

Speech at No 10 Downing Street

Martin Narey, Director General HM Prison Service, delivered this speech at a seminar in 10 Downing Street on 13 May 2002.

I want to take this opportunity, and a unique opportunity obviously for me, to say something about prisons and their place in the Criminal Justice System, and their place of course in the Criminal Justice System is at the end. Prisons are the repository for those who cannot be allowed to live in our communities. And the issue is whether or not prisons can on a serious scale be more than that, whether we can reduce re-offending and the repetitive front-loading of the Criminal Justice System with the same people who have just left the back end often just a few weeks or even days previously. And you will not be surprised to know that I want to try to make the case today that prisons can do that, that they can reduce re-offending and on a limited scale indeed are doing that, but that at the moment huge potential is lost, and that in the main, so far as cutting crime is concerned, prison is a wasted opportunity.

But first if I may, some comments on the Criminal Justice System and particularly about delay which contributes so significantly to the size of the prison population and our current overcrowding problems. About 12,500 of my population are on remand, so any shortening of the remand period would make a very significant difference to overcrowding. But just as importantly, less time on remand would also mean that more of the eventual sentence served by a prisoner was served in a training prison where for example the greatest access to drug treatment is available. At the moment too many sentenced prisoners have so little time to serve when convicted that there is no time and not much point in moving them out of a training prison and the whole of their sentence is spent in the impoverished regime of an overcrowded local prison.

One or two of you might know that in 1996 Michael Howard asked me to go away and see whether or not something could be done to reduce delay, and I produced proposals to try to reduce the ever lengthening time it takes to get somebody to justice. The recommendations made then, but implemented by Jack Straw, did make a difference and waiting times from charge to completion are 20 per cent shorter now than before the changes were made. But the system remains unbelievably slow and cumbersome, and we can hardly celebrate the fact that it still takes an average of nine weeks from a defendant being charged to his or her case being completed even in a Magistrates Court.

Let me share some statistics with you. Last year there were five million recorded crimes. About half a million of those led to prosecutions at the Magistrates Court. About half of those, about 272,000, were convicted, but nearly 30 per cent of the cases brought to court were terminated early without a conviction or acquittal. Additionally, of the prosecutions for which a conviction followed, a significant proportion would have been for lesser charges than made by the police at the outset. The figures on this are hard to obtain, but it is a reasonable bet that about one-quarter of violent offences for example result in a conviction for a lesser charge than the original.

So against that, it is little wonder that experienced defendants will seek to delay their cases as much as possible in the hope that charges will be lowered or charges might be dropped altogether. As one very experienced solicitor told me recently, to conscientiously serve his client in a criminal case he must delay, delay and delay.

For the guilty who do not frustrate the system and are eventually convicted, and despite the views of the public, encouraged by the media I might say, it is now much more likely that a guilty defendant will go to prison. Ten years ago, one defendant in 26 went into custody; it is now one defendant in 13. And despite fewer people being sentenced to both the Magistrates and the Crown Court last year, the prison population grew last year by 4,500; and in the first four months of this year, during a time when we expected the population to remain level, the population has grown by a further 5,000.

The proposition I want to make today is that the Service can do a great deal with serious and violent offenders, much much more than we do now. But the population is overwhelming us. We can do very little that is useful with short term prisoners and last year 50,000 prisoners, more than half of all receptions into prison, were sentenced to less than six months, and about a quarter of all receptions were sentenced to less than three months.

So the vast majority of those received into my prisons are not with us long enough to get them off drugs, to put them through offending behaviour programmes, or to get them into drug treatment or give them some educational qualifications. But invariably they are with us long enough to lose their jobs, lose their homes, break contact with their families and many

of them will leave — let nobody be in any doubt — more criminally intended than when they arrived with us, meanwhile to deflect the Prison Service from reducing the future re-offending of those for whom we can make a real difference.

Prisons are bursting at the seams while probation workloads are falling. The number of pre-sentence reports last year fell by six per cent, community rehabilitation orders by about two per cent, punishment and rehabilitation orders by 15 per cent. Why? We now have a National Probation Service, led in my opinion with immense energy by Eithne Wallis, and with a genuinely changed philosophy grounded in making community punishments a tough and rigorous alternative to short terms in custody.

So why do sentencers have a continuing love affair with custody? Well I would like to speculate there may be six reasons. First of all, prisons are visibly better than they used to be. Magistrates could be brought to a local prison as little as ten years ago and the smell of slopping out would be enough to discourage the use of custody in almost any case. Now prisons are at the very least cleaner, less overcrowded with no prisoners three to a cell, and in most of them there is at least some visible evidence of some constructive work taking place.

Secondly, despite the creation of a National Probation Service and its new leadership and emphasis on effectiveness, things may still look pretty much the same to Magistrates and Judges. They remember previous rebrandings of tough community sentences, but as one Magistrate told me recently, the introduction of new names for orders, such as the Community Punishment Order, do not impress us when we see them supervised by exactly the same staff as before.

Thirdly, and I think this is a key point, although there is a great deal of emerging evidence about the effectiveness of new community penalties and lots of good news stories, sentencers rarely hear of them. They may be told of the new probation programmes that may cut re-offending by ten or 15 per cent, but they only see the probation failures, brought back before them again and again when they are breached. There needs to be some marketing here at local level. There are good news stories for Judges and Magistrates to see and they do not see them.

Fourthly, I think the quite proper and greater emphasis upon the victim in our Criminal Justice process might be encouraging sentences to believe in far more cases than ever before that custody is the only reasonable sanction in the interests of the victim. Regrettably, and despite all the efforts to sell community punishments as difficult and stretching alternatives, many victims, and worse still many remand prisoners, still talk of community punishment as getting off.

Fifth, while the notion of protecting the public is now deep into the mind set of the Magistracy, this may be viewed strictly in the short term and a short prison sentence might be seen as affording greater protection

to the public, even though the time spent incapacitated is very brief indeed and longer term criminality might be increased.

And finally, perhaps part of the problem is that prison may still be seen by many sentencers as in every case a necessary evil, and that in defiance of Michael Howard's dictum that prison works, they believe prison cannot work in any circumstances and there is therefore limited thought given to using it in a discriminating fashion.

Until recently such sentencers who believe prison could never work would be in good company. Not long after I joined the Service as an Assistant Governor 20 years ago, the philosophy of nothing works fell over the Prison Service like a dark shroud. By the late 1980s most Governors sought little more than to provide conditions for prisoners which were not too indecent. The eradication of slopping out became an end in itself rather than a foundation for rehabilitation, a word prison professionals became embarrassed to use.

The optimism of the Woolf Report in 1990 and the priority in holding prisoners in decent conditions close to home and with an emphasis on resettlement provided a temporary relief. But escapes of notorious Category A prisoners, including some terrorists from Parkhurst and Whitemoor brought that progress to a swift halt, and a deeper depression epitomised by prison works and the accompanying call for prisons which had to be decent but austere set a new and depressing tone for the Service.

I make no criticism of Michael Howard for his emphasis on the basics of security following that. The Prison Service let him, as Home Secretary, down very badly indeed. Not only did five Category A prisoners escape, including three from a special secure unit at Whitemoor Prison, a prison within a prison, something we believed to be impregnable, but many other prisoners were escaping so fast we could barely count them. In fact there were 19 Category A escapes in the first six years of the 1990s. Thankfully there have been none since.

But more worryingly in the early 1990s, escapes every year were in the hundreds. There were six escapes every week from prisons in 1992. Last year there were 14 in the whole year. Drastically reducing the number of escapes was simply vital if my Service was ever again to regain public, Parliamentary and Ministerial confidence, and much as I am committed to a service which can reduce re-offending, I remind my staff very frequently that we must never again loosen our grip on security if we want to avoid a repetition of the '90s obsession and the mantra — security, security, security.

The challenge for my service for the last four years or so has been to hang on to the security gains, but also to start to demonstrate that we can release people less likely to offend than when they arrived with us. An investment of about £60 million per year from the 1998 and 2000 CSRs have given us that chance.

So how will we spend it? Well in three main ways. First of all on offending behaviour programmes. Last month the Home Office published research showing encouraging reductions in reconvictions two years after release for graduates of these programmes in the early and mid-90s. Reconviction rates were 14 per cent lower — 14 percentage points lower — than for a matched control group. The programmes address the so-called cognitive deficits of offenders, the thinking skills of offenders, the inability of so many impetuous men, and nearly all of them are young men, the inability to think through the likely consequences of their actions, to think about alternatives when faced with a problem. Specific programmes for sex offenders, on which the research is also very encouraging in terms of reconviction, tries to look at the twisted thinking behind much sex crime, for example the thinking of paedophiles which will sometimes be so twisted as to rationalise that a child can not only consent to sex but can enjoy sex. Turning that twisted thinking around has a very significant effect on their dangerousness when they leave us.

There is a long way to go with these programmes yet, but the results reflect international evidence about their effectiveness, and the numbers of the programmes we have delivered have increased seven times in seven years. But with only 5,000 prisoners going through the programmes last year we are still far short of meeting demand and many offenders, including dangerous sex offenders, are released without going through a programme which is so necessary.

Secondly, we have spent the money on trying to reduce drug abuse. No-one here needs any convincing about the link between drugs and crime. About one third of criminal activity is related to drug abuse, and we can make such a difference. It is generally accepted, somewhat wrongly, that prisons are awash with drugs. It is undoubtedly the case that prisons have drugs in them and in most prisons drugs are available. To eradicate them completely would require a different approach for example to visits, it would require us to have all visits behind glass screens, as they do in many US states and in prisons I visited in Hong Kong recently, it would take away a humanity to the Prison Service which I would find very distressing because it would take away any opportunity of for example a father ever having his child on his knee or ever embracing his wife or partner. But we have to find a way of further reducing the supply of drugs into prisons. We have made very great progress with drug dogs at every prison since 1998, much better searching, close circuit television in every visits room, and the amount of drug abuse in prisons has fallen accordingly, from about 26 per cent of all prisoners in 1998 to about 11 per cent last year, and we are confident that those figures are right because we randomly test between five and ten per cent of our population every month.

On top of reducing supply we begin to make

much more important progress. Detoxification is now available in every local prison. A basic assessment, referral and support service for those who abuse drugs is available in every single prison. Treatment programmes which ran in 16 prisons three years ago now run in 50 prisons, mostly delivered in co-operation with community drugs agencies, sometimes employing ex-prisoners to come back into prisons and work with offenders and talk through how they managed to come off drugs, they are showing very encouraging effectiveness. Research published last year about our oldest and established programmes run for us by a body called RAPt, show the treatment programmes are likely to halve offending up to six months after release, and after two years the reconviction of those who have graduated from these programmes is still 20 per cent lower than a carefully matched control group.

And finally, we have spent this money on the thing I feel most passionate about, which is education. By next year we will be investing about an extra £18 million a year in prison education compared to three years ago, and we have redirected much of our initial investment towards basic skills. You may be surprised to learn just how much the Prison Service, and particularly previous Ministers who launched this with me, were criticised for doing this, because we were told in 1999 that prisoners were unteachable, or that qualification based learning was not appropriate for them and we should direct them into using their leisure time creatively. Nonsense. There is little or no evidence that the prisoner population is in some way intellectually subnormal, but there is a great deal of evidence that they are very seriously uneducated, and in some of the institutions caring for those aged 17 and under, the proportion of those young men who have been permanently excluded from school reaches 75 per cent. In Stoke Heath in Staffordshire the figure is 80 per cent, and the proportion of young men there who never went to school beyond primary school is more than ten per cent.

Not surprisingly, therefore, the Basic Skills Agency tell us that about 65 per cent of our population are essentially unemployable in the case of 96 per cent of all jobs available in Job Centres. So we simply had to address this, we had to turn this around and we have a long long way to go before we have done so. But last year about 62,000 qualifications were gained in prisons, 24,000 of them in basic skills in literacy and in numeracy, including about 16,000 at the level which makes young people employable, generally in the case of prisoners for the first time in their lives. And I am very proud that last year of those adults in England and Wales who as part of the national skills for life strategy improved their literacy and numeracy, ten per cent of them did so from prison.

Education, offending behaviour programmes and drug treatment programmes, can be particularly effective in prison, simply because our prisoners are literally captive. We can achieve things which it might

be quite impossible to do in the community, but we are not doing remotely enough. Minimal marginal additional investment, perhaps another £90 million or so a year, would be enough to enable us to double all that we are currently doing in education, in drug treatment and offending behaviour programmes. As things stand, we are only playing at the edges and the wasted opportunities are there to see in every prison I visit.

Worse, the small but significant progress we have made in the last few years is under threat. We are managing the current population of more than 70,000, but only just. Absorbing 10,000 more prisoners in 18 months has not been accompanied by any significant increase in the things I have described which might reduce re-offending, and in any case, as I have explained, too many of the prisoner population are not going to be with us for long enough for us to do anything which will make a difference, but their numbers deflect our efforts to care decently for those we can help.

And the reality of overcrowding is very stark. It is true that there are no longer prisoners three to a cell, and it is true that there is no longer in the main any slopping out. But 12,800 prisoners or so tonight and every night will share a cell in jails in England and Wales, they live together in that cell and they will defecate in front of one another in that cell, because the cells we built in such optimism in the wake of the eradication of slopping out, in the belief that we would have one man in them, now have to be doubled up on 12,800 cases at the moment, and that figure is rising. It is very hard to convince prisoners or their families that we are intent on making imprisonment constructive when basic standards are so gross. To make matters worse, far too many of the prisoner population should be cared for elsewhere. The proportion of the prisoner population suffering from mental illness has soared since the introduction of care in the community at the end of the 1980s. Incredibly, 90 per cent of the prisoner population suffer from one of the five main categories of mental disorder — psychosis, neurosis, personality disorder, drug dependency or alcohol dependency. Today about 5,000 prisoners are suffering from severe and enduring mental illness, at any one time 300 or so in prison but waiting for a bed in a secure and psychiatric hospital having been sectioned under the Mental Health Act.

Last year I did the *Back to the Floor* programme for the BBC and went back to be a prison officer at Parkhurst, and I got an all too stark example of what that means — prison officers, understandably wanting me to experience some difficult experiences in my week in uniform, took me to search the cell of a prisoner who was in the hospital but who appeared to be very ill. He was a wretched man, but he was also a very dangerous man, and he had been issuing very grave and very worrying threats to some very young and inexperienced female staff. I went in to search his cell and I found that

he had stuck on the walls of his cell pictures from Page 3 of the Sun and the Star all over his walls, but he had also cut out from the back of those same newspapers adverts for lingerie and so forth, anything with a female form, and they were all over his wall, and he had stuck them there with his own semen. When I asked, I found that that man had been waiting to get into Rampton for nearly five months and during the time he had been waiting in Parkhurst, getting worse because we could not treat him against his will — and quite right too — while he had been in Parkhurst getting worse he had moved down the waiting list from number two for Rampton to about number six. Now I could stop being a prison officer very briefly and phone people and I managed to get him moved, but there are 299 others like him in prisons and they should not be there.

The cavalry, I have to say, is on the way. We have 300 psychiatric nurses from the NHS arriving in prisons as we speak to make a real difference, to extend the community care available in society to their patients while they happen to be in our local prisons. I am hugely grateful for that help, but it is only a beginning and we need much much more if we are to be able to care for people who are with us, often because the courts feel they have nowhere else to send them, but who require far more care than we can afford.

The most disturbing aspect of mental illness of course is the fact that so many people come into our care intent on killing themselves. Astonishingly 20 per cent of men on reception admit to having previously tried to take their own lives. Forty per cent of women admit to previously having tried to take their own lives. When I became Director General some three and a half years ago, I tried to make the reduction of suicide my personal priority and I have had huge support first from Paul Boeteng and more recently from Beverley Hughes who I know cares desperately about this, and the figures have come down from 91 two years ago to 82 last year, and in the year just finished to 72, and the rate of suicides has dropped quite significantly and until very recently was at its lowest since about 1993. The population of people in and out of local prisons as we move people up and down the country to where anywhere there is a bed is making a difference, and this weekend, three times on Saturday and then again this lunchtime, I was phoned to say that we had lost a prisoner who had killed themselves, and suicides which have fallen for three consecutive years, I regret to say will almost certainly rise in number this year.

I am sometimes told that there are confused messages at the moment about the use of custody. I do not believe the message could be any clearer. The Home Secretary and the Lord Chief Justice are saying again and again that prison is the right place for serious and violent offenders, but not the right place for those who receive short sentences when community punishments are available. Indeed in 20 years in the Criminal Justice System I do not recall such a consistent and united message from a Home Secretary

and Lord Chief Justice.

I desperately want to work with that message. We cannot simply build ahead of this thirst for custody. At worst, we cannot treat people with dignity or decency, or sometimes even keep them alive. Let me give you an example of the hurdle. At Glen Parva, a large prison for those aged 18 — 20 outside Leicester, last month received, as is about usual, 190 or so new prisoners from court, but they also, as we struggled to cope with overcrowding, moved 117 on to other prisons and received 173 transfers from prisons. At the end of the month, as the Governor reported to me at the weekend, 40 per cent of the young people in custody had not been there at the beginning of the month, and the chances of staff getting to know people, recognise their vulnerability and sometimes their dangerousness, is minimal in those circumstances.

I am of course grateful for the investment that I received very recently from the Home Secretary and Beverley Hughes, for the investment in additional capacity which will mean that overcrowding will not get worse, and some of that extra accommodation will be coming on stream in the next few weeks, but that is not the sort of investment I crave or any of my Governors crave. If the population would only stop growing we would need relatively little investment, certainly much less than it takes to build new prisons, and we could begin on a real scale to change people's lives because that is what we can do when we have the opportunity. We need to take an imaginative leap from 19th century penal dustbins to see the potential of prisons as secure residential colleges for offenders who through getting them off drugs and getting them education can make young people employable.

Since 1999, we have been able to do this just a little with the youngest in our care, those aged 15, 16 and 17. I would still argue with Lord Warner of the Youth Justice Board that I do not get enough money from him. We still run our places at about £50,000 per juvenile per year, compared with expenditure of about £150,000 per year in the local authority sector. And local authorities can spend £16,000 per year on a young person's education, and I have about £1,800. But nevertheless the investment in the last few years has made us or given us the opportunity dramatically to improve the care of that age group, and although my costs for caring for these young people are less than those enjoyed by local authorities and secure training centres, they amount to much more than I have to care for those aged 18 — 20, I have about 35 per cent less cash to care for each of them.

But having the additional cash for younger prisoners has given us the opportunity to demonstrate that we can begin to do a half decent job, to provide better facilities, better living conditions, not as yet overcrowded, more classrooms and routine access to education for every single person in our care. It has allowed us to have parents routinely involved, taking part in monthly discussions on a son's progress, and

sometimes, and very movingly, coming up to establishments to see their sons at prize-givings, when for the first time in their lives parents see the achievements of their children celebrated.

Let me give you one good example — a boy called Tony. Tony was brought up in Scotswood in Newcastle. He was in trouble from a very early age. He rarely attended school, and at 15, after a lot of petty offending, he tried unsuccessfully, armed with a knife, to rob a local newsagents. He came to Castington Young Offender Institution serving a six year sentence and arrived two years ago. Gradually, very slowly at first, a real change has been seen in this young man and his self-esteem has improved. A few months ago he wrote a simple book called *Alec the Caterpillar*, for his nephew, and I have got a photocopy of it here. It is a very simple book, written for his nephew. For example, 'The caravan on Farmer Joe's small farm was beside the stables where one lovely white horse lived. Alec liked where he lived because it was next to a cabbage patch, which of course was one of his favourite foods.'

Last summer that book won an award at the Koestler Awards Ceremony which celebrates prisoner achievements in the arts, and it won the Puffin Book of the Year Award. But what made that really impressive was that when Tony came into Castington two years ago he could neither read nor write, he could not write a single sentence and recognised only a handful of words. But now his parents, expecting him home later this year, can look forward to his return with real optimism and he is employable. There are other examples like him. As Angela Neustatter said in her recent book, *Locked In, Locked Out*, published just a few months ago, 'the best prison regimes are able to discover and develop some of the potential of young inmates in a way that has generally not happened before in their lives and may actually enable them to find meaning, choose to learn skills that give them a choice about whether to return to crime or not, and as important as anything, to learn that adults may be with them rather than against them'. She goes on to conclude that, grimly ironic as it may be, many of the offenders she spoke to, 'could not have got themselves out of the spiral of chaos and crime they were in without being physically removed from it, in many cases detoxed and being obliged to live in a different way'.

But although there are more Tonys, there are nowhere near enough, and for every Tony whose life chances we can turn round, there are probably five or six who we do not reach. It seems to me that there is an overwhelming moral and economic case for putting that right, and it might need not a penny more. Accelerate the Criminal Justice process and cut my remand population, persuade the courts to use custody only where custody might work and therefore reduce my sentenced population, and simply removing those sentenced last year to sentences of six months or less would reduce the population at a stroke by 6,500.

So, reduce the population, leave me with the money I have now, and in return I can promise to make a real difference with those with us long enough to come off drugs and get into drug treatment, perhaps to go through a offending behaviour course or to start, what is in most cases, the first serious education in their lives, and as a result we will make them employable and remove the social exclusion. That would be to provide the sort of Prison Service I hoped I was joining 20

years ago and which for the first time in the last few years I thought was on the horizon. We dare not miss this chance to turn aspiration and potential into reality. We look both to the young people in our care, most of whom have had precious little chance in life, but also to the communities, those same young people, will pray upon unless we can turn their lives around. If we can do that, that would be a future for prisons and criminal justice which made real sense.

The Experiment

Steve Taylor, a Member of the Independent Ethics Panel on 'The Experiment', shown on BBC2 in May. He is a freelance writer on criminal justice and penal affairs, and is currently writing a book on prisoner sexuality.

The Stanford Prison Experiment

In 1971, Professor Philip Zimbardo turned the basement of the psychology faculty at Stanford University into a 'prison'. He recruited guards and prisoners from his student base, and ran what became known as the Stanford Prison Experiment as a means of testing the psychological argument that in the 'right' situation, normally rational, fair and decent people could become something different — tyrannical, despotic, or even 'evil'.

Things turned sour rather quickly. With only a very basic training, the guards began to emulate prison guards from the movies, acting out what they thought were the appropriate roles of guards. Prisoner participants were subjected to humiliating and degrading performances to gratify the guards and to reinforce this most vivid of power relationships.

Zimbardo placed himself in the midst of the Experiment, as the prison's superintendent. He admits that he became thoroughly absorbed into this new position, and became immune to the treatment being given to the prisoners. So enthralled was he in the events unfolding, he called in a colleague to witness the regime. The response of his colleague, utterly abhorrent of the treatment of the prisoners, brought Zimbardo back to his psychologist self, and he called a halt to the Experiment after just a few days.

The original Experiment was not made for television. Zimbardo did record the goings-on on video tape for the purposes of his own research. But the Experiment quickly achieved notoriety and became known to psychology students across the globe. Not long after the Experiment sprung a new band — called the Stanford Prison Experiment.

Zimbardo remains at Stanford University today, and is currently the President of the American Psychological Association. From the start, he has roundly condemned the BBC's plans to 'recreate' the Experiment, saying — in broad terms — that they should learn from his mistakes.

This warning was heeded. Two academics, Dr Alex Haslam of St Andrew's University, and Professor Steve Reicher of Exeter University, became 'the experimenters'. The Ethics Committee of the University of Exeter were sent plans for the BBC Experiment, and following significant amendments, gave agreement. The BBC also agreed to appoint an Independent Ethics Panel to monitor the planning and filming of the Experiment. Such ethical safeguards were essential not only for the protection of the participants, but also to ensure that the BBC's Experiment did not become as infamous as the original Californian experiment.

The BBC's Prison Experiment

Like many people, the first I had known of this new Experiment was when an article appeared in a supplement to *The Guardian* last autumn. In November, I was approached by the Series Producer, and asked if I would join the Independent Ethics Panel to oversee both planning and production of the programme. After a long chat over coffee, I agreed.

The Independent Ethics Panel consisted of five people, each with a different area of expertise. The Panel was chaired by Lembit Öpik, a Liberal Democrat MP and something of an expert in power relationships. I was appointed through my work with the Howard League for Penal Reform, and my work on prisoners' rights. The other three members were, Dr Mark McDermott of the University of East London, and previously an advisor on the 'Human Zoo' series; Dr Stephen Smith of Beth Shalom, the Holocaust Memorial Centre, and an acclaimed commentator on genocide and human rights; and Andrea Wills, of the BBC's independent Editorial Policy Unit.

We first met at Broadcasting House in late November, when we had the opportunity to meet 'the Experimenters', and the BBC production team. The vetting and selection process for the participants was explained to us. We read through the draft 'Guard's