JPRISON SERVICE JOURNAL

Special edition:
Security in prisons

Corruption in UK Prisons: a critical evaluation of the evidence base

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Introduction

The experience of anti-corruption interventions the world over is that an incorrect diagnosis leads to an inadequate response. Prisons, in the UK and elsewhere, are ideal environments for corruption to thrive. Yet there is little available research or literature on the nature, extent and prevalence of corruption in prisons. Where there have been studies, references to corruption have usually been a minor part of works whose primary focus is elsewhere. On the specific subject of corruption, the focus has generally not been on corrupt staff, although a classic corruption analysis would show them as high risk. Other corruption risks also exist in the prisons environment, such as within procurement, and it is possible that these risks have been compounded by performance management KPIs and aspects of privatisation.

In the UK, the Government and relevant authorities appear until very recently to have neglected the level and seriousness of the risk. The situation is likely to be improving, but significant corruption risks still exist within the UK prisons system. Despite the paucity of data and information, there are identifiable research needs and a requirement for a research community to be pro-actively developed around this issue. Having reviewed the available literature and data, this paper concludes with nine proposed research areas and six policy recommendations to ameliorate the corruption that exists today within the UK prisons system.

The extent to which the UK prison system suffers from corruption has been a subject of debate, and not consensus, both inside and outside the prison system. The leaked findings of a 2006 Metropolitan police report[2] on prison staff corruption, claiming that there were at least 1,000 corrupt prison staff working within the prison estate, received a divided reaction from officials.[3]. Although the debate has continued, there has been very little analytical deliberation, such that policy makers have not much better access to evidence today than they had in 2006.

A conventional approach to analysing corruption in any sector would be to ask some basic questions:

- ❑ What form or forms does the corruption take?
- ❑ What is the scale and prevalence of the problem?
- ❑ What is the harm and who are the victims?
- ❑ What measures have been taken to prevent or detect the corruption?
- ❑ How successful have those measures been?

It is not possible to provide answers to any of these fundamental question in relation to prisons within the UK.[4] Although it is not uncommon for there to be an absence of data when analysing corruption, it is unusual not to be able to answer any of these questions in a high-risk sector.

In the absence of data or evidence about corruption itself, a common approach is to look at corruption risk. This would address the question 'how likely is it that corruption will be occurring?'

A typology of how corruption occurs in a given sector or setting can typically be constructed from known cases, and the risks can be analysed both individually and in aggregate, with mitigation, prevention, detection and enforcement strategies designed to reduce the risks to acceptable levels. But as with corruption analysis, there is also a paucity of information with regard to corruption risk analysis in relation to prisons.

This does not mean that is not possible to research corruption in prisons. There is scope for qualitative and quantitative data collection; for example, by way of surveys or one-on-one interviews with key actors in

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1. This paper is based on the Masters dissertation submitted in 2019 by Jack Silverman as part of the Masters in Corruption & Governance at the University of Sussex.
2. Produced by the Metropolitan Police and Prison Service's anti-corruption unit.
3. *Many jail staff corrupt – report* (2006). BBC News, July 31 2006, http://news.bbc.co.uk/1/hi/uk/5230126.stm (Accessed: 22 June 2020)
4 . Although many reports in this study refer to England & Wales, the same lack of information applies to the other parts of the UK. There is no obvious reason why the analysis and conclusions should not relate to Scotland, although Northern Ireland may be an exception due to the particular circumstances and historical background of the province.

establishments. These data may elicit knowledge based on perceptions or experience and although corruption is an activity, often a crime, that takes place out of the public eye, and it is in the interests of all parties involved to keep it secret, such obstacles to research have been overcome in other areas. Indeed, it is not uncommon for the subject matter of corruption in prisons to arise as part of research exercises not directly on this topic.[5]

This situation is not unique to the UK. The literature regarding corruption in prisons is extremely sparse, and has focussed primarily on the US and Australia, as well as some extreme examples such as Abu Ghraib.

This is all the more striking because at face value, it might be expected that prisons are not only at risk of corruption, but in a particularly high-risk category. They are institutions whose population contains a significant number of people convicted of criminal offenses, often with internal and external links to organised crime. They are closed worlds with little continuous external scrutiny. The staff are often poorly-paid, whereas some of those imprisoned have considerable assets. The exercise of power is a daily reality, and therefore the abuse of power is a daily possibility. The internal sub-rosa economy has a demand for supply from the external economy, but a very small number of potential supply points. It is hard to envisage that there could be more fertile conditions for corruption to thrive, and indeed in both factual and fictional accounts of life in prison, corruption is accepted as a daily reality.

It is a plausible hypothesis that one of the principle reasons for the lack of research in this area is the lack of sympathy for the victims. Those who research corruption in healthcare, or education, or the police, can demonstrate the wider harm that is done and the

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damage and injustice for the victims among general populations or vulnerable groups. In the case of prisons, there is no generally accepted narrative about the external damage that is done by corruption that takes place within the prison system. The closest in the UK context is perhaps the national Anti-Corruption Strategy, which states:

'Corruption has the potential to weaken critical state functions like our border controls and prison system — allowing criminality and corrupt insiders to operate unfettered, and to undermine our attempts to reform individuals…. Corruption in prisons allows criminality to proliferate (including serious organised crime) and thereby not only undermines safety and security in prisons but also our efforts to reform prisons and rehabilitate offenders.'[6]

Within prisons, as in any community, there are of course both victims and perpetrators of corruption: in this case among the 80,422 prisoners in the UK prison estate,[7] plus around 36,000 staff.[8] In circumstances where the family members of prisoners may also be implicated in corruption, they too can be considered as potential victims — not least as involvement in corrupt act may be a means of protecting their imprisoned friend or family member — although they are more usually viewed as perpetrators.[9] Little has been heard of the voices of victims of corruption within prisons, and there is a little indication that even if the voices were heard telling a message of serious harm done by corruption to the prison population, there would be much response.

Sources of information[10]

There are four broad types of source material for analysing corruption in prisons:

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5. For example, during the third author's ethnographic research on family contact in prisons and a recent project on communication practices in the prison environment.
6. *United Kingdom Anti-Corruption Strategy 2017-22* (2017), HM Government, pp.17, 31 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf (Accessed: 22 June 2020)
7. HMPPS, Population and Capacity Briefing for Friday 15th May 2020 https://www.gov.uk/government/statistics/prison-population-figures-2020 (Accessed: 22 June 2020)
8. https://fullfact.org/crime/state-prisons-england-and-wales/ (Accessed: 22 June 2020)
9. Hutton, M (2019). *A Labour of Love: The Lived Experiences of Parents of Prisoners and their Role as Human Rights Protectors* in Handbook of Prison and the Family edited by Marie Hutton & Dominique Moran (eds), TBC, London, Palgrave Macmillan
10. A fuller literature review on Corruption and UK Prisons is available in the CSC working paper *Corruption in UK Prisons* (forthcoming 2021) https://www.sussex.ac.uk/research/centres/centre-for-study-of-corruption/research

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i. Studies of corruption, governance and integrity, which might be extrapolated to prisons; these would include both general studies, and studies of sectors that might be considered to be analogous; examples are the work on institutional integrity by Paul Heywood,[11] or articles on corruption in the police.[12]

ii. Studies and reports of other aspects of prisons, in which corruption is a minor or incidental part, even if its importance is acknowledged; examples would be the Blakey report,[13] Jamie Bennett's book *The Working Lives of Prison Managers*,[14] the Ministry of Justice report of 2016 into *Prison Safety and Reform*,[15] and the Policy Exchange '*Coming Clean*' report of 2010.[16]

iii. Technical guidance notes and plans on corruption in relation to prisons issued by relevant authorities; examples are the HMPPS Framework of 2019, the NOMS Instructions of 2016 and the UK's Anti-Corruption Strategy 2017-22.

iv. Studies or reports specifically of corruption in prisons. In this last category, there is a notable absence of not only academic literature, but any literature at all, and in particular in relation to UK prisons.

The only report that definitively covers UK prisons in a corruption context is a section of the Transparency International report titled 'Corruption in the UK: Assessment of Key Sectors'.[17] However, this report is now 9 years old, and therefore does not reflect recent changes.

The most comprehensive piece of 'grey' literature on corruption risks in UK prisons is a widely-cited report by BuzzFeed News, 'The Secret Prison Corruption Epidemic the Government Doesn't Want You To Know About.'[18] The report uses in depth analysis of the 2006 HMP Pentonville corruption scandal to highlight wider systemic issues.

The article by Katie Fish, with contributions from Phil Wheatley and Mark Pyman, on the *Curbing Corruption* website[19] gives a good overview of research to date, collated by experts in the field of corruption. It draws on a key text by the Australian researchers Goldsmith, Halsey and Groves, whose 2016 volume '*Tackling Correctional Corruption: An Integrity Promoting Approach*', introduces an approach called 'correctional integrity'.[20] The work attempts to fill many of the gaps highlighted in this paper, for example in establishing a language and typology for corruption in prisons. Although the principle focus is Australia, the work also encompasses the US and the UK.

The same authors have put together an extremely helpful '*Literature Review: Correctional Corruption — Final Report Prepared for Queensland Corrective Services*' published in 2018.[21] This is the fullest available bibliography of corruption in prisons.

Regarding the UK specifically, apart from the 2011 Transparency International report, the only available

> Studies and reports of other aspects of prisons, in which corruption is a minor or incidental part, even if its importance is acknowledged.

11. Heywood, PM, & Ongaro, E (2012). *Integrity Management and the Public Service Ethos in the UK: Patchwork Quilt or Threadbare Blanket?* International Review of Administrative Sciences 78.3 (2012), pp.474-93

12. For example, Punch, M & Gilmour, S (2010). *Police corruption: apples, barrels and orchards*, Criminal Justice Matters, 79:1, pp.10-12

13. Blakey, D (2008). *Disrupting the supply of illicit drugs into prisons: A report for the Director General of National Offender Management Service*, London, Ministry of Justice http://drugslibrary.wordpress.stir.ac.uk/files/2017/07/blakey-report-disrupting.pdf (Accessed: 22 June 2020)

14. Bennett, J (2016). *The working lives of prison managers: Global change, local culture and individual agency in the late modern prison*. Springer

15. *Prison Safety and Reform* (2016). Ministry of Justice, London https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf (Accessed: 22 June 2020)

16. Chambers, M (2010). *Coming Clean: combating drug misuse in prison*, Policy Exchange, London 2010 https://www.policyexchange.org.uk/wp-content/uploads/2016/09/coming-clean-jun-10.pdf (Accessed: 22 June 2020)

17. Macaulay, M (2011). *Corruption in the UK Part Two*. London, Transparency International, https://www.transparency.org.uk/publications/corruption-in-the-uk-part-two-assessment-of-key-sectors/ (Accessed: 22 June 2020). Note the first author was the editor of this study.

18. Holmes, R (2016). *The Secret Prison Corruption Epidemic the Government Doesn't Want You To Know About*. BuzzFeed News, December 6 2016 https://www.BuzzFeed.com/richholmes/the-prison-corruption-cover-up?utm_term=.ufGz16xNw#.ylgzpbxDg (Accessed: 22 June 2020)

19. Fish, K (2018). *Prison Service sector review* https://curbingcorruption.com/sector/prison-services/ (Accessed: 22 June 2020)

20. Goldsmith, A, Halsey, M, & Groves, A (2016). *Tackling Correctional Corruption: An Integrity Promoting Approach*, Springer Nature, 2016

21. Goldsmith, A Halsey, M & de Vel-Palumbo, M (2018). *Literature Review: Correctional Corruption - Final Report Prepared for Queensland Corrective Services*, Flinders University, 2018 https://www.ccc.qld.gov.au/sites/default/files/Docs/Public-Hearings/Flaxton/Exhibits/Day%2007/Taskforce-Flaxton-Exhibit-58-Day-7-Flinders-University-Literature-Review-Correctional-Corruption.pdf (Accessed: 22 June 2020)

works are from the former head of the Corruption Prevention Unit, John Podmore. His accounts, in large part based on first-hand experience, are unflattering about the extent to which the problem of corruption was understood and acknowledged, taking the view that the relevant authorities in the UK are 'in denial' about corruption in prisons.[22]

The United Nations Office of Drugs and Crimes (UNODC), which has within its remit both the secretariat to the UN Convention Against Corruption (UNCAC) and the lead on organised crime, has published practical guidance on how to address corruption in prisons. Drafted by John Podmore and published in 2017, it is the most comprehensive practical guidance available.[23]

Although it is common for the papers above to bemoan how little research there is on corruption in prisons, it is encouraging that the situation has been improving. A picture of corruption in prisons is gradually taking shape. It is not a big community of researchers, but one that exists. There is a great deal of first-hand experience, particularly from former prison governors. However, the considerable corruption expertise that lies with both academics and practitioners in other sectors and fields has not to date been brought to bear on prisons.

Official definitions of corruption in the UK prison system

Building a sensible response to corruption in any sector requires an understanding of what is meant by corruption. This is typically achieved through a generic definition, supported by some sort of typology, illustrated with examples or case studies. There is as yet no global consensus on what this looks like for prisons.

Most usefully, in the absence of an established typology, is the categorisation of five 'harmful practices' in correctional settings from Goldsmith *et al*:[24]

- ❑ Inappropriate relationships
- ❑ Trafficking of contraband
- ❑ Assaults, use of force and control
- ❑ Misuses of prisoner information
- ❑ Procurement.

Efforts have also been made by the relevant authorities in the UK to establish a working definition. The current definition of corruption in HMPPS's 2019 'Counter Corruption and Reporting Wrongdoing Framework' is 'a person in a position of authority or trust who abuses their position for benefit or gain for themselves or another person.'[25]

This builds on the 2016 guidance note for 'staff in prisons and headquarters':

'Corruption occurs when a person in a position of authority or trust abuses their position for their or another person's benefit or gain. In NOMS, this would include the misuse of their role in order to plan or commit a criminal act, or a deliberate failure to act to prevent criminal behaviour'. This includes *actual or attempted conveying of restricted items into prisons, aiding escape*, unauthorised disclosure of information, accepting or seeking bribes, inappropriate relationships, blackmail, taking or seeking money or other favours for *commercial purposes, for moving or reclassifying prisoners*, or theft *of prisoner's money or property*.'[26]

Almost identical is the NOMS Instruction of 2016 for the Probation Service — the variances are italicised in each version[27] — which states:

'Corruption occurs when a person in a position of authority or trust abuses their position for their or

> Corruption occurs when a person in a position of authority or trust abuses their position for their or another person's benefit or gain.

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22. Podmore, J (2015). *Prison systems need to acknowledge widespread corruption*, Penal Reform International blog 25 January 2015 https://www.penalreform.org/blog/prison-systems-need-acknowledge-widespread-corruption/ (Accessed: 22 June 2020); Podmore, J (2012). *Out of sight, out of mind: why Britain's prisons are failing*, Biteback Publishing

23. UNCAC (2017). *Handbook on Anti-Corruption Measures in Prisons*, Vienna, 2017 http://lawsdocbox.com/Politics/79067177-The-united-nations-convention-against-corruption-handbook-on-anti-corruption-measures-in-prisons-criminal-justice-handbook-series.html (Accessed: 22 June 2020)

24. Goldsmith, A Halsey, M & de Vel-Palumbo, M (2018). *Literature Review: Correctional Corruption - Final Report Prepared for Queensland Corrective Services*, Flinders University, 2018 https://www.ccc.qld.gov.au/sites/default/files/Docs/Public-Hearings/Flaxton/Exhibits/Day%2007/Taskforce-Flaxton-Exhibit-58-Day-7-Flinders-University-Literature-Review-Correctional-Corruption.pdf (Accessed: 22 June 2020)

25. Her Majesty's Prison and Probation Service (2019). *Counter Corruption and Reporting Wrongdoing Policy Framework*, p.7 Ministry of Justice, London, 2019 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799523/counter-corruption-pf.pdf (Accessed: 22 June 2020)

26. *Corruption Prevention – how to identify, report and manage staff corruption in prisons and headquarters* (2016). Reference AI 04/2016 PSI 01/2016, NOMS, 2016, p.5 https://insidetime.org/download/rules_&_policies/psi_(prison_service_instructions)/2016/PSI-2016-001_corruption-prevention.pdf (Accessed: 22 June 2020)

27. Italicised highlights by the authors, not in original

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another person's benefit or gain. In NOMS, this would include the misuse of their role in order to plan or commit a criminal act, or a deliberate failure to act to prevent criminal behaviour.' *Examples of corruption include (but are not limited to) unauthorised or improper drafting and amending of all reports, records and licence conditions*, unauthorised disclosure of information, accepting or seeking bribes, inappropriate relationships, blackmail, taking or seeking money or other favours *for any reason*, or theft of money or property.'[28]

These disparities in the two NOMS instructions can be seen as an attempt to tailor the definition to different audiences. However, the result is two definitions that are each complex, do not precisely match, and may therefore muddy an already complicated subject. The potential for confusion at this level — two slightly varying definitions within the same organisation — would usually be avoided in anti-corruption approaches, and in some organisations might be indicative of a turf war.

Notwithstanding the variances, the two NOMS definitions and the HMPPS definition are broadly in line with standard definitions, including that of Transparency International cited in the UK's National Anti-Corruption Strategy: 'There is no universally accepted definition of corruption, but it is generally understood to involve the abuse of office and position to benefit a third party (an individual, business or other organisation), in return for payment or other reward. These features are captured in Transparency International's definition: 'the misuse of entrusted power for personal gain.'[29]

The HMPPS Framework of 2019 goes on to elaborate on its definition by stating that, 'abusing their position' may include acting in a way that constitutes a breach in their official duties. This importantly clarifies that turning a blind eye to corruption issues still constitutes a corruption offence. The 'benefit or gain'

section of the definition relates to sexual, financial, emotional or other personal gains that can occur within the prison environment.

This HMPPS definition further notes that staff may be encouraged to act in a corrupt manner based on causes they consider noble — in other words, corruption by prison staff would not necessarily need to be for personal gain. These noble causes refer to officers breaking the rules and committing acts of corruption for reasons that they perceive to be 'right'.[30] This has been a long-standing theme of literature in relation to police corruption. Whatever the motivation, acts of corruption remain illegal and damaging. The NOMS Instruction of 2016 is clear on this: 'Corruption, as defined in this Instruction, will not be tolerated no matter what the form or the motivation.'[31]

The two NOMS Instructions of 2016 both contain the same annex with twenty-two examples of what constitutes corruption. By the HMPPS Framework of 2019, this had been reduced to ten. Taken together, these three documents tell an interesting story. There is a genuine attempt to fill the gaps in defining corruption, describing the risks and creating an adequate management system. Clear progress is made between 2016 and 2019.

However, the documents are complex and look as though they would be hard to use in practice. They give the impression that they have been generated by an institution that is used to procedural thoroughness, extensive cross-referencing, and thinking hard about how to reduce the possibility of things going wrong by putting in place extensive systems and detailed instructions. Perhaps most notably, the documents incorporate several ingredients from good practice approaches to anti-corruption compliance in other sectors, but ultimately read as though they are quite divorced from those settings.

What is also very unclear is whether they are built on a base of evidence about the types, scale and

> These noble causes refer to officers breaking the rules and committing acts of corruption for reasons that they perceive to be 'right'.

28. *Corruption Prevention – how to identify, report and manage staff corruption in prisons and headquarters* (2016). Reference AI 04/2016 PSI 01/2016, NOMS, 2016, para 2.3 https://insidetime.org/download/rules_&_policies/psi_(prison_service_instructions)/2016/PSI-2016-001_corruption-prevention.pdf (Accessed: 22 June 2020)
29. *United Kingdom Anti-Corruption Strategy* 2017-22 (2017). HM Government, p.13 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/667221/6_3323_Anti-Corruption_Strategy_WEB.pdf (Accessed: 22 June 2020)
30. Her Majesty's Prison and Probation Service, (2019). *Counter Corruption and Reporting Wrongdoing Policy Framework*, London, Ministry of Justice, p.7 https://www.gov.uk/government/publications/counter-corruption-and-reporting-wrongdoing (Accessed: 22 June 2020)
31. NOMS (2016). *Corruption Prevention – how to identify, report and manage corruption in the National Probation Service*, London, Ministry of Justice, para 1.7 https://www.justice.gov.uk/downloads/offenders/probation-instructions/pi-05-2016-corruption-prevention.pdf (Accessed: 22 June 2020)

prevalence of corruption in prisons. If the evidence does exist somewhere within the prison service, it has certainly never been published.

Staff corruption as a contraband trafficking route

Most of the rare independent research into prison corruption assumes that staff corruption in relation to contraband is an important part of the picture. By contrast, analyses of contraband trafficking have tended not to highlight corrupt prison staff or ascribe them a primary role as a trafficking route.[32] This is distinctly counter-intuitive from the perspective of anti-corruption theory as the classic conditions for staff corruption exist: low-paid, de-motivated and poorly-valued public officials (prison officers and civilian staff) who are in a position of considerable discretion (their daily interactions with prisoners) that enables them to offer an advantage (access to drugs). To compound this, in recent years the privatisation of areas of the prisons system (and diminishing pay scales and pension provision) may have led to an environment in which institutional culture and loyalty to the public service ethos might not be expected.

Given what is known from around the world about the corruption risks for public officials, particularly in relation to organised crime, the default assumption might reasonably be that bribery or coercion occurs relatively frequently within prisons. While it is possible that corruption is being deliberately ignored, it is equally possible that researchers and practitioners who are not experts in corruption are paying less attention to a risk to which a corruption researcher would be more immediately drawn.

Contraband routes

There is surprisingly little data, or academic literature, on the most widely used routes that either organised crime gangs or individual offenders use to bring in drugs and mobile phones into UK prisons. [33] From the academic literature which is available, the following routes are often highlighted:
- visits from domestic visitors (for example family members) and official visitors (such as legal professionals)[34]
- the exploitation of the prison postal system
- drugs being passed over prison walls, specifically in reference to the use of drones
- new and returning inmates bringing drugs into prisons
- corrupt staff members working within an institution smuggling in contraband.[35]

Evidence base for prison staff corruption

The Home Office's 2005 report, '*Tackling Prison Drug Markets*' is the only quantitative study to have analysed the different trafficking routes for drugs. The researchers used interviews with 158 ex-prisoners, current prisoners and staff. One interview question asked the interviewees to outline the main smuggling routes that drugs take to get into the prison system.[36] The results of this question are summarised in figure 1.

Route of supply	Prisoners/ex-prisoners identifying route	Prison staff identifying route	Total identifying route
Social visits	97.5%	92%	95.5%
Mail	72.7%	59%	70%
New receptions	60%	62%	60%
Prison staff	46%	54%	48%
Over perimeter wall/fence	30.5%	73%	40.5%
Reception after court visits	17.3%	16%	17%
Total no. of interviewees	121	37	158

Figure 1: Formatted interview results for the question on the most prevalent drug smuggling routes in the Home Office's 2005 study on 'Tackling Prison Drug Markets.'[37]

32. Treadwell, J Gooch, K & Barkham Perry, G (2019). *Crime in Prisons: Where now and where next?* Warwickshire, Police and Crime Commissioner for Warwickshire, p.19 https://www.warwickshire-pcc.gov.uk/wp-content/uploads/2019/03/PCCs-present-plan-to-government-to-tackle-organised-crime-in-prisons.pdf?x57250 (Accessed: 22 June 2020)
33. Ibid
34. Hutton, MA (2018). *The Legally Sanctioned Stigmatisation of Prisoners' Families* in Condry, R & Scharff Smith, P eds *Prisons, Punishment, and the Family: Towards a New Sociology of Punishment?* Oxford, Oxford University Press.
35. Treadwell, J Gooch, K & Barkham Perry, G (2019). *Crime in Prisons: Where now and where next?* Warwickshire, Police and Crime Commissioner for Warwickshire, p.19 https://www.warwickshire-pcc.gov.uk/wp-content/uploads/2019/03/PCCs-present-plan-to-government-to-tackle-organised-crime-in-prisons.pdf?x57250 (Accessed: 22 June 2020)
36. Penfold, C Turnbull, PJ & Webster, R (2005), *Tackling drug prison markets: Home Office Online Report* 39/05. London, Home Office, p.9 https://www.researchgate.net/publication/237776662_Tackling_Prison_Drug_Markets_An_Exploratory_Qualitative_Study (Accessed: 22 June 2020)
37. Ibid, Table 2 p. vii

It is notable that 48 per cent of all respondents interviewed named prison staff as the most prevalent route for smuggling drugs, indicating the high likelihood of staff corruption. It is additionally noteworthy that a greater proportion of prison staff (54 per cent) identified their colleagues as the route for the entry of drugs into prisons than prisoners/ex-prisoners who were interviewed (46 per cent).[38] It is not clear what proportion of the sample were serving prisoners, as opposed to those who had been released or what impact this may have had on the data collection process. Moreover, the results relating to other routes might also involve prison staff corruption. All the other routes could be facilitated by prison staff's active involvement, or indeed passive — turning a blind eye — involvement. However, relying on a one-off study of a difficult population from 2005, which itself may be challenged due to the small sample size, illustrates how little quantitative research is available in this area.

Importantly, despite almost half of all interview respondents notifying staff corruption as a key route of drug supply, the study had no active recommendations on staff corruption and how to counteract this threat.

An independent perspective

The potential for prison staff corruption as a route for trafficking drugs was reinforced by the Policy Exchange's 2010 report on combating drug misuse in prison entitled '*Coming Clean: combating drug misuse in prisons*.'[39] The report suggests there is an estimated £100 million prison drugs trade annually, and there are on average around seven corrupt prison officials working at every prison — implying that each corrupt member of prison staff is responsible for around £100,000 of the drug markets occurring in UK prisons.[40]

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The researchers sent a survey to prisoners questioning what they believed was the main route of drug smuggling. Despite not being one of the options that respondents were asked to score, the results showed that 23 per cent of prisoners questioned claimed that prison officers or civilian staff were the main route for illegal substances to enter prison.[41] The fact that inmates hand-wrote out this answer suggests that had the Policy Exchange included this as an option within the survey they were conducting, then a far greater percentage of respondents may have also given the answer of prison staff.

The Blakey report

The government's primary focus on family visits being the key route of the influx of drugs and contraband, while neglecting the role of corrupt prison staff,[42] is to some extent reflected in David Blakey QC's government-commissioned 2008 report '*Disrupting the supply of illicit drugs into prisons*.'[43] This report identifies five routes to trafficking, and places considerable emphasis on the family and friends route. However, he also notes:

'No one I have spoken to in the course of this Review doubts that staff corruption is a live issue for the Service or that it constitutes a way of getting drugs into prisons. I was particularly impressed by the frank and realistic manner in which Governors spoke to me about this matter. There is a proper debate about the actual level of corruption but I did not encounter the 'head in the sand' response that might have been the case in many organisations both now and in the past.'[44]

The Pentonville scandal 2006[45]

In 2006, there was a large and costly corruption probe into several prison officers who had allegedly

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38. Ibid, p. 9
39. Chambers, M (2010). *Coming Clean: combating drug misuse in prison*, Policy Exchange, London, 2010 https://www.policyexchange.org.uk/wp-content/uploads/2016/09/coming-clean-jun-10.pdf (Accessed: 22 June 2020)
40. Ibid, p.27
41. Ibid, p.13
42. Also reflected in comments by the Judiciary – see for example the Olivierre case Edwards, R (2009). *Female prison office ran lucrative drugs racket inside jail*, The Daily Telegraph, February 17 2009, https://www.telegraph.co.uk/news/uknews/4681868/Female-prison-officer-ran-lucrative-drugs-racket-inside-jail.html (Accessed: 22 June 2020)
43. Blakey, D (2008). *Disrupting the supply of illicit drugs into prisons: A report for the Director General of National Offender Management Service*, p.1. London, Ministry of Justice http://drugslibrary.wordpress.stir.ac.uk/files/2017/07/blakey-report-disrupting.pdf (Accessed: 22 June 2020)
44. Ibid, p. 15
45. This case study draws extensively on Holmes, R (2016), *The Secret Prison Corruption Epidemic the Government Doesn't Want You To Know About*. BuzzFeed News, December 6, 2016 https://www.BuzzFeed.com/richholmes/the-prison-corruption-cover-up?utm_term=.ufGz16xNw#.ylgzpbxDg (Accessed: 22 June 2020)

trafficked weapons and drugs into HMP Pentonville. Some of these officers had also been accused of having inappropriate relationships with prisoners.[46]

The governor of the prison, Gary Deighton, chose a group of trusted prison officers to investigate these allegations in what became known as 'Operation Extract.' As a result of this investigation, Deighton fired 17 prison officers and suspended 14 other staff members for alleged corruption charges and deemed that there needed to be greater investigation into their potentially corrupt actions. Four senior security officials from four different London prisons were brought in to lead an independent investigation into the suspended prison staff.

The investigation ultimately failed due to mis-handling of confidentiality by one of the investigators. After the investigators speedily concluded their investigation and suggested that 12 of the then 13 suspended officers should be charged with corruption, Deighton — who was put in charge of the disciplinary hearings of the suspended officers — decided to remove 9 of them from their posts and charge the remaining 3 officers.

Out of 31 suspected officers, 28 were therefore fired or removed from their posts and the remaining three were found guilty of corruption charges but later cleared and re-instated. The investigation was deemed a significant failure, as several million pounds had been spent on the investigation and no corruption charges were proven.[47]

The Pentonville scandal demonstrated the institutional difficulties for the prison service in being able to investigate corruption allegations successfully. All the independent investigators were simultaneously trying to run busy London prisons and a significant corruption investigation. A government internal review of the process concluded the timescale for the investigating officers to compile and write their reports was 'extremely tight.' This resulted in the investigators missing their reporting deadline, and not being able to compile enough detailed evidence, with the government's internal review stating that the intelligence gathered by the investigators had, 'not met the required burden of proof…if the investigations had been carried out more thoroughly and in greater detail it may have been possible to offset any gaps in the analysis of intelligence.'[48]

The prison governor, Gary Deighton, was heavily criticised in the internal review on a number of grounds.[49] The case shows the potential for mishandling by an individual prisoner governor attempting to deal with corruption allegations, and highlights the advantages of having investigations staffed by independent anti-corruption and counter-fraud professionals.

> The Pentonville scandal demonstrated the institutional difficulties for the prison service in being able to investigate corruption allegations successfully

Slow progress

The 2005 Home Office Report, 2006 Pentonville Scandal and 2008 Blakey Report, would seem to have provided the government with evidence both that staff corruption was a problem, and that this needed to be dealt with in a systematic, independent and coordinated way. More than a decade on, this remains the case. The sparse literature on corruption in prisons highlights this risk; the scarcely fuller literature on contraband trafficking tends to highlight areas other than corruption; and there is no sense that corruption amongst prison staff, and in particular systemic or extensive corruption, is an area of focus for the government or prison authorities. While the Pentonville scandal helped make the case for the government to create an independent anti-corruption unit, to succeed, it would need to be a unit that was adequately resourced and had sufficient institutional support.

Corruption Prevention Unit(s)

Although nearly half of all respondents of the Home Office's 2005 report had named prison staff

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46. Sturcke, J (2006). *Prison suspends 14 officers in corruption inquiry*, The Guardian, August 14 2006
   https://www.theguardian.com/society/2006/aug/14/prisonsandprobation.uk (Accessed: 22 June 2020)
47. Doward, J (2009). *Pentonville prison corruption inquiry folds after huge pay-outs*, The Guardian, September 27 2009
   https://www.theguardian.com/uk/2009/sep/27/pentonville-prison-corruption-inquiry-folds (Accessed: 22 June 2020)
48. Holmes, R (2016). *The Secret Prison Corruption Epidemic the Government Doesn't Want You To Know About.* BuzzFeed News,
   December 6, 2016 https://www.BuzzFeed.com/richholmes/the-prison-corruption-cover-up?utm_term=.ufGz16xNw#.ylgzpbxDg
   (Accessed: 22 June 2020)
49. Davenport, J (2008). *Prison officers to sue over smuggling claims*, Evening Standard, July 11 2008
   https://www.standard.co.uk/news/prison-officers-to-sue-over-smuggling-claims-6879124.html (Accessed: 22 June 2020)

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corruption as a route of drug smuggling,[50] it was not until 2008 that the government created the Corruption Prevention Unit, a body which looked to work alongside the police to identify corrupt prison staff. By contrast, the anti-corruption unit of the Metropolitan Police dates from the early 1990s.

In 2008, Blakey had identified a 5-step approach to tackling staff corruption that was already in operation:

'These steps are:

❑ Identify the extent of the threat
❑ Improve intelligence
❑ Implement common standards
❑ Establish a culture where corruption is not tolerated
❑ Work closely with other agencies, especially the police.[51]

He reported that this 5-Step process was being taken forward by the Professional Standards Unit, soon to become the Corruption Prevention Unit.[52] However, two years later, Transparency International was reporting that: 'In January 2011 after an internal review, the National Offender Management Service (NOMS) announced that the Corruption Prevention Unit (CPU) would be subsumed under another branch of the security directorate, and that the post of Head of CPU would be abolished. This left no one with a senior operational background in what was already a very small unit, consisting of a junior prison manager, a seconded police officer and a handful of administrative staff. The CPU's budget had been significantly reduced since its inception some three years earlier.'[53]

The original budget for the CPU was £700,000, and it consisted of ten staff members. By 2010, the organisation's employee numbers were halved

> The Plan's action for prisons was 'NOMS to consider the extension of its corruption prevention programme to cover the increasing number of non-directly employed staff delivering custodial services

alongside its budget, meaning that only five full-time staff were looking into staff corruption problems in UK prisons on a meagre budget of £350,000.[54]

What Blakey had identified as a reasonable approach (a CPU underpinned by a 5-step plan) was therefore subject to budget cuts, downgrade in status and institutional change. These were evidently not the conditions for the counter-corruption actions to thrive: there is no publicly-available information on whether the 5-Step approach was evaluated, or how successful it was considered.

Indeed, between the Transparency International report of 2011 and 2017, the formal mechanisms for dealing with corruption in prisons seems to have gone into enforced hibernation due to lack of resources. The national Anti-Corruption Plan of 2014 contained nine paragraphs on corruption in prisons, indicating that the CPU continued to exist,[55] although its only listed task was to manage 'a network of Regional Corruption Prevention Managers.' The Plan's action for prisons was 'NOMS to consider the extension of its corruption prevention programme to cover the increasing number of non-directly employed staff delivering custodial services (by March 2015).'[56] While a necessary action, this was singularly unambitious given the scale of the problem.

Progress against the Plan was reported formally in May 2016, when not only was this action logged as completed, but in addition NOMS was reported as having issued the 2016 Instruction, and extending its anti-corruption approach to the probation service and non-directly employed (NDE) staff.[57] The inescapable impression is of a small number of dedicated staff battling against the odds with little senior institutional

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50.   Penfold, C Turnbull, PJ & Webster, R (2005). *Tackling drug prison markets: Home Office Online Report* 39/05. London, Home Office, p.9 https://www.researchgate.net/publication/237776662_Tackling_Prison_Drug_Markets_An_Exploratory_Qualitative_Study (Accessed: 22 June 2020)

51.   Blakey, D (2008). *Disrupting the supply of illicit drugs into prisons: A report for the Director General of National Offender Management Service*, London, Ministry of Justice, p.16 http://drugslibrary.wordpress.stir.ac.uk/files/2017/07/blakey-report-disrupting.pdf (Accessed: 22 June 2020)

52.   Ibid

53.   Macaulay, M (2011). *Corruption in the UK Part Two*. London, Transparency International, p.26 https://www.transparency.org.uk/publications/corruption-in-the-uk-part-two-assessment-of-key-sectors/ (Accessed: 22 June 2020)

54.   Ibid, p.32

55.   *UK Anti-Corruption Plan* (2014). London, Home Office, Section 8.1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/388894/UKantiCorruptionPlan.pdf (Accessed: 22 June 2020)

56.   Ibid, Action 13

57.   *Progress Update on the UK Anti-Corruption Plan* (2016). HMG, London, 2016 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522802/6.1689_Progress_Update_on _the_UK_Anti-Corruption_Plan_v11_WEB.PDF (Accessed: 22 June 2020)

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support; but also of the importance of national-level Plans and Strategies in helping to stimulate and reinforce activity.

Interviewed in 2016, former governor John Podmore said 'the anti-corruption methods for prisons are incredibly under-resourced' and 'the whole thing is a complete dog's breakfast.' He told Buzzfeed News that while a governor he 'didn't have the resources to investigate corruption so we used to have to find other reasons to sack people'; 'It isn't something the prison system is wanting to tackle or recognise.'[58]

By 2017, the government had produced a national Anti-Corruption Strategy, and somewhat out of the blue, prisons appeared as one of four priority areas.

This was followed in 2019 by the creation of a new Counter Corruption Unit, possibly reflecting the Ministry of Justice's concern about the alarming rise in prosecutions and disciplinary actions made against prison staff since 2014, with over 2,666 prison staff having faced disciplinary action over the last five years. This disciplinary action included a number of criminal prosecutions, with 960 of these cases being related to a breach of security which can include bringing mobile phones and drugs into the prison environment.[59]

Announcing the creation of the unit, Justice Secretary David Gauke said that it was in reaction to, 'recent criminal prosecutions' whereby 'a small minority continue to engage in corrupt behaviour in our prisons damaging both the integrity of the system and their profession.'[60] This suggests a reactive approach to a problem that could no longer be swept under the carpet.

Like its predecessor, the 2019 Counter Corruption Unit has a relatively small number of staff. This new Unit began operational tasks in 2019 and consists of 29 specialist staff members, divided into 5 national and regional sub-units. It has four key aims, familiar from the Home Office and National Crime Agency 4Ps approach: protect the prison service against corruption by building an open and resilient organisation; prevent staff from engaging in corruption by attempting to strengthen professional integrity; pursue and punish those involved with corruption; and, prepare prisons to lower the impact of corruption where it does occur. This specialist team will also aim to work with other agencies such as the police and the National Crime Agency to hinder organised crime groups that act in a nefarious manner with corrupt staff.[61]

The recent 2019 Prison Drug Strategy, created by HMPPS, pins the success of the Unit to achieving the aim of reducing the proportion of random mandatory drug tests that are found positive by March 2020.[62] This highlights the intertwined nature of HMPPS's adherence to the use of key performance indicators (that can be potentially be manipulated), the drug strategy, and approach to tackling corruption. A positive development is the focus on 'staff who use their position for illicit gain', and explicit — if somewhat hidden — acknowledgement that staff corruption might have a significant role to play.[63]

An internal HMPPS presentation from September 2019 develops some of these points.[64] There is a clear focus on staff corruption as a key area. Corruption is seen as part of a 'wider security picture', and there is a strong emphasis on the importance of culture, training and staff support, based on 'academic literature and international evidence.' There is a more nuanced understanding than previous

> Corruption is seen as part of a 'wider security picture', and there is a strong emphasis on the importance of culture, training and staff support, based on 'academic literature and international evidence.

58. Holmes, R (2016). The Secret Prison Corruption Epidemic the Government Doesn't Want You To Know About. BuzzFeed News, December 6 2016 https://www.BuzzFeed.com/richholmes/the-prison-corruption-cover-up?utm_term=.ufGz16xNw#.ylgzpbxDg (Accessed: 22 June 2020)
59. Grierson, J (2019). *More than 2,500 prison staff disciplined in five years, MoJ figures show*. The Guardian, April 29 2019 https://www.theguardian.com/society/2019/apr/29/more-than-2500-prison-staff-disciplined-in-five-years-moj-figures-show (Accessed: 22 June 2020)
60. *New prison anti-corruption taskforce unveiled* (2019). UK Government Press Release May 4 2019 https://www.gov.uk/government/news/new-prison-anti-corruption-taskforce-unveiled (Accessed: 22 June 2020)
61. Ibid
62. *Prison Drugs Strategy* (2019). London, Ministry of Justice, Her Majesty's Prison and Probation Service, p.13 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792125/prison-drugs-strategy.pdf (Accessed: 22 June 2020)
63. Ibid, p.12
64. *Counter Corruption Unit case for investment* (2019), HMPPS powerpoint, September 10 2019

such documents have demonstrated and a plan for a more comprehensive approach, while still based on the 4Ps.

However, the same challenges and questions inevitably face the new Counter Corruption Unit as had faced the CPU. There is a danger the metrics for success will neither incentivise the unit correctly, nor give real insight into the nature of the problem and how it is being tackled; a concern that whatever actions are taken are built primarily on experiential learning by those who are personally involved, rather than a firm evidence base; a risk that the introverted nature of the prison system will neglect the lessons and expertise that can be incorporated from other sectors and institutions; and above all, the risk that the resourcing and senior, institutional support for tackling corruption will be insufficient in the face of competing priorities and institutional pressures. In the absence of transparency about what is going on and how effective it has been, external observers are required to guess.

Further research areas

It is clear that corruption in the UK prison system is under-researched. There is no comprehensive academic literature on either corruption risks or the actual corruption that occur within UK prisons.

Nine proposed areas to prioritise for future research are:

1. *Typology and harm*. For analysis and management purposes, it would be useful to have both the academic and practitioner communities in the UK coalesce around a typology of prison corruption; similarly, research and narratives which establish the victims and the harm would help underpin policy approaches. An interested party — a research or practitioner institution — could convene a workshop of key players to start building a consensus.

2. *Scale and prevalence*. Basic quantitative information, supplemented by qualitative data collection, would enable a better picture to be built, along with a basis for prioritising anti-corruption resource allocation.

3. *Motivations and incentives*. This would examine the landscape from junior staff to Governors, encompassing public and private sectors, establishing the motivations and incentives for different actors (including

> ...the risk that the resourcing and senior, institutional support for tackling corruption will be insufficient in the face of competing priorities and institutional pressures.

domestic and official visitors) to become involved with corruption, including the extent to which KPIs may be a contributor to corrupt behaviours and whether privatisation has made a difference.

4. *Staff corruption* as a route that contraband takes into the prison system. A proposed methodology is a nationwide survey with a large sample group on the prevalence of different trafficking routes. Within the formulation of such a survey, there should be specific investigatory emphasis on staff involvement in contraband trafficking. The results could then inform qualitative research in establishments (including attempts to engage with ex-staff members who have been found guilty of what would be considered corrupt practices).

5. The extent of corruption in relation to *procurement*. Although not covered in this paper, the same rationale applies as to other research areas: it is a key corruption risk that is under-researched.

6. *Confidential reporting (whistleblowing)*. In other fields, information on corruption is often gathered through confidential reporting mechanisms. Within prisons, this might be considered to have dangers over and above the norm. Research would help show how effective the current channels are and whether enhancements would make them a more useful tool. A specialist agency such as Protect could be commissioned to do this.

7. *Gender and corruption*. This research would analyse whether the types or prevalence of corruption have a relationship with gender. For example, are there different types of corruption at play within male and female prisons?

8. *Additional (demographic) factors*. For example, is the prevalence or form of corruption different in the adult estate compared to the Young People's estate? What variance is there across the estate: is there less in the High Security Estate compared to local or open establishments? Eliciting a more nuanced understanding will aid in resource allocation and prioritising.

9. *Organised crime*. The existing prisons literature suggests that organised crime plays

a role both in corrupting, and in benefitting from corruption. This reflects the learnings from other areas such as border security and policing. Prisons-specific research should examine the intersections/collusion between members of organised crime in prisons and corrupt prison staff/social and official visitors.

Conclusions and Policy Recommendations

This paper aims both to assess the state of research into corruption in UK prisons and offer a commentary on what is known about the state of corruption in UK prisons. In the near absence of research, neither the corruption nor the corruption risks can be accurately assessed. This inevitably leads to the conclusion that the subject has been neglected, and that for a long period the relevant authorities have been in denial. However, there are signs of improvement, most notably the inclusion of prisons as one of the priorities of the national Anti-Corruption Strategy in 2017, and the creation of the Counter Corruption Unit in 2019.

Overall, both the research outputs, policy making and operational actions regarding corruption within UK prisons need a considerable addition of impetus, with the latter made more likely by the advent of the Counter Corruption Unit.

Six policy recommendations to improve the situation are:

1. Gain consensus on the typology, harm and narrative, enabling a common language and framework for policy and operational work (including training)

2. Pro-actively build a research community, including academics and those within civil society who specialise either on corruption or on prisons

3. Identify key research gaps and questions, building on the proposal in section 6 above

4. Bring in external expertise to the insular world of prisons so that practitioners in the prisons field can draw on the extensive anti-corruption expertise from other sectors

5. Ensure the anti-corruption approach has adequate resourcing and institutional support, a key lesson from the past both in UK prisons, but also across the world in anti-corruption agencies

6. Increase transparency over the sector's activities, facilitating researchers and enabling appropriate levels of external accountability