



# Editorial Comment

## Is there a Prison Crisis? Thinking creatively and dialogically about prison's old and new problems

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**Following a multi-expert workshop that took place at the University of Warwick in January 2018, this special issue brings together a collection of papers that reflect on contemporary problems in English prisons.**

**It offers one of the first comprehensive collections that look at the notion of a 'prison crisis' critically, and from a range of perspectives. Its ultimate aims are: first, to discuss whether there is such a thing as a 'prison crisis' in the first place. Second, to unpack key factors behind what the media has called the 'prison crisis'; to do so, we include here the perspectives of both those observing prison from a top-down perspective, including the independent inspectorate and researchers, as well as those who work, or live in prisons, thus offering a bottom-up account of prison's daily emotional fibre, highlighting the impact of this crisis on a personal and systemic level. Finally, this special edition aims to conceive of creative means to make an intervention on how we think of, frame and discuss so-called solutions, or responses to the current problems posed by prisons and punitiveness.**

Media, politicians and members of the public have talked more than usual about prisons in recent times. Reports and scandals around the deterioration in living conditions, safety and purposeful activity in several English prisons are now numerous and have put prisons under renewed scrutiny, even by its defenders. In particular, the Chief Inspectorate of Prisons' reports and

its adoption of the Urgent Notification process have, since 2017, placed a new kind of urgency around exacerbating issues of violence, disorder and harm. The Prisons Inspectorate has led the chorus of concern, but it is joined by Independent Monitoring Boards, charities, campaigners and academics, all of whom have warned against some of the policy decisions that appear to have escalated these issues, including staffing cuts, overcrowding, and the prioritization of security over rehabilitation and care.

This special issue thus follows a diverse range of concerns about the state, social function, and future of our prisons.

Though the label of a 'crisis' may suggest that what is happening today in our prisons reflects a new and unprecedented series of problems, it is also a term that captures a general sense of decay and anxiety about prisons' fundamental function and operation. This so-called crisis, for us, can be observed in terms of poor desistance rates post-release and thus in prison's poor record in fulfilling its own objectives of protecting the public and addressing crime.<sup>2</sup> It can also be seen in the personal tragedies experienced in terms of significant rises in violence, self-harm, suicides, family breakdown, and addiction, and in the deterioration of workable relationships between prisoners and staff, all of which are issues arguably exacerbated by a growing and often overcrowded custodial estate.<sup>3</sup>

The narrative of crisis we consider in this special edition is not only a crisis of numbers, but also of those people incarcerated. Prisons hold many young men,

1. This special edition is dedicated to Winston 'Gus' Augustine, a Safe Ground peer who was recently found dead in his prison cell.
2. 48 per cent of adults are reconvicted within one year of release, and for those serving sentences of less than 12 months this increases to 64 per cent (see Tables C1a and C2a, Ministry of Justice (2018) Proven Reoffending Statistics: April 2016 to June 2016, London: Ministry of Justice).
3. The latest figures from the Ministry of Justice show that many prisons are severely overcrowded: local prisons Leeds, Wandsworth, and Exeter each hold around 50 per cent more prisoners than they should safely hold, while Wandsworth and Durham are 60 per cent over capacity (Ministry of Justice (2019) Prison Population Figures: 2019, Available Online [Accessed February 2019]: <https://www.gov.uk/government/statistics/prison-population-figures-2019>)

and there is an over-representation of people from BAME backgrounds. Yet there is also an increasing number of older people in prison, for whom, as both the current Chief Inspector of Prisons, Peter Clarke, and the former Inspector of Prisons, Nick Hardwick note in their interviews in this special issue, the system in place is not suitable.

And while there are fewer women among the prison population,<sup>4</sup> their distinct needs should not be forgotten, particularly in the context of rising harm and vulnerability inside prisons. There is also a preponderance of poor health in both men and women's prisons, including high levels of mental health needs and addiction. As the Chief Inspector of Prisons explains in his interview, the problem of mental health in prisons is a long-standing one, driving several other follow-up problems and raising serious concerns about the efficacy and suitability of prisons with regards to a substantial proportion of prisoners. As Mr. Clarke notes, the issues of an ageing population and of the high numbers of prisoners experiencing ill mental health call for a more comprehensive, overall strategy, which is currently lacking.

More generally, research has shown the prison population includes many people that have been abandoned and abused by social structures and institutions, blamed for their experiences of extreme poverty and exclusion and who, by the time they reach prison, often have a range of needs and deficits in terms of education, employment and housing.<sup>5</sup>

Large proportions of people in prison are people with multiple and complex needs, created, sustained and fed over many years, often with state involvement and without social support. This heady mix of individual and collective impact cannot arguably be addressed under punitive conditions with limited staff availability and compromised use of 'purposeful' and rehabilitative activities in prison. From this perspective, the challenges facing prisons today are both more longstanding and complex than the idea of a crisis might superficially suggest.

Drawing from the fruitful and ongoing dialogue developed at the 'Chaos and Crisis: Can prison be better than this?' event at the University of Warwick in 2018, we argue, throughout the special issue, for a more open and committed dialogue between charities, campaigners, researchers, activists, journalists, those who work in prisons across management levels, and prisoners and their families. Talking across all of these actors and strata is not an easy task; and for this reason, we think that promoting creative means of expressing and sharing discussion and experiences,

along with creative and inclusive methodologies, are essential approaches. We hope that with this special issue we can take a first step towards offering a dialogic avenue through which to problematize, better understand, and potentially address punishment's old and newer problems.

This collection starts with artistic pieces by former and serving prisoners which seek to express conditions of personal and prison-led crises from an affective stance often overlooked when talking about prison's systemic or operational problems. The systemic, dynamic relationships between prisons, people who live and work in prisons, and the wider population are intrinsic to our understanding of the function prisons serve. Such relationships raise important questions about the wider context in which prisons operate, including: how does the structure, management and staffing of a prison relate to its local community? How do people in prison relate to staff and to one another?

Artistic practice and relationship-focused work is part of what Safe Ground does as a small, arts and education-based organization, and in many ways, it is this kind of work that has shaped our collaboration as editors on various events and initiatives over the past three years. It is these artistically driven, emotionally complex expressions that have in many ways guided our collective discussion on the crisis of harm we find today inside prisons.

Alumnus of Safe Ground, spoken word artist, and former prisoner, Jason N. Smith articulates through his poetry how there is much we can learn about the crisis of harm currently found inside many prisons. We can learn about the driving features of self-harm and suicide in prison, reflect on the fears and anxieties that prisoners bring into prison and try to cope with, and importantly, through such learning we ought to empathise with the complex emotional narratives that make up not only prison life, but also the individual inner worlds of thousands of people in prison and of those who support them outside. Similarly, the piece of art and accompanying text by 'Fred', who was at the end of a long sentence in HMP Ranby when he made this contribution, points to a sense of unarticulated pain that in many ways shapes a significant portion of the prison population's life narratives. 'I don't know what it signified', he says of the hot oil that hit him when his stepfather threw the frying pan against the wall. Such trauma brought into prison inevitably conditions how prison is experienced.

'Scatter When they Come' is a piece by Kelly Roberts. Kelly performed this piece at Safe Ground's symposium, 'A Matter of Life and Death' in September

4. There were 3,820 women in prison in February 2019.

5. See Cooper, V. (2013) *No Fixed Abode: The implications for homeless people in the criminal justice system*. London: The Howard League for Penal Reform. Available online: <https://howardleague.org/wp-content/uploads/2016/04/No-fixed-abode-report.pdf> (Accessed: 3rd March 2019); House of Commons (2017) *Housing Support for Ex-offenders*. London: House of Commons. Available online: <http://researchbriefings.files.parliament.uk/documents/SN02989/SN02989.pdf> (Accessed: 3rd March 2019).

2018. It was a contribution to the idea that for many young people, especially black young people, the notion of a police force that keeps them safe from harm is far from a reality. For many, before involvement with the criminal justice system comes a sense of suspicion, fear and concern for the ways in which such state institutions can directly or indirectly cause harm. Within such emotional narratives, understanding the impact of a so-called prison crisis and disorder becomes ever more complicated and significant.

The piece by Will Styles, governor at HMP Whitemoor, which reflects on his research on the notion of hope in custody, calls for a deeper appreciation of the role of not only emotional wellbeing in custody, but also of the significance of meaningful activities and relationships in making prison 'survivable'. Styles also points out the importance of the consistent, responsible institution and thus alludes to the impact breakdowns in bureaucracy can have on men's ability to cope with their sentences.

Drawing on qualitative research findings from interviews with Category A prisoners serving long sentences, he outlines the conditions that can threaten and compromise a sense of hope in prison and argues that without a sustained investment in promoting hope, trust and meaningful relationships and activities inside, prisons and prisoners can lose a sense of purpose and enter states of existential crises.

Linked to this is also Victoria Lavis' article on 'Intersectionality and the prison crisis'. Using an appreciative inquiry methodology that is reflective of the role of prisoners and prison staff in the co-production of research, she shows findings from her study that suggest an important relationship between 'the singularising way diversity, personhood and identity are currently conceptualized and responded to and prisoners' experience and perception of humanity in custody'. She explores the implications of this singular approach to diversity for rehabilitation and desistance and argues that intersectionality can offer a way forward. Intersectionality can address a range of issues of diversity and difference in custody at once and 'could inform practices which can respond to the whole person and thereby mitigate against a crisis of personhood and identity in prisons.'

Overall, with the contributions in this special edition we wish to illustrate that engaging with such creative, intersectional and intersectoral approaches can not only enable better interactions among stakeholders in prisons, but can also offer the potential for more creative means to address the current problems faced in English prisons and seek solutions that may exist outside prison and go beyond our current, arguably limited, imagination of social justice.

Such dialogue is essential for understanding issues of social harm in general, including those societal 'crises' of punitiveness and hostility which, for

decades now, have driven much of our legal and criminal justice practice and increasingly are also cloned into other areas, including immigration detention and deportation policies.

As the interview with psychotherapist Susie Orbach aptly highlights, problems within institutions like prisons can often offer an opportunity to re-examine, question and understand the broader function prisons might serve in society.

The interview with Orbach discusses how the chaos and crisis so often manifested in the system, is also internally created and experienced by many of us. Orbach outlines the indescribable pains of what people are capable of doing to each other and to themselves as 'indigestible' and suggests that perhaps we use the structures and edifice of prison and punishment as ways of justifying, perpetuating and 'containing' truths about ourselves which we cannot handle.

She invites us to consider how the functioning of the prison may relate to our own anxieties, by shielding us against the unbearable, indigestible truths of the harms we cause each other and the challenges of healing together. Finally, Orbach warns against the circular logic of punitivity and hostility that has become widely popular today and urges us to consider more therapeutic approaches to dealing with our hurt, rage and sense of injustice, collectively.

In a similar vein but from a socio-legal rather than psychotherapeutic perspective, Henrique Carvalho's article, titled 'Feeding the prison crisis through hostile criminalisation: The case of joint enterprise', broadens the question of who we punish and how we relate to them. He opens up the notion of the prison crisis 'by critically examining its context from the perspective of criminalisation — of who is criminalised, how and why.'

In agreement with Orbach, Carvalho sees the prison crisis as being primarily a 'crisis of hostility', and as the result of an ongoing urge in recent decades to punish more, longer and harsher. As he explains, the hostility of punishment performs an exclusionary function, hence why prisoner populations are made up of those most socially marginalized.

He notes that broader processes of criminalization work to ensure that those deemed punishable and most dangerous are always those populations that 'expose certain characteristics of 'undesirability' in our contemporary context'. He exemplifies this exclusionary interplay between criminalization processes and punitive institutions through the case of joint enterprise, 'the legal rules that allow multiple individuals to be prosecuted and punished for a crime substantially committed by another person, on the basis that they were associated with or participating in a previous joint criminal activity with that person'. As Carvalho concludes, joint enterprise showcases the breadth of

both the criminal law and of punishment today, putting both at risk of self-destructing cycles of crisis.

The notion of crisis and what it implies in the context of prisons is the subject of Richard Garside's article, 'Getting out of the crisis'. Garside observes that we might see prisons at the moment as being in crisis, reflecting the particular circumstances of custodial establishments which may be compromising their effective functioning in terms of harm, violence levels, and disorder. Although this understanding suggests that some prisons are more crisis-prone than others (a point also made by the Chief Inspector of Prisons, Peter Clarke in his interview), Garside also notes that today we may need to concede that we are facing an additional crisis of imprisonment. This second, broader crisis relates to our 'enduring attachment to prison and imprisonment as a social institution' and thus to 'our apparent inability to consider other options, different possibilities, in place of the monotonous making and remaking of the prison institution.'

While in the twentieth century the crisis of prisons and the crisis of imprisonment expanded and occurred hand in hand, deepening one another, Garside argues that solutions to each of these require distinct approaches and are driven by different ideologies. As he explains, while the crisis identified in some prisons can be remedied through reformist efforts around the improvement of conditions, the underlying, deeper, crisis of imprisonment is one we ought to consider through a more committed and perhaps less cynical appreciation of the notion of abolition. Doing so would offer opportunities to see the future of punishment and criminal justice as 'open, rather than already determined', enabling us to consider fresh solutions as not only imaginable but also possible, meaning that new solutions to the problems of harm and crime do not necessarily have to be conditioned by a prison-centric approach.

Last, but not least, we would like to dedicate this special edition of the Journal to the memory of a Safe Ground colleague who was recently found dead in his prison cell. Winston, 'Gus' Augustine, who drew the pen illustration on the cover of this edition, worked with Safe Ground on a variety of programmes and organisational developments over many years.

Winston first came into contact with the organisation when he took part in the Family Man programme in HMP Wandsworth in 2004. From 2012 until his tragic and premature death in 2018, Winston worked with Safe Ground to design and develop new work, recruit staff, support their strategic thinking and deliver a range of presentations to public, academic and artistic audiences nationally.

Whilst it is true Winston may have been involved in some very violent and disturbing crimes (he was on remand for such charges when he died), it is also true he was known to many over a very long period of time as a creative, responsible, committed, engaged, caring and thoughtful family member, friend, partner, uncle and colleague. Winston did volunteer work, participated in organisational events and activities and always prepared with diligence for public presentations.

Within the current complex climate of punishment and prisons, it is important to consider this contradictory reality: we are all capable of being more than one thing at a time, and that poses both complexities as well as avenues for hope and change.

We are committed to keeping Winston's memory alive, to using it to raise the potential for how awareness of the impacts and outputs of trauma, violence, abandonment, punishment and emotional pain can drive us to create a wider social system that considers care, compassion and concern for each other, to be its priorities.

By way of conclusion then, we hope that this special edition will invite a more sensitive and empathetic approach to prisons and imprisonment. Those of us who research, work or experience prison know that it is an institution that cannot be understood without a fair amount of emotional intelligence and attention to the complex stories that make up the human fibre of the system. This fibre includes all who live, work, research in prison, visit, volunteer and invest; but also, those who walk past the walls, read the books, watch the documentaries and enjoy the crime dramas.

We propose that the 'causes' and the 'solutions' to current problems in prison can both be traced to the lessons we can derive from taking more seriously the importance of meaningful and open relationships and compassion in custodial settings. We also wish to show that while still pertinent, there is more to this so-called crisis than the reform of specific conditions in some of our institutions. Perhaps this is an opportunity for us to reflect deeply and collectively on the system as a whole and to reconsider the purpose and function of punishment, its consequences for all of us under our current context, and to rethink what we are aiming to achieve through it. Considering the numerous committed, passionate, and thoughtful people involved in prisons and the justice system we remain confident that more socially just solutions can be drawn to the many and recurring crises of prisons and punishment.