

PRISON SERVICE JOURNAL

January 2014 No 211



Perrie Lectures 2013
**Contraction in an age
of expansion**

Perrie Lectures 2013

A Convict Perspective

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Context

When considering 'Contraction in an Age of Expansion' in criminal justice and more specifically, prisons, I contextualised it in my experiences and understandings of prison. So my interpretation is informed by my personal experience of prison, my academic knowledge, my consultancy work/research in prisons, and one of my current projects, namely British Convict Criminology (BCC). BCC is an academic group consisting of ex-con academics, and non-con academics, who share a similar critical perspective on crime, prisons/prisoners, the criminal justice system, and corrections/rehabilitation. Some of our work involves direct correspondence with serving prisoners and former prisoners studying criminology or its cognate disciplines.^{1,2,3}

Whilst BCC is a recent conception, its intellectual and theoretical foundations are rooted in the well-established Convict Criminology perspective. Convict Criminology is a branch of criminology that emerged in the United States in 1997. It was founded by former prisoners, turned academics, who were dissatisfied and frustrated with the absence of 'prisoner voices' in research on criminal justice issues. Led by former prisoners, it is a controversial perspective, which challenges the way in which crime and correctional problems are traditionally represented and discussed by researchers, policy makers and politicians. It approaches existing practices, research and political commentary in the US with a critical lens that is not only informed by personal experiences, but underpinned by these experiences.^{4,5} Therefore, Convict Criminology by its very nature privileges the 'insider perspective', a voice typically excluded in academic criminology. Like other disciplines studying the nature of human behaviour and social life (in particular psychology) criminology

commonly neglects the perspectives and 'real life' experiences of their participants. Typically, these experiences are explored through pre-conceived categories and concepts, and broader misguided positivist research frameworks that serve to constrain 'prisoner realities' and mute the voice of the 'prisoner'.

This discrepancy between the 'lived realities of prison' and the academic knowledge is neatly captured by Richards and colleagues in a book chapter aptly entitled 'Prisons as seen by Convict Criminologists'.⁶

We [the authors] never volunteered to become experts on prison. Our expertise is the result of 40 years in prison, combined with extensive academic training that came later.....we struggle to reconcile what we experienced with the more benign accounts of prison life appearing in most criminology and criminal justice articles and books.

In many respects, this resonates with my experience, although for me the discrepancy between my lived experience and academic accounts is as equally pronounced in life after prison, living with the label 'ex-offender'; a label that still has significant implications for me in the present. This is the case for many other former prisoners I have spoken to. In some contexts there is little if any distinction between your former status, 'offender' or 'prisoner' and your current one, 'ex-offender' or 'former prisoner'. In the eyes of many this distinction does not exist, you are as Johnson articulates 'morally contaminated'.⁷ So I use the term 'prisoner' in its broadest sense here, to include those that despite leaving prison, still live with 'the ghosts of their pasts'.

Based on these experiences, the experiences of other 'prisoners' and subsequent discussions with two other academics, Sacha Darke and Rod Earle, the idea

1. Aresti, A. (2012). Developing a Convict Criminology Group in the UK. *Journal of Prisoners on Prisons: Volume 21, Number 1 & 2: A Special Issue Commemorating the 15th Anniversary of Convict Criminology*.
2. Earle, R. (2011). Prison and University: A Tale of Two Institutions. Papers from the British Criminology Conference. *The British Society of Criminology*, Vol 11: 20–37.
3. Aresti, A., Darke, S., & Earle, R. (2012). British Convict Criminology: Developing critical insider perspectives on prison. *Inside Time*, August 2012: 26.
4. Jones, R. S., Ross, I. R. Richards, S. C., & Murphy, D. S. (2009). The First Dime. A Decade of Convict Criminology. *The Prison Journal*, vol. 89, 2, 151–171.
5. Ross, J. I., & Richards, S. C. (Eds.) (2003). *Convict Criminology*: Belmont, California: Wadsworth.
6. Richards, S. C., Lenza, M., Newbold, G. Jones, R. S., Murphy, D. S., & Grisby, R. S. (2010). In Martine Herzog-Evans (Ed.) *Transnational Criminology Manual Vol.3*, (pp.343-360) The Netherlands: Wolf Legal Publishers.
7. Johnson, R. (2002). *Hard Time* (3rd ed.). Belmont, CA: Wadsworth.

of establishing a Convict Criminology group in the UK evolved. Critical to its conception, was a growing awareness that there were others like 'us'; individuals that had served time, and had made the all-important shift in to academia, or were on the way to achieving this. Through our teaching and personal involvement or contact with NGO's working in the criminal justice field, we were becoming increasingly aware that more and more 'prisoners' in the UK were studying for degrees in criminology or its cognate disciplines, or were engaging in post graduate study. Some were doing masters, and a few doing PhD's. This generated the belief that there was a need to establish a Convict Criminology group, over here in the UK. This notion developed into a reality when BCC emerged in 2011.⁸

At present, BCC is growing with momentum and is beginning to establish itself within criminology as distinct from our US counterparts. Whilst we share many of the same principles and intellectual/theoretical foundations with the US group, there are some significant differences, particularly in terms of localised understandings and experiences of crime, prisons, resettlement and criminal justice issues. Nevertheless, like many of the US Convict Criminologists I share the view that we need to develop humane, effective and cost efficient prisons that are used sparingly. We also need to utilize and integrate 'prisoner voices' in our academic understandings of crime, prisons, and 'rehabilitation' initiatives and strategies, as well using this voice to inform policy that impinges on the life of the 'prisoner' in prison and thereafter.⁹

Given all that I have said so far, you probably won't be shocked to hear that my perception of prisons is quite negative, and moreover quite critical. For me 'expansion' generates an image of the continual growth of the prison estate and the prison population, and a shift to a broader involvement of the private sector in the provision of services within the prison complex. In contrast, contraction generates an image of a lack of resources and funds within the prison system, impacting on prison conditions and initiatives or strategies that can facilitate desistance.

Despite this negative view, I would like to say that I have met some very dedicated, helpful and supportive prison staff whilst serving time, and when doing research in prisons. One person particularly sticks in my mind; the head of the education department at HMP Pentonville back in the 1990's when I was a serving prisoner. She went out of her way to support me and facilitate my educational development. Whilst I can't be certain, I believe that if it wasn't for her I wouldn't be standing here speaking to you today, and I may well have not pursued a career in academia. That woman is very special and will always have a place in my heart.

I have also come across resettlement teams in prison that demonstrate similar traits, working very hard, and with dedication to help those imprisoned. Unfortunately, most if not all work under the constraints of a risk adverse prison culture and out of touch senior level officials, as well as having to work with limited resources.

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Introduction

As we are all aware the last few decades or so, has seen a dramatic increase in the prison estate and prison population. Current discourses around increasing the capacity of the prison estate, specifically, in the form of Titan prisons, mini Titan prisons, and prison clusters serve

to reinforce this trend. Interestingly, prison has become an attractive alternative to more productive ways of dealing with crime;^{10,11} a trend we have arguably adopted from the USA, which currently boasts a prison population of around 2 million, and shows no real signs of waning. In the US, expansion not only manifests itself in the growth of prisons, both structurally and in terms of capacity, but also in terms of more punitive penal policy and a shift to privatisation; an increased involvement of the private sector in service delivery and the 'running' of prisons. In this sense, expansion means the growth of prison as a business with fruitful economic gains.^{12,13}

When considering this growing trend for expansion in its various guises, I question the implications this has for society. Expansion is a net widening process involving the growing criminalisation

8. Aresti, Darke, & Earle (2012) see n. 3.

9. Richards, Lenza, Newbold, Jones, Murphy & Grisby (2010). See n. 6.

10. Prison Reform Trust (2013). *Bromley Briefings: Prison Fact File*. London: Prison Reform Trust.

11. Scott, D., & Codd, H. (2010). *Controversial Issues in Prison*. Maidenhead, Berkshire: Open University Press.

12. Brewer, R. M., & Heitzeg, N. A. (2008). The Racialization of Crime and Punishment. Criminal Justice, Colour-Blind Racism, and the Political Economy of the Prison Industrial Complex. *American Behavioral Scientist*, Vol 51, 4, 625-644.

13. Christie, N. (2000). *Crime Control as Industry: Towards Gulags, Western Style* (3rd ed.). London: Routledge.

of particular populations in our society: the most disadvantaged, the marginalised and the most vulnerable.¹⁴ Indeed, a tour of most prison wings in the UK will demonstrate the disproportionate representation of these cohorts in the prison population. Interestingly, this is a mirror image of what is happening in the US penal system. And whilst contentious, the growing criminalisation and imprisonment of these particular cohorts may serve to divert our attention from the real underlying social issues rife in our communities.¹⁵ Expansion can only serve to antagonise these issues.

Such concerns were common place when I was in prison in the 1990's. Penal reformists were becoming increasingly concerned with the rising prison population and the implications this has for the people living inside them and society. This was clearly articulated by penal reformist in statements like 'the prison population is peaking at 64,000 and is on the increase', 'prisons are human warehouse's' and 'prisons are universities of crime'. Disturbingly, since then the prison population which is currently simmering at just below 85, 000¹⁶ has increased by nearly 20,000 in 15 years. If this trend continues, my own crude projections suggest that in fifty years, the prison population could potentially be over 140, 000.

The problem with expansion

'Contraction in an Age of Expansion' should be understood in a broader context. Considering expansion without questioning the purpose of prisons is illogical. If indeed prisons are primarily a means of retribution and incapacitation then clearly expansion makes sense. However, if they are equally a place for 'rehabilitation' then expansion is problematic. In a sense these concepts are contradictory; retribution and rehabilitation are a toxic mix. This is apparent historically and in the present where prison has demonstrated little rehabilitative success. Exceptionally high reconviction rates within the first two years of

release reinforce this.¹⁷ And even here we need to be cautious, as reconviction rates are a crude measure of reoffending, and in reality reoffending rates are likely to be considerably higher.

Considering this poor rehabilitative success, I question the current drive for 'prison expansion' and the government's agenda, specifically its discourse around the 'rehabilitation revolution'. In my view, this 'drive' underscores an alternative agenda; crime, punishment and prisons are very powerful political tools that not only feed into social anxieties regarding crime and prisons, but arguably heighten these anxieties via amplification and exaggeration¹⁸ of the 'crime and prison problem'. Of course this is a contentious area and standpoint specific, and maybe a little provocative, yet surely it is difficult to contest that being 'tough on crime' and introducing tougher penal policy is directly related to political favour. And arguably this cyclical process underlies the drive for expansion, and consequently a drive towards privatisation. Prisons are not only a means of social control they are also a big business, and the privatization of services and prisons provide fruitful pickings for those motivated by economic gains.

The idea of prisons as a business exploiting an expanding market fits neatly into current criminal justice ideology, which typically works within a 'managerialist' framework that is overly concerned with the cost effective and efficient running of the criminal justice system, rather than with the root causes of crime. Consequently, prisons are primarily concerned with security, 'risk management' and control and so 'rehabilitation' is a secondary concern. Rehabilitation (encouraging desistance) is incompatible with the business objective of growth. Arguably it is also undermined by an over-emphasis on security and minimising risk. The government's agenda 'transforming rehabilitation' has its roots in right wing ideology, which privileges punishment and 'efficient management' so it is difficult to see how a rehabilitative model can work under these conditions. In fact, whilst 'rehabilitation' was firmly rooted in prison ideology in the 1960's and 70's, limited success shifted the focus

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14. Waquant, L. (2008). *Urban Outcasts: A Comparative Sociology of Advanced Marginality*. Cambridge: Polity.

15. Ibid.

16. Ministry of Justice (2013). *Monthly Population Bulletin, March 2013*. London: Ministry of Justice.

17. Prison Reform Trust (2013) see n. 10.

18. Cohen, S. (2002). *Folk Devils and Moral Panics*. Abingdon, Oxon: Routledge.

from 'what works' to 'nothing works' in the 1980's and mid 90's. As a result the administrative approach gained dominance, putting aside the rehabilitation agenda, and pushing forward a 'managerial approach', which is more concerned with effective management, security, surveillance, prevention and control. The emergence of a crime science in academia, anchored in this 'managerial approach' clearly demonstrates this shift.

This 'managerial approach' is reflected in a 'risk adverse' prison culture, where the focus on 'risk management' and control comes with a human cost, the prisoner's personal development; a lack of trust and personal agency, along with an inability to take personal responsibility and little in the way of rehabilitative strategies,

collectively work to constrain many attempts to implement personal change. This highlights the pragmatic incompatibility of two very diverse and competing working models in the 'reducing reoffending' arena. At present prisons typically work under a 'Risk-needs' model¹⁹ which is deeply rooted in the 'risk adverse' prison culture. Here the prisoner's potential risks for reoffending are identified and these risks are reduced by trying to meet his or her needs. However, this is problematic as the individual is arguably perceived as a set of risk

factors, rather than human, which is in stark contrast to a 'Strengths based' model, which is anchored in desistance theory, and focuses on the individual's strengths and other attributes, that can facilitate self-change and desistance.^{20,21} Whether such a model is conducive to a prison environment is questionable.

Set within these current ideological and cultural frameworks, 'expansion' (of the prison estate and its capacity) can only serve to hinder attempts to use more progressive rehabilitation strategies or initiatives. The clear lack of resources and funds in the prison complex intensifies the problem, as does the additional burden of government proposed financial cutbacks. Moreover, the new payment by results (PBR) initiative in my view will only amplify this problem. Service providers will be under even more pressure to perform and meet targets, and to provide evidence of reduced reoffending. Consequently, this will have a human cost as arguably certain 'model' prisoners will be targeted or 'cherry picked' as they will assist the service providers to

achieve results. In-effect this means that individuals that really need help and support, or are the hardest to reach are likely to suffer from little or poor service provision. Arguably, the privatization of services will confound this problem further. Whilst not to discredit those working within the private sector, many who have undoubtedly got a 'conscience', the ethos in the private sector is business orientated and therefore primarily motivated by economic gains, rather than guided by ethical or moral duty.

Relative to this and other issues discussed, a consequence of prison expansion will be a dramatic rise in short term sentenced prisoners; more prisons or bigger prisons and increased capacity, will make prisons

an even more attractive option when dealing with 'minor offenders'. Yet, as articulated by numerous penal reformists that is Prison Reform Trust, the Howard League, there are a variety of difficulties and obstacles when attempting to engage this particular cohort in rehabilitative strategies or initiatives. Service providers are unable to effectively work with short term sentenced prisoners. Considering this, together with the cost of imprisonment, few could contest the idea that valuable resources are wasted in this instance.

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The challenges of negotiating a law abiding identity

The psychological implications of imprisonment are well documented (e.g. The Pains of Imprisonment)²² and can manifest themselves in a variety of ways including feelings of isolation, loss of self/identity, psychological trauma, negative self-conceptualisation and experiences of dehumanisation.

Despite these negative psychological experiences, we as a society have very high expectations of people leaving prison, expecting them to be crime/deviant free, and to be 'model' citizens. This is despite many recently released prisoner's having to make a psychological adjustment to life on 'the out' and trying to negotiate a competitive market that lacks opportunities and resources. Yet in addition to these barriers and the presently dire economic climate, many former prisoners also have to negotiate a 'spoiled identity' or their 'stigmatised ex-offender status' which further

19. Andrews, D. A., & Bonta, J. (2003). *The Psychology of Criminal Conduct*, (3rd ed.), Cincinnati, OH: Anderson Publishing.

20. Maruna, S. (2010). *Understanding Desistance from Crime*. London: NOMS.

21. McNeill, F. (2006). 'A desistance paradigm for offender management'. *Criminology and Criminal Justice*, 6, 39–62.

22. Sykes, G. (1958). *The Society of Captives: A study of a maximum security prison*. Princeton, NJ: Princeton University Press.

confounds their opportunities, as a custodial conviction significantly reduces this cohort's life chances.^{23,24} Moreover, current legislation (ROA, 1974; Enhanced Disclosures Act, 1996) endorses this as these acts serve to limit and constrain legitimate employment opportunities. So in-effect, prison expansion will result in more people being imprisoned, and consequently more people being released into society with reduced life opportunities, psychological/mental health issues and further marginalisation.

One of the main problems with prison is that it does not, and cannot really prepare you for life after release. At the very best, and this is an ideal, prison may be able to help with the re-entry phase of resettlement, by meeting your basic needs that is help with housing, employment, benefits, dealing with addiction issues etc. However, in terms of long term resettlement or desisting from crime there is little professional support. Desistance for most is a long term process, whereby the intensity and frequency of crime decreases over a prolonged period of time. This involves a gradual psychological and behavioural transformation and a shift from a 'criminal' identity to a more pro-social or 'law abiding' identity.²⁵ Yet whilst academically we are aware of this, we do not have procedures or systems in place to accommodate this. This is particularly evident when considering the high rate of licence recalls for minor misdemeanours.

Importantly, not many people really understand the challenges and obstacles you face when having to negotiate your 'spoiled identity' and the implications this has for your self-esteem and sense of self. Despite the dramatic changes I have made in my life, as noted, I still live with the stigmatised 'ex-offender' status, even though I left prison nearly 15 years ago. I still find that I have to negotiate this stigmatised identity in certain situations or contexts. For example, I still have to tick the 'box' when asked if I have a criminal record when applying for jobs and in some instances, employers still insist that I have a CRB check. So for me there is always this existential tension where on the one hand, I have a PhD, and get to call myself Dr (arguably a pro-social identity), and on the other, I am still PC 1804 (my prison

no.) a 'morally contaminated' ex-con. Of course I am not alone, and many former prisoners have to live with the damaging effects of the 'label'. Yet arguably, I have served my time, and paid my dues, yet I am still being punished, or as I describe it I am 'doing time after time'.

In many respects, you learn to deal with these issues, and even the derogatory comments made about prisoners, or ex-offenders by those (often friends/colleagues) who do not know about my past. However, what is hard to deal with is that someday I will have to tell my children about my past. This of course pains me and is a constant source of tension. I fear that they may find out prematurely, before they are old enough to understand, or that others (e.g. friend's parents) will find out about my past, and then stigmatise/marginalise them as a result of my past. The

following anecdote provides an example of this tension.

Due to the nature of my work, I exist in cyberspace and details of my colourful past are there for all to see on the internet. The other day at home, my 12 year old daughter was on the Ipad and googled my name, telling me as she was doing it. I instantly panicked and was consumed with a fear of being ousted, and so flew across the room and grabbed the Ipad, to

her bewilderment. In an agitated state, I asked her what she saw and what was said about me. Fortunately she was none the wiser, but since then my fears have intensified, because I might not be there the next time.

I guess my point here is this, prison expansion will result in more people having to deal with and negotiate a 'spoiled identity' on release from prison. As I have articulated, this is not easy and has a number of implications for how one perceives the self. For those that can successfully negotiate the stigmatised identity, desistance is likely to follow. However, as Maruna²⁶ rightly points out, those who are unable to negotiate this identity are likely to persist with crime.

Conclusion

In concluding, my first thoughts are why are we even having this conversation? Expanding an already failing prison system that has little rehabilitative success

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23. Jones, R. S. (2003). Ex-con: Managing a spoiled identity. In J. I. Ross & S. C. Richards (Eds.), *Convict Criminology* (pp. 191–208). Belmont, California: Wadsworth.

24. Uggen, C., Manza, J., & Behrens, A. (2004). 'Less than the average citizen': Stigma, role transition, and the civic reintegration of convicted felons. In S. Maruna, & R. Burnett (Eds.), *After crime and punishment: Pathways to offender reintegration* (pp.261–293). Cullompton, Devon: Willan Publishing.

25. Maruna, S. (2001). *Making Good: How ex-convicts reform and rebuild their lives*. Washington, DC: American Psychological Association.

26. Ibid.

does not make sense. We should be engaging with an alternative discourse; 'contraction in an age of reduction' whereby we are talking about reducing the prison estate both structurally and in terms of capacity; and, in its position at the heart of punishing crime. Admittedly, we do need prisons but they should be used sparingly, as a last resort. The provision of alternative non-custodial intervention strategies or initiatives that are more cost effective should be provided. This will release valuable resources for a much smaller prison estate whereby intervention strategies can be implemented and tailored to accommodate the individual's needs.²⁷

Whilst this seems logical to me and many others, these ideas do not really feature in the dominant discourses around prisons and rehabilitation. I question this. Why is prison such an attractive option despite its lack of rehabilitative success? As noted, prisons are a big business, employing a very large amount of people, both directly (prison staff, service providers, security etc.) and indirectly (e.g. contractors who develop security systems, IT contractors, consultants etc.). They also use private companies to supply goods (IT systems, furniture, gates etc.) and provide goods to them that is

the contracting of prison labour. The privatisation of services/prisons also provides substantial economic gains for those motivated by financial incentives, despite the ethical implications that is making money off the backs of some of the most damaged and vulnerable people in our society.

Therefore whilst contentious, the notion of the prison industrial complex may well explain the real underlying purpose of prison expansion. This concept refers to the rapid expansion of the prison estate and its population in the US, and the political influence private companies working in this field have in the provision of services and goods. Prisons are not only a big employer they are also big business, so 'expansion' is a very good way of providing employment and making money. As many a critic has articulated, the prison industrial complex is a 'self-perpetuating machine': the substantial investment in prisons, 'correctional' facilities, and law enforcement strategies combined with the perceived, and unchallenged political benefits of crime control have led to policies that ensure that more people are sentenced to prison, thereby creating more prison spaces.^{28,29,30}

27. McNeill (2006) see n.21.

28. Golash-Boza, T. (2009). The Immigration Industrial Complex: Why we Enforce Immigration Policies Destined to Fail. *Sociology Compass*, 3/2, 295–309.

29. Brewer & Heitzeg (2008). See n. 12.

30. Ross & Richards (2003). See n. 5.