Perrie Lectures 2013

Contraction in an age of expansion

Does Prison Size Matter?

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This paper addresses the topic of 'Contraction in an Age of Expansion' by exploring the notion of Titan prisons and their impact upon staff culture. It adapts the notion of 'diffidence' to explain staff culture and the manner in which this can lead to toxic behaviours that impact on the carceral experience of prisoners, the delivery of core activities and the safety of all those who inhabit a prison. This is especially pertinent with regard to recent announcements by The Justice Minister, Chris Grayling, about the possibility of future large site prisons both in North Wales and, potentially, within the M25, and the subsequent rating failures of HMP Oakwood and Thameside.[1]

The question that immediately presents itself when the Titan prison is discussed is: Does the size of the prison really matter and, if it does, in what way? In some regards the reasoning behind the Titan follows the belief that a large institution may be able to deliver services to a greater number for a much lower cost. As argued below this efficiency-utilitarian perspective poses problems for a prison but nevertheless is attractive to commissioners concerned with fiscal constraints. However, with regard to a penal establishment designed for human, not to mention humane, habitation there is a simple answer to this question. Yes, size does matter and bigger is not better.

I approach this subject not just as a researcher, nor as a former prisoner who was incarcerated between 1992 and 2004, but also as a professional working within the modern prison system. In one regard or another I have, in the last 20 years or so, either lived, worked or studied in prisons of varying sizes and structure. All this experience informs me that smaller is socially, morally and operationally better. This is an opinion shared by many of those who have commented upon this issue since its major rebirth in the mid Noughties.

In December 2007 the Government published Lord Carter's review on prisons[2] and, amongst the many recommendations made was the notion of regenerating the particular Victorian penal fetish of building three giant prisons (2500+) which became known as the 'Titan' prison plan. These recommendations came after an extended period of rapid expansion which had seen the population bloom from a little over 43,000 in the early 1990s to over 80,000 at the time the report was being compiled.[3] This inevitably led to a situation where overcrowding, rising costs and constraints on effective delivery were prevalent and it was posited, largely without evidence, that these 'Titans' would ease the burden of overcrowding whilst at the same time providing a more fiscally efficacious penal estate. Jack Straw, the Minister of the day, and the wider Government immediately accepted the proposals (which we now understand to have been predetermined by various political influences)[4] and launched a programme of expansion of a further 10,500 spaces to increase the operational capacity of the estate of England and Wales to 96,000 by 2014.[5]

This was a position that was reaffirmed by the Government throughout 2008 but which came under sustained attack and condemnation from all informed and interested quarters — HMCIP, the Prison Governors Association, the POA, the Prison Reform Trust, the Howard League, and others. All penal commentators, eventually even the Daily Mail, condemned the proposals and to a certain degree the 'Titan' retreated into the background of penal policy. The problem, as evident from recent MoJ announcements, is that the proposals never died; they did not 'melt into air' as much political rhetoric has a tendency to do, and, like a spectral hobgoblin, have thus haunted penal discourse ever since.

In these times of ever diminishing budgets, benchmarking and constrained service delivery it is no wonder that the 'spectre' of the Titan has re-emerged, from the dark recesses of the punitive political mind. Thus we find ourselves, once again, having to address the notion of why these Titans, the monolithic remnants of the 'Victorian penal imagination',[6] are a

1. NOMS (2013), *Prison Annual Performance Ratings 2012-2013*, National Offender Management Service: London.
2. Ministry of Justice (2007), Lord Carter of Coles *Securing the Future, proposals for the efficient and sustainable use of custody in England and Wales*.
3. Berman, G. (2013), *Prison Population Statistics*, SN/SG/4334, House of Commons Library.
4. Prison Reform Trust (2008), *Titan Prisons: A Gigantic Mistake*, Briefing Paper, PRT: London.
5. House of Commons (2008), Written responses to MP's Questions, 6 February 2008: Column 1193.
6. Jewkes, Y and Johnston, H (2007), 'The Evolution of Prison Architecture', in Y. Jewkes (ed), *Handbook on Prisons*, Willan Publishing.

bad idea. This of course returns us to the begged question posed above: What is wrong with large prisons?

The Prison Reform Trust, in its response to Lord Carter's report, highlighted four core concerns with the plans.[7] These were: both the widespread and probative depth of concerns articulated from all informed and expert stakeholders; the distinct lack of evidence for the fiscal and operational efficacy of such prisons; that the report was flawed, partial and predetermined; and that building more prisons was an admission of a failing penal policy. Alison Liebling, the Director of the Prisons Research Centre at the Institute of Criminology, University of Cambridge, raised many of the same issues, questioning not only the evidence for, but also the ideological foundation of, the 'efficiency-utilitarian position' taken by Lord Carter, and the Government of the day, as well as raising deep concerns with regard to the moral performance of such establishments as well as the practical management and operational difficulties that would inevitable arise from the untested service share/delivery model being proposed.[8]

Like many of the other individuals and groups who echoed and promulgated such arguments, I share these sentiments, but wish to add a further nail to the coffin of the Titan in the hope that this notion, so attractive to those penal profiteers (privateers?) who have littered the Governments of the last 20 years, in the ground once and for all. The notion I wish to introduce to this discourse is staff 'diffidence' and the manner in which it can adversely impact both safety and security within a prison.

The notion of diffidence is taken from the 17th Century philosopher Thomas Hobbes.[9] In his seminal text, *'The Leviathan'*, Hobbes posited the idea of the State of Nature, an imaginary primordial state of existence whereby every person lies in contention, either physical or psychological, with every other person. In this state of perpetual 'war', it is not the intermittent physical battle that so wearies the individual but rather the constant competition and hostility whereby individuals become inherently mistrustful, wary and rightfully paranoid about their fellow competitors.

> *For war consisteth not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known: and therefore the notion of time is to be considered in the nature of war, as it is in the nature of weather. For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of many days together: so the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary. (p77-78).[10]*

It is this state of being which Hobbes called diffidence — 'a generalised insecurity and a consumptive wariness' regarding those with whom one is compelled to co-exist.[11] It is from this state of diffidence that Hobbes eventually predicates the social contract of base societies — a contract that ensures the protection and survival of its signatories. Prisons are not States of Nature in the sense that Hobbes outlined. Nevertheless, they are places of hostility, competing interests and matrices of power, mistrust, wariness, psycho-panoptic surveillance (everyone watching, evaluating and judging everyone else) and, therefore, justified paranoia. In essence, they are places where diffidence, in the Hobbesian sense, not only exists but is also perpetuated.

As described elsewhere,[12] diffidence, and its alleviation, are major factors in the penal life of *prisoners*. However, prisoners are not the only people who inhabit the prison and who shape, and are shaped by, the emotional landscape. Staff members are too, and as we know from a number of sources (Liebling et al 2010,[13] Liebling and Arnold 2004,[14] Crawley and

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7.   Ministry of Justice (2007),see n.2.
8.   Liebling, A (2008) ''Titan' Prisons: do size, efficiency and legitimacy matter?', in M. Hough, R. Allen and E. Solomon (eds) *Tackling Prison Overcrowding: Build More Prisons? Sentence Fewer Offenders?* Bristol: Policy Press, pp. 63-80.
9.   Hobbes, T (1651) *Leviathan*, Edited by Richard Tuck (1996), Cambridge Texts in the History of Political Thought, Cambridge University Press.
10. Ibid.
11. Crewe, B, Warr, J, Bennett, P and Smith, A (in press) 'The Emotional Geography of Prison Life', *Theoretical Criminology.*
12. Ibid.
13. Liebling, A., Price, D. and Shefer, G (2010), *The Prison Officer*, 2nd Edn, Routledge.
14. Liebling, A. and Arnold, H. (2004), *Prisons and their Moral Performance: A Study of Values, Quality and Prison Life*, Oxford University Press.

Crawley 2008,[15] Warr 2007,[16] etc.) that prison officers are just as vulnerable to the negative influences of the prison environment as are others who inhabit the same space. As such, uniformed staff are also subject to the various States of Diffidence that can exist in prisons. What, then, does this have to do with large prisons?

It is the conjunction of two factors which make the Titan prison a place more likely to involve higher states of diffidence. The first conjunct is the greater likelihood of spatial conditions that are reminiscent of the precursor conditions from which Sykes derived the 'pains of imprisonment' known as the deprivation of security.[17] In Sykes's study, the spatial conditions of the prison that engendered the greatest losses of security were those areas where the formal power of the staff was thinnest, or lightest, and where the malignant aspects of prisoner power were allowed to dominate or flourish. This could occur in those areas where staff had less of a presence or in those areas where their surveillance did not penetrate — of course this could also then occur when staff levels have fallen to either a direct or perceived dangerous level. The second conjunct is the findings of Megargee who found that population density and the subsequent restriction on personal space is closely correlated with the conditions in which disruptive, anti-social and violent behaviour are generated.[18]

When these two factors, which together not only compound but also promote the likelihood of a negative environment, are coupled with market pressures, in which all prisons (either private or public sector) have to perform under ever tightening financial conditions and labour savings, this results in environments where hostilities, rivalries and resource competition are heightened. It is my contention that it is in such prisons, where there are large numbers of

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prisoners, where staff feel that their numbers have been reduced to dangerous numbers, where targets and fiscal concerns dominate Governing decisions, that the state of staff diffidence — that sense of 'generalised insecurity and consumptive wariness' — is not only most likely to be prevalent and profound but also to become 'toxic' to the prison environment and corrosive, in the manner described by Sim,[19] to the lives of prisoners and wider staff populations.

Proponents of these carceral monoliths have argued that these issues are not relevant because 'Titans', in their modern incarnation, are designed around a cluster model whereby four or five self contained prisons, with populations of 4-500, are formulated within one secured site. Thus, they argue, these prisons operate, socially if not managerially, as separate entities. However, we know that it is possible, even in overt situationally controlled environments such as this, that both intra- and inter-unit cultural influence can still occur.[20] Evidence from HMP Oakwood[21] highlights that when poor design and corner cutting occur issues that begin in one block can then repeat in other blocks. These examples, and those from other such establishments (e.g. Mountjoy in Ireland),[22] seems to counter the argument made by Titan proponents and shows that issues that occur in one unit affect the social world of the other units.I It must be acknowledged that the social world of such prisons is little studied or understood. Nevertheless, it is my contention that, as cross cultural influence is possible between units, these clustered prisons are just as vulnerable as any other prison to the influence of staff diffidence.

What of 'toxicity' then? It is in this wary, mistrustful and paranoid environment that certain 'toxic' staff behaviours become apparent. Elaine and Peter

15. Crawley, E. and Crawley, P. (2008), 'Understanding Prison Officers: Culture, Cohesion and Conflicts', in J. Bennett, B. Crewe and A. Wahidin (eds) *Understanding Prison Staff*, Willan Publishing.
16. Warr, J. (2007), 'Personal Reflections of Prison Staff', in J. Bennett, B. Crewe and A. Wahidin (eds) *Understanding Prison Staff*, Willan Publishing.
17. Sykes, G. M. (1958), *The Society of Captives: A study of a Maximum Security Prison*, Princeton University Press.
18. Megargee, E. (1976), 'Population Density and Disruptive Behaviour in a Prison Setting', in A. Cohen, G. Cole and R. Bailey (eds), *Prison Violence*, Lexington Books.
19. Sim, J (2007), 'An Incovenient Criminological Truth: Pain, Punishment and Prison Officers', in J. Bennett, B. Crewe and A. Wahidin (eds) *Understanding Prison Staff*, Willan Publishing.
20. Wortley, R. (2002), *Situational Prison Control: Crime Prevention in Correctional Settings*, Cambridge University Press.
21. IMB (2013), *Annual Report HMP Oakwood: 24th April 2012 – 31st March 2013*, Ministry of Justice.
22. Personal Communication for Governor of Mountjoy Prison.

Crawley[23] note that cynicism and suspicion can play a major part in the rank and file of the prisoner officer body and that when these behaviours dominate the 'in-group' (a group of mutually identifying staff members), they can often perceive themselves as being threatened and besieged. This 'diffidence' with regard to the 'out-group' (usually prisoners, but also sometimes senior management) manifests itself in five core behaviours: first, increasing wariness and suspicion about the prisoner body that flows and ebbs around them — an issue that is often underpinned by what Sim (2007)[24] refers to as a prevailing discourse whereby this stereotypical view of staff/prisoner relationship has become 'normalised'; second, a banding together (with common purpose — as with the social contract) and solidification of a self interested group identity; third, a retreat from the wider spaces to safe (i.e. staff) areas — most commonly, in British prisons, the wing office, where staff feel fortified; fourth, reactive and aggressive use of formal and informal processes of sanction designed to pre-empt the hostility of the 'out-group'; and fifth, an increasingly insular outlook that prioritises the interests and beliefs of the banded group and rejects perspectives, interests and beliefs that either challenge or counter those of their own. This last process is related to the notion of what Stanley Cohen[25] might well refer to as a micro-cultural implicatory form of denial, that is, a form of cultural behaviour where the negative impact of the group's banding/retreat cannot be accepted — or, if the impact is perceived, a minimisation and dismissal of its moral consequences. These toxic behaviours have a sliding scale of effects from the rather minor inconvenience of wing life under an un-interested staff right through to more serious effects that can impact on the safety of all those who inhabit a prison.

To illustrate this point I use the example of one fairly large (1,000+ places) local prison that I shall refer to as Prison A. This prison, partially a large traditional radial design coupled with more modern 'New-Build' units, had undergone a number of major changes at the time that I visited (during mid 2012) and had seen staff numbers reduced at a time when operationally the prison was already somewhat stretched. In all ways, the prison was an environment where staff diffidence was rife. On some wings this was manifested in minor toxic behaviours whereby it would be difficult to get staff to engage in the kind of collaborative behaviours that make a wing run smoothly — they were officious, adopted a 'computer says no' attitude and used their power in unpredictable and arbitrary ways. This resulted in frustration and anger and exacerbated problems of legitimacy.[26]

However, on other wings there were more serious manifestations. On one of the wings, staff had banded and retreated to such an extent that some of the core duties were being misconducted — applications, mail, visits, phone calls, food, kit change (the Prime Directives, or core deliverables as it were) were all being negatively impacted. In some instances, these practices were either being wilfully blocked or neglected. Because of staff diffidence, and its subsequent form of implicatory denial, the concerns of the prisoners on the wing were being ignored because they now ran counter to those of the staff, fortified in their wing office. This resulted in bitterness, anger and a sense of hopelessness amongst the prisoners about the possibility of resolving these issues by legitimate means. Increasingly, prisoners felt that they were being pushed to a situation whereby illegitimate means of protest were all that was left open to them. This is exactly one of the precursors that Lord Woolf so aptly described in his report into the Strangeway riots in the early 1990s.[27] Thankfully, events overtook the situation and disaster/disorder was averted, but if the situation had been allowed to pertain for much longer, the results could have been very different.

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23. Crawley and Crawley (2008) see n.16.
24. Sim (2007) see n.19.
25. Cohen, S. (2001), *States of Denial: Knowing about Atrocities and Suffering*, Cambridge: Polity Press.
26. Sparks, R. J., Bottoms, A. E. and Hay, W. (1996), *Prisons and the Problem of Order*, Oxford: Clarendon Press.
27. Home Office (1991), *Prison Disturbances April 1990: Report of an Inquiry by the Rt Hon. Lord Justice Woolf (Parts I and II)*, London: HMSO.

Elsewhere in the prison, a similar situation was being repeated, but what was of particular note was the manner in which diffidence could impact on staff morale. On one of the wings, morale was very low and worsening, as a result of one member of staff having been assaulted and subsequently taken a leave of absence due to stress. Many staff on the wing felt that the management did not 'have their back' and that management decisions were being taken either for the benefit of prisoners or to save money and make the Senior Management 'look good'. They felt that the conjunction of these two policies made their position both more tenuous (in terms of both physical and occupational safety) and that they were being abandoned in their front line role to the dangers of the environment. This impacted negatively on their ontological security which compounded their state of diffidence. Giddens[28] argues that there is a thin line between the security that an individual can feel when in constrained and predictable circumstances and the insecurity that can occur when those constraints are absent. In a situation where the structures which underpin and confine an individual's existence is assured then the individual is ontologically secure — they are confident in the nature of their reality. However, where crises and change occur and trustworthiness and reliability are thrown into question, people become ontologically insecure — they no longer have confidence in their reality. This is how the staff felt on this wing: they had undergone a period of rapid staffing and operational change; cutbacks meant that they felt that their jobs were no longer secure; and the example of their colleague meant that they no longer felt safe. In essence, they were ontologically insecure. Their lack of trust in their operational reality compounded their insecure positionality (where they perceived themselves in relation to other groups and bodies within the prison) and their sense of self as well as their diffident state, all of which impacted on their morale.

This resulted in a different kind of consequence than was noted with the previous wing. There, they had

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retreated and banded in a manner that prevented the core deliverables from being achieved. On this wing, staff had become aggressively reactive in their use of authority as a means of bolstering their morale and cementing their 'in-group-status. Hobbes[29] discusses the utility of pre-emptive displays of power and violence for diffident individuals, living within the State of Nature. It affords them a means of protection and security within an uncertain environment. This is what appeared to be occurring on this wing — any minor infraction of the rules (by the 'out-group') resulted in sanction, either through the formal systems of IEP and Adjudication, or more usually through informal means whereby prisoners would not be unlocked for association, gym or visits or would be purposefully deprived of other activities and privileges. Again, this resulted in mounting frustrations amongst the prisoner body — who felt that they had no means of legitimate recourse in an environment where any complaint resulted in further sanction.

Elsewhere in the prison, another consequence of staff diffidence was emerging. In the 1980s, Ian Dunbar[30] utilised the phrase 'dynamic security' to describe the best security and intelligence gathering practice within the Prison Service. Fundamentally, this entails direct interaction and engagement by staff, with prisoners, out on the wings. The purpose of this practice is threefold: firstly, it enables staff to get to know, through a process of immersion, the prisoners in their care and develop relationships with them — which can provide informal means for the resolution of problems and wing based issues. This lubricates wing life and eases the burdens and frictions that can beset a wing; secondly, it acts as an intelligence mechanism whereby staff get to know the rhythms, rivalries, movements and backstage practices of the wing, enabling them to avoid, divert or intervene in potential hostilities. This occurs by extending, to all corners of the inhabited spaces, what Goffman[31] referred to as *'surveillance spaces'* where the authority and power of the staff and the establishment are present; and thirdly, it moves staff away from the kind of reactionary practices that often follow from passive forms of

28. Giddens, A. (1991), *Modernity and Self Identity: Self and Society in the Lat Modern Age*, London: Polity.
29. Hobbes (1651) see n.10.
30. Dunbar, I (1985), *A Sense of Direction*, London: HMPS.
31. Goffman, E (1961), *Asylums*, London: Penguin Books.

intelligence gathering — which, due to an over use of immediate power, can exacerbate the problems of which they have latterly become aware (see above).

On the wing in question, this dynamic security had ceased to exist. Having retreated into the wing office, staff had very little notion of what was occurring on their wing. This of course heightened what Sykes called the deprivation of security by both removing the mechanism of policing (a staff presence) and exacerbating the particular pain of imprisonment that derives from increased interaction with other prisoners.[32] The prison had an imported gang problem, in which street rivalries were imported into the prison, yet staff were unaware of which gang members were on their wing, ending up with some high ranking gang members from three rival factions being located on the same landing. This resulted in a number of attacks and retaliatory strikes, involving various forms of weaponry, leading to injuries to both prisoners and staff. For the staff on the wing, these incidents came out of the blue but most prisoners had been aware of the mounting tensions and could have predicted the outbreak of violence. If the staff had been involved 'dynamically', in the manner outlined here, then they too would have been able to see this coming and taken steps to prevent it from occurring.

That is the major concern with a diffident, and thus retreated and fortified, staff. They are operationally insecure, reactionary and unable or unwilling, to provide adequate protection to those in their care. Any environment that generates, encourages or allows diffident staff to exist and then allows the consequences of that staff culture to become toxic, is to be avoided and condemned. If this can occur in Prison A, a traditional design establishment of 1000+ prisoners, how much more likely is it that similar situations will pertain in much larger establishments? Even in a clustered model prison, as has been posited by the incumbent Minister, it is probable that diffident staff and toxic practice will occur. How would managers tackle a diffident staff, a problem in a traditional prison layout, in these clustered prisons where the degree of separation between the 'in-group' of unit staff and the SMT is even wider than in other prison constructions? As such, this objection to this particular punitive fetish should be added to the weight of all those others mentioned before and, once and for all, the notion of the Titan prison should be buried, the dust thrown atop, and the Titanic Hobgoblin exorcised from future penal discourse.

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32.   Sykes (1958) see n.17.