



# PRISONS *for whose profit?*

*Dr Andrew Coyle  
is governor of Brixton prison*

**P**risons by and large are places of routine and monotony. They operate on the premise of large numbers of people, both staff and prisoners, doing the same thing day after day. We have moved some way from the situation at the end of the last century when Sir Edmund Du Cane, Chairman of the Prison Commissioners, could look at his watch and know what exactly was happening in every prison in the country at that moment. But there is still a ring of truth in the observation made some seventy years ago by the Earl of Stanhope that, while he did not wish to under-rate the qualities of a prison officer, he was "especially impressed with the monotony of his life".

There is always a temptation for people who work in a large organisation to think that the period in which they are making their contribution to the organisation is one of great change. That is probably true of the prison system. I can remember in my early days in the service senior colleagues talking at length about the changes brought about for staff by the Wynn Parry Report of 1957. Then there was the period which culminated in the Mountbatten Inquiry into security in 1966 and the far-reaching changes which it brought about. Of more recent memory was the May Inquiry, sparked off by an open letter to the Home Secretary from the chairman of the Prison Governors' Committee, warning of the imminent collapse of the prison system in England and Wales.

The changes during each of these periods pale into insignificance when one considers the excitement and upheaval of the last five years. This period has been marked by a singular lack of monotony in the Prison Service. 1987 saw the introduction of Fresh Start with a fundamental change in

conditions of service for prison staff. This was followed by the organisational changes which were introduced in autumn 1990. The Lygo Report of 1991 led us into the uncharted waters of agency status in which we are now sailing. The determination of the government to increase private sector involvement in so many areas of public life has opened up the reality of privatisation of several sectors of the Prison Service and of prisons themselves.

## ORGY OF VIOLENCE

The late 1980s saw a series of major disturbances in prisons across the world; in the United States, in Poland, in Brazil, in France, in Australia and in many other countries. The prisons in the United Kingdom had more than their share of major incidents. These culminated in the terrible violence which began in Manchester Prison on 1 April 1990 and which lasted for 25 days.

What had gone wrong, that prisoners had engaged in such a sustained orgy of violence? On 6 April 1990, while the riot at Strangeways was still in progress, the Home Secretary appointed Lord Justice Woolf to carry out an inquiry. Woolf's terms of reference were to inquire into the events leading up to the riot at Manchester and at the other prisons where disturbances occurred and into the way they were dealt with. As had been the case with previous prison inquiries, Lord Justice Woolf decided at an early stage that he would have to expand his terms of reference considerably to take account of "the underlying problems (of the Prison Service) and the remedies which they require".

The report which Woolf submitted to



the Home Secretary on 31 January 1991 is a seminal document which, in its own words, erects a series of signposts which the prison service must follow if it is to achieve its stated objectives. The signposts are expressed in a language which can be understood in any country and in any prison administration. The Home Secretary accepted most of Woolf's recommendations and the White Paper, "Custody, Care and Justice", describes in some detail how the route signposted by Woolf is to be travelled.

### **NATIONAL PRISON SURVEY**

Two years later considerable progress has been made in some respects. It begins to look as though all prisoners will have continuous access to sanitation by the end of 1994, some fourteen months before the deadline recommended by Woolf. Important as this provision is, the speed at which it has been undertaken has meant an inevitable delay in other improvements to which, had they been consulted, prisoners might have given a higher priority. This has recently been confirmed by the findings of the National Prison Survey undertaken by the Office of Population Censuses and Surveys. This survey found that prisoners gave a higher priority to improved contact with their families than to having a w.c. in their cell. One also suspects that those who come after us professionally will question our wisdom at installing toilets in sleeping accommodation.

### **REDUCING PRISONER'S ISOLATION**

Almost all prisoners now have access to pay telephones. Censoring of personal correspondence has all but been done away with. There have been some improvements in arrangements for home leave. The recent reduction in the number of people in prison has allowed an extension of visiting times in many local prisons. These developments have gone some way to reducing the sense of isolation felt by many prisoners and their families.

The key to the stability of any prison is the relationship between the prisoner and the prison officer. All other members of staff, governors, probation officers, teachers, psychologists, psychiatrists come and go. The two constants in any prison are the prisoner and the prison officer. Over the last 150 years the name of the person

immediately responsible for prisoners has been changed from turnkey to warder to prison officer. It is arguable that the role of that person has not fundamentally changed. The prison officer knows that, if at the end of his or her tour of duty the right number of people are locked up and there has not been a major incident in the course of the day, not too many questions will be asked.

### **PERSONAL OFFICER SCHEMES**

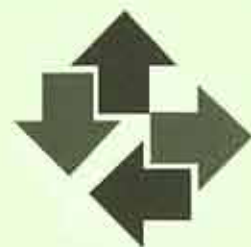
In many establishments a start has now been made in giving prison officers real authority to deal with the daily matters which are important to prisoners rather than simply acting as post boxes for probation officers, chaplains or governors. Prisoners are given the opportunity to discuss how to serve their sentences constructively through what are known as sentence plans. They can identify particular officers who know them as people and who are aware of their circumstances. To a great extent the personal officer or landing officer scheme is no more than that which the good officer has always been doing. The difference is that it is now officially approved and the officer should be given facilities to carry out the work professionally.

### **OVER-CATEGORISATION**

Much has been done in the last two years but so much still remains to be done. The physical state of many of our prisons, particularly the large Victorian inner city prisons is, as I know only too well, a matter of public shame. The large number of people with mental disorder who are locked up in our prisons is an affront to a civilised society. The high proportion of prisoners who are defined as Category A security devalues the coinage of that category and makes it difficult for staff to give close supervision to those prisoners who really require to be in conditions of maximum security.

### **MINIMUM STANDARDS**

Many people both inside and outside the Prison Service have been arguing for years the need for a set of minimum standards for prisons. This proposal has been officially opposed until recently on the grounds that any realistic standards which were set would have to be so low as to be unacceptable. Woolf demolished this





argument and a great deal of progress has been made in preparing just such a set of standards.

### INDEPENDENT ASSESSMENT OF COMPLAINTS

If people who are deprived of their liberty are to behave in a just manner after their release, they must be treated justly while they are in prison. One way of ensuring this is to have a proper procedure for requests, complaints and grievances. The changes which were introduced in 1990 have been only partially successful in this respect. Specifically, they do not include any provision for independent assessment of a complaint or grievance. Arrangements are in hand to appoint a Prisons Ombudsman before the end of 1993. Personally, I regret that Woolf placed his Independent Complaints Adjudicator at the apex of the complaints system. There is a strong argument for introducing an independent element much earlier in the procedure to allow for speedier resolution of complaints close to the point of disagreement.

### LINKS WITH THE FAMILY

If we are serious about allowing prisoners to maintain and to develop links with their families while in prison, we still have a long way to go. At present the best a prisoner can hope is that family links will not be broken during the course of a prison sentence. There was speculation recently in one of our national newspapers that consideration was being given to issuing condoms to men while they are in prison. Would it not be better to look seriously at how a person can maintain real family bonds while in prison?

The United Kingdom lags behind many other countries in the arrangements which it makes for prisoners to go home for short periods. This is largely because we have given no real thought to what is an acceptable level of risk. If there is any doubt in an individual case about whether the man or woman will return to prison we tend not to give home leave. There was some public comment recently at the fact that failures to return from home leave are now running at about 6% nationally. That should be no surprise to anyone. The international average of such failures is about 6 or 7%, regardless of the level of home leave. We should

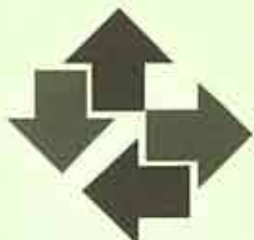
educate people to understand that a 94% return rate is an indicator of success, given that the person concerned has been assessed as not presenting a threat to the public in the first place.

When security considerations mean that a particular prisoner cannot leave prison, provision is made in several countries for families to come in to a separate part of the prison at regular intervals to allow the family to be together as a unit for several days. Such an arrangement is much more than a matter of conjugal visiting. The visitors may well be parents or siblings. More often than not they will be a partner and children. For 48 or 72 hours the group is able to live as a family unit. There is an increasing understanding in this country that introducing such arrangements for prisoners who present too great a threat to the public to be allowed to go home for short periods is a humane and a sensible thing to do.

### COMMUNITY PRISONS

A great deal of work still remains to be done in building links between prisons and the communities which they serve. The great strength of Woolf was that he took ideas and principles which had been around for some time and which were based on commonsense and presented them within a context. This was the case in his recommendation about what he called community prisons. There has been some agonising in the Prison Service over the last two years about the concept of community prisons. There has been debate about whether some prisons should be identified as "community prisons". This discussion betrays a misunderstanding of what Woolf had in mind.

Prisons do not exist in isolation. They exist because society wants them to exist and they operate on behalf of society. The community has a right to know what goes on behind their high walls and also has an obligation to be involved in their activities. To use a current phrase, the walls of the prison should be 'permeable'; that is, prisoners should be encouraged to become involved in the activities of the community and the community should take part in many of the activities of the prison. If prisoners are to be prepared for return to the community while they are in prison it makes sense that they should be accommodated in prisons





which are close to their homes. The aim should be to build up good links between all prisons and their respective communities.

The Woolf Report dealt fairly and squarely, in a comprehensive way which had not been done before, with the issue of how prisons are run and how they might be run better. It provides an agenda for change. It is a tool which can be used by those of us who work for change from inside the system. It is a benchmark which can be used by those outside the system who also work for change.

### WHAT ARE PRISONS FOR?

It was a great pity that Woolf's terms of reference prevented him from being more radical. Before considering how prisons are run, we really have to be clear about what they are for and, indeed, why we need them in the first place. While still a prisoner in communist Czechoslovakia, Vaclav Havel expressed sorrow for:

*'the fact that prisons must exist and that they are as they are, and that mankind has not so far invented a better way of coming to terms with certain things.'*<sup>1</sup>

The Criminal Justice Act 1991 helps us to understand what prisons are for by defining those who should be sent there. There are those who have committed an offence which is so serious that imprisonment is the only sentence which can be justified and those from whom the public require to be protected because of the violent or sexual nature of their offence.

So, prisons exist to protect the public from violent criminals and to hold those who have committed the most serious offences. There has been much discussion in recent years about alternatives to imprisonment. The Criminal Justice Act makes clear that imprisonment is the alternative punishment, only to be used when there is no other appropriate disposal.

Imprisonment is the ultimate sanction available to courts in this country. It is the most severe mark of society's disapproval of an individual's behaviour. Prisons are places where people are punished for what they have done by being deprived of their liberty. The act of sending someone to prison is always negative. The days of imprisoning a

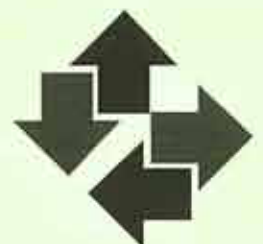
person 'for training' or for his or her 'own good' are gone, if they ever existed.

That is not to say that there can never be any benefit to be gained from the experience of imprisonment. For some people prison may provide an important opportunity to re-assess their life and what they want out of it. It may be an enforced pause during which individuals can make use of direction and guidance and can make plans for future support. This is the context within which personal officer schemes and sentence plans will operate.

If we are serious about rehabilitation, we must recognise that it will best be achieved in the community. The garb of citizenship is not a straitjacket into which an individual can be forced. It must be put on freely by the individual concerned. Rehabilitation in the community is not an easy option. It is a very difficult one for all concerned; for the community which has to show trust as well as disapproval, for the victim against whom an offence has been committed and for the offender who has been in danger of becoming an outcast.

### PRISONER AS OUTCAST

This notion of outcast is an important one. The prison has always been a place of exile from the community, with its roots in the age of transportation to the colonies. I have had an increasing sense in recent years that many of those who end up in prison now view themselves in a real sense as outcasts from the community, as people who have no stake in society. I first got that feeling some five years ago in Peterhead Prison where I was responsible for those prisoners who had been labelled as the most disruptive and difficult in the Scottish prison system. They refused initially to conform to any rule or regulation. It seemed to me that they had a sense of total alienation from society. It just so happened that the part of society with which they were most immediately at odds was the prison system. It was too simple to allocate sole responsibility for that alienation to one particular individual or group of people, to the man himself, to his family, to his teachers, to his church if he had one, to the police, to those who had no work to offer him. But alienation there certainly was. From that alienation sprang hopelessness and from hopelessness came dangerousness.





The notion of the prisoner as an outcast from society remains very much with me today in Brixton Prison where I see scores of men who are casualties of our materialistic society, unable to cope with the daily pressures of modern living. They may well be petty nuisances to those of us who live ordered lives but they are hardly threats to the stability of society. Many of them need a degree of controlled support but they do not require the security provided by seventeen feet high walls, closed circuit television cameras and alsatian dogs.

### THE VICTIM MARGINALISED

One of the major weaknesses in the criminal justice process in this country over the last two centuries has been that the victim has been progressively marginalised. In earlier centuries much of the criminal justice process was made up of a set of procedures which were intended to restore a balance between the offender and the victim. Until the middle ages in Scotland, for example, compensation was required as a matter of course for murder, theft and assault. This was a very pragmatic arrangement. The family of a murdered man would take little practical comfort from the execution of the murderer. Much better that the offender should pay them compensation for the loss of income and support which they had suffered.

The State has now come between the victim and the offender in this country to such an extent that the victim is often unlikely to learn whether anyone has been arrested for the offence committed against them, will probably not be told if there is an ensuing court case and often will not hear the outcome of any such case.

In the present populist debate about crime and punishment little real attention is paid to the victim and his or her views. When the victim is asked for an opinion, the findings often are that he or she is less interested in seeing the victim imprisoned than in having some form of compensation, often in an indirect form from which the community benefits, as a token that the offender recognises the harm which has been done. In this respect we in western countries have a great deal to learn from traditional forms of justice, for example, in some African countries, where the primary concern of many traditional forms of

community justice is in restoring the balance between the offender and the victim which has been upset by a crime.

At a superficial level the current movement towards private sector involvement in the management of prisons is part of the debate about how prisons should be run. At this level there is a certain logic to this development. At a more fundamental level the move to privatisation of prisons is a consequence of this excessive state intervention in the criminal justice process. It places the victim even further out on the periphery of the process.

If we are serious about dealing with crime we have to consider:

- who commits it?
- who is affected by it?
- how can we bridge the gap between the offender and the victim?

The conclusions will lead us to find community solutions to what are basically community problems. We will not look inappropriately to the prison system to solve the problems of society and then criticise it when it fails to do so.

### IMPRISONMENT - THE ALTERNATIVE

This is the principle which underlies Section 1.2 of the Criminal Justice Act 1991. We should stop talking about alternatives to imprisonment, as if imprisonment is the preferred form of court disposal. We shall instead regard imprisonment as the alternative, to be used only when no form of community penalty is appropriate. This is not a soft option. It is very difficult one. It is the only one to be taken if we are serious about dealing with the problem of crime.

Those of us who work in prisons will then be left to do the job for which we have been trained: looking after serious criminals for the protection of the public. In doing so we will be able to offer such people a genuine opportunity of personal change. Prisons will become places of justice; where custody and care can be exercised with humanity and decency; where prisoners will no longer be outcasts but will be encouraged to take their places as responsible members of the community. In a word, the vision of Lord Justice Woolf will be realised ■

