

An aerial photograph of a city, likely in the United States, showing a dense residential area with many houses and trees. In the center of the city, there is a large, multi-story institutional building complex, possibly a prison or a government facility, with several interconnected buildings and a large parking lot. The sky is clear and blue.

PRISON SERVICE JOURNAL

November 2012 No 204

Rethinking prisons and the community

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I believe that the way prisons relate to the community is one of the most important issues facing prison managers today. It is my most recent experience in a local prison that has been the most striking to me. I now see that my working life has been spent on the fringes of the criminal justice system. Now I feel part of it. But am I really? When Nottingham prison was recently expanded we committed ourselves to configuring the prison on community lines. Although we could not attempt the Woolf community prison formula of 1991, we did our best to let the community in.

First, a word about Bill Perrie. I never met the governor in whose memory these lectures are named. But I have experienced his influence. He opened Long Lartin in 1971. I was there 25 years later. I felt at the time that there were aspects of the culture of that establishment that still reflected his values. The way that a prison is opened can influence its culture and ethos. I thought that the tradition Bill Perrie started, a tradition that made it normal for staff to talk to prisoners, was still there in the mid 1990s. I understand that it is still there today. For me, the message to be learned from that experience was clear. When you open a prison or fundamentally change its role, don't be limited merely to introducing systems. Prisons need values too.

I will be making four points this morning. Firstly, there is a lesson from history: we're in the wrong place. That is, I'm going to argue that the world we take for granted came about through a mistake. That world is the system in which local prisons are run by a central government department. If we accept that it was a mistake it makes it easier to contemplate a somewhat different future. Secondly, I want to reflect on how this has shaped us: the attitudes that make us fail. There is a danger that we are taking on a responsibility for issues that we cannot reasonably be expected to deal with. Put another way, the answers to the challenges of crime and anti-social behaviour do not lie in prisons but sometimes we speak as if they do. The community reality of crime and antisocial behaviour is largely excluded from prison discourse. Thirdly, we should be finding the community:

meeting the people who pay us. Finally, there is the question posed by these lectures, where the community comes in: a practical idea and an unpractical vision. These are some thoughts about accountability. The vision will be unpractical because I will not give a route map. But it will not be impracticable.

Obviously I am going to be talking about crime. By 'crime' I mean burglary, theft, street violence, gang crime, domestic violence. This is sometimes called 'volume crime'. That is, I mean the sort of crime that is of immediate concern to communities. I will not be talking about serious and organised crime, terrorism or sexual offending, or about the valuable work being done in the community and in prison in respect of those offences.

A lesson from history: we're in the wrong place

Sir Edmund Du Cane, the literal architect of Wormwood Scrubs, was also the principal architect of the nationalisation of local prisons. The work of Sean McConville has illustrated that the impact of Du Cane was immense². I would add that it has had so profound an effect that we do not question the world that he created for us.

There follows a brief, very simplified, history lesson. The 1840s to 1870s saw a transformation in English life as a result of the growth of the railways. Greater mobility and the improvement of communications led to a breakdown of what we would now describe as localism. From this came big changes in how people viewed the world, including crime and punishment. From Anglo Saxon times, it had been axiomatic that communities should themselves be responsible for law and order. For example, in the 1840s local government paid almost all law and order expenses. After the second reform Act of 1867, the view emerged that less should be paid from local property taxes and more from central government taxation. People also thought that more mobility meant that criminals had become a national problem, and their punishment should become central rather than a local responsibility³. So in the nineteenth century, a criminological theory emerged that criminals

1. I wish to acknowledge my colleagues at Nottingham, Karen Lloyd (Head of Partnerships) and Jane Hilton (Senior Probation Officer, Nottinghamshire Probation Trust), and also to our former colleague Mel Gardner (now with Nottingham Crime and Drugs Partnership). They are the experts and I am the spokesperson.

2. McConville, S. (1998) *The Victorian Prison* in Morris, N. and Rothman, D. (eds) *The Oxford History of the Prison* Oxford: OUP .

3. Incidentally, this is as wrong now as it was then. It is astonishing that despite all the advances in transport, education and communications crime remains almost entirely a local phenomenon. It comes out of marginalised communities. And people in those communities don't go anywhere.

planned to do crimes where prisons were soft. They would move to those areas. So there was concern that punishments were not uniform. This added to the arguments for centralisation and justified chillingly austere regimes.

In Disraeli's second administration in 1874 all this came together. Disraeli's election promise had been to reduce local rates and central government taxation. So if you could remove prisons completely from local government this would give immediate relief. Du Cane put forward a clinching argument: if local prisons were to be nationalised, there would be a net saving in expenditure — thus reducing the tax burden both national and local. This was accepted by the Home Secretary, by Cabinet, by the Prime Minister and finally by Parliament.

It was, unfortunately, completely fallacious. Edmund Du Cane argued that he could close half the local prisons in the country and use the savings to pay for the other half. It was something for nothing. He thought that local prisons could have productive industries. They did not. He failed to survey local prison buildings and as a result central government ended up with a local prison estate needing investment.

Du Cane was offered a large cash bonus to carry the whole thing through. He impressively forced more than 60 prisons into the new national prison commission, which he chaired. There followed investment and new buildings and self-congratulatory annual reports. For example, in 1891 an entire new prison was built on the then outskirts of Nottingham for the sum of £20,000.

Edmund Du Cane retired and he was rubbished by his successor who in turn was rubbished by his. But no one challenged the notion of prison nationalisation. By the 1930s progressive and official opinion accepted the necessity of nationalisation as an absolute truth. Not a single voice of dissent has been raised. That remains true to this day. For example, the 2011 White Paper on *Open Public Services* mentions in passing the self-evident fact that the running of prisons obviously could not be devolved to communities.

John Rentoul, the *Independent on Sunday* journalist is very active on Twitter⁴. He has a tongue in

cheek campaign about barmy headlines with this hashtag: #QTWTAIN — Questions To Which The Answer Is No. I sometimes play a game about QTIHNBA:

Questions That I Have Never Been Asked. Some of questions I have never been asked include:

- What happened in the local criminal justice board last week?
- How are we performing in MAPPA panels?
- What is your reconviction rate?
- What are you doing to support crime and safety partnerships?

It is strange that having worked for so long in a government department and then in public and private sector prisons that it has only been since I first walked into Nottingham prison in July 2008 that I felt that I was part of the criminal justice system and — for the first time in my working life — that what I did was relevant to the community.

It was interesting to think about my community brief. I knew of no leadership engagement with the other agencies. The third sector was important only for its annoying failure to turn up regularly for the race relations management meeting so we could meet our audit requirement. The contrast with the other agencies was stark. For example, police senior teams seemed to be as at ease with the professional demands of policing as they were with the

social dynamics of working with marginalised communities. I felt there was a kind of humility there too — a willingness to engage with the public and reprioritise according to the public's concerns, even where police leaders did not necessarily agree. I was also struck by the low expectations of me. I heard another governor once say of his own Local Criminal Justice Board experience — of course it's all about stuff at the beginning of the process like offences brought to justice. 'There's nothing much for us to do'. But why was there such a difference between being the governor of a local prison and the chief executive of a probation trust? Or between being a governor and being the chief constable of a police force? What caused this professional separation?

Du Cane put forward a clinching argument: if local prisons were to be nationalised, there would be a net saving in expenditure — thus reducing the tax burden both national and local.

4. @JohnRentoul

How this has shaped us: the attitudes that make us fail

In the years that followed nationalisation, local prisons drifted away from their communities. Whenever I speak to Derbyshire magistrates I love to tease them with a picture of Derby prison. It closed in 1919. Over the years Derbyshire prisoners have gone to a range of local prisons far from the county.

Prison places are a free service to the courts. Communities do not bear the financial consequences of locking up young men in their thousands. I don't blame magistrates for their use of short sentences. It's unusual to come across a magistrate at ease with short sentences. What else can they do? Nottingham prison releases each year 2500 men into the community, most of them at the end of short sentences. The average number of previous convictions is 54.5. What else can the magistracy do if they are to preserve public confidence in the courts?

Today there is no discussion about the role of the state in the running of prisons or in the commissioning of prisons. Obviously, no-one today wants to see local government taking responsibility for prisons. No member of a local authority has cast a covetous eye over Nottingham prison and said to me, we could do better. But prisons were nationalised on the basis of woolly thinking about crime and a mistaken business case. Crime hasn't been nationalised. Crime isn't national. Crime isn't regional. Crime is local. In fact crime is sub-local. Crime is about neighbourhoods. It's a matter of postcodes. It's about streets. But we have enduring and unchallenged attitudes.

All public sector prisons have a service level agreement. I struggle with this idea because it seems to be unrelated to finance. And it's always fun to tease commissioners. The SLA template says:

3.1.1.HMPS will work with the local community and with the voluntary and community sector, social enterprises, faith groups, private and statutory organisations and agencies and, in Wales, the Welsh Assembly Government, to support the delivery of this SLA and to further NOMS objectives.

Well, I suppose there's nothing very wrong with any of that. But it did make me smile. This is an SLA of 5932 words and 29 pages. It is the only mention of community. Just look. It's in terms of what the community can do for centre: *to support the delivery of this SLA and to further NOMS objectives*. It implies a sort of category error. Do you want to know the answer to the community's problems? Look within this government department. The community would be a safer place, if only this SLA were to be delivered and NOMS objectives were achieved.

I want to share my own moment of conversion. I have told this story many times before because it defines my assessment of the issue. I happened to be standing outside Nottingham prison one morning when a group of men were released at the end of their

sentences. One young man was met by two of his friends. I watched as they greeted each other in the car park. There was cheering and hugging and fist bumping. They crossed Perry Road. I forgot about the meeting I was supposed to be going to, and followed them. I hurried along the pavement and caught them up. The ex-prisoner turned abruptly, saw me, and jumped back in alarm: 'Are you CID?' he asked. I introduced myself and we talked. He had been in prison for 10 weeks. I thought it sensible, in front of that audience, not to ask him what for. But I did ask him what he was going to do that day. It was very clear from his replies that his

discharge grant was going to be spent in a way that he would regard as sensible but I would not. Then, I asked him about getting a job. I will always remember the moment. His eyes met mine. He said nothing. And the story as I tell it is that at that moment I knew my concerns about work or education or drugs or rehabilitation would be wholly irrelevant to the choices he would be making that day. But what did he see as he looked at me? Did he not see me as someone who was wholly irrelevant to his life? I stood still and watched him as he continued on his way along Perry Road with his excited friends.

The question of the role of the community must be one of the most important questions facing those of us who work in prisons today. It is a more important than competition. Competition answers some big questions but of itself remains a centralist venture, although there is obviously scope for requiring contractors to let the community in.

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I believe strongly in letting the community in. I could give some examples. But I hesitate to do that. Any prison governor here could say they let the community agencies in to provide that activity or to do that service. We could make a list. We could all leave this room with some useful thoughts. 'Oh, yes we do a bit of that.' 'Or that's a good idea. Let's try that'.

The question of where the community comes in, is a sensible one. So I am not being rude when I say that it is, in a sense, also the wrong question. The question comes from a world that is inside. It comes from a perspective that is introspective. And it causes us to look for solutions in the wrong place. This is a really serious problem. This is not least because those of us who are practitioners are now placing ourselves in a position of responsibility. We are accepting a position of responsibility for crime and anti-social behaviour.

If your house catches fire it will be very important indeed for you to call on a fire and rescue service that is effective and efficient. You will want them to arrive quickly and act decisively. You want that fire out. You'll have some additional concerns. In their efforts to put out the fire you don't want them to cause more damage than the fire itself. You want them to be efficient and competent. You would also be grateful for their expert advice on how fires like this are caused and how they can be prevented in future. In the 21st century the fire and rescue service is actively engaged in crime and safety partnerships in helping communities to be safer. But it would not occur to you to blame them for your fire. You would not expect people to look at the fire statistics of your town and say, what is the fire service doing about that? What are we paying for? There are too many fires in this town. This fire service isn't fit for purpose. It would be absurd to blame the fire service for our house fire because we know who is responsible. We are responsible for making sure that our electrical wiring is safely installed or that a family member behaves responsibly when frying chips. The fire service is just responding to our problem.

So as responsibility for house fires rests with the community, so does responsibility for crime and anti-social behaviour. The answer to the problem of crime and ASB does not lie within prisons or in any other part of the criminal justice system. The answer lies in the community.

To ask, 'Prisons: where does the community come in?' is to provoke a number of thoughts. First, the community is self evidently outside. We will decide whether or not it should come in. Further, this is about the community coming in, not us going out. To me it also implies that we decide what will constitute 'the community' that we will allow in. It implies that involvement of the community is for the benefit of the

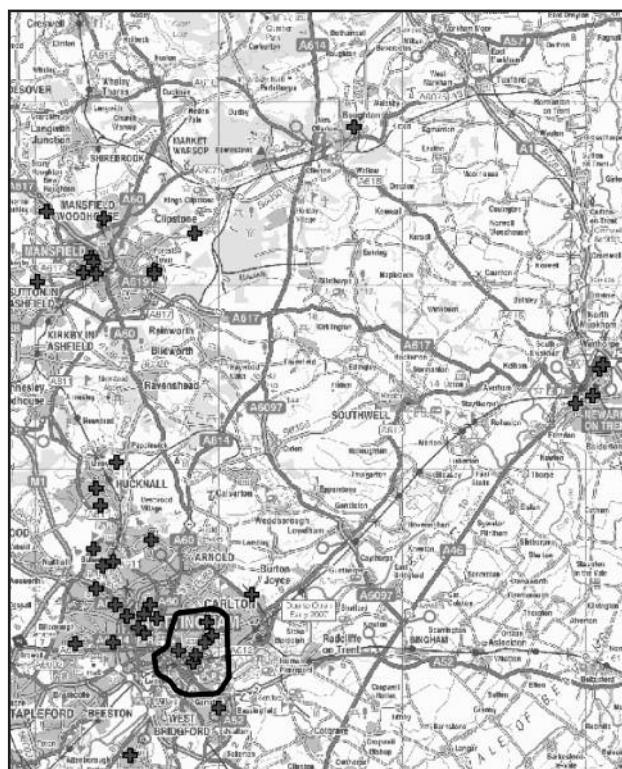
prison. It implies that prison managers will set the agenda. It implies the hope that the prison will endure but in some way will also be improved as a result of the community coming in. I believe that we're in the wrong place on all these issues.

Finding the community: the people who pay us

This is my favourite picture of Nottingham prison.



It's in a community. It's in the place where crime and disorder is taking place. Those people in those flats and houses are victims and taxpayers. Their taxes paid £96 million for the prison to be expanded. They'll pay £21 million this year to run it. This is where we discharged prisoners in to Nottinghamshire in April 2012. The people discharged to NG3 — St Ann's are circled in black.



This is a crime map of St Ann's:



This shows street-level crime and anti-social behaviour in St Ann's in one month — March 2012. Each of those blobs isn't a crime. It's a collection of crimes. Those blobs represent 464 crimes. A former Chief Inspector of Prisons said to me that Nottingham prison was like a water wheel that scooped people up from the community and dumped them back again.

Where the community comes in: a practical idea and an unpractical vision

There's a type of fiction called alternative history. It consists of stories that are set in worlds in which history has diverged from the actual history of the world. You may have read Stephen Fry's 1996 book *Making History*. It's good fun and very clever. A time machine is used to alter history so that Adolf Hitler was never born and the book follows the unintended consequences of that change.

Let's go back to 1876 and imagine an alternative history in which people see sense and Du Cane's nationalisation of prisons does not take place. Instead a powerful Inspectorate is created and local government is supported in improving local prison conditions. Local prisons remain the responsibility of justices of the peace — the local government of the day. By the early 21st century, governors of local prisons are answerable to prison and probation trusts. They have a legal duty to support the objectives of crime and safety partnerships, on whose boards they all sit. As local government employees local prison governors are enthusiastic participants in local criminal justice boards, and well aware of the need to make high quality contributions to

MAPP level 3 panels. They are significant players in the local criminal justice world.

Interestingly, their prisons are smaller but more numerous than we would expect. It has long been accepted that spending millions on prison places may not be an effective response to crime and antisocial behaviour. Since the late 20th century local authorities have been making a trade off between spending more and more on prisons, and evidence based interventions in families and communities. As with the recognition that public order has not been the sole responsibility of the police, so reducing re-offending has obviously not been the sole responsibility of prisons. And local authority adult and child safeguarding departments have been quick to emphasise the importance of keeping women in prison near their children and there have been successful experiments in ultra low security for women — and based on their needs (where perimeter security is more about keeping them safe from men than preventing escape).

You might object to all this. Clearly it is not realistic to propose transferring local prisons to local authorities. This would probably not go down that well. But the idea isn't completely mad. Let's look at the *Open Public Services White Paper*⁵. This states:

We want control of public services to be as close to people as possible. Wherever possible we want to decentralise power to the individuals who use a service.

But the Du Cane's spirit lives on. The document excludes prisons from the generality of decentralisation⁶:

Commissioned services — There are local and national services that cannot be devolved to individuals or communities, such as tax collection, prisons, emergency healthcare or welfare to work.

But, the idea is not totally ruled out⁷:

5.17 Our commitment to decentralising power means that we are enthusiastic to identify central government commissioning functions that could be decentralised to locally elected individuals and authorities, such as local councils and Police and Crime Commissioners. This could enable locally

5. Cm 8145, July 2011, p.8.

6. Ibid p.12.

7. Ibid p.34.

elected individuals, local authorities and Police and Crime Commissioners to integrate these with other local commissioners' functions, using, for example, Community Budgets to enable joined-up solutions relating to the needs of local people to achieve better value for money.

So here's a practical idea and an unpractical vision. The practical idea is why not give over some control now to local agencies and to communities themselves?

In Nottingham, we have an Accountability Board on which local agencies sit and guide our strategic vision. We involve the police, Jobcentre Plus, CSPs, the CDP, health, probation and others and give them a clear mandate to shape the prison's community objectives and the vision for the long-term direction of the prison. For our part we commit to supporting partner agency objectives and targets, even when these are not strictly relevant to our mission. The most striking example of this is healthcare where we facilitate 4000 health interventions a month. By giving up power over our prison and asking partner agencies to guide and shape our destiny, the levels of trust that exist between us and our colleagues in the community increase and practical collaboration intensifies: Integrated Offender Management, restorative justice, police productions, gangs, housing surgeries. I am there when things get tough for our community colleagues from any of the agencies. There is a personal relationship. And when things go wrong for me, they step in with their personal support.

But we can move beyond criminal justice agencies. By using existing police consultative arrangements we can be sure of aligning our service to community expectations. Neighbourhood watch associations are readily available for this. Whenever I speak to neighbourhood watch associations I say something about them and me. I say I'm there because they are paying my salary. And because of that it matters to me deeply what they think. I am not there to lecture them about Nottingham prison but to give them an opportunity to influence it. I have been struck by how

concerned the police are to respond to local community concerns. There is something respectful in the way that neighbourhood police respond to local concerns that sometimes seem trivial. We have tried to copy that: going out to NWA's with personal briefing; inviting the committees in to see the prison, to talk to prisoners and go into cells. Each person gets my personal contact details and an assurance that their views matter. They are paying for the service and it is important for us that they feel comfortable with what we do. This influences policy.

I have been struck by how concerned the police are to respond to local community concerns. There is something respectful in the way that neighbourhood police respond to local concerns that sometimes seem trivial.

The number one issue for communities: why do you let them watch television? The number two issue: do you let them have Playstations? It is easy to smile at these concerns. How trivial! We've got an important job to do and this is all they are worried about? In his latest book the social psychologist Jonathan Haidt⁸ gives his perspective on why good people can differ so much on issues. He argues — compellingly in my view — that we have evolved to have instinctive moral values. We then use our rational selves to justify the moral position we already hold. And we hold those moral values not alone but in groups and communities. We are, to use his term, 'groupish'. So on this basis the concern about prison conditions generally and TV in cells in particular is not

something we can productively argue about. But if we can spend time with members of the community and try to align our prison with their expectations, trust increases and the community instinctively moves into positions of support.

Three examples:

- A proposal comes to the SMT to provide games consoles to enhanced prisoners. The background is that the privileges available to enhance prisoners are not sufficiently different from standard. There is an easy technical fix to enable modern consoles to be used safely in prison without accessing the internet. Answer: no, the community just does not find that acceptable. I regularly mention this to community meetings as evidence of our responsiveness. We've moved towards them.

8. Haidt, J. (2012) *The Righteous Mind* London: Allen Lane.

- ❑ A public consultation meeting of a local CSP in Derbyshire on a wet evening in November. I am the main speaker and as usual there is a lively debate about crime (they don't believe the statistics) and prisons (which are 5 star hotels that reward wrongdoing). As I struggle to deal with these points, a Conservative councillor intervenes: we've all been to Nottingham prison. Nothing could prepare us for the moment we stood in that cell and saw how small it was. This is a real punishment.
- ❑ Three weeks ago I turn up for a routine meeting of the Nottingham Crime and Drugs Partnership Board. There is a presentation on reducing re-offending in the city. The presentation is not by me, or the probation director who is also there, but by the CDP's own analyst. There are gasps as Nottingham prison's reconviction data appears on the screen: it is 67 per cent reconvicted within a year for those released from sentences under 12 months. More gasps as they see the turnover data: 400-500 new people received every month. A throughput of nearly 6000 a year. 2500 released into the community every year. The CDP wants to analyse this. A few days later there is a political response: the City Council's Overview and Scrutiny Committee wants to conduct a review into how well are partners working together on the effective rehabilitation and resettlement within Nottingham's communities of adult male and female prisoners following release from prison?

The unpractical vision goes like this. If you think about it, it isn't actually true that prison has to be a national service 'that cannot be devolved to communities.' The police are a local service. The fire service is a local service. Safeguarding is a local service.

Probation is a local service. Youth offending is a local service. Education is a local service. Health services will be commissioned by local CCGs and the 50 local offices of the NHS Commissioning Board. We've seen that a national prison system was based on a mistake. Is it really impossible therefore to contemplate trying out local commissioning of local prisons? We don't

know what the prison system is going to look like in future. But competition will transform it. I believe that it will be important that we don't throw out the accountability baby with the inefficiency bathwater. To move from an accountable public sector monopoly to an unaccountable private sector oligarchy might not be very attractive.

I am not ignoring the risks. There would need to be controls. Police and Crime Commissioners are the obvious candidates for involvement in prison commissioning. So prison standards would require statutory protection and the role of external inspection would become even more important. So it's not exactly a practical idea to take away today. But I do think we cannot go on peering out into the community to ask how it can be involved. We need to be out there supporting those communities to respond to the challenge of crime.

Conclusion

Crime is a mark of unequal communities. Wilkinson and Pickett⁹ have shown that unequal communities are burdened with big prison populations. Those of us who work in prison cannot meet the challenges of crime and anti-social behaviour from within our institutions. The drivers of crime are inequality, unemployment and family dysfunction. We will not be able to deal with the challenge of crime unless we reduce inequality. We need to let those communities be heard and to support evidence based solutions. The best of these is very low caseload supportive interventions in families with young children. But we need to find easy ways for those communities to take on a leadership role in addressing the issues that drive crime. Of course there are interventions in prison that make a difference. But cognitive behavioural therapy needs time and time is only available in longer sentences. To rely on these is to say that we can only do something after the person concerned has done a crime sufficiently bad. If we really want to bring down re-offending we must look to the community. Not to bring the community in but to go out to the community and help it find the solution to one of its most besetting problems. That solution will be within the community itself.

9. Wilkinson, R. and Pickett, K. (2010) *The Spirit Level, Why Equality is Better for Everyone* London: Penguin.