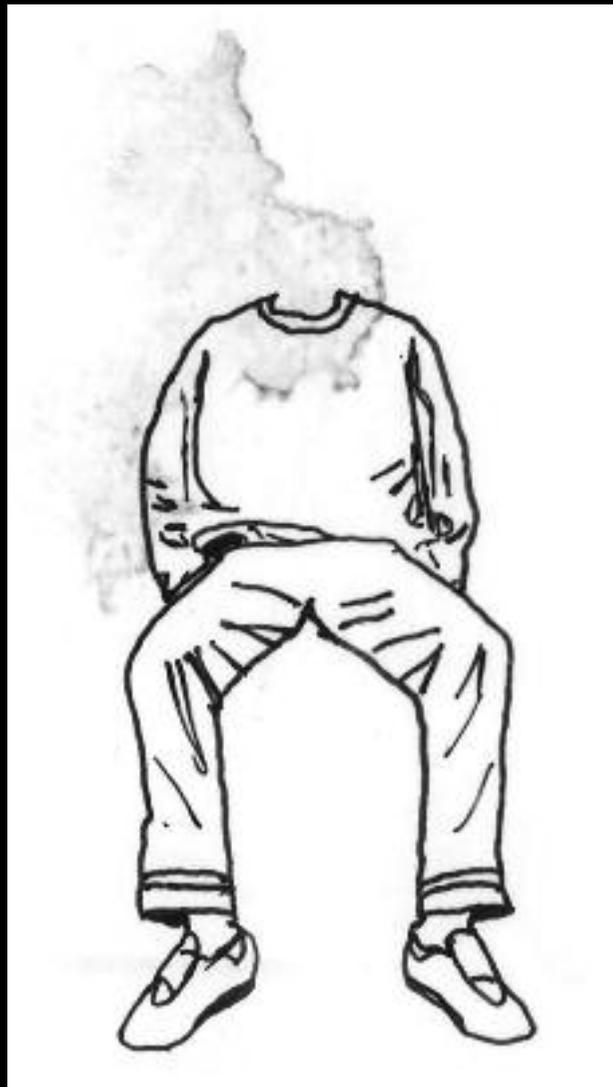


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The Prison and the Public

Repression and Revolution: Representations of Criminal Justice and Prisons in Recent Documentaries

Dr Jamie Bennett is Governor of HMP Grendon and Springhill.

How do members of the general public create a view of prisons and imprisonment? What resources do they draw upon in order to produce and sustain their image of incarceration? It has been argued that our view of reality is drawn from a combination of personal experiences, the experience of intimate and influential others that are shared with us, information from institutions including the state and political machinery, and also from popular culture.¹ As most people have little direct contact with prisons but popular culture is saturated with images of crime and punishment,² it is argued that the public rely to a greater extent on media representation in order to form their image of imprisonment.³ As Ray Surette has described:

[P]eople use knowledge they obtain from the media to construct a picture of the world, an image of reality on which they base their actions. This process, sometimes called 'the social construction of reality', is particularly important in the realm of crime, justice, and the media.⁴

In more straightforward terms, Professor David Wilson has suggested that:

ultimately when we present an image of prison we shape the public's expectation about what prison is like, and what happens inside, of who prisoners are and what they have done.⁵

Just as the role of prisons in society is contested, so this is reflected in media representations, which may play a range of roles including: encouraging regressive

and punitive responses, being concerned with order and the maintenance of social systems, promoting reform, or presenting a more radical critique.

In relation to order, commentators have seen media organizations as a tool of social control, acting in conformity with political and economic institutions.⁶ Representations of crime, it has been argued, have been used in order to generate a climate of fear so as to soften people up for political and economic marketing.⁷ For many writers and commentators, media representations largely reinforce existing, conventional penal policy and social power structures. For example, Ray Surette has argued that:

In essence, [media] supplies a large amount of information about specific crimes and conveys the impression that criminals threaten the social system and its institutions, but it provides little explicit system wide information to help the public to evaluate or comprehend the factual descriptive information provided about individual crimes and cases... These messages translate into support for law-and-order policies and existing criminal justice agencies.⁸

Others have gone even further in order to argue that the representation of prison in the media is often much worse than the reality, or focuses disproportionately on the most serious crimes and this functions to prepare viewers for a decline in prison standards and an increase in the use of imprisonment.⁹

In contrast, it has been suggested that the media may play a reform function. It has been described that fictional depictions of prisons shape views by providing

1. Surette, R. (1998) *Prologue: Some Unpopular Thoughts about Popular Crime* in Bailey, F.Y. & Hale, D.C. (eds) *Popular Culture, Crime, and Justice* Belmont: West/Wadsworth.
2. Rafter, N. and Brown, M. (2011) *Criminology goes to the movies: Crime theory and popular culture* New York: New York University Press.
3. Surette, R. (1997) *Media, Crime, and Criminal Justice* 2nd Edition Belmont: West/Wadsworth.
4. Ibid p. 1.
5. Wilson, D. (2003) *Lights, Camera, Action in Prison Report* No. 60 p.27-9, p.28.
6. Chomsky, N. (1991) *Media Control: The Spectacular Achievements of Propaganda* New York: Seven Stories.
7. Lee, M. (2007) *Inventing fear of crime: Criminology and the politics of anxiety* Cullompton: Willan.
8. Surette (1997) see n.3 p. 70 and 82.
9. See Wilson (2003) see n. 5 and Nellis, M. (2005) *Future punishment in American science fiction films* in Mason, P. (ed) *Captured by the media: Prison discourse in popular culture* Cullompton: Willan p.210-228.

an insight into a world that the general public know little about and have little direct experience of, they provide a benchmark for acceptable treatment of prisoners, translate academic and political concerns into digestible narratives, expose perspectives that are often at odds with media and official descriptions, and create empathy with prisoners and prison staff.¹⁰ From this perspective, popular culture is an important resource for challenging received wisdoms and encouraging reflection and engagement with debate.

Whilst there is a growing body of work discussing fictional representations of prisons in film and television, in this article I will focus on two recent examples of documentary representations in the UK and USA: *Her Majesty's Prison Aylesbury* (2013), a popular fly on the wall documentary and *The House I Live in* (2012), a feature length documentary which offers a critique of America's war on drugs. Documentaries about prisons have been less extensively covered in academic literature than feature films and TV, but it is argued that they should not be underestimated in their influence and the way that they reflect prison discourse in popular culture.

At this stage it is worth noting that documentaries in general tend to be seen as offering a degree of authenticity and objective truth by capturing reality. Such 'truth claims' are fundamental to both the appeal and the influence of documentaries. However, these claims are contested.¹¹ Documentary and non-fiction forms in general are creative enterprises. The selection of subject matter, who and what is recorded and how that is then arranged into narrative form are all selections that interpret and modify the subject matter, introducing the subjective influence of the author. Documentary forms do not therefore offer truth but instead a creative representation of reality.

This article will explore documentary representations of criminal justice and imprisonment that offer contrasting perspectives. This will be used in order to reveal the potential of popular culture to offer

a forum for public discourse about criminal justice, but also highlight the limitations of operating within a system of production and distribution that is tied to social power structures.

Disorder and order: Her Majesty's Prison Aylesbury

The hit documentary series *Her Majesty's Prison Aylesbury*, two fifty minute films broadcast on ITV1 during February 2013, attracted an audience of around six million.¹² This was the latest in the *Her Majesty's Prison* series which has included films on the women's prison Holloway and the two large local prisons at Wandsworth and Manchester. The films purported to offer close up, fly-on-the-wall style documentaries charting the daily life of prison institutions.

Her Majesty's Prison Aylesbury had a particular focus on violence and disorder. Prisoners were filmed involved in a hostage incident, smashing cells, undertaking dirty protests and self-harming. This was also accompanied by CCTV footage of historical incidents of violence. Prisoners were filmed talking in a macho way about violence, gang conflict and the need for self-preservation. This Boschian, dystopian vision of prison life was summed up by one prisoner who shouted as he walked past a camera: 'welcome to Hell'. The voiceovers reinforce

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this view describing the prisoners as murderers, rapists and drug dealers, who are 'the most dangerous and disruptive 18-21 year olds in the country'. Many of the staff comments used also confirmed this image of prisoners, with one describing that prisoners have 'morals and principles [that] are completely different'. The young prisoners are depicted as 'feral',¹³ out of control, a volatile risk to everyone that they come into contact with. They are represented as exactly the people who should be excluded from society. They do not share the values of 'law abiding' citizens. Through the foregrounding of violence, the film consciously and consistently engages in a process of constructing

10. Wilson, D. and O'Sullivan, S. (2004) *Images of Incarceration: Representations of Prison in Film and Television Drama* Winchester: Waterside Press.

11. Winston, B. (2008) *Claiming the real II: Documentary: Grierson and beyond* Basingstoke: Palgrave Macmillan.

12. See <http://www.theguardian.com/media/2013/feb/19/tv-ratings-her-majestys-prison> accessed on 29 October 2013.

13. Sim, J. (2009) *Punishment and prisons: Power and the carceral state* London: Sage

prisoners as 'others' or 'some form of 'folk devil' upon whom the ills of society can be hung'.¹⁴

The popular media clamoured in the way one might expect. For example under the headline 'HMP houses animals', *The Sun* reported that 'Viewers have voiced concerns over ITV's Her Majesty's Prison — Aylesbury, calling for 'out of control' inmates to never be released'.¹⁵ The report went on to record social media commentary about 'animals [that] cannot be rehabilitated', 'scum bags', and 'hood rats' being held in a jail that was 'too soft'.

It is right to acknowledge that the prison itself has been through a period of problems, with critical inspection reports citing high levels of violence amongst prisoners and poor levels of activity.¹⁶ However, the most recent report noted that the decline in the performance of the prison had been reversed in most areas but that: 'Aylesbury has a grim reputation, perhaps not helped by a recent TV documentary'.¹⁷ The Inspectorate report placed greater context to the incidents of violence, stating:

Aylesbury held some young men whose behaviour was very challenging and others who were very vulnerable — and plenty who were both. Holding them all safely was a challenge. Most prisoners did feel safe at the time of the inspection, and levels of violence had reduced since the short-follow up inspection and were now comparable with other similar establishments — although that is by no means low enough.

The Inspection report offers context and perspective, giving a more sober perspective on both individual prisoners and the organisation. This is a balance that the film lacks.

In contrast to how prisoners were represented and perceived, the staff came in for praise in the press, including *The Telegraph*, which contrasted the 'caged,

largely uneducated, physically strong, sometimes psychologically fragile young men' with staff who appeared 'a generally decent bunch, intent on trying to change the inmates' destructively ground in codes of behaviour'.¹⁸ Prison staff are shown attempting to calmly resolve problems, facing up to terrible risks and hidebound by restrictions placed upon them. They are the 'thin blue line' protecting society from the marauding hoards contained within.

The most recent Inspection report was more mixed in its observations of staff. It acknowledged improvements and the generally 'friendly' relationships between staff and prisoners, but did also note that a few staff 'had an indifferent and unhelpful attitude', and that there were some concerns regarding the use of force and disciplinary measures. This cultural tension

is not openly explored in the documentary and instead the staff selected are largely positive and humane. This acts to obscure the challenges that the Inspectorate highlighted whilst also exaggerating the difference between the heroic, decent staff and the feral prisoners.

The documentary strategies and representations of staff and prisoners carry an ideological payload intended to deliver an impact on viewers' perceptions. Richard Sparks has argued that the way prisoners are perceived can create and sustain more punitive approaches in criminal

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justice:

*Where offenders are viewed as more numerous, more threatening, less corrigible and, perhaps, less akin to ourselves, then priorities accordingly tend to focus on deterrence and secure containment.*¹⁹

The approach of this documentary is aimed at sustaining and legitimising punitive 'law and order' politics and high levels of imprisonment. It presents an image that detaches violence from individual life

14. Warr, J. (2012) *Afterword* in Crewe, B. and Bennett, J. (eds) *The Prisoner* Abingdon: Routledge p. 142-8.
15. Available at <http://www.thesun.co.uk/sol/homepage/showbiz/tv/4803609/twitter-outrage-over-violent-prisoners-on-itv-show-her-majestys-prison.html> accessed on 16 October 2013.
16. HM Inspectorate of Prisons (2011) *Report of an unannounced short follow-up inspection of HMYOI Aylesbury 3 – 6 May 2011* London: HMCIP available at <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/prison-and-yoi-inspections/aylesbury/aylesbury-2011.pdf> accessed on 27 October 2013.
17. HM Inspectorate of Prisons (2013) *Report of an unannounced inspection of HMYOI Aylesbury 2-12 April 2013* London: HMCIP available at <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/prison-and-yoi-inspections/aylesbury/aylesbury-2013.pdf> accessed on 27 October 2013.
18. Available at <http://www.telegraph.co.uk/culture/tvandradio/tv-and-radio-reviews/9878441/Her-Majestys-Prison-Aylesbury-ITV-review.html> accessed on 16 October 2013.
19. Sparks, R. (2007) *The politics of imprisonment* in Jewkes, Y. (ed) *Handbook on Prisons* Cullompton: Willan p.73-94.

histories, institutional and social context, inviting the viewer to condemn the action without attempt to understand. It also suggests that the right people are in prison and the establishment is keeping the viewer safe from the harm and havoc they would create outside. By taking such an approach it is supporting a case for existing policies and use of imprisonment, excluding alternative voices.

**'A Holocaust in slow motion':
The House I Live in²⁰**

Critical or radical criminology seeks to situate criminal justice and imprisonment in its wider social context, asking questions about its role in power and inequality. Such work often calls attention to the over-representation of the poor and minority ethnic communities in the criminal justice net whilst simultaneously illustrating that harms created by the powerful, such as financial and environmental harms, fall outside the ambit of criminal justice. This school of thought suggests that criminal justice is one of the means through which power structures are created, maintained and legitimised. As a result, those who share these views often call for dramatic change including abolishing imprisonment, whilst also calling for wider social change. *The house I live in* is an example of a film that brings just such a critical perspective into popular culture.

The house I live in is a polemical documentary attacking America's 'War on drugs'. It is made by Eugene Jarecki and won a Grand Jury Prize at the Sundance Film Festival in 2012. It follows on from Jarecki's successful films presenting critical liberal accounts of recent political history (*The trials of Henry Kissinger*, 2002; *Reagan*, 2011), capitalist economics (*Freakonomics*, 2010) and contemporary American foreign policy (*Why we Fight*, 2005).

The main argument of the film is that the 'War on drugs' has been ineffective in reducing drug misuse and has had a devastating impact on communities and criminal justice institutions. The film argues that the impact has fallen particularly heavily on black and minority ethnic communities. The impact is presented as reverberating through generations. It is also

suggested that criminal justice institutions including police, courts and prisons are creaking under the economic and emotional weight of the work. In other words, the film represents a 'crisis of legitimacy'²¹ where the system has chronically failed to provide a sense of justice to those who operate it, those who are subject to it and those on whose behalf it is provided.

However, the film goes further in order to reveal how the 'War on drugs' is deeply rooted in structures of power and inequality. The criminalisation of drugs is set in historical context, suggesting that this has been used in the past as a way of problematizing migrant and minority groups in America such as Chinese (opium), Mexicans (marijuana) and the urban black population (crack). These arguments are pushed to their furthest

limit, by suggesting that the targeting of minority populations can be understood as having common features with the process through which communities move towards genocide. In one interview in the film, the creator of *The Wire*, David Simon asserts that 'The drug war is a Holocaust in slow motion'.

The film also argues that the powerful are sustained by the 'War on drugs', politically through punitive populism and economically through wealth created as a result of the commercialisation of criminal justice. The arguments that the film presents are familiar within

critical criminology, concerned as they are with issues of power and inequality. However, the presentation of these arguments in an accessible, popular form is unusual and Jarecki has intentionally crafted a space where such arguments can be articulated and heard by an audience outside of academia.

A number of methods are deployed in the film in order to convey the arguments. These include personal testimonies, expert statements, statistical inter-titles and found footage. The personal testimonies are provided by people caught up in drugs and crime. This includes prisoners, family members, and professionals such as police, a prison manager and a judge. These testimonies perform a function in deconstructing and challenging the conventional justifications for contemporary drug policies. The interviews with prisoners and family members reveal the problems of poverty, family dysfunction and lack of opportunity that

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20. The analysis of this film was originally published as Bennett, J. (2013) *Film review: The House I live in (2012) in Race and Justice* 3(2) p.159-62.

21. Cavadino, M., Dignan, J. and Mair, G. (2013) *The penal system: An introduction* fifth edition London: Sage p.22.

have shaped their destinies. As a result they humanise these people and reveal the complexity and ambiguity of their circumstances. The interviews with criminal justice professionals serve to reveal the frustrations and futility of their work as they describe the unwinnable nature of the 'War on drugs'. Together, the testimonies offer an account that is presented as a credible challenge to the legitimacy of current American policy and practice.

The factual inter-titles present statistics of immense size, with numbers that are shocking. For example:

Since 1971 the War on Drugs has cost over \$1 trillion and resulted in more than 45 million arrests... During that time, illegal drug use has remained unchanged.

And

Today 2.7 million children in America have a parent behind bars... These children are more likely to be incarcerated during their lifetime than other children.

These factual titles are situated within personal stories, inviting the viewer to feel the depth of the issues as well as their almost unimaginable scale.

The documentary approaches deployed are used in order to convince and persuade the viewer.

The content of the argument is polemic, drawing upon critical criminology, providing a stage for perspectives that are not prominent in mainstream debate. As a result they are vulnerable to criticism and attack as extreme. The filmic techniques attempt to neutralise such criticisms. By drawing upon multiple perspectives, including criminal justice professionals and experts, the film presents itself as credible and reasonable, repositioning the arguments as accepted by knowledgeable, conventional and mainstream people. The methods deployed also mix both factual material and emotional impact; informing and engaging the viewer. Of course, the film does take a particular perspective: the interviewees are deliberately selected, the facts are carefully chosen and the film advocates rather than investigates. However, the documentary techniques are important in obscuring this and making the material digestible.

Conclusion

This article has explored two documentary films about crime, criminal justice and prisons. Those films have contrasting aims and ideologies; one reinforcing and legitimating the status quo, whilst the other offers a radical critique. Yet both, as with non-fiction representations generally, make 'truth claims'. Their style, techniques, and subject matter attempt to package them as offering authentic and credible accounts. By deconstructing these films, it is possible to reveal that documentaries do not provide an objective truth but instead are creative treatments of reality, adopting particular perspectives, ideas and values.

It is perhaps not surprising that two such contrasting and competing visions should be produced at the present time. It has been argued that recent years have seen a loosening of the grip of popular punitiveness and the appeal of an ever-expanding prison population. It has been proposed that there are three primary reasons for this.²² The first is that there is a growing body of evidence that questions the effectiveness of imprisonment and instead suggests that it may be harmful to society as a whole. Second, declining rates of crime, particularly serious violent crime, across developed nations has meant that there is diminishing political capital from tough

rhetoric. Third, the financial crisis of 2008 and subsequent economic crisis has meant that the approaches of the past are no longer affordable. At this moment, therefore the dominant ideas have come to be weakened and there is an opening for an alternative perspective. In this context, *The house I live in* could be seen as a cultural expression of this questioning and its production an indication of the potential for change. In contrast, *Her Majesty's Prison Aylesbury* could be described as bolstering the dominant ideas of law and order, maintaining the status quo of large scale imprisonment. These two films illustrate how issues of crime, criminal justice and imprisonment are contested in real time not only in politics, academia and professional practice, but also in popular culture.

The products of popular culture do not simply exist in isolation, but instead interact with viewers and are also distributed through organisations that themselves

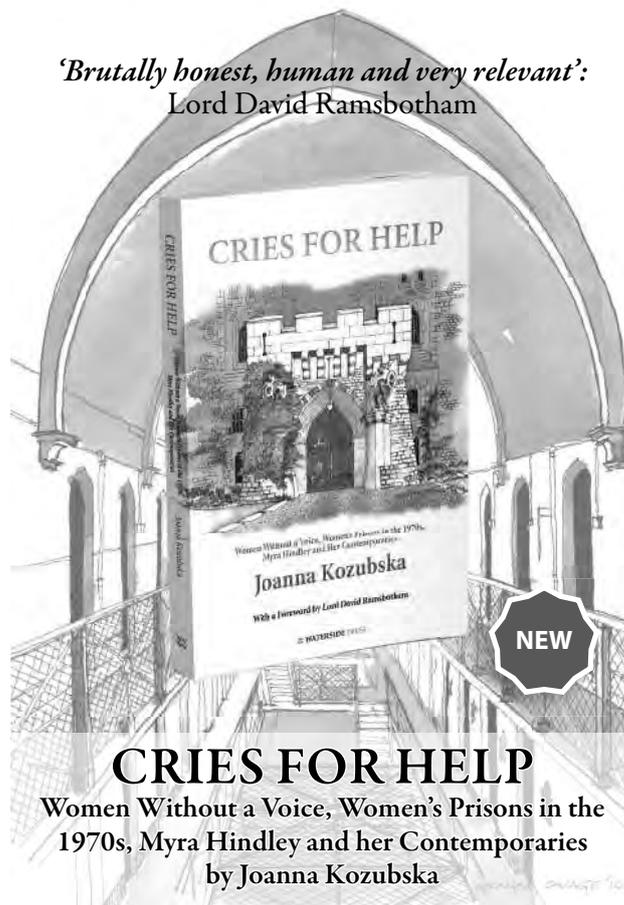
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22. Cullen, F., Jonson, C., and Stohr, M. (2014) *The American prison: Imagining a different prison* Thousand Oaks, CA: Sage.

are implicated in wider webs of social power. Viewers exercise some agency, they pick what they watch and that may reflect preconceived ideas and beliefs.²³ They also interpret and engage with the ideas represented. However, the structure of the media is also important. It is worth noting that the more conservative film, *Her Majesty's Prison Aylesbury* was broadcast on a mainstream terrestrial television channel, ITV1, to an audience of six million, whilst *The house I live in* could only be seen on a limited theatrical run, on a small digital channel, BBC4, or on DVD or download. This illustrates that the major media channels with instant access to large audiences both promote and reflect dominant values whilst alternative voices are pushed to the margins, often trying to generate an audience through diverse and dispersed outlets. The entangled nature of prisons, the media and social power can be seen in this inter-relationship.

Media representation is essential to understanding the interaction between the prison and the public. The documentary form has a particular resonance for viewers due to the claims it makes for authenticity and truth, even though such claims need to be understood as a function of form whereas the images and ideas presented are in fact creative and selective. The representation of the prison is a means through which the contested role of crime, criminal justice and imprisonment is played out. Popular culture is important in creation and maintenance of the legitimacy of the existing system through the dissemination and propagation of ideas about what the prison is for, who is being detained and why they are there. However, there is also a role for the media in the deconstruction and challenge of dominant ideas, albeit one that is muted and faint, but nonetheless important.

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23. King, A. and Maruna, S. (2006) *the function of fiction for a punitive public* in Mason, P. (ed) *Captured by the Media: Prison discourse in popular culture* Cullompton: Willan p.16-30.