

PRISON SERVICE JOURNAL

MAY 2017 No 231



Special Edition
The Future of Prisons

Editorial Comment

In November 2016, the Secretary of State for Justice, Elizabeth Truss, published the White Paper *Prison Safety and Reform*.¹ This claimed to herald 'the most far-reaching prison reforms for a generation'. Given the ambition of this programme, it deserves close attention, scrutiny, discussion and debate. This edition of *Prison Service Journal* attempts to offer a forum for engaging with some of the most important issues.

In the Foreword to the White Paper, Elizabeth Truss drew upon the historical example of 19th century prison and social reformer, Elizabeth Fry. Truss called for 'a huge cultural and structural change within our prisons — a transformation away from offender warehouses to disciplined and purposeful centres of reform'. She also recognised that this could only be achieved by improving safety and addressing the current high levels of violence, drug misuse and suicide, stating that 'we will never be able to address the issue of re-offending if we do not address the current level of violence and safety issues in our prisons'.

The White Paper sets out how this reform will be achieved. The main approach will be to transfer responsibility for centralised bureaucracies, and instead offering greater 'empowerment' to governors to determine what services they provide to prisoners and who they commission to provide those services. This delegation of responsibility will be accompanied by 'strengthened' and 'sharper' accountability with the Inspectorate of Prisons reporting on the management of prisons as well as conditions for prisoners, and their reports potentially triggering formal intervention in prisons that are not judged to be performing well enough. There will also be league tables produced, based upon a range of quantitative performance indicators, in order to offer a form of public and organisational accountability.

There is significant investment announced within the White Paper. This includes 2500 additional prison officers, who will support the reform efforts by providing 'a dedicated officer to support, mentor and challenge' each prisoner. There is also significant investment in the prison estate with 10,000 new places being created at a cost of £1.3billion, with the intention that older prisons will be closed down as these new places become available.

The articles in this edition respond to the White Paper, its themes, and even its omissions. Together, they

offer alternative voices and visions of the future of prisons.

In the first article, Richard Garside, Director of the Centre for Crime and Justice Studies, offers a wide ranging critique of the White Paper. He particularly laments the absence of debate about the number of people being imprisoned in England and Wales, which has doubled over the last three decades and is high by Western European standards. He argues that unless this is addressed then the progressive ambitions of the White Paper will be futile. He also argues that the strategy of greater 'governor empowerment' along with strengthened accountability has profound and hidden implications. In particular, he suggests that this is a way of distancing politicians from the consequences of chronic problems of providing and funding public services, as well as opening up commercial opportunities for private enterprise. This contribution is serious, thoughtful and provocative, offering a challenging, critical response to the White Paper.

Sentencing is also the concern of Julian V. Roberts and Lyndon Harris, who argue that like NHS accident and emergency departments, prisons have an imbalance between demand and resources. The solution, they argue, is to address the overuse of imprisonment so that there can be more effective concentration on a smaller number of people in prison. They focus on sentencing policy, guidelines and practice, making concrete proposals for reform that could achieve some measured decarceration.

The following two articles examine aspects of the infrastructure of prisons. Professor Yvonne Jewkes reflects upon the current plans to update the prison estate, drawing upon her international research on prison architecture. From her informed perspective, she laments the lack of imagination in current prison design and laments that an opportunity to think differently about prison space is being lost. Although the White Paper does not explicitly discuss the role of technology in prisons, this is inevitably significant to the future of prisons. Dr Victoria Knight and Steven Van De Steene, two people with expertise in this field, discuss the innovative use of technology, including Belgium's PrisonCloud, which enables all prisoners to access digital content. They also discuss more widely the role of technology and draw upon a range of international examples, highlighting both the potential and limitations.

1. Available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf

The process of the United Kingdom leaving the European Union is a change of historic proportions. Again, this is not addressed in the White Paper. This topic is addressed in an interview with international penal law expert, Professor Dirk van Zyl Smit. In this interview, he reveals that the most significant European institutions shaping prison law are the Council of Europe, the Committee for the Prevention of Torture and the European Court of Human Rights. These institutions are distinct from the EU and the UK will remain part of them even after Brexit. Nevertheless, van Zyl Smit describes how the cultural impact of leaving the EU, as well as the increasing role of the EU and European Court of Justice in prison law, mean that there is likely to be more divergence between the UK and EU members on penal practice in years to come.

The edition closes with Dr David Scott's article envisaging a future without prisons. He argues that this is not unrealistic utopianism, but is possible. He sets out approaches that can be taken now in order to realise this radical change. This is a considered piece, which confronts conventional justifications and dull acceptance of the inevitability of prisons. Instead, Scott

advocates for an approach rooted in social justice and equality, taking in not only alternative approaches to dealing with social problems, but also problematizing harms that are currently acceptable such as dramatic economic inequality.

Prisons have been much in the news over recent months. Many people who have taken little interest in what happens behind the walls are suddenly concerned and open to new ideas. Inside the system, there has also been significant discussion about the White Paper and its proposed approaches. This edition of *Prison Service Journal* attempts to enter the fray. In doing so, it offers contributions that may be critical or even controversial. Nevertheless, they are an attempt to take seriously the claim that this is a historic moment. As such, it is important that the issues are open to scrutiny and discussion not only from a practical perspective, but also by going beneath the surface to excavate the values and ideologies that they reflect. Equally valuable, is the opportunity to bring into relief the omissions of the White Paper, particularly in relation to sentencing and the prison population. To a significant extent, it is these numbers that will shape the future of prisons.