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The Future of Prisons

Can prisons contribute to social justice?

Interview with Richard Garside

Richard Garside is the Director of the Centre for Crime and Justice Studies. He is interviewed by Paul Addicott, a prison operational manager, currently seconded to Business Development Group in HM Prison and Probation Service.

Richard Garside is the Director of the Centre for Crime and Justice Studies, and Senior Visiting Research Fellow at the Open University. He joined the Centre in 2003 and has been the Director since 2006. Prior to joining the Centre he worked for Nacro as Head of Communications.

The Centre for Crime and Justice Studies was created in 1931 and has been at the forefront of developments in psychotherapy and criminology. Previously known as the Institute for the Study and Treatment of Delinquency, it created a number of leading organisations including the Portman Clinic, renowned for its psychotherapeutic work with people who display disturbing sexual behaviours, criminality and violence. They were also prominent in the development of criminology after the Second World War, establishing an academic forum which then went on to become the British Society of Criminology. The Centre also founded and published the British Journal of Criminology, a world-class academic journal.

Today the Centre remains a prominent and influential research institute, promoting evidence-based approaches, rooted in a concern for social justice and protecting the most vulnerable from harm.

This interview took place in February 2017.

PA: Can you tell me about your interest and involvement with prisons?

RG: The Centre for Crime and Justice Studies works across the criminal justice system. As well as prisons, we look at policing; courts; probation, as well as allied areas within education; youth studies; family support; health and so on. It is important to mention this as we are not a prison focused organisation, we are a criminal justice focused organisation. That said, prisons are a very important and significant part of our work. I have a personal interest and background from my time working in Nacro and since. I have never worked in prisons nor am I a regular visitor to prisons, but I have been involved in this sector for 20 years. There are strengths and weaknesses to this. I don't have detailed knowledge of day-to-day in prison matters, but I do think it can be an advantage as it does mean I can take an outsiders view, which has its benefits.

My main interest lies with prisons as social institutions, and with decarceration, ultimately in abolition. I am not a utopian abolitionist, I don't think it's possible to just get rid of prisons. You need to think of the role prisons play in society and why they occupy that space in society. Any serious thought of abolition would need to consider the role of health, education, family, employment policy, for instance.

PA: Let's first consider the current changes and challenges within our prison system. What are the key points you have taken from discussions about prison reform and the recent release of the White Paper about the future of our prisons?

RG: The White Paper fires the starting pistol on a new round of prison building and prison expansion. It is very clear from the White Paper and the comments of Liz Truss and her colleagues that the government is not interested in what I and others consider the fundamental problem facing the prison system. We have far too many people in prison; unnecessarily imprisoned, which puts a strain on the staff and system as a whole. The reduction of prisoner numbers, which should be a key policy objective, is entirely absent from the White Paper. This is not a great surprise, but it is a missed opportunity. This is reinforced by the commitment to renew the estate. There is nothing wrong with renewing the estate and buildings, but without a clear view on the how big the estate should be, it effectively becomes a licence to grow and expand the estate. This is what we are likely to see.

The other striking development in the White Paper is how it builds on Michael Gove's ideas around reform prisons, and so called 'governor empowerment'. In essence, this is about further marketisation and establishing governors as commissioners of a range of services. Establishing prisons as individual business units has some profound implications in terms of governance, accountability and purpose of regimes.

In summary, I am disappointed but not surprised by the White Paper. It continues the direction of travel of prisons policy for some years, and it is a missed

opportunity to do anything fundamental or important in prison policy, which needs to be focused around decarceration and downsizing.

PA: You have briefly mentioned freedoms for governors. What does this really mean?

RG: Freedom is a lovely word. If you are to look at the detail of the White Paper there is broadly speaking two dimensions to it. There are the powers that governors will have that they currently do not have, at least without involvement from the centre, such as commissioning of health services and education. There are also the commercial freedoms to cut deals with local businesses, effectively turning prisons into business units, and potentially commercial operations. I am concerned about this direction of travel.

The other side of freedom comes with the accountability. The degree to which the governors are being placed under scrutiny; to be held accountable for the delivery of certain objectives, which they are not necessarily in a position to deliver upon. There are so many factors that the governor is not in control of, such as who comes into prison and where they go on to. This all strikes me as a recipe for greater levels of stress for governors and for staff as a whole. It is arguably a clever move from central government to shift responsibility to for managing inadequate budgets to governors. This is consistent with what is happening in other areas of government: notably local government. It is being sold as freeing up governors from the dead hand of NOMS bureaucracy, but is about a lot more than that. If you have a prison system there needs to be some degree of central coordination and management and regulation of it. In as much as this White Paper is trying to steer away from this, it's quite troubling.

PA: Building on the accountability you have described, in the White Paper we see the emergence of the prison league table, what will this mean for the way prisons are assessed?

RG: We have league tables in other areas, such as schools and health. There will be the same problems with the prison league table as with these other areas. There is a perverse incentive for staff to 'game' the system and only focus on what is being measured rather than what is necessarily the right thing, or what matters. There is also a question about who the customers and consumers of this league table are? If you take a school league table at face value then the customers of a league table are the parents of

potential students. Who are the customers for prison league tables? Prisoners are not going to be looking at prisons they want to go to depending on which is most likely to help them rehabilitate. The league table is there as a tool for management oversight, a way of measuring the performance of the governor and members of staff. Perhaps there is an argument for that, but whether it should be made available and put in the public domain is another matter. It is an eye-catching initiative. I cannot see that it is a particularly positive development.

PA: I want to move on to discuss what you see as risks of the direction to the future of the prison service. You have mentioned already that your preference is a move to abolition and reduction in prison numbers. What would you suggest needs exploring further to mitigate these risks?

RG: The first thing to say is that we have got used to the idea that we live in a society with a high prison population per capita, but this is a relatively recent development. A generation ago, we were operating with roughly half the prison population we now have. This increase has happened slowly over time, it's not like we went to bed one day with a population of 40-45,000 and woke up the next day where we are now with a population of 80-85,000. This is a mistake that

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people make sometimes when they think about how you decarcerate; there is this image that you just open the gates and let everyone out. But actually the prison population grew slowly, but over a sustained period of time. The population grew by roughly 5 prisoners a day, every day, over the last 20 years. A target to reduce the prison population by an average of five prisoners a day, if successfully met, would deliver a population of around 80,000 by the time of the planned 2020 general election; 70,000 by 2025; 61,000 by 2030 and around 52,000 by 2035. This is why I think the conversations about decarceration and abolition are to some degree two sides of the same coin. Before Christmas, Ken Clarke, Nick Clegg and Jacqui Smith called for a long term target to get the prison population down to the levels of the Thatcher era, which would have been around the levels of 40-45,000. Achieving this target will probably be done incrementally, rather than all at once. That's why I say the White Paper is a missed opportunity. The government could actually set a target like that and configure policy around that target. The average person in the street wouldn't notice. We actually had a period

of time under Ken Clarke where the prison population did decline by 5-6 a day and no one noticed. The youth population has come down two thirds over recent years, it was 3000 and is now under 1000. It is possible to deliver decarceration and do it in a way that you could build on political and public support.

If we managed to decarcerate and close prisons, it would open up many exciting possibilities. The Centre for Crime and Justice Studies is leading on a project around the now closed Holloway prison site, and doing work with the local community about what they want it to be used for. We are considering options of whether it should be used for housing development; community development; an art space or a public park. Particularly in cities such as London where new land is very scarce there is an opportunity for a long term decarceration that could deliver genuine social benefit. We would save by locking up fewer people unnecessarily, and also free up the land using this for community and social investment. Not the high end housing developments that we have seen but business parks, or community resources; affordable houses for local people. We tend to think in silos: in terms of prison policy, or policing policy, health policy, or local parks policy rather than seeing how they are a big interconnected whole.

PA: I would like us to now look back at some other developments from the White Paper. What are your views about the role of HM Inspectorate of Prisons moving forward?

RG: This is an interesting point within the White Paper. One way of reading it is that the inspectorate might perform more of a regulatory function in future, rather than an independent inspection function. It is important that we have something in place independent from political interference, for inspectors to set their own agenda in line with international norms, taking an independent view on the health of regimes. If instead they are to be encouraged to move towards a regulatory role, ticking off how well prisons are doing according to the ministers' expectations, this will be a reduction in independence. What if the priorities set by ministers are wrong?

The other thing is we have three justice jurisdictions across England and Wales, Scotland and Northern Ireland, and what we are seeing is further

divergence in the way the roles unfold. We have a potential for fragmentation of the inspection functions across the different jurisdictions across the UK.

PA: What does 'rehabilitation culture' mean to you and how can this be achieved?

RG: The first question is whether we feel like we ought to achieve it? If you want to give it a positive gloss it is about making prisons a place of rehabilitation rather than places of punishment. It sounds like Ken Clarke's 'rehabilitation revolution', and it is pretty hard to argue with that. You want people in prison to be treated with dignity and respect, and places that aren't ghastly and grim, where people living in prison have a better chance of not returning to prisons again. However, all the evidence over years of attempts at this, is that it is pure fantasy. Prisons are places of punishment. Our prisons are not nice places to be and they aren't nice places to be for prison staff as well as prisoners. It strikes me as a mistake to think that prisons can be places of rehabilitation. It is really important that prisons operate to international standards in relation to treating people with dignity and respect, where human rights standards are embedded in these institutions. Everyone who enters the premises should feel valued as human beings and

treated appropriately. This is however a long way from saying prisons can be places where you can send people in order to be rehabilitated. Prisons, in my view, are the main cause of crime, and the main cause of reoffending. If we really want to reduce crime we should have fewer people in prisons, prisons are criminogenic. This is not a criticism of those who work in them, those working in prisons are doing their best to stop them being criminogenic, but prisons are criminogenic by their nature. Whilst I respect and value the work done by people in prisons to provide services such as resettlement, education, literacy, arts and all sorts of things that go on in prisons, it is at best mitigating the damage of being in prison rather than doing anything that will change the life course of anyone going into prison.

PA: There are a wide range of changes happening within the prison service at present, and a lot of uncertainty in society as a whole with issues such as Brexit. What do you think

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the prison service may look like in five years' time?

RG: If we have not had another major reorganisation we will be probably due one, it seems like an organisation that is constantly being reorganised. I suspect we will see a larger estate or at least not a smaller one. Some sites earmarked for closure probably will have been closed, but not as many as planned. There will be new capacity and new institutions being built so I think the footprint will be larger or at least as large. What I find fascinating about prisons policy is how circular the discussion is. A colleague of mine found an article from decades ago which is full of all the rehabilitation talk that we are having now. There is an endless circularity the prisons policy debate. I expect the prison estate will look somewhat similar to what it does today. I expect we will not see any dramatic improvements on reconviction rate.

I would like to see the progress that has been made in the youth estate continue, and possibly be replicated in other parts of the estate, I think it is possible to see some significant changes within the

women's estate including reducing the population. I would like to see something similar in the male estate. But taken in the round, the estate probably won't look significantly different to now.

Brexit will have an impact on some areas in the criminal justice system, things like arrest warrants, the sharing of information, but I'm not sure about the prison system. I don't get the impression that prisons are likely to be significantly affected, although there will be issues around trans-national prisoner transfers.

Mass imprisonment is a relatively recent phenomenon. Taking a longer view, it is arguably naïve to think that prisons will always be with us. It is important to be open to the possibility that one day prisons won't occupy the space in society that they do today. It is possible to think of a society where we don't need prisons to address what we term as crime, I would like to think that ultimately prisons don't have a future. But I'm realistic that this is a long view perspective that may well not come about in my lifetime.