,000 is sustainable or desirable. The Criminal Justice Alliance's position is that what is needed is not more prisons, but a substantial and sustained reduction in the size of the prison population. However, it is also our position that for as long as new prison places remain on the Government's agenda, it is important to recognise that while Titans were not an appropriate way to deliver them, the new proposals are barely an improvement. Where new prisons are necessary, evidence shows that they should be small and embedded in their local community. Holding 1,500 prisoners in each, these five new prisons will be neither. ■

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