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# Preventing Prison Staff Assaults

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## Introduction

**In 2018, a new offence of ‘assault on an emergency worker’ was introduced in England and Wales, with the effect that common assault or battery of an emergency worker should be charged under section 1 of the Assaults on Emergency Workers (Offences) Act 2018. The offence of ‘assaulting an emergency worker’ carries a maximum term of imprisonment of one year — doubling the sentence available for offences of common assault or battery. In July 2020, the Government announced plans to double the maximum available sentence yet again to two years imprisonment.<sup>1</sup> In the House of Commons, Rory Stewart, Minister of State for the Ministry of Justice, described the principles underpinning the 2018 Act:**

*‘They are that an assault on any individual or citizen in our society is a terrible thing, but that an assault on an emergency worker is an assault on us all. These people are our constituted representatives. They protect society and deliver services on our behalf. Therefore, an attack on them is an attack on us and on the state, and it should be punished more severely than an attack simply on an individual victim.’<sup>2</sup>*

The inclusion of prison staff<sup>3</sup> in the 2018 Act not only acknowledges their status as frontline workers providing critical services in an often complex and

challenging environment, but also reflects the burgeoning concern about prison violence and prison safety. Prison staff face occupational risks to their health and safety, including assaults by prisoners, and studies have shown that prison staff can suffer from high levels of work-related stress, and poor physical and mental health.<sup>4</sup> A recent survey of nearly 600 prison officers in the UK found that the Covid-19 pandemic has led to elevated levels of anxiety and ‘burnout’, and a deterioration of physical and mental health.<sup>5</sup> The Prison Officers Association has also expressed growing concern regarding increased prison violence and disorder over the last decade.<sup>6</sup>

Such concern is not without foundation. During the period 2009-2019, there was a threefold increase in the number of assaults against staff per 1,000 prisoners.<sup>7</sup> The number of serious assaults against staff also increased fourfold between 2009-2018, reducing only slightly to nine per 1,000 prisoners in 2020, compared with three per 1,000 prisoners in 2009.<sup>8</sup> Although there was a slight reduction in the number of assaults in 2020, there were still 8,000 assaults and nearly 800 serious assaults against staff during a year in which all prisoners spent an unprecedented amount of time in their cells and where social interactions, and other activities such as work, employment and visits, were severely restricted during the global Covid-19 pandemic.<sup>9</sup> This increase in assaults on prison staff, however, is not consistent worldwide. Whilst some jurisdictions have noticed a similar upwards trend in prison violence,<sup>10</sup> countries such as Australia and

1. Ministry of Justice (2020) *Consultation Launched on Doubling Maximum Sentence for Assaulting An Emergency Worker*. 13 July. London: Ministry of Justice. Available Online: <https://www.gov.uk/government/news/consultation-launched-on-doubling-maximum-sentence-for-assaulting-an-emergency-worker>
2. Hansard, House of Commons. Vol 639 C1142, April 27 2018. Available Online: [https://hansard.parliament.uk/Commons/2018-04-27/debates/0588597B-4425-4255-AAFA-7AE64BECF988/AssaultsOnEmergencyWorkers\(Offences\)Bill](https://hansard.parliament.uk/Commons/2018-04-27/debates/0588597B-4425-4255-AAFA-7AE64BECF988/AssaultsOnEmergencyWorkers(Offences)Bill)
3. Section 3 of the Assaults on Emergency Workers (Offences) Act 2018 includes as ‘emergency worker’ prison officers or persons employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer.
4. See, for example, Liebling, A. Price, D. and Shefer, G. (2012) *The Prison Officer*. Abingdon: Routledge. 2nd ed, 65; Kinman, G., Clements, A.J. and Hart, J. (2017) ‘Job demands, resources and mental health in UK prison officers’, *Occupational Medicine* 67: 456-460; Carleton, R.N., Ricciardelli, R., Taillieu, T., Stelnicki, A.M., Groll, D. and Afifi, T.O. (2021) ‘Provincial Correctional Workers: Suicidal Ideation, Plans and Attempts’, *Canadian Psychology*. Online First: <http://dx.doi.org/10.1037/cap0000292>.
5. Memon, A. and Hardwick, N. (2021) *Working in UK Prisons and Secure Hospitals During the Covid-19 Pandemic*. London: Centre for the Study of Emotion and Law, Royal Holloway University of London.
6. Prison Officers Association. (2018) ‘National Chair: Violence Against Staff Must Be Stopped’, December. Available Online: <https://www.poauk.org.uk/news-events/news-room/posts/2018/december/national-chair-violence-against-staff-must-be-stopped/>
7. Ministry of Justice (2021) *Safety in Custody Statistics*. London: Ministry of Justice.
8. Ibid.
9. For further analysis of the impact of the COVID-19 pandemic within prisons, see Issue 253 of the *Prison Service Journal* (March 2021).
10. Prison Reform International (2020) *Global Prison Trends 2020*. Available Online: <https://cdn.penalreform.org/wp-content/uploads/2020/05/Global-Prison-Trends-2020-Penal-Reform-International-Second-Edition.pdf>

Aotearoa New Zealand have historically maintained comparatively low rates of assaults on staff, although the number of prison staff assaults is now increasing in Aotearoa New Zealand.<sup>11</sup> By way of contrast, the increased use of weapons evident in England and Wales is not replicated in countries such as Australia and Aotearoa New Zealand.<sup>12</sup> Thus, there is something unique about the English and Welsh experience that merits attention.

Prison violence has consistently captured the attention of scholars.<sup>13</sup> However, there is frequently little, or no, distinction made between assaults on prisoners and assaults on staff, and it is the former that has attracted far more scholarly interest. Those studies that focus on assaults on prison staff typically originate from the United States and Canada (some of which are dated) and cannot simply be 'imported' into the prison context of England and Wales.<sup>14</sup> Moreover, much of the available research on prison violence relies on quantitative data,<sup>15</sup> giving some understanding of possible relationships between staff and prisoners but leaving the wider dynamics and narratives about assaults on prisoners and staff under-explored.

Drawing on extensive ethnographic and qualitative research carried out since 2014, this article seeks to begin to address these gaps

in our knowledge of assaults on prison staff in England and Wales. This article explores and sets out the differences in prisoner-on-prisoner assaults (prisoner assaults) and prisoner-on-staff assaults (staff assaults). We argue that there are fundamental differences in the aetiology of prisoner and staff assaults. At first glance, this would suggest that the prevention of violence against staff requires different measures or approaches to those required for prisoner-on-prisoner assaults. However, as we assert here, keeping staff safe starts with keeping prisoners safe. This is often apposite to the actions and strategies that are typically requested

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and campaigned for when staff feel unsafe, such as PAVA spray, tasers, enhanced security, more restricted regimes, body protection vests, and more severe sentencing options.<sup>16</sup> Typically, such measures can have a deleterious effect on relationships and alter organisational cultures in such a way as to exacerbate the problem of prisoner-on-staff violence, giving the illusion of control but without materially making prison staff any safer. Whilst legislative changes might communicate a welcome focus on the safety of our emergency workers, changing the penalty for staff assaults will not — in and of itself — deter prisoners from violence against staff.

Instead, part of the solution to preventing staff assaults is to focus on the relational and cultural context. The

11. Gooch, K. and Doolin, K. (2020) *A Comparative Analysis of Prison Violence in England, Australia and Aotearoa New Zealand – An interim report*. Bath: University of Bath; Dennett, K. (2021) 'Calls for prison discipline overhaul amid increase in assaults on Corrections staff', *Stuff*, 14 March. Available Online: <https://www.stuff.co.nz/national/crime/300251019/calls-for-prison-discipline-overhaul-amid-increase-in-assaults-on-corrections-staff>
12. Treadwell, J., Gooch, K. and Barkham-Perry, G. (2019) *Crime in Prisons: Where now and where next?* Research report for external body. Office for the Police and Crime Commissioner, Staffordshire. Available Online: <http://eprints.staffs.ac.uk/5438/1/OPCC%20-%20Plan-to-government-to-tackle-organised-crime-in-prisons.pdf>; Gooch, K. and Doolin, K., *ibid*.
13. For an overview, see Bottoms, A. (1999) Interpersonal Violence and Social Order in Prisons. *Crime and Justice* 26: 205-281. In the English context, see Edgar, K., O'Donnell, I. and Martin, C. (2003) *Prison Violence: The Dynamics of Conflict, Fear and Power*. Cullompton: Willan; *Prison Service Journal* Issue 221 (September 2015).
14. See, for example, McNeeley, S. (2021) 'Situational Risk Factors for Inmate-on-Staff Assaults', *The Prison Journal* 101(3): 352-373; Konda, S., Reichard, A.A., and Tiesman, H.M. (2012) 'Occupational injuries among U.S. correctional officers, 1999-2008', *Journal of Safety Research* 43: 181-186; Sorenson, J.R., Cunningham, M.D., Vigen, M.P. and Woods, S.O. (2011) 'Serious assaults on prison staff: A descriptive analysis', *Journal of Criminal Justice* 39: 143-150; Lahm, K.F. (2009) 'Inmates Assaults on Prison Staff: A Multi-Level Examination of an Overlooked Form of Prison Violence', *The Prison Journal* 89(2): 131-150; Light, S.C. (1991) 'Assaults on prison officers: Interactional themes', *Justice Quarterly* 8(2): 243-261.
15. Note, by way of exception, in the English context, the qualitative research conducted by Edgar et al: Edgar, K., O'Donnell, I. and Martin, C., n 13 above. In the North American context, much of the qualitative research relies on formerly incarcerated individuals. See, for example, Trammell, R. (2012) *Enforcing the Convict Code: Violence and Prison Culture*. Boulder: Lynne Rienner Publishers; Levan, K. (2012) *Prison Violence: Causes, Consequences and Solutions*. London: Ashgate.
16. See, for example, Prison Officers Association, n 6 above; Bulman, M. (2017) 'Prison Officers 'need tasers and stab vests' to cope with rising violence in jails,' *The Independent*, 10 July. Available Online: <https://www.independent.co.uk/news/uk/home-news/prison-officers-tasers-stab-vests-rising-violence-jails-uk-safety-wardens-a7832656.html>; Hymas, C. (2019) 'Prison officers should be issued with tasers to combat violence, says union chief,' *The Telegraph*, 31 October. Available Online: <https://www.telegraph.co.uk/politics/2019/10/31/prison-officers-should-issued-tasers-combat-violence-says-union/>

safety of prison staff is much more likely to be secured when there are strong and good quality prisoner-staff relationships and where the use of power by staff is legitimate, fair, and just.

### Researching Staff Assaults

Our interest in violence against prison staff arose from research projects focusing more broadly on prison violence in male prisons. This article is informed by three distinct but connected studies. The first is a comparative study of prison violence across different categories of prison in England and Wales, including: a Category C prison holding men convicted of sexual offences; a young offender institution (YOI) accommodating young men aged 18-21 years old; two Category B Local prisons; and a dual designated site Category C and YOI. This research began in October 2014 and remains ongoing. In each of the sites, long periods of immersive research (of at least six months) were carried out together with staff interviews, prisoner interviews, prisoner surveys, and the use of management information regarding incidents of assaults on staff and prisoners. The second is a longitudinal ethnographic study of the opening of a Category C prison in Wales. Whilst this study was focused on the opening and development of a new prison, issues of staff safety quickly arose, including, crucially, how to build and create a 'safe' prison. The third study focuses on prison homicide and involves interviewing perpetrators of murder, manslaughter and attempted murder committed within English prisons. The empirical research in all of these studies was paused during the period March 2020 — March 2021 owing to Covid-19 restrictions.

When analysing staff assaults, and serious assaults more generally, the problem of consistent reporting and recording of incidents is quickly apparent. At first glance, it would appear to be relatively self-evident what constitutes 'assault' but in practice this could include a wide range of acts, including: punching, hitting, kicking, biting, throwing water, spitting, throwing unknown substances at staff and/or the use of weapons. If a prisoner lashes out during the use of

force by staff, this could also be classified as 'assault' even if it was not necessarily deliberate. An increase in the number of 'potting' incidents, where urine and/or faeces is thrown at a prison officer, has led to novel legal solutions, namely the use of section 24 of the Offences Against the Person Act 1861 (administering a noxious substance) to prosecute actions that do not involve physical violence but nonetheless cause physical and psychological harm.<sup>17</sup> Such acts are primarily designed to humiliate or punish an officer, or to reassert the balance of power. Crucially, it is rare for prisoners themselves to be the victim of 'potting' incidents. This — and the narratives of prison violence we discuss here — illustrate that there are fundamental differences between prisoner and staff assaults.

### Distinguishing Prisoner Assaults and Staff Assaults

The key mistake that is often made when discussing prison violence is to assume that violent incidents are irrational, unpredictable, or inexplicable. It is not uncommon for assaults to be interpreted by prison staff as 'unprovoked' or 'out of the blue'.<sup>18</sup> Yet all prison violence is rational to those who inflict it:

*'You're not going to smack someone for no reason. Like you've always got a reason*

*to do it.'* (YOI)

*'I've seen someone like do a protest with [a potting] ... a staff member is never potted or assaulted if there isn't a reason behind it. And that reason could be because they've not been decent, or they've been disrespectful.'* (Category C)

Fiske and Rai explain: 'When people hurt or kill someone, they usually do so because they feel they ought to: they feel that it is morally right or even obligatory to be violent.'<sup>19</sup> When viewed objectively, it may be difficult to appreciate that any act of unlawful violence may be judged to be rational or 'moral'. However, as Fiske and Rai argue, 'a person may be sincerely and truly morally motivated to do something

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17. R v Veysey [2019] EWCA Crim 1332.

18. See also Fassin, D. (2017) *Prison Worlds: An Ethnography of the Carceral Condition*. Cambridge: Polity, 180.

19. Fiske, A.P. and Rai, T.S. (2015) *Virtuous Violence: Hurting and Killing to Create, Sustain, End and Honor Social Relationships*. Cambridge: Cambridge University Press, xxii.

20. Ibid, 9.

that many other people involved judge to be wrong.<sup>20</sup> The argument here is not that prison violence is morally right, but that from the perspective of the perpetrator the violence has a rationality and conforms to a normative code. Staff assaults are 'rarely random occurrences.'<sup>21</sup> The critical difference between prisoner and staff assaults is the way in which the violence is explained and justified.

Whilst some prisoners will import, and/or develop behaviours arising from, individual factors such as mental health, substance misuse, histories of victimisation or perpetration of violence, which are likely to increase their propensity towards being violent, prison violence occurs within a relational and cultural context. Prisoner assaults tend to relate to 'prison politics' between prisoners. The normative code has long dictated that certain behaviour within prison, and prior to coming to prison, merits retribution.<sup>22</sup> This includes, for example, cell theft, 'grassing' or 'snitching,' homosexuality, and sexual offences against women and children. Physical violence is also perceived to be a legitimate response to perceived disrespect, threats to masculinity, attempts to extort or intimidate, and, in defence of property.<sup>23</sup> Indeed, physical violence is often perceived to be the only legitimate 'signal' that not only can ward off future victimisation but that can cement or establish a status and reputation.<sup>24</sup> In addition, one of the most critical shifts in prisoner assaults over the last decade is linked to increased economic activity within, and linked to, prison. Increased access to, and use of, contraband has led to an increase in prison violence related to the punishment of non-repayment of debt, the control of the illicit economy, and the punishment of the loss or consumption of contraband held for another.<sup>25</sup>

Whilst violence between prisoners may occur to establish or negotiate the balance of power between prisoners,<sup>26</sup> it does so without necessarily explicitly contesting the exercise of power by prison staff,

although that is of course the consequence. Conversely, staff assaults are structured by a power differential. Staff have considerable formal and discretionary power. That exercise of power is not accepted unquestionably or unwaveringly, and prisoners draw conclusions as to the legitimacy and morality of the nature, extent, and exercise of penal power by prison staff and the terms of their confinement.<sup>27</sup> It is set against this background that staff assaults may occur and can be characterised in three ways: 1) the retaliatory assault; 2) the protest assault; and 3) the instrumental assault.

Retaliatory assaults are expressive acts designed to punish perceived transgressions by staff and are a way of prisoners showing dissatisfaction with the use of staff power (whether legitimate or not). They typically occurred in two scenarios. First, if an officer was perceived by prisoners to be 'power pissed' and on a 'power trip' this could invite physical reprisals, including serious acts of violence such as stabbings. Such assaults were primarily a product of the use of staff power that was viewed by prisoners as too heavy-handed and, therefore, perceived as illegitimate. Some prisoners were quick to ascribe such behaviour to inexperienced, young, or immature (regardless of length of service) officers who were unable to establish rapport and build strong relationships with the prisoners:

*'Some of the young staff here are horrible bullies, they are, they do abuse their position.'*  
(Category C)

Prisoners were also particularly sensitive to verbal exchanges where officers were perceived to be 'disrespectful' and 'getting rude [and] getting cheeky,' particularly if this was accompanied by what was viewed as racist or inappropriate (and deliberately antagonistic) speech, including (as we observed) 'squaring up' to a prisoner or inviting them to hit them so they could restrain them. Some assaults against such

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21. Fassin, D., n 18 above, 180.

22. See, for example, Edgar, K., O'Donnell, I. and Martin, C., n 13 above; Trammell, R., n 15 above.

23. Butler, M. and Drake, D.H. (2007) 'Reconsidering Respect: Its Role in Her Majesty's Prison Service,' *Howard Journal of Criminal Justice* 46(2): 115-127; Edgar, K., O'Donnell, I. and Martin, C., n 13 above.

24. Gambetta, D. (2009) *Codes of the Underworld: How Criminals Communicate*. Princeton: Princeton University Press.

25. Gooch, K. and Doolin, K., n 11 above; Gooch, K. and Treadwell, J. (2015) *Prison Bullying and Victimisation*. Birmingham: University of Birmingham. Available Online: [birmingham.ac.uk/prisonbullying](http://birmingham.ac.uk/prisonbullying); Gooch, K. and Treadwell, J. (forthcoming) *Transforming the Violent Prison*. Palgrave.

26. Edgar, K., O'Donnell, I. and Martin, C., n 13 above; Gooch, K. and Treadwell, J. (forthcoming), *ibid*.

27. Sparks, R., Bottoms, A.E. and Hay W. (1996) *Prisons and the Problem of Order*. Oxford: Oxford University Press; Crewe, B., Liebling, A. and Hulley, S. (2014) 'Heavy-Light, Absent-Present: Rethinking the 'Weight' of Imprisonment,' *British Journal of Sociology* 65(3): 387-410; Liebling's, A. (2011) Distinctions and distinctiveness in the work of prison officers: legitimacy and authority revisited. *European Journal of Criminology* 8(6): 484-499.

staff were not met with surprise by other prisoners, nor indeed by prison staff colleagues who were often aware of those officers who were antagonistic towards prisoners. However, officers found it frustrating when they felt there was no objective basis for claims of illegitimacy, and it was the case that some prisoners were quicker to assess staff conduct as 'disrespectful' and illegitimate.<sup>28</sup>

Secondly, retaliatory assaults occurred where an officer(s) was perceived to use disproportionate or illegitimate force and some prisoners would intervene to either stop the perceived abuse of power or demonstrate their dissatisfaction. Such actions typically occurred spontaneously, with prisoners observing what they perceived to be the misuse of coercive force by an officer against another prisoner and then 'jumping in' to either obstruct the officer or deliberately indicate their dissatisfaction. This included hitting, punching, grabbing or kicking an officer as well as deploying whatever weapons were immediately to hand (for example, brooms). Such actions only served to escalate an incident and rarely prompted the desired (from the perspective of the prisoners concerned) reappraisal about the actions of prison staff, leading instead to the reprehension of the prisoner's behaviour.

Protest assaults are primarily the product of profound frustration by prisoners, which was no longer possible to contain. This form of assault typically occurred because of administrative difficulties, such as prisoners not getting answers to questions, applications or complaints, or from poor regimes, including too little time in cell and too little meaningful activity:

*'With like the staff assaults, some of that happened because the staff don't understand the prisoners. Like we're banged up literally like 23 hours a day, there will be times we're meant to be out for association and they will just cancel it, they wouldn't give us an explanation or nothing so obviously people get frustrated and start banging their doors.'*

*Some people take it to the extreme and assault an officer, you know what I'm saying like?' (YOI/Category C)*

Frustration also stemmed from the arbitrary application of the rules. The 'rigid application of a rule that is usually interpreted more flexibly'<sup>29</sup> was particularly provocative and could easily escalate from heated verbal exchanges to a spontaneous or planned assault, especially when the arbitrary use of power was perceived to be discriminatory or personal. The inconsistent application of the rules was frustrating for its unpredictability since prisoners simply did not 'know where they stood' — something that Crewe describes more generally as the psychological pain of uncertainty.<sup>30</sup> The frustration on the part of these prisoners was that such staff were unnecessarily making prison time 'harder' than it needed to be.

Instrumental assaults involve the use of violence by prisoners to bring about a desired purpose. They can occur when prisoners seek to reinforce or renegotiate the balance of power. For example, when prisoners had assumed a position of control on a particular wing(s) and there were attempts by individual officers to enforce the rules or (re)assert their authority. We repeatedly heard accounts from prisoners of incidences where the balance of power had shifted so

that officers were largely physically or symbolically absent and under-using their power. For example:

*'Frankly prisoners are running the prisons these days, it's not the staff running prisons. The prisoners are running prisons and they are getting more and more dangerous by the day because in a prison, like this, like I say we've got so many inexperienced staff that some of these very experienced inmate criminals, who can manipulate anything they want, are doing just that.'* (Category C)

If the culture amongst officers was to allow prisoners to self-police the wings, overlook rule

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28. See also Quinn, A., Hardwick, N. and Meek, R. (2021) 'With Age Comes Respect? And for Whom Exactly? A Quantitative Examination of White and BAME Prisoner Experiences of Respect Elicited through HM Inspectorate of Prisons Survey Responses,' *Howard Journal of Criminal Justice* 60(2): 251-272.

29. Fassin, D., n 18 above, 181.

30. Crewe, B. (2011) 'Depth, weight, tightness: Revisiting the pains of imprisonment,' *Punishment and Society* 13(5): 509-529.

violations and allow inappropriate conduct, or simply to fail to enforce reasonable expectations about behaviour, power was assumed by more assertive and controlling prisoners. These attempts by prisoners to 'claim power from staff, rather than having it delegated to them'<sup>31</sup> became increasingly more common, particularly in some prisons/prison wings, owing to the loss of experienced staff from 2013, inconsistent staffing, and the presence of very inexperienced staff who were still developing their confidence and competence.<sup>32</sup> In such circumstances, prisoners' perceptions of respect became distorted. Officers being 'respectful' towards them was not only about decent treatment or the 'inherent dignity and value of the human person',<sup>33</sup> but — to those prisoners who had assumed a degree of power and control — it was also about recognising their status and deferring to their elevated positions (even if they had effectively usurped prison officer authority). The effect of this was that officers who sought to restore the balance of power in ways that would otherwise be considered appropriate, legal and legitimate, were perceived to be over-reaching and 'violating' prisoners who had adopted positions of 'extra-legal governance.'<sup>34</sup> It was these officers who quickly became the targets of organised assaults and 'potting' incidents.

Instrumental assaults also occurred when prisoners who were being threatened, assaulted, or coerced sometimes formed the belief that their only route to safety was to find 'sanctuary'<sup>35</sup> in segregation,<sup>36</sup> on another wing or in another prison. When officers were unavailable or unresponsive to initial attempts to report concerns, some prisoners decided that their only route to safety was to assault a member of staff. Here, such prisoners could not only predict the reaction of prison staff to assaults on staff but were indeed relying on that habitual response for their own safety and protection. Such assaults were instrumental, but they were also steeped in desperation and were preventable.

We found that prisoners' grievances towards staff and/or the 'system' more generally were primarily directed at staff rather than their peers. However, the overlap between a prisoner's grievances with other prisoners and grievances with staff occurred in two specific scenarios: 1) when a prisoner was in debt and was coerced by another prisoner to assault or 'pot' a member of staff; and 2) when a prisoner was seeking sanctuary or, conversely, seeking a transfer elsewhere and knew that assaulting a staff member would initiate the required action. For example:

*'An officer got stabbed and got rushed to hospital, stabbed in the chest. ... mostly it is they get paid to do it by others, if they're in debt, to clear the debt. ... if someone's debted up to their eyeballs, and the guy he's debted up with says 'Oh if you wanna clear your debt, go and hit such and such.' So yeah, that's how it works.'* (Category C)

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As noted above, debt has become an increasingly common feature of prison life, often attracting very real threats to, and physical assaults of, the debtor or their family members. In such circumstances, the

debtor can be susceptible to demands to assault or pot a staff member in order to expunge the debt. These targeted assaults defy traditional decisions about 'risk' since it is those who might appear least likely to pose a risk to prison staff, and/or who seem to be most vulnerable, who instigate the assault. It can also mean that the complicity of those who are orchestrating and demanding that the assault or 'potting' occurs goes unnoticed.

### Preventing Staff Assaults

Research suggests that prison staff who are assaulted may experience post-traumatic stress disorder

31. Crewe, B. and Liebling, A. (2017) 'Reconfiguring Penal Power,' In: Liebling, A., Maruna, S. and McAra, L. (eds), *The Oxford Handbook of Criminology*. 6th Edn. Oxford: Oxford University Press, 889-913.
32. Gooch, K. and Treadwell, J. (2021) "'It doesn't stop at the prison gate": Understanding organised crime in prison,' *Prison Service Journal* 252: 15-30.
33. Liebling, A. (2004) *Prisons and their Moral Performance: A Study of values, Quality, and Prison Life* Oxford: Clarendon Press, 212.
34. Skarbek, D. (2014) *The Social Order of the Underworld: How Prison Gangs Govern the American Penal System*. Oxford: Oxford University Press; Gooch, K. and Treadwell, J., n 32 above.
35. Toch, H. (1977) *Living in Prison: The Ecology of Survival*. New York: Free Press, 165.
36. See also Laws, B. (2021) 'Segregation Seekers: An Alternative Perspective on Solitary Confinement Debate,' *British Journal of Criminology* Online First. Available Online: <https://academic.oup.com/bjc/advance-article-abstract/doi/10.1093/bjc/azab032/6246111>

(PTSD), secondary or vicarious trauma, 'burnout', and generalised feelings of stress and emotional detachment.<sup>37</sup> Thus, the impact of a staff assault extends far beyond any physical injury suffered. In addition, the fear of an assault, and increased anxiety about disorder, may have a more general effect on other staff members. This can often generate two distinct but related responses: 1) withdrawal and social distancing by staff from prisoners; and 2) the hardening of security measures and sentencing options (whether through adjudications or criminal prosecution). Whilst such responses are understandable and can seem to protect staff in the immediate or very short-term, they are ultimately counterproductive and can inadvertently increase, not decrease, the likelihood of further assaults. This is because such responses not only created or reinforced an 'us and them' culture but weakened staff-prisoner relationships. This risked indirectly allowing prisoners to claim greater power. Strong staff-prisoner relationships based on mutual respect and trust were the principal safeguard against staff assaults:

*'It's much harder to attack someone you have respect for and you have good banter with.'* (YOI/Category C)

Thus, it is likely that creating further physical and social distance of staff from prisoners risks creating the fertile conditions for more, not less, violence. When staff are perceived to be unavailable, it encouraged the fashioning or storing of weapons amongst prisoners for 'protection' or self-defence if confronted by other prisoners. In some cases, these weapons would also be used against staff. Further, when staff withdraw, vulnerable prisoners were often left feeling more isolated with the effect that they simply withdrew from the regime or used whatever drugs were available to metaphorically escape. In the latter case, this only exacerbated problems of indebtedness and the possibility of the instrumental assaults detailed above.

## Social withdrawal and retreat of staff from prisoners, and tightening security measures or adopting more punitive approaches not only created or reinforced an 'us and them' culture but weakened staff-prisoner relationships.

The dangers of 'absent'<sup>38</sup> staff were not only apparent to prisoners<sup>39</sup> but (unsurprisingly) also to prison officers:

*'There are some staff who we call them 'con shy.' I say some staff, but there is quite a lot of staff at the minute, and it is being brought up weekly, who you will just always find them in the office.'* (prison officer, Category C)

For those officers who were prepared to remain on the landings, the absence of their colleagues contributed to the perception that the prison was unsafe and that staff assaults were not only possible, but likely. Such accounts and explanations by prison officers were consistent and repeated. When asked why he felt unsafe, another officer answered:

*'I think lack of confidence in staff. Unsure of the rules. People, like, not having the awareness around them, I think, as well. I might be having an argument with one of the men [and the] officer's not clicking on to come and [has not] just make a presence or something and instead they might leave. I think it's just*

*not experience. Yeah lack of experience in staff.'* (prison officer, Category C)

Prison officers were keenly aware of who the 'shit staff' (prison officer, Category C) were — those they described as failing to enforce the rules, who could not be relied upon, and/or who seemed to disappear when they were most needed. It was not uncommon for prison officers to form an assessment of how good the shift was likely to be after reviewing the 'detail' and discovering who they were working alongside. When describing what made him feel unsafe, one prison officer remarked:

*'Now I am challenging lads all over the shop, saying, 'Right, you know you're not supposed*

37. See, for example, Boudoukha, A., Altintas, E., Rusinek, S., Fantini-Hauwel, C. and Hautekeete, M. (2013) 'Inmates-to-Staff Assaults, PTSD and Burnout: Profiles of Risk and Vulnerability', *Journal of Interpersonal Violence* 28(11): 2332-2350; King, A. and Oliver, C. (2020) 'A qualitative study exploring vicarious trauma in prison officers', *Prison Service Journal* 251: 38-45

38. Crewe, B., Liebling, A. and Hulley, S., n 27 above.

39. Ibid; Crewe, B. and Liebling, A., n 31 above.



to be here. [...] I am always challenging them every day. I had a confrontation the other day. He was right in my face. I said, 'Look. You know the score'. I had another officer with me and he backed down in the end. That's why it's unsafe. [...] I think not consistent and not controlled with some staff not challenging [is why it's unsafe for staff].' (prison officer, Category C)

Overwhelmingly, on a day-to-day basis, such officers' perceptions of safety (or lack thereof) rested on who they were working with, not on what 'tools' they had at their disposal. This underscores the importance of having sufficient numbers of well-trained officers and investing in the ongoing training, mentoring and relationship building of prison staff who are working in often challenging and volatile environments.

### Conclusion

Although the increase in the maximum penalties for assaulting prison officers — and their inclusion within the legislation regarding emergency workers — might be viewed as a welcome development, the extent to which it will serve a deterrent effect and reduce the incidence of staff assault is relatively limited. An abundance of research attests to the fallacy of increasing sentence severity in order to reduce crime — if anything, it is the certainty of being caught that deters individuals in the community from committing crime.<sup>40</sup> Whilst the certainty of being identified as a perpetrator is greatly increased within prison, violence

serves a specific function in achieving justice, expressing grievances and frustration, retaliation, settling the balance of power, and, crucially and perversely, as a way of finding safety and sanctuary. In such circumstances, violence was commonly viewed by the prisoner as necessary, rational, and obligatory, even when faced with the possibility of 'added days' awarded by the Independent Adjudicator<sup>41</sup> or criminal prosecution for additional charges. Thus, the extent to which aggravated forms of assault and battery will serve as a deterrent and reduce staff assaults is limited.

Reducing and preventing staff assaults requires an environment where prisoners are safe and an investment in strong prisoner-staff relationships and staff-manager relationships. This investment requires sufficient numbers of well-trained staff, sufficient time to build relationships, smaller staff: prisoner ratios, well-supported and trained managers, the harnessing of dynamic security, and greater understanding of prisoner behaviour, including the ways in which harmful behaviour might be signalling concerns or distress that individuals cannot otherwise communicate in ways that are 'heard'. This is only part of the picture; some prisoners will import and/or develop norms and behaviours that may influence their propensity towards violence. Nevertheless, preventing staff assaults does not lie simply in expanding security measures, or in creating more forms of control, or in increasing legislative options. Whilst such action might make staff feel or be safer in the immediate or very short-term, preventing staff assaults and improving prison staff safety long-term will only happen with structural changes to the way we fund and use prisons.

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40. von Hirsch, A., Bottoms, A.E., Burney, E. and Wikstrom, P.-O. (1999) *Criminal Deterrence and Sentence Severity: An Analysis of Recent Research*. Cambridge: University of Cambridge.

41. Recent research suggests that prison adjudications generally do not prevent further rule-breaking for prisoners who experience their punishment immediately following an adjudication or those who experience confinement in their cell following adjudication: Fortescue, B., Fitzalan Howard, F., Howard, P., Kelly, G. and Elwan, M. (2021) *Examining the impact of sanctions on custodial misconduct following disciplinary adjudications*. Ministry of Justice and Her Majesty's Prison and Probation Service: London.