

Towards the Millennium

LPCL was conceived as a limited life project and the Committee has resolved that it should soon cease to exist. That does not mean that all our aspirations have been achieved and that challenges do not remain. Far from it. Over the past five years we think that, in partnership with the Prison Service and a variety of community based groups, we have achieved a great deal. Nevertheless it remains the fact that, as everybody working in the field must acutely be aware, the prison system currently lies on the cusp of change. We think crisis too strong a word to describe the present situation, but many observers find it appropriate. Can the prison system maintain the positive momentum developed during the period when LPCL optimistically started life? Or, following a period during which the system has undoubtedly faltered and confidence has been undermined by a series of unwanted events, are the gains achieved during the early '90s to be allowed to slip away?

It may be worth rehearsing or recapitulating some of the pressures and opportunities which have affected, and continue to affect LPCL's work, and which will shape the future work which needs to be done.

The Growth in the Prison Population

By far the most important change in the penal climate within which LPCL has worked has been the unprecedented surge in the prison population. This surge has affected everything we seek to do. In 1990, Chris Train, then Director General of the Prison Service, told the

Woolf Inquiry that one consequence of population growth - prison overcrowding - distorted the life and work of the Prison Service: it put 'pressure on staff' and in consequence 'soured industrial relations' and it 'skewed managerial effort... away from positive developments'. We agree, though from LPCL's standpoint, we would put the matter a little differently. When population growth exceeds the capacity of the system to contain it, it puts pressure on prisoners, it sours prisoner-family as well as prisoner-staff relations and it skews prisoners' commitment to engage in programmes that might address those aspects of their lives critical to the likelihood of future offending. That is, the experience of imprisonment is likely to be made more damaging, thereby undermining, as Lord Woolf emphasised, the whole purpose of the criminal justice system, which is - or should be - to reduce crime.

In 1992 the prison population dipped at one point to 40,600 and it was widely



- 1. Seasonally adjusted series
- 2. CJA= Criminal Justice Act
- 3. Criminal Justice and Public Order Act

hoped that the implementation of the Criminal Justice Act 1991 would see a sustained reduction in the courts' resort to custody. For the first time since the early 1950s the Prison Service had space within which to manoeuvre. There was opportunity for prison staff to make those improvements that most of them had long wished to make. In 1993, briefly, there were more prison places than prisoners. Woolf's concept of the community prison, and the objective of generally accommodating prisoners in the establishments physically most proximate to their community ties, became feasible. By 1994, however, system overcrowding had returned (crowding of some institutions never having been eliminated) and today overcrowding is back with a vengeance. In late autumn 1997, as we write, the population hovers close to 64,000 - that is, virtually the upper limit of the Home Office's long-term projections - and the expectation is that, unless checked by major initiatives about which Home Office ministers are now beginning to talk, there will be well over 70,000 prisoners by the time we reach the new millennium. The prison system is currently approximately ten percent overcrowded and there is a very real prospect that it will be more overcrowded at the end of the century. This means that we are back to where we were at the end of the 1980s when relationships were seriously soured in the manner that Chris Train so graphically described.

There is little need to labour the consequences of this build-up from LPCL's standpoint. The Prison Service must necessarily tactically manage its estate and distribute prisoners accordingly. This means that an increasing proportion of prisoners are being held far from home,

that transports are having to be arranged with little or no warning and that all those arrangements that depend on locality and continuity - family visiting, the delivery of programmes designed to address offending behaviour, educational and vocational courses, and so on - are being seriously disrupted. This causes anger and despair and prejudices the establishment of trusting relationships.

Cuts in Real Spending on Prisons

The Prisons Budget has grown rapidly in recent years, not surprising given the expansion of the prison estate and the growth in the population it is required to accommodate. In real terms, however, the Service is facing financial cuts more severe than ever previously imposed. In 1996 the Service was required to accept a cut in its annual funding of 13.5 percent over the next three years. In order to cope with these cuts the Service has set itself the target of a 1.3 per cent reduction in the average cost per prison place in 1997-8. This has resulted, in the opinion of the Chief Inspector of Prisons, in a 'shortage of necessary funds [which] has given rise to a very serious situation'. Prisoner services, of the sort that LPCL has sought to encourage - particularly those delivered by community-based groups - are being cut back. Moreover, facilities, like the Visitors' Centres that LPCL has helped to develop, are heavily reliant - in terms of both capital and some recurrent costs - on outside bodies. Services, which arguably are integral to the effective operation of the system, are treated as peripheral because of budgetary constraints.

The Increased Emphasis on Security

The huge prisons budget of £1.6bn (required for a prison population which

now represents the highest incarceration rate in Western Europe) has become the voracious crow which serves to starve of resources community crime reduction programmes and offender-centred treatment programmes. The Crime and Disorder Bill, for example, will require local authorities to develop and publish Community Safety Plans but, in a consultative document published in September 1997, local councillors were told categorically that there will be no additional resources from central government for this important initiative. In many parts of the country there are waiting lists for offenders seeking drug treatment programmes and for whom the courts might consider conditional community-based alternatives to sentences of imprisonment: local health trusts cannot afford to pay for additional counsellors.

There has been a parallel development within the prison system. Our reliance on imprisonment has grown and the 'depth' of imprisonment - the security quotient applied to prisoners - has increased. Prisoner activities are being run down because of general pressure on resources including an intensification of expensive security provisions.

Following the prison riots in 1990 Lord Woolf argued famously that the Prison Service should strike a balance between security, control and justice: that these three elements in prison regimes were complementary and that each should be given their 'due weight'. In his judgement both security and control had in several respects been given undue emphasis and considerations of justice too little.

In the wake of the Whitemoor and Parkhurst escapes in 1994/5 the Learmont Report argued otherwise. For Learmont security is the 'primary pur-

pose' and justice is nowhere mentioned in his report. Moreover, far from being complementary, giving these different elements their due weight for Learmont represented confusion. He recommended a raft of initiatives nearly all of which raised security considerations to unprecedented levels and though he also proposed the enhancement of prisoner programmes, he appeared to see them not as valuable in their own right, but rather as incentives with 'control' potential. Most, though not all, of what Learmont recommended has been adopted despite the fact that the Prison Service had already achieved a greatly improved



**Feltham
Visitors
centre**

security record. Vital as far as LPCL is concerned, home leaves have been cut and opportunities for prisoners to demonstrate the responsibility which most will shortly be required to show on release have been drastically reduced. It means that a higher proportion of prisoners (and their visitors) are now subject to more surveillance and more intensive restrictions than ever before. Within LPCL we have grown accustomed during the last five years to security procedures integral to prison visiting arrangements which would have been considered quite excessive as recently as five years ago (see page 6).

Implementing Learmont has sucked

the Prison Service coffers dry. Intensified security has cost much more than the supplementary budget which the Government provided for the purpose. The current emphasis on security has left few resources over for the crime reduction programmes, which are arguably of greater long-term importance for the safety of citizens.

Devolved Management of Resources

The Prison Service, in common with other public sector services, has in recent years adopted a flatter management structure and devolved to prison governors and local management teams a good many personnel, organisational and spending decisions which used to be monopolised by headquarters. The management of some institutions has also been contracted out to commercial companies, each of which has agreed to run their prisons according to the terms of contracts individually negotiated. This has meant that during a period characterised by considerable reversals of operational direction and tight budgetary restraint, senior outstation staff have had to make difficult choices. An exercise that might otherwise have been liberating for local governors, leading to an upsurge in programme innovation, has more often involved a stressful battenning down of hatches and an exercise in delivering bad news to all and sundry.

In this adverse climate the different policies being pursued in different institutions which inevitably accompanies devolved decision making has inevitably been experienced by prisoners and their families not as stimulating variety but as inconsistency and unfairness. And because prisoners have increasingly been pitched from pillar to post in order that the estate be used optimally, many prisoners have been

affected. Operational differences that might seem petty to external observers are not so for prisoners far from home and liable to be moved with little warning: they are of the utmost importance. The work of LPCL has been directly affected. Within London, for example, different prisons have adopted quite different protocols regarding the forms of identification that prisoners' visitors are required to have with them to gain entry. It is not yet clear that the right balance has been struck between central direction and local autonomy.

Prisons within a more Fractured Criminal Justice System

The Prison Service has become an agency and, as we have already noted, a growing part of its traditional remit - prisoner escorts, the management of institutions, and the provision of services within institutions - is being contracted out to commercial and other providers. This fragmentation is characteristic of the criminal justice system generally. In recent years the CJS, which arguably always lacked systemic, by which we mean integrated and planned, qualities, has become more fragmented. It is ironic that the introduction of inter-agency consultative mechanisms - such as the Criminal Justice Consultative Council and its attendant area for a recommended by Lord Woolf - has coincided with growing divisions which have been partly the result of the different agencies - the Prison Service, the CPS, the courts, and so on - reorganising themselves not according to an integrated plan but in accordance with their separate agency imperatives.

This fragmentation the new Government appears ready to address and possibly reverse. But it results in problems with which LPCL has had to cope along with all other organisations seeking to bring together community groups, voluntary or other-

wise, whose services might contribute to prisoner programmes. It has become increasingly difficult to identify persons and bodies whose responsibility it is to encourage partnership arrangements. And where partnerships are established they are too often ephemeral and parochial. There is an absence of system planning.

Prisoner Contracts and Incentives

In 1994-5, as part of its Business Plan the Prison Service introduced an Incentives and Earned Privileges Scheme (IEPS). The scheme differed in several important respects from the idea of prisoner 'contracts' proposed by Lord Woolf. It was linked to neither enforceable minimum standards nor judicially reviewable prisoner 'legitimate expectations'. The scheme owed more to Learmont's view that earned privileges work as an incentive to achieve greater order within prisons. The emphasis on 'privileges' represented a retreat from the idea of prisoners' rights (and Woolf's focus on justice) and reflected a 'control' perspective which the Government later argued should be woven into the abolition of parole and the introduction of modest earned early release.

LPCL had no objection to incentives and the idea of enhanced regime privileges for prisoners earned through good behaviour. However, before the terms of the Scheme were finally decided it was concerned to learn that there was a proposal to include the quantity and quality of visits as one of the prisoner privileges to be earned. Representations were made to the Prisons Board. The arguments were simple. Could it be right to deprive prisoners' children of the opportunity to see their parents because of the bad behaviour of those parents in prison? Was it sensible to use as an institutional sanction, the capacity of prisoners to

have frequent good quality contact with their families when all the research evidence suggests that maintaining positive family ties is possibly the most important single determinant (capable of being influenced by the prison authorities) of the likelihood of reoffending on release? Regrettably our representations went unheeded and prisoners' visits (over and above the statutory minimum of three one hour visits per week for unconvicted prisoners and two thirty minute visits per month for convicted prisoners) are one of the core privileges on which the IEPS now relies.

This outcome is not surprising. Given the re-emergence of overcrowding and the cutbacks in prisoner activities, combined with prisoners' continued derisory earnings, there was not a great deal on which the Prison Service could rely to place at the heart of any incentives scheme. Moreover it was generally recognised that most prisoners set greater store by their visits than anything else the prison authorities control. LPCL's objections stand, however. We do not consider the basic entitlement to visits, both as regard to quantity and quality, to be sufficiently generous to use the visits allowance as an institutional sanction. And we question the morality and wisdom of depriving prisoners' children of contact with their parents as a means for punishing those parents.

Other core privileges upon which the IEPS depends include the amount of 'private cash' (money sent in from outside) that prisoners may have access to each week, the opportunity to wear own clothes rather than prison uniform and opportunities to have town visits (security categorisation and risk assessment allowing). All have cost implications for the families and friends of prisoners who may be pressurised into providing money each week, clothing another adult (though no additional

benefits are payable for this) and spending cold winter town visits in expensive cafes to pass the time. Moreover, though at the time of writing the results of the independent evaluation of the IEPS are not yet available, we have the impression from various sources that the benefits of the existing IEPS do not outweigh the dis-benefit: that is, increased order within prisons has not been achieved, many prisoners resent the perceived injustice of its operation and some prisoners and their families who ought, if crime reduction is the objective, to be receiving more and better quality contact, are not getting it. LPCL considers that the current operation of IEPS should be amended to exclude visits though we completely accept that prisoners and their families who abuse visiting arrangements (by smuggling drugs or other substances, for example) must be restricted to less open visits.

Conclusion and Prospects

As a combined result of all of these developments the optimism which characterised the early '90s has largely

evaporated. This is not to say that there has been no progress. On the contrary, there has. The prison estate has been greatly improved. The regimes provided for remand and trial prisoners have been much enhanced. Programmes which are designed to address prisoner offending behaviour have been widely introduced. And there is now a general recognition that the ability of prisoners to maintain positive contact with their families is vital for maximising the likelihood that they will desist from re-offending on release. Visiting facilities have been generally improved.

Much, however remains to be done. Many prisons still do not have visitors' centres. Resettlement leave and better quality visiting arrangements - all of which involve prisoners exercising the responsibilities that they will have to take up, or should take up, on release - need still to be encouraged. Mere compliance with institutional rules is no test of whether prisoners will face up to the responsibilities that confront them in the community. Moreover there is still great scope for further programmes which address offending behaviour and which involve prisoners dealing with those community groups and agencies with which they will have to deal on release. And, finally, there is need to make a reality of the community prison concept.

Some of those who have been involved with LPCL wish to be further involved in meeting these challenges - not just in London, but throughout England and Wales. It is for this reason that we hope that PCL - Prisons Community Links, a national rather than a London-based organisation - will arise from the decision to close this stage of what may prove, in retrospect, to have been a multi-staged project. We hope that over the next year or two the optimism of the early 1990s will return, that the

