

# Reviews

## BOOKS

### PRISON RULES: A WORKING GUIDE.

*Prison Rules: A Working Guide*, was first published in 1986 by the Prison Reform Trust, and is currently in its third edition.

Stephen Shaw, the director of the trust describes its contents as, 'an invaluable aid to all those involved with penal systems, and a unique self-help guide for prisoners and their relatives'.

The aim of the guide is to penetrate and open up the closed world of prison rules and regulations, discuss, evaluate and compare them to those of the European Commission's European Prison Rules. In doing so it attempts to address the key issues of recognising prisoners rights and entitlements, together with the need for openness in terms of information. These issues were most recently highlighted in the Woolf Report as, 'key steps along the road to a more just and humane prison system.'

Ultimately the Prison Reform Trust is looking towards the total review and re-structure of the English Prison Rules. They favour the principles set out in the European Prison Rules, formally the European Minimum Standard Rules (EMSRs). Although these rules are not binding in law they aim at serving as guidelines for the governments of member states in their internal legislation and practice.

The editor, Nancy Loucks, presents a strong case for the urgent review of this country's prison policies. She is quick to state the overwhelming support for this cause; numerous case histories, reports, reviews and personal comments bear it out. No revision or consolidation of the rules has taken place since their introduction in 1964. Now overtaken by case law, penal philosophy and with rules that are sometimes vague and misleading, the call for reform would seem appropriate.

Within the guide's three parts, the reader is able to follow a logical path defining the impetus behind the call for reform. In part one the legal status of the Prison Rules is examined. With rules that were not designed to be justiciable, the guide details several case histories in which prisoners have attempted to sue for breach of statutory duty. In fact the courts have not yet allowed a prisoner to sue in such a case. The Prison Reform Trust argue that this situation arises out of the inherent discretion that the Prison Rules afford. With Standing Orders, the means by which this

discretion is measured, being treated by the Government and courts as management instructions for official purposes, it is hardly surprising that the legal status of the rules has become questionable.

Part two of the book is directed at the restricted access to information. In this section frequent attacks are made on the huge bulk of material, undifferentiated by degree of importance, needed to satisfy the system. Governors' comments on this subject include, 'A management system out of control', 'Circular instructions written in gobbledygook', 'If the medium is the message, it is no wonder the message is not getting through'. With governors responsible for receiving, assessing, summarising and deciding on further distribution of information, the importance of comments like these certainly undermine the effectiveness of the present system.

Reference is made to the lack of formal ongoing training, specifically aimed at understanding the content of rules and regulations. It is suggested that without this awareness, prisoners are unlikely to receive their full rights and entitlements, and litigation from prisoners becomes more likely. The Prison Service is also condemned for its lack of effective filing and indexing of information. The editor proved this point, being unable to locate a complete set of circular instructions, even after having tried the Prison Service College.

The final part is filled with 101 Prison Rules and the equivalent European rules, each is compared and commented on. This section is a most useful reference to rules and regulations and gives a clear contrast to those of the European Commission. It is without doubt that many of the European Prison Rules diminish the exercise of discretion through more detailed and specific composition.

In conclusion *Prison Rules: A Working Guide* looks toward the government for clear and decisive structural changes in its prison policies. With barriers rapidly fading throughout the European community, common values and standards acceptable to all should be promoted. It would therefore seem reasonable that the member states of the European Commission should undertake the implementation of minimum standards ■

**Officer A. McGrattan  
HMP Woodhill.**

## COMMUNITY CARE AND MENTALLY DISTURBED OFFENDERS

### POLICY PAPER ONE

NACRO (National Association for the Care and Resettlement of Offenders)

The paper is the first in a series from the Mental Health Advisory Committee, which is chaired by Professor Herschel Prins, and was initiated to advise NACRO council on the matters of policy relating to mentally disturbed offenders. The focus is on community care provision, and a number of issues are highlighted.

Firstly, increasing concern exists over the numbers of mentally disturbed people becoming involved in the Criminal Justice System. With regard to prisons in particular, there was a 28 per cent increase in the number of prisoners referred to psychiatrists in the period 1987-88 to 1990-92, during a time when the prison population was falling.

Secondly, the Audit Commission Report (1986) found that community care developments were 'slow' and 'uneven' and that the future was 'unattractive'. A subsequent review in 1988 entitled *Community Care: Agenda for Action* put forward proposals, many of which were incorporated within the NHS and Community Care Act 1990. The financial implications of the act will be implemented from April 1993, when the Department of Health will be allocating £399 million to local authorities, with an additional £140 million for the first year. Eighty five per cent of this provision is intended for the 'independent sector', principally residential care for the elderly, five per cent for elderly domiciliary care, and ten per cent for remaining services, which includes the care of mentally disturbed people.

In addition, the paper also points out that many crimes committed by mentally disordered offenders are 'nuisance offences', linked with the need to obtain food and shelter. The absence of these 'stabilising factors', and the failure to secure social service assistance increases the likelihood of their involvement with the police.

However, Government initiatives including the following could help to improve future provision and availability of community care services.

A Home Office Circular (66/90)  
*Provision for Mentally Disordered Offenders*

sought to encourage Criminal Justice agencies to divert offenders to a community care setting.

The Reed Committee (1990) reviewed the effectiveness of existing health and social services for mentally disturbed offenders, and made recommendations for future service developments.

In July 1992, Virginia Bottomley, the Secretary of State for Health, enrolled a 'task force' to advise the department on the availability of community care for the 'mentally ill'.

In addition, encouraging figures indicate the regional secure psychiatric provision has increased from £3 million 1991-92 to £18 million 1992-93. However, funding proposals for community care services are insufficient to provide the comprehensive range of services that are necessary. The Local Government Information Unit has highlighted shortfalls of £54 million for the provision of existing services, and £289 million for the total allocation to meet local authority requirements.

With these problems and others in mind, the paper includes the following recommendations:

- ◆ 'ring-fenced' funding from central government to local authorities to prevent diversion of resources to competing priorities at a local level.
- ◆ any offender not eligible for statutory community care on release from prison should be assessed to determine community needs at least one month prior to the earliest date of release.
- ◆ Department of Health to fully implement the Disabled Persons Act 1986, thereby putting a statutory duty on local authority social services to assess and meet the needs of mentally disturbed people in the community.

The paper concludes by stating that the recommendations will 'make a useful contribution to policy and service development, and that responses to mentally disturbed offenders would improve as a consequence of their implementation ■

**Officer Will Abbott,  
Dart Unit,  
HMP Woodhill.**

# Reviews

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## MAN BITES DOG

Director: Remmy Belvaux.

When I arrived at the cinema I really didn't know what to expect. I had read no reviews, seen no promotional clips, or even looked at a billboard poster. In hindsight I only wish I had! Any exposure to this film beforehand may have reduced my full blown coronary to a minor stroke! A Belgian serial killer – surely not?

Just when I thought all I had to do was avoid psychiatrists called Hannibal, as if from nowhere comes Benoit the Belgian baddie. Yes it appears society's perverse fascination with men who like to kill a lot has extended to Europe, and if audience figures are correct *Man Bites Dog* is certainly fascinating a lot of people.

Shot in 16mm black and white, the film takes the form of a mock documentary, following the exploits of, 'Ben' the serial killer. The film crew are an eager and attentive bunch who accompany Ben as he shows them around his home town. He invites them into the family home, introducing his friends, all of whom consider him a thoroughly nice bloke. All the while Ben is taking the opportunity to single-handedly reduce the entire population of Belgium! While conducting this rather bizarre guided tour Ben attempts to enlighten the audience as to his views on subjects as wide-ranging as the arts, music, immigration, the state of housing for the elderly, and the

consistency of cement used in the construction industry. (This latter point is apparently very important in the disposal of corpses). Disaster strikes when the film crew experience difficulty in financing the project. So enthusiastic is Ben to see the work completed he offers to finance the film himself. This apparently irrelevant gesture seems to inspire our, up until now, passive film crew as, after a night's heavy drinking, they indulge themselves a little too deeply in Ben's unpleasant activities. This culminates in a particularly explicit and disturbing scene in which a woman is violently gang-raped in full view of her lover.

It is hard to impress enough just how much graphic, and indiscriminate violence is portrayed in this film, but it is the humour displayed by Ben with his satirical wit and his clever commentary, that sets it apart from other movies of its genre. To say this film is not for the faint hearted is a profound understatement. The three Belgian students who co-wrote, produced, directed and starred in this, their debut film, leave the viewer with a sense of shock and outrage that stays in the conscious long after the film has ended. It may indeed be trying to get over a positive message - that our fascination with violence portrayed through the media is not a healthy one, but personally I found cinema came just a little too close to reality this time. Come back Hannibal Lecter, all is forgiven! ■

**Officer T. McPhillips,  
H.M.P. Woodhill.**

## Criminal Records

**10,000 offences per 100,000 population recorded in 1991, 78% more than in 1981.**

**Average prison population in 1992 was 45,817.**

**16% of sentenced prisoners were black including 26% of women prisoners.**

**60% of sentenced prisoners on 30 June 1992 were in for offences other than violent and sexual offences.**