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Race in Prisons

Interview: Sir Alan Beith

*Rt Hon. Sir Alan Beith has been a Liberal Democrat MP since 1973. He is currently Chair of the House of Commons Justice Committee. He is interviewed by **Jamie Bennett** who is Governor of HMP Morton Hall.*

The Right Honorable Sir Alan Beith is a Liberal Democrat politician who was first elected as MP for Berwick-upon-Tweed in 1973. He has continued to serve the same constituency ever since.

He has had a distinguished career, serving as Deputy Leader of the Liberal Party from 1985 to 1988 and then Deputy Leader of the Liberal Democrat Party from 1992 to 2003. He has held a number of shadow portfolios for the Party including Treasury, Foreign Affairs and Home Affairs.

He is also a respected Parliamentarian, having been a Privy Councillor since 1992. He has chaired a number of Select Committees including those that have scrutinised the Lord Chancellor's Department, Constitutional Affairs and the Ministry of Justice. He has been the Chair of the House of Commons Justice Committee since its creation in 2007 and was elected Chairman following the 2010 General Election. In 2008 he was knighted for his public service.

The Justice Committee is formally appointed by the House of Commons to examine the administration, expenditure and policy of the Ministry of Justice, including prisons, probation, court administration and the Crown Prosecution Service. The Committee also examines the work of the Attorney General, Solicitor General and the Treasury Solicitor's Department, the Serious Fraud Office and the Sentencing Guidelines Council.

The Committee have produced a number of reports directly relevant to prisons, in particular, in 2009 they produced a report on the role of prison officers¹ and in 2010 they have produced a report examining the case for a new approach to criminal justice known as Justice Reinvestment².

*The interview took place in London
in March 2010*

JB: What do you see as the role of the Justice Committee and your particular role as chair?

AB: The Justice Committee acquired its new name, having previously been the Constitutional Affairs Committee, when penal policy and administration of justice was moved from the Home office and became part of the Ministry of Justice. That then gave us responsibility for all aspects of penal policy, sentencing and administration of justice. It is an important role because new thinking is required, and as Chair I have encouraged that. Equally important we are trying to build all-party consensus and both of our reports have been unanimous. They try to cut across the tendency, particularly in an election period, for the debate to become a competition to see who can sound toughest. When I say 'toughest' I would say that what appears tough may not necessarily be tough. The tough thing to do may not be locking people up in prison,

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but may be trying to engage people in ways that change their behaviour. That's tough for staff to do, but it is also much more challenging for the person concerned, certainly more challenging than simply sitting in prison for a couple of years before going out to commit more crimes.

JB: So you see it not only as a body to exercise accountability, but also one that generates new ideas?

AB: The two go together. When you hold a system to account, you ask whether it is fulfilling its purpose. Our view has been that the primary purpose of the entire criminal justice system is to stop people suffering as a result of crime. It's not to promote particular ideas about how to do it, but to identify and promote what will work.

JB: During the expenses debate last year, there was some discussion about Parliamentary

1. House of Commons Justice Committee (2009) *Role of the Prison Officer* London: The Stationers Office.

2. House of Commons Justice Committee (2010) *Cutting crime: The case for justice reinvestment* London: The Stationers Office.

Committees having a role in reinvigorating democracy and providing greater independence for MPs. Is that something you see as possible and would welcome?

AB: Yes and it is really happening. Over the years I have seen an increase in influence and the ability to engage with policy and the delivery of policy through departments and agencies. The House has just struck a blow for independence with the decision to hold elections for the Chair and members of Committees, which will come in during the next Parliament. Any attempt to water that down was firmly resisted in the vote on the issue. This is a welcome change. There are some things that the Committee process can't do. There is still a distinction between Committees that scrutinise and those that take Bills through their stages. Those that take through Bills are seen to be dominated by the Whips but those that scrutinise are not.

JB: In 2009, the Committee produced a high profile report on the work of prison officers³. What was the aim of producing this report?

AB: We wanted to look at the role of prison officers, so we didn't start with any preconceptions. Personally I know and represent prison officers and have a degree of support for what they do and sympathy for some of the problems that confront them.

We were provided with some really interesting evidence. It confirmed and developed a view I had and which other members of the Committee came to share, that there are aspects of the role of prison officer that many people just don't understand. In particular, the way that the prison officer is often the only person in authority that some prisoners have related to in their lives. That is particularly the case for male prisoners who often come from dysfunctional households and in that context, the people that they have looked up to have often been from the criminal community. To have somebody who offers a different role model is crucial. All of this depends upon the ability of prison officers to interact. People who haven't been in prisons sometimes think that prison officers just lock and unlock doors and order people

about, but the reality is that you can't run a prison without developing an understanding and relationships with prisoners. That process is potentially of huge benefit and the best prison officers, as long as they are given the time and opportunity, make the best use of it.

JB: The Report argues that there needs to be clarity about the purpose of prisons and that should inform the role of staff. Do you think this is possible? As Nicholas Hardwicke, the new Chief Inspector recently said to the Committee: '... the purpose of prison? Ask 20 people and you get 40 different answers'⁴. Is it not the case

that the purpose of prisons will always be contested and therefore the kind of clarity sought is unrealistic?

AB: It ought to be possible.

It is true there is more than one purpose, but the overriding purpose of the criminal justice system is to prevent crime. What you actually want is for people never to have to suffer from acts of violence against them or have their property violated or be defrauded. We wish to protect people. Prison does this in a number of ways. It does it by removing people from society who pose a serious danger. In other cases a period in prison will allow you to send that person out less likely to commit crime in the future. Prison isn't working properly if it can't do that. There is an assumption

that people make that prison is a significant deterrent. That is greatly exaggerated, largely because many people who commit crime do not consider the consequences of their crime when they carry them out or believe that they will be caught and punished. Prison also performs another role that we need to find a way of replacing, that is that for many people they look to prison and the length of a custodial sentence as a way of expressing society's disapproval. That distorts the system in my view. It is understandable that people want to see some sort of ranking so that a person who has committed a serious violent crime gets a punishment that is more significant than for another offence. People want to see a moral order. However, if you look for that only in the length of a custodial sentence, you are not

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3. See n.1.

4. House of Commons Justice Committee (2010) *Appointment of HM Chief Inspector of Prisons* London: The Stationers Office.

asking the question 'what will actually prevent this person committing crimes in the future?' That is a more important question. We need to find a way in practice and in the tabloid press of saying that the most effective sentence is the appropriate response to a crime, and that is not necessarily measured only by the length of a sentence.

JB: The report had much to say about the recruitment and training of prison officers. However, in publicity terms, the Committee were perhaps gazumped by the Howard League publishing their evidence separately and in advance of the report, and in which they called for prison officer to be a graduate profession and this generated significant media coverage. Do you think that the Committee can work in a way to have a similar media impact?

AB: I don't think that the Committee was trumped because it was good to hear prison officers talked about positively. The Report did get coverage, of course this was not as much as we would have liked, but it never is as much as we would like. The Howard League is a campaigning organisation that gave useful evidence to us and we have no quarrel with them. Our conclusions on the training side were different from theirs, but we shared the view that prison officers in this country do not get the training that they are entitled to. When we looked at other countries they all had much more ambitious programmes for training prison officers.

JB: The Report did not support making prison officer a graduate profession, instead supporting longer basic training and the use of National Vocational Qualifications, but also called for investment in basic skills, numeracy and literacy training for some prison officers. Do you think that having identified such a fundamental gap in the skills of some prison officers, this calls into question the current levels of training and expertise? Is this really fit for purpose?

AB: We had evidence that some prison officers genuinely had difficulty in producing reports and talking to people in prisons we had confirmation that some prison officers lacked the basic skills that they

needed. We didn't go into individual cases and some of them may have had well developed skills in other areas. However, there was clearly a gap there and that should be filled. When you have a prison officer who needs basic IT training or basic literacy training and they can't get that but prisoners do have access, that can be frustrating.

JB: The report specifically discussed prison culture. This is of course a complex area. The Report particularly highlighted that the growth of managerialism had led to more 'box ticking' as opposed to moral leadership. It was also highlighted that in a competitive world, there was a rapid turnover of managers. As a result it was identified that some prisons developed entrenched negative cultures that were either masked by performance figures or unaddressed by short-tenure managers. What do you think can realistically be done in order to change this structurally and in terms of attitudes and values?

AB: The Chief Inspector of Prisons, Anne Owers did a very good job in identifying where some of these problems existed. It is clear that prisons have cultures and in some prisons, even where the right boxes are ticked, there can still be problems that can't be resolved unless you have good leadership

by prison officers as well as managers. That leadership needs time and not be frustrated by having to take larger numbers of prisoners and experience overcrowding. All the evidence suggest that you can correct failings in culture more effectively in smaller prisons rather than larger. This raises questions about having 1500 place prisons, let alone the now abandoned Titan prisons. There are also some questions about clustering, which should be done in a way that does not rob prisons of the leadership they need. We have expressed concerns that sometimes clustering is done for a mixture of geographical convenience and money saving and not on the basis that each prison will receive the leadership it requires.

JB: The need for prison to focus on reducing reoffending is echoed throughout the report. In the final sentence the Committee concluded that: 'Reducing the ratio of officers to prisoners

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in pursuit of short-term economic savings will damage long-term re-offending rates, creating more victims, more fear of crime and all the social and financial damage that arises from criminality'. Are you therefore calling for significantly increased investment in prisons?

AB: No. In the Justice Reinvestment report we were calling for a shift away from prisons towards more investment in services that would prevent people ever needing prisons in the first place. What we are saying is that for prison to work you can't just push into prison everyone that comes through the criminal justice system. If you allow yourself to be on a treadmill to build more and more prison places for more and more people, you are left with increasingly ineffective prisons because you won't have the officer numbers to do a proper job. The answer to the problem that we identified was not to build more prisons and employ more prison officers, but instead we wanted prison officers not to be given more prisoners than they could reasonably cope with. We were arguing against any system that does not maintain a proper ratio of officers to prisoners. We recognised that it's a vicious circle to get trapped with an ever-expanding prison system because those resources could be used elsewhere. For example, if you don't ensure that children who need it get special support at school from a young age, then they will be up before the courts in a few years getting community sentences that will fail because the ground work hasn't been done and then they'll be in prison.

JB: In 2010, the Committee published this report on Justice Reinvestment. This idea is premised on the fact that prisons reflect social problems, so people who live in poverty and people in marginalised groups, particularly minority ethnic communities, are more likely to end up in prison. As a result, this idea suggests that spending on criminal justice should be reduced and savings reinvested in addressing these underlying social problems. Why did you decide to examine this particular issue?

AB: Two things. The first was standing back and asking what are we spending? Is it achieving what we want it to achieve? Could we spend it differently? They are the questions that any Committee should answer. Second it was based on international experience, looking at other countries. From that it is obvious that there are other ways of doing things. Even in the United States there is a serious attempt to

look at different approaches. Some states have done this for philosophical and ideological reasons, such as Washington state, but others such as California, have realised that they simply can't carry on with policies such as 'three strikes and you're out'. We were also interested that other European countries have avoided being dominated by a political debate characterised by who can talk toughest, instead there is a much broader debate taking place amongst politicians and in the media.

JB: The report is critical of what it describes as the "arms race" on being "tough on crime" and instead calls 'for encouraging and informing sensible, thoughtful and rational public debate and policy development'. This is call that has been made by many academics and interest groups over the last two decades. Does the

Justice Committee have the capacity to take this forward more effectively and act as a launch pad for these alternative approaches to justice?

AB: That is what we have tried to do. The Committee was unanimous on this. It has also given some political cover so that politicians in key positions, if they are attacked for exploring more radical ideas,

can at least say that the ideas have already had the support of an all-party committee.

JB: What has been the response to the report?

AB: The response from the government has been generally positive. The Justice Reinvestment Report struck a chord with people across the political parties and in the Ministry of Justice and the Treasury, who were ready to look more radically at the prison system. There have already been people asking the question of whether we can go on like this? This idea has therefore attracted their support. To be fair to Ministers, this is going along the same direction they have tried to travel in relation to youth justice and women. I have had experience of the Government responding to reports by issuing press statements dismissing the whole thing, which then has to be retracted. That happened to me in 2001 with the Privy Council report on the anti-terrorism legislation. However, with this report there has been a more considered response. There is still some institutional traditionalism that is not open to the ideas. Until we get to the point where decisions are made at a more local level, then we will preserve a situation where prison is a free commodity and everything else is too expensive to do. Many is the time when what the

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district judge wants to do to address the offender's problems is not available locally, but if custody is given the prison van comes to the door and collects them.

JB: I am sure that in your research you looked at Oregon where they introduced justice reinvestment policies as they were concerned about the level of juvenile imprisonment. They calculated how much it had cost to imprison people from each county in the state, gave that money to each of them and said that from now on they would have to pay directly for the cost of imprisonment. If they imprisoned more they would have to raise taxes or cut other services, and if they imprisoned less they could invest the money elsewhere. As a result the use of imprisonment fell dramatically and money was invested in deprived areas that prisoners came from.

AB: Mapping is an issue we explored in the Justice Reinvestment report, which feeds into that. It

is extraordinary that we have these elaborate systems for deciding where to allocate resources throughout the system, but prisons seem to be exempt from that. That derives from the idea that if the judiciary decides that prison should be used then the executive has to provide that. However, courts are often precluded from doing what they consider best because that is not available but prison is.

JB: What is next for you and the Justice Committee?

AB: Individually the current members are promoting the justice investment ideas inside and outside of Parliament. We have also have other reports to complete before the election. After the election we cease to exist for at least a month as new members are appointed. I do want to go back to this Committee and continue the work.



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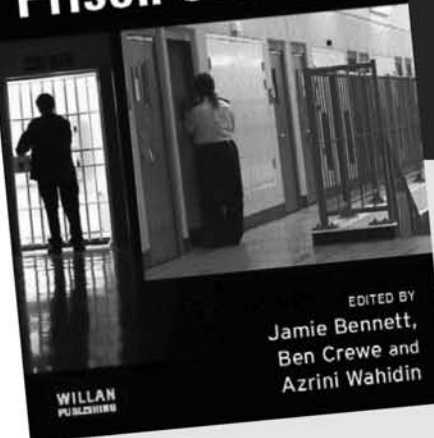
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The *Prison Service Journal* is a peer reviewed journal published by HM Prison Service of England and Wales. Its purpose is to promote discussion on issues related to the work of the Prison Service, the wider criminal justice system and associated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

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