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**Where does the prison
system go from here?**

Special Edition

Interview: Richard Garside

Richard Garside is Director of the Centre for Crime and Justice Studies. He is interviewed by Christopher Stacey, Information and Advice Manager at UNLOCK, the National Association of Reformed Offenders.

Richard Garside has been the Director of the Centre for Crime and Justice Studies (CCJS) since 2006, having previously been the director of the Crime and Society Foundation and head of communications at Nacro, the crime reduction charity.

The Centre for Crime and Justice Studies is an independent public interest charity that engages with the worlds of research and policy, practice and campaigning. Its mission is to inspire enduring change by promoting understanding of social harm, the centrality of social justice and the limits of criminal justice. Its vision is of a society in which everyone benefits from equality, safety, social and economic security. In 2010 they have published Criminal Justice Spending Briefs, as a series of three publications. Police Expenditure, and Prisons and Probation Expenditure, were published in mid-2010, with the Courts Expenditure publication forthcoming.

He has written on a range of crime and criminal-justice issues. He is a regular media commentator on a range of crime and related issues, as well as giving speeches and participating in conferences and debates. His current interests centre on questions of crime, harm and political economy.

CS: How do you regard our relatively high national imprisonment rate?

RG: Crispin Blunt, when he gave his speech back in July, described the current prison population as a national embarrassment, which is certainly one way of describing it. I might be stronger in saying that it is a national disgrace, but I don't think that anybody other than those who are relatively fringe in their political beliefs think that having such a high imprisonment rate is desirable aim in itself. The question is how you best address that problem. The problem with such a high rate is that it is quite costly, and if you are incarcerating people and warehousing people who really don't pose a threat to anybody including to themselves, then why do it? As Ken Clarke pointed out in his speech in late June that we hosted, it is about double what it was when he was last Home Secretary. The Conservatives seemed to get through their last administration quite comfortably on a much lower prison population, so one has to ask the question what is that significantly higher rate really delivering in terms of social benefit, and obviously impact on individuals, and then of course you have the fundamental challenges about who is in prison, the enormous rates of mental health problems,

just sheer need, which I think is quite concerning. At the end of the day if you are incarcerating people who are either very mentally distressed going into custody or become very mentally distressed as a result of being in custody, one has to questions about how you square that with notions of a civilised society.

CS: Where do you think the Labour Government went wrong?

RG: Well, it depends at what level of abstraction you are exploring. You have the surface level stuff that was going on, so all the tough talk, all the populism, a set of legislative changes that increased the number of offences, and a general inflation of sentencing, including a displacement of fines to community sentences, community sentences onto prison, and so on and so forth. Then there is the underlying set of policies that they were pursuing at a broader social, economic and political level, that fed in to and was related to those surface-level changes, and you need to look at both of those to really get a full picture as to where they went wrong.

CS: How likely do you think it is that this rate will be reduced? How desirable do you think this is?

RG: Well, it is certainly desirable. If you assume that prison should be used firstly as a last resort, and secondly that you should only be putting in prison those who pose a significant risk to others, then I think all the logic of that position would point to a much lower prison population than we currently have. And given that at least some of those people who pose a risk are also themselves often quite mentally distressed, and have all sorts of personal problems that partly led them to commit the very serious offences that they did, one has to ask whether incarcerating them is the right thing given the context of their lives. How likely is it? I don't think it is very likely at all. Even when you look at some the recent pronouncements of government ministers, which are in many ways very much welcome in terms of rhetoric and change of tone, no government minister is committing themselves to an active programme of reducing the prison population. Whilst I am sure they must be doing their own internal projections and analyses, I think the general trajectory will be upwards, and will be upwards for some years to come. In some ways, it is a depressing view, but it is a realistic view. I would be delighted to be proved wrong in that one.

Why it won't happen depends on what you think prison is actually there for, and how people end up in

prison. Of course, at one level, you generally have to do something that brings you to the attention of the police, so at a certain level it is not like being in an asylum or a mental health unit. At the end of the day, prisons are very socially selective. They tend to select particular people who occupy certain socio-economic positions in society. So the regulatory role that prison performs in terms of managing and controlling what might be considered to be an 'unruly' or 'undesirable' population needs to be taken seriously. I put those terms in scare-quotes because there is a certain degree of stereotyping that goes on there. If we look at it more broadly, there is some quite significant research evidence that points to the fact that the size of a prison population is related to the underlying social processes of any given society, and broadly speaking more unequal societies tend to have higher prison populations than more equal societies, and societies who invest more in their welfare and social support mechanisms generally have lower prison populations than those who invest less. Now we are going into a period where we are probably going to see growth in the rate of inequality, and also an ongoing disinvestment in social safety-nets, so it would be strange if, as a result of those quite big social processes, we saw a fall in the prison population. There is no iron law here, of course, and it would be possible for a government to preside over these policies whilst also seeing a drop in the prison population. It just doesn't strike me as being very likely.

CS: Is Britain a broken society and to what degree do you think prisons can contribute towards addressing social problems such as poverty, unemployment, family breakdown and anti-social behaviour?

RG: Well, I don't think Britain is a broken society. I think that that was an election slogan, and it doesn't strike me that the Prime Minister has been harking on those terms since the election. It is an unfortunate way of describing what are without doubt some really significant challenges. I don't actually think that prisons can make any significant contribution to addressing social problems. They do entrench social problems, but I don't think that is the fault of people in the Prison Service, who often do a very difficult job to the best of their abilities and in very difficult circumstances. But the

notion that prisons, and the use of imprisonment, can be some kind of mechanism for improving the state of society and in some way addressing deeply entrenched social problems just strikes me as a bizarre proposition. It is difficult to see how taking certain individuals out of their day to day existence, putting them in a very authoritarian and highly structured institution, where there is lots of problems of bullying etc, taking them away from their family, it is very difficult to see how that's anything but a very negative way of trying to deal with particular problems.

CS: To what degree do you think it will be possible to achieve a 'rehabilitation revolution', significantly reducing reoffending, given the current squeeze on resources?

RG: It is interesting how the mood music has changed on this over the years. When Michael Howard back in the 1994 talked about 'prison works', he meant that it keeps these horrible people away from law-abiding citizens and stops them committing more crimes. But at the time it was highly criticised as a speech, and it is interesting now that even those who would consider themselves to be strong reformists are engaged in a dialogue about making prison work. The proposition that if you could just get it right, then it would be possible to reform and rehabilitate people, then they will come out of prison as budding entrepreneurs, budding

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businessmen and women, and people wanting to go back to education I don't find very realistic or likely. Clearly, you can think of individual cases, and there will people who have been through the prison system who might come out the other end and may have learnt something. Maybe it is the first time that they have had the chance to learn how to read and write, or it is the first time they have come across anybody who takes an interest in their lives and wants to help them. So I am not dismissing that. Indeed, in one of our projects, the 'Works for Freedom' project, we are very interested in exploring those examples of practices and interventions that can genuinely transform people's lives for the better. But, in the round, prisons are simply not equipped to deal with those big problems that people experience. People go out in many cases with very much the same problems as when they went in. So, like 'Broken society', or 'Big Society', 'Rehabilitation Revolution' is a slogan. I

suspect there will be some examples, where maybe the reconviction rate has been slightly reduced. Everyone will get excited about it, but in broad terms the general situation where roughly half the people leaving prison are reconvicted within two years I suspect will continue. That is not necessarily because they are bad people. It is to do with the system as a whole. One of the innovations of the Labour Government was that the criminal justice system process was much more tooled up to keep hold of, supervise and manage people, once they have left prison as well. Broadly speaking if you monitor somebody and watch them close enough for long enough, they are going to do something that they shouldn't do. So, there are greater hurdles now for people leaving prison to get away from criminal justice surveillance, and that is above all of the other hurdles that they may face, whether it be finding a home, getting a job, or just rebuilding their lives.

CS: How do you think the actual prisoner experience has shifted in recent years? How is it likely to change in the next few years?

RG: Now, I am not really the best person to ask that question as I am not particularly close to what goes on in prison these days. I don't get to visit prisons very often, and CCJS do not get particularly engaged in prison reform questions. It is not because we do not think they are particularly important, it is just not where we see we can have the biggest impact. I am sure some of the problems around overcrowding can't have helped the general experience. It is difficult to see how the experience can be in any way improved, particularly in the context of squeezed finances, unless there were simply fewer people in prison. For those who were then no longer in prison, their experience will have improved, as well as for those who remain. Now, there is one answer, which is to increase the level of staff, increase resources and increase the budget, and that is certainly an argument. But the more desirable outcome would be to use the current period of squeeze on budgets to actually start having an honest conversation about what the largest prison population is that we can realistically sustain within current budgets which is also in keeping with good practice in what it means to be a civilised society, and use that as a base.

It is about time that we as a society had some discussions about what size prison population we would feel is desirable or justifiable. Prisons end up trying to pick the pieces up of the failings in other areas.

CS: What do you regard as the biggest problems in the prison system?

RG: There are a number of different dimensions. Without doubt, there is a financial problem. The work that we published a few months ago looking at prison and probation expenditure made it very clear that prison budgets have been very stretched, and over a period of years it has a corrosive effect. The infrastructure decays. There is a major question about the role of the private sector in terms of fragmentation, and what that means in terms of having a coherent policy around prisons, but the sheer number of people is the problem. It is about time that we as a society had some discussions about what size prison population we would feel is desirable or justifiable. Prisons end up trying to pick the pieces up of the failings in other areas. As we have seen in a general retraction of the social state over the last 20 years, the demands placed on prison have increased. Problems are not dealt with at an earlier point, are greater, and I am sure that is one of the contributors to the current prison population. One of the problems at the moment is that the reform sector itself, in terms of its overall vision of how things could be different, has collapsed into a form of pragmatism, with a few honourable exceptions. Organisations that 10-20 years ago may have been leading the charge in challenging ministers in debates about the role of prison, in terms of what size it should be and so on, are now just scurrying

around for service-delivery contracts. Whilst I can understand the pressures that they are under, it does make me think that a number of those historically loud voices are now much quieter than they used to be. But there has been a certain exhaustion of the reformist vision. It is still locked into certain propositions, such as we need more community sentences instead of prisons being a classic of that, or community sentences need to be tough and rigorous in order for prisons to be used less. The world has changed an awful lot, including the drivers for the prison population and the sheer expansion of the justice system. I don't think many engaged in these discussions have really looked at that, but have repeated some quite tired and unevidenced propositions.

CS: What are the major obstacles to prison reform?

RG: To put it bluntly, I'm not myself particularly interested in entering into dialogue about making

prison work or to reform prisons. My own position is that I am a long-term abolitionist. I don't think it is possible to do away with prisons tomorrow, but I think that the use of imprisonment as a mainstream response to certain behaviours which are regarded as crime is a relatively recent development, and something that developed as a result of the changes during the industrial revolution. I can see that it is important at a certain level, and if I were in prison I would want individuals and organisations to be lobbying hard for improvements in regimes and in changes in how I was to be dealt with, but it is not what I feel is fundamentally at issue here.

CS: How do you see the idea of 'The Big Society' impacting on prisons?

RG: Does anybody know what this Big Society really is? I have never met the chap but I am not even sure that David Cameron really knows, apart from it being an election-winning slogan. I will take what I think is part of the rhetoric, which is about the ongoing development of a mixed economy of provision. One way to look at it is the ongoing reduction of the monopoly that the Prison Service has over the delivery of custodial services, hence, the emergence of private providers. Now, of course, that is not linked to the Big Society, but alongside that is a greater role for the voluntary sector and community groups, all somehow coming together in a sense of a shared endeavour to deliver on shared objectives and shared aims. In all honesty this leaves me with a degree of depression. What it will bring out is not the wonderful activist society. It is cover for a fragmentation of what has historically been the role of the state. There are some significant question-marks about whether something like the delivery of punishment and the delivery of services incarcerating people should be outside the remit of a democratically accountable state, and that is where some problems have arisen, for example with private sector prisons in terms of the accountability for the money spent, and of officers working in those prisons, and likewise with the third sector.

CS: Are there ways in which the charitable sector and citizens can make a new and different contribution to prisons and rehabilitation?

RG: There are certainly other ways in which the government *would like* them to be involved. We have seen the emergence of partnerships between the voluntary sector and private providers in running

prisons, and I think we will see that in other areas, for example in the Probation Service, and in the whole ongoing development of commissioning and contestability, basically with third-sector partners competing with Probation Service and the Prison Service for a slice of the cake. Given the pressure on funding I can understand why there may be some kind of imperative to engage in that. But it is certainly not obligatory for them to be engaged in that. As somebody who has worked in a number of organisations over the years, including those who have delivered front-line services, I have real concerns about the future of charitable independence, especially those who become so dependent on government for the delivery of their charitable

objectives through commissioning and contestability. They end up becoming para-statal bodies, they are not really independent. That said, I think there are some real opportunities there as well. The time is rife for an engagement and discussion about what makes genuinely for transformative practice. So if you are talking about the kinds of individuals who often have profound social personal needs, in many cases through no fault of their own, there is an important role for active citizens in the third-sector to operate in helping and supporting those people, providing interventions and support that genuinely

changes their lives. I am sceptical about the degree to which that can be achieved through the criminal justice process, and engaging with that process, because so much of the pressure is on the narrow terms of reducing re-offending. The historic charitable vision of 'looking after' people and helping them is profoundly alien in the criminal justice process. There is a very active role in charities doing what they have also done which is helping people — I just don't think that partnering the criminal justice system is the best way to do this.

CS: Prisons have an extensive system of managerial monitoring and regulation, including key performance targets, audits, inspection and surveys of staff and prisoners. Is this affordable or necessary? Should prisons be the subject of deregulation?

RG: Taking affordability first, the overall budget for the prison system is around £3-4 billion. Given the overall budget deficit it is a tiny drop in the ocean. So,

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at one level, the current system is entirely affordable. As one of the richest countries in the world, we could no doubt afford a much larger prison system were we so minded, and perhaps that is where we are sadly going. But the question is then what you can't spend money on, and I can certainly think of better ways of spending it than locking people up in prison. Given the current financial pressures it seems to me unlikely that the prison system is affordable in its current structure. But that is true for the criminal justice system as a whole.

As for all these targets, I am sure they must just drive prison governors and staff to distraction. They must feel like they spend all their time filling out forms rather than be actually doing the work they would like to do. There is clearly a balance to be struck. Prisons, like other areas of public service, are in receipt in public funds, and so there must be a degree of accountability there. It is not obvious to me that filling out a load of forms that have been dreamt up by bureaucrats in Whitehall is a particularly effective way of achieving that.

CS: What role should the commercial sector have in imprisonment?

RG: I am not in favour of private prisons. If I were Minister of Justice, I would close all private prisons. In my view it is very clear that the only social body that should be responsible for the prison system is the state. I can see the role, within a complex state bureaucracy, where all prisons are run by the state, then at a certain level, whether cleaning, education, catering, building work, you can see all sorts of areas where it may be desirable or cost effective to involve other providers. But in my view it needs to be under the very clear oversight and accountability of the state, and that is not the case at the moment. So, in answer to the question, my answer is a much smaller role to what it currently has.

CS: To what extent do you think private sector competition has altered the terrain of imprisonment?

RG: It has altered it quite significantly. Those in favour of private prisons would say it has forced the Prison Service to up its game, that there are some very good private prisons doing some very good work. I am sure that may well be the case. Maybe that is simply saying new prison buildings are more pleasant than decrepit old Victorian buildings. Perhaps where you think about the architecture and design you can do

some interesting things. I suppose where it has fundamentally altered the terrain is that it is only because of the injection of private capital into the prison system that we have been able to have the increase in prison population that we have had, because it is only through private finance that has allowed the government to keep all of this additional capital expenditure off the balance sheet. So, in that sense, the involvement of the private sector has been an entirely negative one.

CS: There are plans to freeze public sector pay and make fundamental changes to pensions and employee benefits. What impact is this likely to have on existing prison staff and for the future workforce?

RG: I am sure it will have an impact. I expect the prison officers, including the POA, are very unhappy about the situation. There is a lot of talk about a new winter of discontent. Prisons are an unusual bit of public services in some way as the POA is not officially recognised as a trade union, with trade union rights, quite wrongly in my view. Leaving that to one side I can't imagine working in prisons in a very nice place to be, and so I suspect there will quite a lot of disruption, if not in the walk out and strike version, then there will be disruption of other sorts, which will have a knock-on effect on prisoners.

CS: How do you think industrial relations in prisons are likely to develop over the next four years?

RG: I sometimes wonder whether, when you look at the very ambivalent relationship between trade unions and the Labour Party, and because many thought they were on the same side, having a very public dispute was quite difficult for many trade unions. Traditionally, Conservative governments and trade unions haven't always seen eye to eye. Indeed, the last significant trade union conflict was in the mid-80 under the Thatcher government. I am not sure that we will see something like that again. I think actually trade union rules have now changed such a degree that makes that quite difficult, but I can't see that industrial relations in prisons will improve as a result of increased numbers in prison, squeezes in budgets, and struggling conditions. Who is going to go into work in a morning with a spring in their step knowing that? So it is not going to be pretty I suspect. Whether we will see the severe disruptions we have seen in previous decades is another matter.

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CS: How should prison professionals make their voices heard in the current debates about prisons and imprisonment? Is anyone listening?

RG: There are some real difficulties with prison professionals, because it depends at what level you are talking about. It won't be particularly insightful observation on my part to state the obvious that the PGA and the POA have not always seen eye to eye, but it seems to me that they have a level of shared interest in defending public services and working towards achieving objectives. But I understand that relationships in prison can often stop that activity from taking place. As for whether anybody is listening, well six months ago who would have said we would have a Conservative/Liberal Democrat coalition. Three months ago, many would have expected an election early next year, or at least the following year. The Coalition is looking quite durable, though we are beginning to see some of the first cracks developing in a number of different areas. When the Government becomes much more entrenched and embedded in, and what will be quite unpopular series of cuts, then an awful lot of tension will build up, and which might give those working in the Prison Service who might want to articulate their views something to play for. The discussion around that will need to be led by the PGA and the POA. In my view, the argument needs to be more proactive than simply defending jobs, important though that may be. There needs to be something about articulating and developing a vision for what kind of prison system we want; how large, what kind of people are in it, over that time, and what the steps are to getting to it, which is not really being discussed at the moment.

The great strength of any organised voice is that they can claim to be a voice of many. When people come together to represent a united position, they can achieve things that people acting individually can't achieve. So, some form of collective negotiation and action is both desirable and necessary. But it is not the be all and end all. The challenge for any trade union is to try and democratically reflect the interests of their members. There are other mechanisms, such as staff forums, but it is just not particularly obvious to me necessarily that the management will listen. It can be useful way of testing the water, getting a

sense of what people are feeling, but whether anything fundamentally changes as a result is another matter.

As for prisoners giving their views, that is one of the great areas of discussion that is not had at all the moment. It happened in a small scale, such as the ongoing debate around prisoners' right to vote, which strikes me as almost so obvious that it still distresses and depresses me that it is not taken for granted. But it needs to be much more than that. At the end of the day, if you have been put in prison it does not or should not mean that you lose of all of your rights. The Prison Service does not own you. You may be in prison, but you are still somebody with family, friends and aspirations, with a past, a present and a future. Those things are very important. It is a disgrace that people in prison have so little voice and so little power to express their desires, and their needs and their wants. But how you achieve that I don't know, because I think it would require such a change in the way that prisons operated that they would not be recognisable as prisons anymore. Prisons are very hierarchical, which can affect everybody that is there; both prisons and staff. If you are going to have a genuine prisoner voice, it would mean a very fundamental change to the way that prisons operate.

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CS: What current work are CCJS involved in?

RG: The Works for Freedom project is an online resource for practitioners, to stimulate debate, reflection and knowledge sharing, which will include people working in the criminal justice system but also those working with those groups vulnerable to capture by the process. We are doing a prison-based project which will be talking to individuals who have committed very serious violence acts, exploring their biographies to identify points in their lives as a way of recovering their sense of being real people.

We are also doing a piece of work looking at reformist strategies going forward, looking at the challenges that the reform sector face and how that might relate to what the research evidence points to and explore where that may lead, in what is a very difficult time for reformism.

We are also doing a new series of criminal justice policies, first of which will be coming out early next year, and we're finally just finishing the third of our series of criminal justice expenditure. We published

one back in June on the Police, one on Prisons and Probation in July, and we're just finishing the Courts briefing which will be published in the next few weeks.

We are very interested in care-leavers entering the criminal justice system, and whether their needs are being met, that is why is there such a striking cohort of people who come out of care and spend a year or two trying to making sense of their lives and then end up in prison. That is part of a larger piece of work which we are interested in which is about exploring and promoting debate on why it is that people seem to move around different institutions,

from when the old asylums were closed, to children in care, to people coming out of the armed services, and how that revolving door can be addressed.

We are also a membership organisation, so if any of your readers would like to join, we can offer a very good rate. We also have a monthly email bulletin which is free and which, rather than just saying what we have done, it is about trying to take a sideways glance at recent policy developments, including reports that have come out, and some important news stories, as well as the very popular 'Quote of the Month'.