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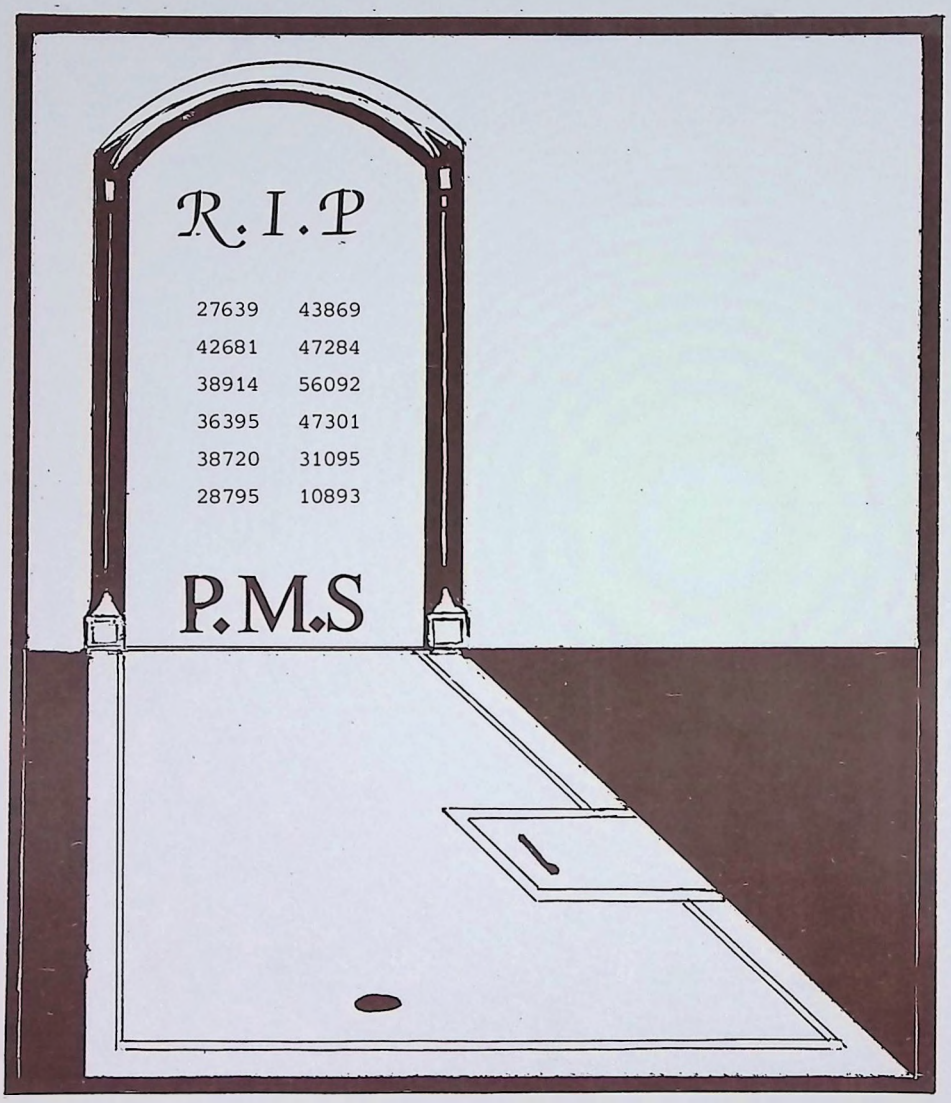
## The Magazine of Radical Alternatives to Prison




RAP SUBMISSIONS TO THE COMMITTEE ON PRISON DISCIPLINE

'ARMCHAIR POLICING'

PART-TIME PRISON by The Labour Campaign for Criminal Justice

THE NATIONAL COUNCIL FOR THE WELFARE OF PRISONERS ABROAD

RAPE IN MARRIAGE

YOUNG OFFENDERS – OUT OF THE DOLE QUEUE AND INTO PRISONS' by Stephen Shaw

incorporating Inquest • PROP • Women In Prison

# RAP

Radical Alternatives to Prison,
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1. RAP is a pressure group working towards the abolition of imprisonment. We do not believe that imprisonment is a rational, humane or effective way of dealing with harmful behaviour or human conflict. We believe that it functions in a repressive and discriminatory manner which serves the interests of the dominant class in an unequal society – whether capitalist or 'socialist'.

Most people in prison are there for crimes which are a response to the frustrations of their social and economic position. Capitalism creates its own 'crime problem', and no amount of tinkering with the penal system will solve it.

We recognise that there will be no possibility of abolition without fundamental changes in the social order. We also recognise, while working *towards* abolition, that it may never be fully attained. There may always be some people whose behaviour poses such a threat to others that their confinement is justified; we cannot tell. There are some such people in prison now but they are, without doubt, a very small minority of the prison population.

2. A capitalist state cannot do without imprisonment, but it can make do with very much less of it than ours does, as other countries, notably the Netherlands, have shown. RAP supports measures to reduce the prison population by means of:
- an end to prison building;
- legislation to cut maximum sentences;
- decriminalisation of certain offences, such as soliciting and possession of cannabis;
- an end to the imprisonment of minor property offenders, and of fine and maintenance defaulters.

3. The introduction of 'alternatives' like community service orders and intermediate treatment has not stopped the prison population from rising, but has increased the scope for interference by the State in people's lives. We do not deny that some good things have been done in the name of alternatives within the penal system, but we hold no brief for them. What we do support are 'radical alternatives' which are, as far as possible, non-coercive, non-stigmatising and independent of the State.

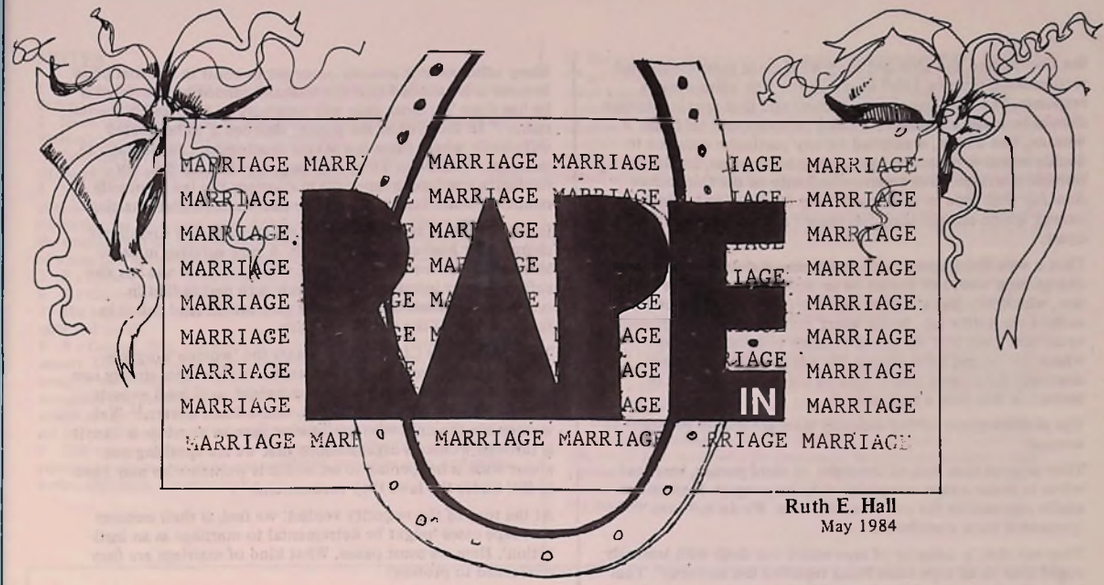
4. Many prison reforms amount to a sugar coating on a toxic pill. But while prisons remain, some features of our present system can and should be done away with, in particular:
- secrecy and censorship;
- compulsory work;
- the use of drugs to control prisoners;
- solitary confinement (by whatever name);
- the system of security classification.

These demands are largely satisfied by the Special Unit at Barlinnie Prison, which has shown what can be achieved by a less authoritarian and restrictive approach.

5. Many of RAP's medium-term goals are shared by other groups who do not share our political outlook. But RAP's fundamental purpose is, through research and propaganda, to educate the public about the true nature, as we see it, of imprisonment and the criminal law; to challenge the prevailing attitudes to crime and delinquency; and to counter the ideology of law-and-order which helps to legitimate an increasingly powerful State machine.

# Contents






# RAPE IN MARRIAGE

Ruth E. Hall
May 1984

The following extract is taken from Women Against Rape's new edition of *The Rapist Who Pays the Rent*, by Ruth Hall, Judit Kertesz and Selma James (Falling Wall Press, Bristol 1984). It takes up the arguments on rape in marriage put by the Criminal Law Revision Committee in their recent report on Sexual Offences. On the rest of the Report, W.A.R. writes;

*Other points raised by the CLRC include:*

- *removing the accused rapist's right to anonymity (but they say nothing about extending anonymity to women who have suffered a kind of sexual assault which does not legally qualify as 'rape').*
- *Incest between brother and sister should not be an offence after the age of 21. Sexual intercourse with a stepchild under age 21 should be made an offence (See The Rapist Who Pays the Rent for discussion of adults' abuse of power and authority).*
- *The maximum penalty for 'indecent assault' on women should be increased from 2 years to 10 years (This is already the maximum for indecent assault on a man! 'Indecent assault' can in fact be just as serious as what the law defines as 'rape'.)*
- *The maximum penalty for attempted rape should be increased to life imprisonment. (This brings rape into line with other crimes. The penalty for attempt is usually the same as for the full offence. But it is not at all clear what effects – good or bad – this may have on the actions of a man who intends to rape.)*

*This last proposal got a lot of publicity and made it look as if the CLRC were 'coming down heavy' on rape. But in fact, on the most important question – the fact that rape in marriage is still legal – they are proposing that the law should continue to encourage rape.*

## THE CRIMINAL LAW REVISION COMMITTEE IN 1984

This book is not only about rape inside marriage, where the rapist who pays the rent is backed by laws enforcing his 'rights'. It deals with all rape.

It is, however, as a handbook on rape in marriage that it has proved most important as a resource for legislators and the public alike. Internationally, it is increasingly clear that laws which make a woman her husband's sexual slave are unacceptable to women and to many men . . .

In March 1983, 15 months after the first edition was published, a Private Member's Bill to criminalise rape in marriage was introduced in parliament by MP John Tilley. The Bill was stopped by a general election. Nevertheless, the issue has now been placed on parliament's agenda. While many ignored it, few MPs were prepared to oppose it outright. And as always when rape in marriage is raised, the Bill attracted passionate support from women . . .

In 1982 and '83 Women Against Rape, funded by the Greater London Council, conducted the 'Women's Safety Survey', the first large-scale inquiry into women's experience of rape and sexual assault. Two thousand questionnaires were handed out to London women in the street and at markets, at summer fairs, in bingo queues, ante-natal clinics, pensioners' clubs and elsewhere. Over 1,200 were returned, a high response. Among the most significant results were those on rape in marriage.

85% of the respondents said it is rape if a husband forces his wife into sex against her will.

78% said it is rape if a woman is forced to give in to sex with her husband because she is financially dependent on him.[1]

83% said rape in marriage should be made a crime.

Of the women who had been married, 14% had been raped by their husbands – one in seven, certainly several in every London street.

The law has to bear a major share of responsibility for this. Besides physical force and violence – used or threatened by 56% of rapist husbands – half of the women who had either been 'raped' or had 'given in' to sex against their will said it was in part because 'it was assumed that this was normal', 'it was taken for granted that this would happen', or 'it was expected in exchange for his supporting the family' – an expectation and a view of normality endorsed and promoted by the law.

John Tilley's Bill did not have the backing of government or opposition. But in October 1983 WAR's fringe meeting at Labour Party Annual Conference resolved that rape in marriage was 'not a fringe issue' and must be incorporated in Labour Party policy.

> It is absolutely central to any better deal for women . . . it's the fundamental question that we must raise about the relationship of men to women and women to men.[2]

For women, then, it was a blow and an insult when, in April 1984 in the face of this rising tide, the Criminal Law Revision Committee delivered their final report.[3] The composition of

the Committee had changed somewhat since their provisional recommendations in 1980 to which the first edition was a response. The 1980 recommendations said that rape in marriage should be made a crime. In 1984 a minority still held that 'a woman, like a man, is entitled on any particular occasion to decide whether or not to have sexual intercourse, inside or outside marriage.' But a narrow majority of the Committee now say that rape in marriage should continue to be legal, except where cohabitation has ceased and the couple are living apart.

That a wife living apart from her husband *should* be able to charge rape would of course be an improvement on the present law, which requires a legal separation (see para. 8, below). But as the Committee say, 'living apart' may prove to be impossible to define. Even if it did prove possible to criminalise rape where the couple have parted, the basic legality of rape in marriage, even cases where couples are living apart will be treated as less than a real crime.[4]

The reasons given for the majority view are grossly offensive to women.

They suggest that lack of foresight, or third parties, may lead wives to make a rape complaint they later regret. Women are adults responsible for our own decisions. We do not need to be 'protected from ourselves' . . .

They say that 'a category of rape which was dealt with leniently. might lead to all rape cases being regarded less seriously'. That is exactly the point of this book. Marital rape is at present dealt with 'leniently'! It does not cease to affect all other rape just because the law refuses to call it by its name. Quite the opposite.

They say that 'it would soon be said' that a wife would have to show the police injury marks (see 'proof' debate below, from para. 10), and that this would undermine advice given to women facing rape that they 'should not regard injury as a condition precedent to prosecution' but should submit rather than suffer injury.

With due respect, we must say this passage shows just how far removed the Committee are from reality. Most of us, when raped, are afraid for our lives. In this situation our responses are governed by fear and the goal of survival, not by weighing up whether injury would be 'a condition precedent to a prosecution' . . .

One of the key arguments for the CLRC majority view is that in many cases the wife can already take her husband to court, for his violence.

It is true and important that while she cannot charge rape, the raped wife does officially have some recourse in law. In 1954, for instance, Peter Miller was cleared of raping his wife but convicted of assault occasioning actual bodily harm.[5] The harm was that he had brought her to a nervous and hysterical condition – and many raped wives would be able to prove their husbands are guilty of *that.*

In general, however, it words the other way: other violence is protected by the legality of rape. In 1983 a husband was acquitted of indecent assault on his estranged wife. He had attacked her in a park, kicked her in the face and ribs, then dragged her into a nearby public lavatory, 'ordered her to remove her knickers, pulled her head down onto his erect penis to make her suck him . . . and made her have intercourse. he then made her go into a cubicle and repeat the procedure, all against her will.'[6]

The court ruled that 'if the law implies her consent to . . . sexual intercourse, whether she wills it in fact or not,[7] then a lesser sexual act cannot in law be indecent or repugnant to her.' He therefore could not be guilty of indecent assault. As far as sexual offences are concerned, legal comment says, 'the immunity of a husband from criminal liability for rape of his wife must extend to the acts which he does prior to the act of sexual intercourse.'[8]

Many other violent assaults never get to court in the first place because it is assumed that the husband cannot be convicted if he has done 'no more than was necessary to enforce his marital rights'.[9] In the eyes of the police, violence is to be treated differently where there is a sexual relationship, particularly in marriage.[10] As John Tilley said in presenting his Bill, 'by explicitly condoning rape within marriage the law implicitly condones other forms of violence and assault within marriage.'

In any case, it is not enough that raped wives can sometimes charge their husbands with assault. A rape survivor must be able to take action over the *rape*, whether or not she has also suffered other injuries. To deny this is to decide that in marriage rape itself does not hurt very much. And this is in fact the view of the CLRC majority . . .

Throughout, the CLRC report treats the 'women's organisations' who presented evidence, as if our view were simply one of many, to be given no particular weight; as if legal experts formed an 'objective' committee, which knew better.[11] Yet women are the ones who *know* what rape in marriage is like; it is through women's organisations that we are speaking out about what is happening to us, and it is women who may have to live under the laws they recommend.

At the root of the majority verdict, we feel, is their concern that rape cases 'might be detremental to marriage as an institution'. Here we must pause. What kind of marriage are they concerned to protect?

There is a kind of marriage which *will* be challenged by making rape in marriage a crime. Marriage in which the man's word goes, and his wife and children are his property. Marriage in which sex is not a pleasure to be shared but the lord and master's 'conjugal right'. What women are demanding would indeed be detrimental to *marriage as an institution of rape.*

Is the change in the Committee's recommendations part of a swing towards Victorian morality with its emphasis on sexual and social repression? Is it related to the recent extensions of censorship, the widespread obsession wiht pornography and attacks on prostitutes, prostitutes' clients, lesbian women and gay men? Will it be followed by a renewed attack on women's control of our fertility, with unwanted childbearing restored to its throne as the punishment for lust and sin?[12]

Women have gone beyond this, insisting on a different sort of marriage, or no marriage at all.[13] And in one country after another, courts and parliaments are making rape in marriage a crime. The law works. The CLRC look at rape in marriage laws and cases in the Commonwealth, but they do not even glance at the USA where most of the world's convictions have been gained.

In California, for instance, there has been a steady flow of cases through the courts with a 75% *conviction rate.*[14] The charge that 'proof would be impossible' has been definitively disproved. In addition, other violence can no longer hide under the marital rape umbrella. California husbands charged with rape are often found guilty of associated crimes like kidnapping, assault, battery, or rape with objects. Women who strike out against or kill husbnads trying to rape them can now legally plead that they were acting in self-defence.

Nearer home, Scotland has now joined the list of countries where, without new legislation, courts have decided that husbands are not immune from *existing* rape law. The principle was first tested in Glasgow in 1982; the case was lost, but the right to bring such a charge ahd been established. In the words of the judge, 'the mere fact that they are husband and wife does not make any difference in law.'[15] A few weeks later, in Edinburgh, another Scottish husband pleaded guilty and was convicted of raping his wife . . .

Can the English courts, like the Scottish, be made to take up the challenge[16] and end this 20th century witch-hunting of wives?

Or will we make parliament move first?



## NOTES

1 Russian law in the 1920s made it an imprisonable offence to force a dependent woman to have sexual intercourse.
2. Dawn Primarolo, South West representative on National Labour Women's Committee, speaking at the meeting.
3 Criminal Law Revision Committee, *Fifteenth Report, Sexual Offences*, April 1984. Cmnd 9213. HMSO £6.30.
4 Just as the rape of a former wife is treated now, although this is already illegal. In 1982, in *R v Dowley*, the Appeal Court quashed a conviction for attempted rape of an ex-wife who had a decree nisi; the evidence was not considered sufficient 'in the unusual circumstances of a rape case between husband and "wife" ' [1983] Crim. L.R. 169.
5 *R v Miller* [1954] 2 All England Reports 529.
6 *R v Caswell* [1984] Crim. L.R. 111.
7 The rape law says that by marrying, a woman consents to intercourse once and for all.
8 *R v Caswell, ibid.* The husband could, however, be convicted of assault. The commentary points out that this 'emphasises the inconsistency of the present law. Assault depends on lack of consent, so the law recognises that the wife did not consent for the purposes of the common assault charge but holds that she has consented irrevocably *to the same act* as far as the charge of indecent assault is concerned.'
9 This was the defence put forward by Peter Miller (above). It was rejected by the court and he was convicted, but many men, and many police, still apply the same logic.
10 The police say this is because in these circumstances many women do not follow through with a prosecution. This is often because of police discouragement. But in any case, should a woman be denied protection because some other women – or she herself on an earlier occasion – decided not to prosecute? This is the effect of police refusal to arrest.
11 Similarly, on the question of women being cross-examined on their sexual history in rape trials, the Committee, 'concerned' about women's complaints, made further enquiries – among barristers – and concluded that the law was working satisfactorily. Barristers are the ones who do the cross examining. Women are the ones who suffer it. CLRC, *Fifteenth Report*, p. 26.
12 Recent Medicaid legislation in the US (the Hyde Amendment) has taken away poor women's rights to abortion, even where the pregnancy is due to rape or incest. Pregnancy is a not uncommon result – and sometimes a conscious goal – of rape in marriage.
13 Some are cohabiting without marriage in order to keep more independence and keep clear of laws and traditions like the husband's conjugal rights. As the CLRC themselves point out, the present law puts marriage in rather a bad light compared with cohabitation, where rape is illegal.
14 See Appendix 2 of *The Rapist Who Pays the Rent.*
15 Lord Robertson in *HMA v Duffy* [1982] SCCR 186. See Appendix 2.
16 Any legal challenge in the light of recent re-evaluations of common law, would have to consider the meaning of 'unlawful sexual intercourse', a phrase now incorporated in statute. It is assumed to mean intercourse outside marriage, but this interpretation 'is left to the common law' (CLRC 1984, p. 17).

# RAP SUBMISSIONS TO THE COMMITTEE ON PRISON DISCIPLINE

**The Departmental Committee on the Prison Disciplinary System is a committee set up by the Home Secretary with the following terms of reference:**

**To consider the disciplinary offences applying to prisoners, and the arrangements for their investigation, adjudication and punishment, having regard in particular to:**

**(i) the need within custodial institutions for a disciplinary system which is swift, fair and conclusive;**

**(ii) the extent to which it is appropriate to use the ordinary criminal law, courts and procedure to deal with serious misconduct by prisoners;**

**(iii) the connection with the investigation of related allegations by prisoners about their treatment;**

**(iv) the pressure on prison on other criminal justice resources;**

**and to make recommendations.**

**RAP has submitted evidence to the Committee as follows:**

## Submission by Radical Alternatives to Prison to the Departmental Committee on the Prison Disciplinary System

As long as prison sentences remain inordinately long, prison conditions are inhumane and prisons are severely overcrowded, RAP believes that any attempt to make the prison disciplinary system 'more just' will be doomed to failure.

Furthermore, we see despair and violence as an understandable response to an administration which enacts the blatantly unjust provision of retrospective denial of parole to those for whom it had previously been a possibility.

We emphasise that the issues of prison discipline should be considered as issues relating to *both prison staff* and prisoners and that urgent and serious attention should be paid to the means by which 'swift' and 'conclusive' disciplinary action will be taken against prison staff who inhumanely and illegally abuse prisoners.

Although RAP does not regard it as part of its function to make detailed proposals on disciplinary methods, we are also deeply concerned by the immediate suffering endured by prisoners owing to the policies and practices of the present disciplinary system.

RAP therefore supports the following general principles:

**1. The disciplinary and 'watchdog' functions currently vested in Boards of Visitors should be exercised by separate bodies. A new 'watchdog' body should be created, representative of the local community and appointed by the local authority. The disciplinary function of the Boards could then be exercised by magistrates.**

**2. The right to trial by a properly constituted court, and most importantly the right to trial by jury, should be regarded as fundamental civil rights which are not lost as a result of imprisonment. Accordingly: Where the charge against a prisoner is such that the prisoner, if guilty, would be guilty of a criminal offence the prisoner should be entitled to elect trial by a magistrates' or crown court.**

**3. At all disciplinary hearings the accused should be entitled to be legally represented and to call and cross examine witnesses.**

It is important to emphasise, especially in the view of the Home Secretary's response to the Report of the Control Review Committee,[1] that any reforms of the formal disciplin-

Home Secretary's response to the Report of the Control Review Committee,[1] *that any reforms of the formal disciplinary hearings could be completely undermined by an extension of the discretionary powers of prison management to deal with 'disruptive' prisoners.*

It would indeed be undermined to a considerable extent by the existing rule by which a prisoner can be segregated in the interest of 'good order and discipline'. That rule should be abolished.

1. See *Prison Briefing* (eds).

## THE ROLE OF THE PRISON MEDICAL SERVICE

We wish to draw the Committee's attention to the role of the prison doctor in the disciplinary process. There are two aspects of this role that we find disturbing.

1. There is a conflict between the disciplinary role of prison medical officers and their responsibilities for the health of prisoners. Dr Paul Bowden has written:

> It is not possible to be responsible for the physical and mental health of a prisoner and also to sanction his punishment on the grounds that he is fit to receive it by methods which are prejudicial to health. Although it might be possible for a medical practitioner to act in either role – as physician-arbiter or physician-healer, it is obviously not appropriate for him to act in both capacities. ('Ethical Aspects of the Role of the Medical Officer in Prison' in *Medical Services for Prisoners*, Kings Fund Centre 1978)

2. It would appear that some medical officers perform their role of 'physician-arbiter' in a very inadequate manner. Recent inquests on deaths in prison support this view. **James Heather-Hayes** hanged himself in Ashford Remand Centre having been put on punishment almost immediately after being remanded for medical reports. (He had previously been on remand awaiting trial.) The junior medical officer who decided that he was fit for adjudication described his examination as follows:

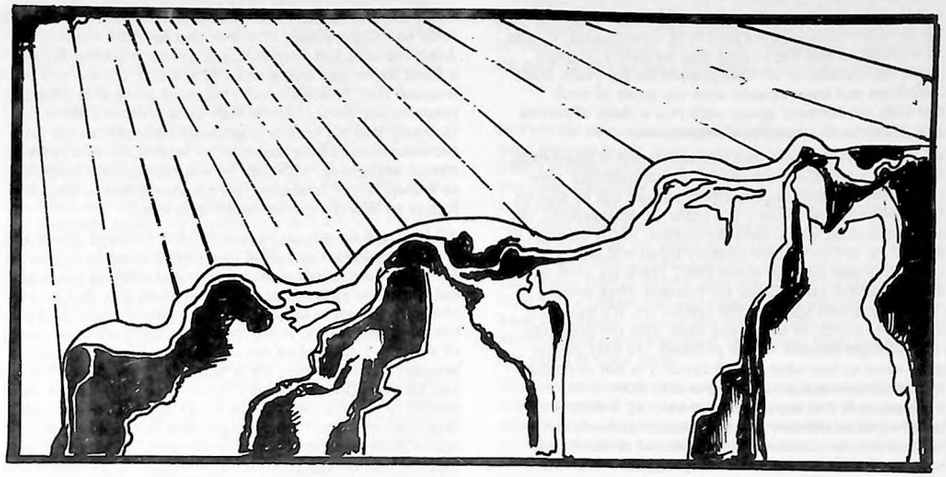
> I go into a cell with one of the officers and I say 'Good morning, are you alright?' and I wait for an answer. Most say nothing: Heather-Hayes said nothing. I left the cell. If I saw signs of mental illness or silence or abus[ive] behaviour, I place on the cards 'temporarily unfit for adjudication'. In Heather-Hayes' case I saw no signs, so I passed him fit for adjudication.'

The 'examination' took 'one minute'.

**Richard Overton**, a prisoner at Hull, died of cancer on 24th July 1983. The previous day he had faced an adjudication for refusing to work. He had been passed fit for work by a part-time doctor who explained at the inquest that it was not his practice to disagree with his full-time colleagues. Overton had previously been declared fit for work by the Prison Medical Officer, Dr Chan. However, the Deputy Governor who concluded the adjudication accepted that he was not fit for work. Indeed the impression conveyed by the evidence at the inquest was that everyone who came into contact with Overton whether staff or prisoners realised that he was gravely ill – except the prison doctor.

Both of the above inquests resulted in verdicts of 'lack of care'.





## THE NATIONAL COUNCIL FOR THE WELFARE OF PRISONERS ABROAD

NCWPA has existed for almost six years, of which I have spent almost five being a client and one being a full-time volunteer. I know how important the work is from both sides of the walls without being subjective and saying '. . . if it wasn't for NCWPA . . .' because I know how little we can do for prisoners. We try to provide some kind of back-up which helps morale and where absolutely necessary there is a little material aid provided, not enough though. My inclination is to say, 'There is such a lot more we could be doing . . .' and then I ask myself how? As I go into further detail I hope to give a fairly accurate impression of the sisyphus task NCWPA has taken on, but even then I am sure that a large part of the anguish felt by families, friends, and often ourselves, can never be put down on paper. The point there is that there are prisoners on the other side of the globe with a quarter of a century imprisonment, or longer, under extremely harsh conditions and unable to eat or get even basic medical treatment. Personally seen, prisons are one of the most wasteful and destructive features of our, so-called, civilisation. The longer and harsher the sentence and conditions the less the sense. That is an entirely personal point of view which often drives me to the brink of resignation only to rethink and start all over again. This is not the place for my own emotions and thus it is that I hope to provide the reader with some insight into NCWPA.

### HISTORY

NCWPA started when Release decided that the workload was too heavy for them to maintain the 'Foreign Bust Section'. One former Release person and a friend he fed the appropriate amount of wine and roses to, got together with a few friends and supporters of what was to become NCWPA. The two became the original NCWPA workers, others became trustees, helpers, volunteers and just plain friends, meetings were held and the name found and a handful of clients taken over to continue the former foreign bust work. The caseload grew, the word got round and the purse was often empty . . . At times we had letters warning us that NCWPA may not exist very soon. Donations or some other useful cash supply turned up at the last moment and the next letter usually told us about the latest miracle.

About two years ago NCWPA outgrew the broom cupboard at Release and the move to Upper Street happened. Since then the financial situation has improved, the workload grown and the number of people actively working with NCWPA increased. With the growth of foreign travel the workload should keep on increasing. Support and recognition are increasing but the lessons of the past have not been forgotten. This may be a brief 'potted history' but there is far too much to tell without missing the point entirely. We exist to do a job and not to talk about ourselves.

### THE WORK

NCWPA is basically a welfare service which acts as a 'voice' for people in prisons abroad and their family and friends here. Amnesty International and the International Red Cross are specifically involved with prisoners of conscience and war, which left everyone else, from urinating in public to murder, without aid and advice. Unlike Amnesty International, there are no researchers, we learn by example, experience and, where and when we don't know, on the research done by volunteers, often in their own time and at their own expense.

What we aim to do is open lines of communication between the prisoners, their families, the consular officials, Foreign Office and any other organizations, like the Probation Service, which may need to be involved. By co-ordinating the various people involved with the prisoner, we are able to make a fairly comprehensive picture of the whole situation and monitor any progress or deterioration in the legal processes and prison term. Even if we can't do much to help individuals, our careful monitoring of each case gives us the experience to pass on to prisoners and families so that they know how to cope with what are often extreme circumstances.

Another side to the work is using the benefit of this experience in briefing the civil service and politicians who are now working on legislation to introduce a Repatriation of Prisoners Bill. Last year several European countries, and two North American nations, signed a Convention on the Transfer of Sentenced Persons. A few months later Britain signed too.

Since then we have had our own Bill go through the House of Lords and on to the Commons. It should be through the parliamentary machinery by Summer Recess and ready to be ratified at the Council of Europe. Then the work will begin, new work which we have no experience of and even so will probably be better equipped for than H.M. Government because we have worked on this for so long that we have a concept which suits the legislation we have pressed for for years. Many of the briefings and amendments were the result of work meetings with our lawyers' group until two o'clock of several mornings, let alone the months of preparation.

The enabling legislation here, and the ratification at Strasbourg, will eventually mean that Britons who would normally have served the whole of their imprisonment abroad will be able to to be transferred home. Since it is a tripartite arrangement, the receiving and sending states need the consent of the prisoner as well, the people in Convention member states will have the choice. Do they stay there or come here? There are obvious pros and cons which you will see for yourself when reading about the conditions I will describe further on. We will obviously have to start to advise and liaise with the prisoners in the initial stages because we are probably the only people who know more or less what it is all about. I'm not implying that the government department responsible doesn't know, what it all means is that any experience existing is ours. We have had years of experience of people returning home, seen the culture shock, been through the agonies of reorientation and know how hard it will be for some people to return after years of living abroad. The formalities will be new and my feeling is that the onus will be on us to make the explanations that will be understood. Given the choice between officialise and plain language, I'd choose the latter and am sure that is going to be what the average prisoner will want to see.

## THE PRISONERS

At present there are over 250 prisoners known to us. They are in some 28 countries, the largest number is in Germany, although there seems to be a permanent interchange between France and Germany; another two arrests in France puts them ahead and then two more in Germany put them back ahead. The two highest concentrations in those countries are Frankfurt, where people are regularly arrested at the airport, and Lille, where people arrested at Calais are held. In both places the story seems to be the same, the details and names change, one man has two kilos of hashish, then a woman has four and a half, or there are two hundred grammes of heroin . . .

The difference in prison conditions and treatment are as variable as the cultures within which one finds them. Some countries are extremely kind to foreigners but others consider torture quite a normal part of interrogation and get upset when Britons try to complain about mistreatment. The Scandinavians lock people up in isolation for months and months, sometimes even years, until trial and often sometimes thereafter. The idea is that if you drive someone crazy with loneliness they are bound to tell all about the gang of international smugglers they belong to; which is seldom the case.

## CASE HISTORIES

Although I am going to write about case histories, I am going to avoid using names and detailed accounts of actual cases for the sakes of those who are meant. One thing the Briton imprisoned in a foreign jail doesn't need is to be identified as the example used in publication 'X' about which he or she knows absolutely nothing and which I haven't had the time to ask or inform them about.

I don't know what one would call the most extreme case. I'm not keen on trying to draw conclusions, some of which may be totally inaccurate, about dire conditions in Saudi Arabia or torture in Greece: all I know is that both are a real part of the job I am doing.

Recently one of our clients attracted a very large amount of publicity after more than two years imprisonment in Saudi Arabia. He was a businessman, his company went broke, apparently one of his Arab sponsors was as much to blame for that as anyone else, and he found himself in prison. Even when he was released, after those two years plus, he was still not absolutely sure what it was all about. He had never been charged or tried. He had been tortured. Torture may seem crude and distasteful to the European mind but other countries seem to think nothing of it. But that isn't the worst of it. After the man had been tortured he was shackled, thrown into a Land Rover and transported to hospital. On the way to the hospital they broke his back; bumping along over primitive roads on the floor of the vehicle he was thrown about so violently that his back was seriously damaged. In the time between then and his release there were some two years of virtual negligence. Although he was occasionally transported to a hospital for treatment, his guards refused to undo his fetters so that the doctor could treat him.

All he could do was go back and forth between prison and hospital and get worse. Had he stopped going to be treated, although the doctors were prevented as often as not when he got there, the authorities would have told him that he was obviously fit again and all hope of treatment would have been lost once and for all. It was mostly political pressure, much of which we channelled for our client, which eventually brought the man home. He is making a good recovery now but had his detention lasted very much longer and had he perhaps started to go on a long hunger strike as he did do on more than one occasion, then he might well have died there. A fellow prisoner who returned some months earlier actually told me that he had serious doubts about the other's chances of survival. .

That is a very serious case, but is it any more serious than the man in Turkey with a diseased leg? This is the case of a man who got an extremely long sentence for only a few grammes of hashish. He's a British born Italian and thus one of our clients. Not that being an Italian would matter anyway; we'd probably have had him as a client even then. No other country has their own NCWPA, Italy most certainly not, but that's another point I'll return to.

The man in Turkey has a disease which nobody can diagnose. Medical reports in both Turkish and Italian seem contradictory and vague. What is happening is that one leg is slowly but , noticeably withering. A fellow prisoner is monitoring and measuring the deterioration of our "ent's leg and a little more interest in his health has come of the pressure exerted through NCWPA on diplomats and people with some amount of influence. Remembering the unfavourable political situation in Turkey our expectations have never been high but there is some hope of treatment in the not too distant future, if not already without our having been fully informed yet. The tragedy remains that our clients in Turkey often have life sentences for possession of drugs where they would very seldom get any more than a fine here.

In Peru we have several clients, some of them co-defendents in the same case. There they find themselves in the position of several years of imprisonment behind them, torture, a trial which left a lot to be desired, a retrial which doesn't seem that much better and now appeals which are unlikely to reduce the already severe sentences. As I write this, the Peruvian civil servants are striking. One of our clients is long over his time, he should have been released early this year. Unless you have the money to pay an influential lawyer to get the official wheels moving then it may just be an eternity until your papers are ready. If you can pay everybody what they expect to be given, then your release is quite speedy. A poor foreigner has neither funds nor contacts, very often lacks even family contact at home to raise the money. The bribery and corruption, the torture and disorganization go a long way toward teaching us where people ought not to go, but word just doesn't get around and inevitably we are going to go through the same problems all over again. It seems like taking the risks involved with cocaine smuggling, when you have only to gain if you make it, but probably nothing to lose otherwise, are worth it. What nobody takes seriously is the warning illustrated so well by our clientele in Peru and probably, as I imagine we shall eventually hear, in other South American countries.



Here in Peru is a case of torture on several people which was given the right amount of publicity to get to the point where a report was made. The problem is that nobody seems to have seen the report. The Embassy deny having seen it, none of the defence lawyers have seen it, certainly no clients. It seems that the report went to the very police responsible and the prosecutor. Those are the last two places where any kind of positive consuming the very same drugs they had intended to find riches with and rotting rather than working towards any coherent plan to make the best of a bad situation or even defend themselves properly. Recently there were riots in one of the prisons our clients are in. Fortunately none of our people was hurt or killed, but word has it that foreigners were hurt too. When any kind of protest occurs in a Peruvian prison, it is usually solved by sending in a very heavily armed police force and whoever happens to be in the way may well be shot, beaten badly at best. That's what our clients are up against. And ten or fifteen years imprisonment under those conditions means you generally don't get out alive and if you do then you are very unlikely ever to be able to live any kind of normal life every again.

Where a message was specifically sent out to the rest of the world not to do what they had done it was from men with an average of twenty-five years imprisonment in Thailand. I don't want to give the impression that this is a group of men lured by the riches offered by the 'fruits' of the Golden Triangle, as legend has it. Some of them were, in fact, only in possession of a small amount of drugs, not always narcotic drugs either, and others were burglars or cheque-fraud cases. Our clients are not only drug smugglers, as one is often lead to imagine, and even in Thailand it is not only heroin which attracts them there. My colleague visited the men in the prisons around Bangkok early this year and brought back the message to others not to get into any kind of trouble there, least of all heroin trouble. It is easy to get into trouble and very hard to get out of it there. The best chance you have is by pleading guilty at your trial because if you plead not guilty you are likely to get a far higher sentence anyway. Appeals often mean an increase rather than reduction in sentence. During her visit my colleague saw men in chains, something she reported to Amnesty International. They didn't know about it because there had been no prior reports, complaints or whatever, although it is common practice. Even though the Britons are not shackled as a rule, they were when they went to trial and one man just returning from Bangkok described this to us.

In the prisons most of the men and women become addicted to one kind of drug or another. They live from day to day on the rumour that an amnesty or general pardon is going to happen soon and in a false world the drugs help to create.

In Bophuthatswana, one of the South African homelands, several people who were involved with a casino swindle in Sun City are serving some fairly harsh sentences. They have to go out to do manual work under the same conditions as the indigenous prisoners. Europeans are barely able to survive on the very basic African diet, let alone work under those conditions. I am not saying that they are being treated worse because of that, but it does illustrate the point that the conditions are bad anyway and equal treatment often affects non-indigenous prisoners far worse than the already appalling conditions do to locals.

## PRISON CONDITIONS

The actual conditions in prisons are as varied as the cultures surrounding them. To go back over the examples quoted before, we find people in Saudi Arabia squatted into about two square feet of floor space in which they have to eat, sleep and carry out most other functions. At best one could be in a cell where there is someone extremely rich who has certain things organised which alleviate part of this problem and one has enough space to sleep flat in, albeit that people may need to take turns being flat.

In Turkey foreigners are segregated and well organized into making the best out of a bad mess. I don't know a lot about conditions and food but I believe they are much like Saudi Arabia, enough to survive on but unpleasant at best. If you have resources and people outside then you can live far better by being self-catering. As far as medicines and most medical aid goes, there you have to provide your own as best you can,

In Peru the prisons are overseen by guards on the walls and what goes on inside those walls is left to the inmates. There are daily beatings and killings. If you have no money for food then you have absolutely no chance of survival on the little bit that is provided, which isn't always done anyway. Again medical treatment and medicines are your own business. Basically the system works on the assumption that whoever you are, you have family who will provide. The indigneous prisoners have family and friends nearby who will always be able to provide food and whatever else can possibly be given to the inmate. Lack of personal contact and money both inside and outside of the prison mean starvation and illness, even death if one is not saved at some stage.

Thailand is much the same. There is some kind of medical service provided by people who are probably ill trained and usually lingually unable to help anyway. No money means no food, the bare essentials provided by the prison only keep Thais going on the lowest subsistence level, Europeans most certainly have no chance.

In Greece the prison conditions are bad but torture has generally happened whilst people were in the hands of the police. Beatings happen in prisons though. For all of that you are probably going to be able to make or receive phone calls with people at home! They will usually try to dose you up with drugs to keep you in line, as has happened to some of our clients, but there is no attempt to resocialise or prepare for release. . . In severe conditions there is no rehabilitation. just imprisonment and eventualy release. If you make it.

People think of Scandinavian countries as being the ideal welfare states, lot of humanitarian ideas and practices being emphasised. But the truth is that one of the most cruel forms of imprisonment is employed. Isolation for extended periods. Remand prisoners all go into isolation. It separates them from possible contact with accomplices or being able to get word to the outside world, so the authorities say, anyway the remand prisoners still 'belong' to the police and have to be kept apart from prison departmen inmates. It is, effectively too, used as a means of interrogation. You can have all manner of human comforts in your cell from books to TV, you get adequate exercise and can have saunas, showers and many other things which appeal to you. The main point is often missed here, sensory deprivation, especially for foreigners who can't speak the language when they do see someone else, if only a prison guard, is frightening. More people's nerves go under isolation conditions than under physical duress; in Scandinavia it is not unusual for people to 'grass' because the isolation has gone on for so long. Although, once remand is over, the isolation usually end promptly and it is said that it is never used as a means of punishment, there have been cases where people have been kept apart for their own safety or the safety of others, to keep troublemakers or disturbed persons quiet. And the remand may last a year anyway. . . so much for the legendary Scandinavian humanitarian approach.

Of course there are good conditions, in some places the prison guards are extremely kind, the regime equally as pleasant and sympathetic. There are places where people can actually live better than hitherto in freedom. The common factor is that the people are deprived of basic liberties in a non-productive environment where the most important thing, the chance to really pay any kind of debt due to society, if one is due at all, is impossible.

## WHAT CAN BE DONE

I'm sticking my neck out here. I know it should be 'what could be done' but there is far more than one sees that can really be done.

Let us first of all look at the Consular Service of the Foreign Office. Consuls have the briefing to go and see someone as soon as possible after arrest, to visit a minimum of once a year, to make sure that the Briton is not treated worse than indigneous inmates and see that there is an information flow between there and at least the Foreign Office here, if not the family. Consuls can adapt these rules to suit themselves. Some are extremely active in doing something to make sure that there are funds available for emergencies, mostly unofficially in There are humane, understanding consular officials and unsympathetic, aggressive consular staff. It seems like a more specific briefing and some kind of training, even the briefest and most simple one, to people going off to consulates throughout the world might start to alleviate a few difficulties.

Linked up with that there seems to be a lot of room for more trust from the Foreign Office itself. Paradoxically they have often come to us with questions when they couldn't find answers, and we gladly helped. Things are improving but the distant and secretive attitude of most people in the Consular Department, when we mostly know far more than they do anyway, doesn't help.

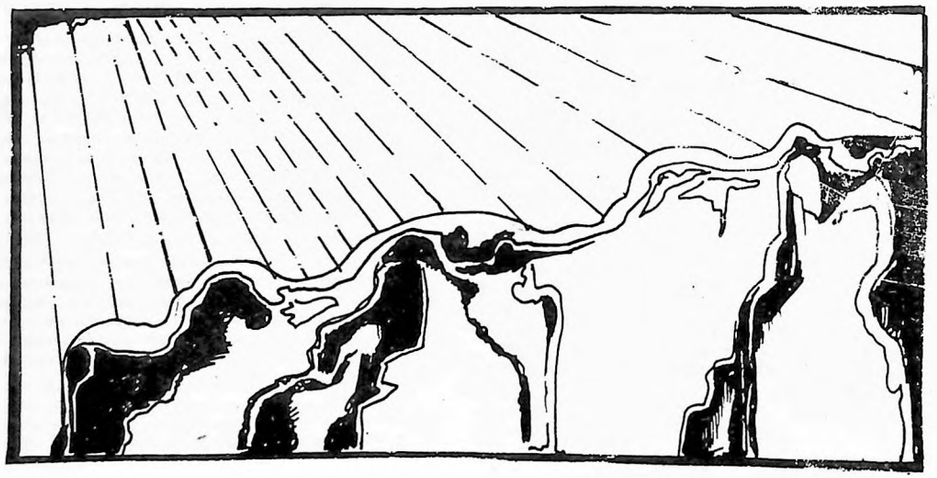
Apart from a section of the Dutch Probation Service called Bureau Buitenland, there are no other similar organisations to NCWPA. Thus, no network. We have no real international framework we either fit in or could work within and always working as an outsider doesn't make life easy at all. One hope is that similar groups could be formed in other countries eventually.

Most important of all at this stage is the European Convention for the Transfer of Sentenced Persons. Once that is working Britons will be able to come home from member states. There are diplomatic negotiations going on with Peru and Thailand and one looks toward a day when it is quite normal for all countries in the world to transfer people home if they so wish.

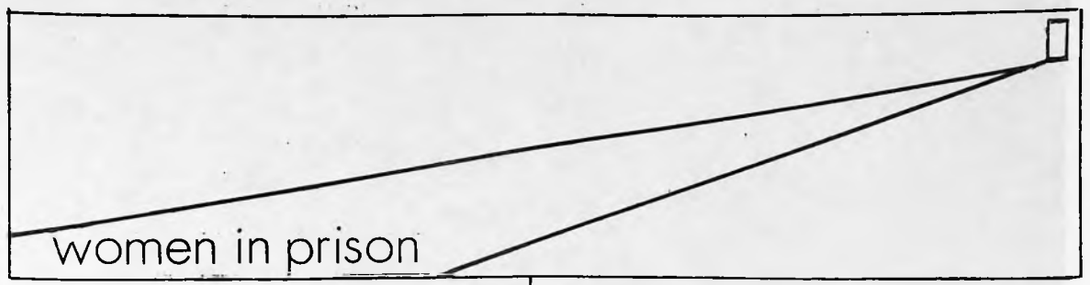
The latter point doesn't mean that a lot of reform and rethinking doesn't need to be done throughout the world anyway. But it seems that until many countries have relaxed the restrictions often caused by large numbers of prisoners in the prisons taking up a lot of time that could be used on reforms then we are only going to be wishing. From my own experience in Germany, where there is a huge number of foreigners in most of the prisons, an incredibly large number of religious, ethnic, lingual, cultural and colour groupings at that, it is to an extent true that the foreigners prevent reforms being implemented because all they want it to get out and home as soon as possible, rather than resocialization of any kind. If only those wanting or being allowed to stay did stay and agree to be an equal to the indigenous prisoners, then some form of meaningful reform may take place in Western Europe. The rest of the world is another question. For the time being we have to satisfy ourselves with trying to get the people home. That is what NCWPA is working toward at present. Whatever else there is to do, and there is a great deal, will have to be done in order of priority. Even as an ex-prisoners, I see that there are a lot of theories about what could be done instead of prison, we all know too that the system has been a bankrupt burden to just about every nation in the world for decades, if not centuries. Change must happen one day, but first of all the torture, mistreatment, undernourishment and all other totally unnecessary forms of treatment have to be checked.

It remains to be seen what can be done and how soon if it can be, the one major stumbling block always seems to be money. Be it national purses being pulled tight or NCWPA having to pull its belt tighter and teetering on the brink of financial collapse, it is always a question of money. This is a much talked about subject, I only mention it in passing and as a closing comment because somewhere along the line it is going to be there, usually in the way. That is, in my opinion, where reform has to begin: governments, especially our own, should start investing more money and time into the whole subject. One sees the question arise in the political bartering when the Repatriation of Prisoners Bill is being read, it is the age old excuse. But even before reform a few empty stomachs and sick bodies and minds need financial aid. . . So many people are in prisons because they sought easy money and it is money which prevents them returning to society the way they should; it even prevents them returning to this country alive.

**Brian Milne, June 1984.**








Women in Prison has an article from Judy Ward in Durham Prison describing first hand what it is like to live on the infamous 'H' Wing. Also, the medical experiences of Lee Sadeem-Kahn when in Styal Prison and an open letter from Gill Meberak recently released from Holloway Prison on the setting up of a 'Safe House' in Camden for women in the sex industry.

## HOLLOWAY PRISON

Members of WIP were outside the prison to meet six women being released on the general release date July 2nd. One of these women recently came into the office with information from within.

*ASSOCIATION* There had been no association three weeks previous to this woman's release. Which also means no baths or showers.

*EDUCATION* The teachers are again waiting in the classrooms for prison officers to escort women from their cells. The officers excuse for this is 'staff shortage'.

*MEDICAL* Disturbing reports on medication in so far as one doctor may prescribe night sedation on a fourteen day renewal basis. Another Doctor will cut off all medication without informing the woman concerned. The daily M.O. is seeing approximately 100 women a session.

*TOTAL LOCK-IN* Twenty three hours lock-in is now accepted as a familiar part of the prison routine. Cell searches are on the increase. All this is contributing towards a very explosive feeling throughout the prison.

## BOARD OF VISITORS. THE PRISON PUPPETS

While it is seen to be good news that some prisoners get legal representation at visiting courts, overseen by the Board of Visitors. I would argue that the BOV could never be impartial as the following two cases show:

I was charged with Gross Personal Violence to an officer and put in the A1s (punishment block). The following day I had my charge read to the BOV as the reporting officer was off sick my case was adjourned and I was kept in the A1 on rule 48 pending adjudication. Three weeks later after many protests by myself and other inmates, it was decided my case would be taken to outside court. I was produced at Highbury Magistrates Court charged with assault causing actual bodily harm, (a long way from grevious bodily harm the equivalent of gross personal violence), the magistrate remanded the case giving me bail, I was already serving a two year sentence. On my return to Holloway I was again taken to the A1s. Next day I saw Mr Staples the Deputy Governor, I asked him under which rule I was being kept in the punishment block, he said rule 48, I objected to this as I was now no longer waiting for a board of visitors and I had been charged and given bail for the incident involving the officer. Next day the Governor Ms Joy Kinsley told me I was now going to remain in the A1 under rule 43 because I was 'unstable'. In the next cell to me was an eighteen year old woman, Toni. Toni had spent many months in solitary confinement and was having her BOV that day. After hearing Toni's case the BOV thought it was right and fitting to give Toni 28 days of two hours extra work. Toni was returned to her wing surprised and relieved at the result of her BOV.

Two days later Toni was back in the cell next to me. She told me the Nursing staff had threatened to walk out of the prison because they thought Toni had been dealt with too leniently, Toni's charge had been an assault on a nursing sister. Toni remained in the A1 for many weeks after. Unfortunately the nursing staff remained, so do the prisoners' friend the Board of Visitors.

I was lucky my case was dealt with by a judge and jury at Snaresbrook Crown Court where after a five minute retirement the jury returned a non guilty verdict. I firmly believe the BOV would have found me guilty as charged (gross personal violence) the punishment fitting the charge. As it was, I had spent six weeks in solitary, covered of course, by the Governor's discretionary Rule 43.

Rule 43: (1) Where it appears desirable, for the maintenance of good order and discipline or in his/her own interests, that a prisoner should not associate with other prisoners, either generally or for particular purposes, the governor may arrange for the prisoner's removal from association accordingly.

(2) A prisoner shall not be removed under this rule for a period of more than 24 hours without the authority of a member of the board of visitors, or the secretary of state. An authority given under this paragraph shall be for a period not exceeding one month, but may be renewed month to month.

(3) The Governor may arrange at his/her discretion for such a prisoner as the aforesaid to resume association with other prisoners, and shall do so if in any case the medical officer so advises on medical grounds.

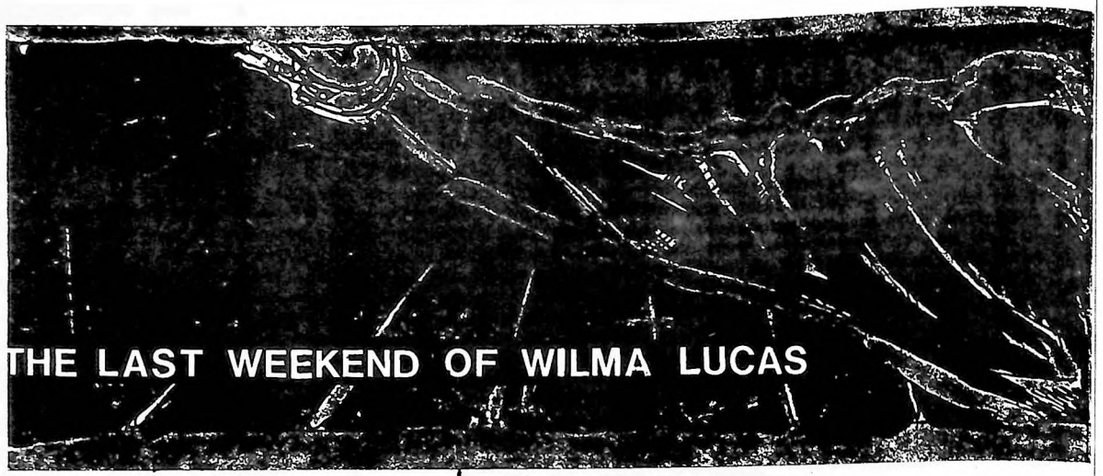
## ANOTHER STEP IN THE RIGHT DIRECTION?

Whilst recent cases have reached the decision that the discretion and responsibility to order assistance and representation to prisoners remains with the Board of Visitors, the European Court has held[1] that the UK Government is in breach of the European Convention. The reason being that in the case of Campbell, the right to a fair trial was not adhered to, as access to legal advice and assistance was denied, at the hearing of his case before the Albany Board of Visitors in 1976.

Although the UK Government recognise the jurisdiction of the European Court of Human Rights whose decisions are accepted as binding, it remains to be seen whether fair trials will result from this decision. If not, we would ask how effective the European Court decisions really are in this country?

Meanwhile the UK Government have been ordered to pay £13,000 for costs and legal expenses!

1. CAMPBELL and FELL v UK, *The Times*, 29 June 1984.



# THE LAST WEEKEND OF WILMA LUCAS

In the last issue of *The Abolitionist* we asked, 'What happened to Wilma Lucas?' In this issue and after an investigation and an inquest on her death at St.Pancras Coroner's Court, we are still asking what, or who, caused the death of Wilma Lucas?

Wilma Lucas was a radiographer, with a long history of alcoholism: she was described as a woman who paid her debts and tried to keep some dignity. On the 21st of January 1984, Wilma sustained a head injury from falling down the stairs. Three weeks later she was arrested for a breach of the probation order and was brought before Chertsey Magistrate's Court at 4pm on Friday the 10th of February. Wilma's probation officer was present at the hearing and testified at the inquest that she did not discern any facial or body bruising on Wilma at that time.

Wilma was remanded in custody for medical reports, she was taken to Addlestone Police Station.

At 7pm that evening Wilma was visited by her GP, he did not examine her but he did find her fit for a custodial remand. Her doctor was not asked at the inquest, nor did he comment upon, any bruising to the face or body of his patient. Wilma's husband also called at the police station around seven o'clock, he brought Wilma a change of clothes and some cigarettes. He was advised not to visit Wilma and he left the station without seeing her.

At 8pm a policewoman was called to Addlestone Police Station, from traffic duty at Chertsey, to clean Wilma up and to change her clothes. The policewoman noticed, or *thought* she noticed, some bruising on Wilma, but she could not be sure where. When shown the post mortem photographs the policewoman told the court that she had seen nothing like that. The policewoman informed the court that Wilma was suffering from urinary incontinence.

At 4am on the Saturday morning a police surgeon was called to a suicidal prisoner in the cells at Addlestone. He also examined Wilma. The doctor did not remove Wilma's fur coat for this examination, nor did he suggest any medical treatment for her. He did not write up any medical notes to accompany Wilma to Holloway. He *thought* he noticed some bruising but, again, nothing like the bruising shown in the post mortem photographs.

The following day (Saturday 11th February) Wilma was transferred from Addlestone to Holloway Prison. She travelled on the floor of a Ford Transit van and was handcuffed to the side of the back seat. A policewoman escorting Wilma travelled in the front of the van because Wilma was still incontinent. Wilma was swathed in blankets for the journey.

Wilma arrived at Holloway around 2pm and had to be carried into reception because she kept 'falling down'. Holloway did not want to receive Wilma because she was obviously very ill and very badly bruised. She was examined by a Holloway doctor who believed that her bruising was more serious than 'alcoholic' bruising. He thought she must have fallen down and hurt herself. Holloway called for an ambulance to take Wilma to the Whittington Hospital. There was some delay in its arrival because it was not clear to ambulance control that Wilma was an emergency case rather than an ordinary hospital admission. After a second call from Holloway and more than an hour and a quarter later, Wilma was taken by ambulance to the casualty department at the Whittington. A houseman at the hospital – who had been in the job for two days – examined Wilma and gave her an X-Ray. The doctor believed that her appearance was consistent with her chronic alcoholism and he decided that she did not need any hospital treatment. Wilma was returned to Holloway in a taxi.

The next day (Sunday 12th February) Wilma was transferred from Holloway to the Royal Free Hospital where she underwent surgery for the removal of a subdural haemorrhage. She did not recover and died the next day.

The jury at the inquest returned an open verdict with certain recommendations:

1. Alternative custodial facilities for alcholics with proper medical care.
2. Full written medical notes to accompany prisoners.
3. No sick prisoner to be transported without written medical consent of fitness to travel.
4. If found fit to travel, prisoners to be transported in either an ambulance or a police car and not on the floor of a van.
5. Sick prisoners should not be handcuffed.
6. Police to be advised that alcholics bruise easily and should be treated with special care.
7. A woman police officer to accompany female prisoners at all times.
8. Area Health Authorities should see that there are facilities for the rehabilitation and care of alcholics.

From the evidence given at the inquest we have learnt that:

1. Wilma Lucas did not die from an injury sustained by falling down stairs three weeks before her arrest.
2. Wilma Lucas had no discernible facial bruising when she appeared at Chertsey Magistrates' Court at 4pm on Friday 10th February.
3. A policewoman was called to Addlestone Police Station from traffic duty in Chertsey just after Wilma had learned that she was fit for a two week custodial remand. The WPC arrived at the station three quarters of an hour before the night policewoman was due on duty. Her job was to clean Wilma up and change her clothes. She noticed some bruising.
4. The Addlestone police transported Wilma on the metal floor of a Ford Transit van. She was handcuffed and swathed in blankets. Wilma was accompanied in the back of the van by one male police officer.
5. Wilma sustained *forty four* separate injuries to her head, face and body.
6. Wilma had 'gripping' bruises on her arms.
7. Wilma had a near normal blood clotting facility and bruised only marginally more easily than a non-alcoholic.
8. Most of the bruises on Wilma were less than four days old.
9. The bruising to Wilma's face and body were so bad that the coroner thought the inquest jury might find the photographs of her 'too distressing'. (Two WIP members who saw the photographs were deeply distressed by them.) A member of staff at Holloway told a WIP member that she had never seen such bruising before and that Wilma had obviously had a 'terrible battering'.
10. Dr.Hatfield, a doctor at the Royal Free Hospital, examined Wilma and told the inquest jury that in his view she had been 'badly assaulted'.

## WHAT HAPPENED TO WILMA LUCAS

We will never know what exactly happened to Wilma Lucas over that fatal weekend, but we do believe that sometime between 4pm on Friday the 10th of February and 2pm the following day, Wilma was beaten up. This conclusion is obvious given the fact that Wilma was not bruised on the Friday afternoon, but displayed all the signs of a 'terrible battering' when she arrived at Holloway. Confirming this is the evidence of Dr.Hatfield that Wilma had been 'badly assaulted'. WIP also believes that an inquest like the one held on the death of Wilma Lucas will never get to the truth, or will overtly ignore the truth. The jury could have returned a verdict of lack of care rather than an open verdict which points to no-one. An open verdict on the death of one woman will not stop more of these deaths occurring in the future. It seems clear that prisoners can be beaten up so badly they later die from their injuries and yet nothing is effectively done to stop it . . . because only by finding and charging the policemen or policewomen concerned will it ever stop.

WIP asks Leon Brittan:

***If twenty year minimum sentences are rightly given for killing people in uniform; how long should those uniformed people be given for killing prisoners?***

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# SPEAKING FOR OURSELVES.....

**by Gill Mebarek**

A timely report has been received by Camden Council regarding the setting up of a 'specialist unit' to co-ordinate services to prostitutes. Timely, because less than three months ago Gill Mebarek came out of Holloway Prison to the WIP office and told us of her determination to set up a 'safe house' for women working in Kings Cross.

The following letter from Gill is reproduced in full:

Tired and angry at organisations who set themselves up and speak for us, a group of five working 'prostitute' women have got together and formed a project which aims to provide a drop-in centre run by and for women who work in the sex industry.

We are now in the process of liaising with Camden Council who have set up a working committee to assess what kind of agency is needed. We also have a member to represent us on the GLC Women's Committee.

**Women with Convictions – Safe House Group** will provide one thing that no other organisation can, experience of the harassment that we as working women face from the police, Social Security, Social Services and the courts. Despite a bill that was passed last year informing the courts that women were no longer to be sent to prison for prostitution, the number of women receiving custodial sentences is on the increase. The magistrates took the law and interpreted it so the fines are now anything from £5 to £300, with £100-£200 being the usual. Of course this leaves women with only two alternatives: back on the street to earn the fine money, or prison, as non-payment is still a prisonable offence. This is an example of the injustices we are fighting to be changed, also an important aim will be to bring prostitution into the open and make people aware of the enormous social problems that society forces on us.

Legal and medical advice will be available, and we will be working to ensure that more working women are informed that they are not alone and that we can work together and demand that society changes its archaic outlook on prostitution.

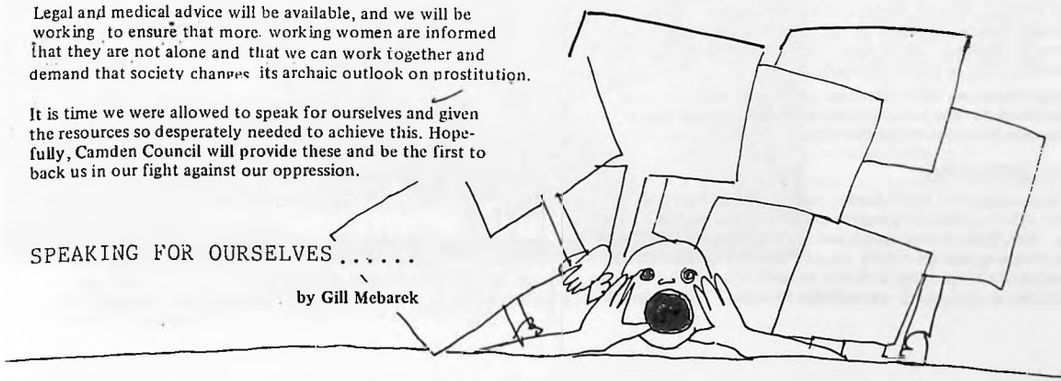
It is time we were allowed to speak for ourselves and given the resources so desperately needed to achieve this. Hopefully, Camden Council will provide these and be the first to back us in our fight against our oppression.

WIP supports Gill and Gwen, Jeanine, Ann and Josie and all working women. We believe that only when so called 'specialist groups' can organise for themselves and articulate what *they* want will the well intentioned voluntary sector organisations get out of the way and take their often unrealistic impractical projects with them.

The principle is not new in theory – feminists have spoken of the personal being the political for years – but it is very hard to achieve in practice because so few people realise that we as ex-prisoners, or working or ex-working women, are more than capable to determining our own future.

Often the arguments against our self determining aims are based around such notions as 'ghettoisation' or 'segregation' or 'tokenism' if we are involved in anything more than a paper consultative exercise. We are also told that we are politically naive and that if we set up centres for ourselves and run by ourselves as a 'specialist group' we will, in effect, be wide open to multi-agency policing tactics. As if we of all people do not know how the police work or how to protect ourselves from these tactics when we have lived in closer proximity to the police and know their ways better than anyone! WIP will stand firmly behind and support any self-determining, self-organised group of women ex-prisoners and we welcome as many newcomers to this field as come to it.

For information or to give us advice/support please contract: Jeanine Cresswell, c/o WIP. Unit 3, Cockpit Yard, London WC1H 2NP




**R.I.P. – P.M.S.**

Over twenty one years have elapsed since a working party reviewed the functions and organisation of the Prison Medical Service. On May 21st 1984 W.I.P. requested that the All Party Parliamentary Penal Affairs Group set up a working party on the organisation of the P.M.S. and receive submissions and written evidence from prisoners and ex-prisoners on cases of mistreatment and neglect within penal establishments. In this issue we are printing an officially censored letter from a woman prisoner that spells out how the Durham doctor sews up deep self-inflicted cuts without an anaesthetic. We are also printing in full this testament of Lee Sadeem-Kahn . . .

## MEDICAL EXPERIENCE OF LEE SADEEM-KHAN

### INTRODUCTION

I'm writing this article and others for the Abolitionist out of a deep sense of duty to expose the suffering and misery of myself and others if they have the misfortune to be ill in prison. It is my sincere belief that what is happening undermines a civilised definition of 'human rights', within our society.

Earliest history lessons indoctrinate us with the knowledge that we have the good fortune to be born into a 'just', 'caring', and humane society. I am neither a radical or militant person, nor indeed am I a political opportunist. I will however venture to state that one of the greatest social reforms of recent times was the introduction of the much maligned National Health Service in 1948. Since that time many of my generation and younger have raised with the security that in the event of illness, there is a service which is your right to treatment, without charge or favour.

I certainly do not intend this write up to be a political one, it is of course far more fundamental than that. I refer specifically to Prisoners Medical Rights and the care or otherwise they get whilst detained in prison. In fact it starts before that, whenever the judiciary take it upon themselves to override medical evidence that has been submitted.

If this 'write up' serves to make someone in authority have doubts as to their infinite power and wisdom, then that at least is a step in the right direction.

### BACKGROUND

I was widowed in 1980, having nursed my late husband through ten years of ill health, until he finally died of cancer in 1980. I also have a spastic and brain damaged son and aged Mother who also lived with me, and who depended on me as the breadwinner. I was well able to fulfil this role, it had come early in my life, and I was well able to cope. I had the benefit of qualifications and a professional position within the community. In 1981 I suffered a stroke, from which I recovered sufficiently to go back to work again. In 1981 I was also charged with a number of offences. I cannot discuss any aspect of the case as it is presently the subject of an appeal against conviction. I can however state that up until this time I was blissfully ignorant of prison. Like so many complacent people I am honest enough to admit that almost certainly I would have continued in that way, if fate had not seen fit to play a hand in the state of affairs. I had no connection or association with the 'so called' criminal world, so naturally when I read a paper and saw that someone had been imprisoned for a period of years, it did not touch me either way. I could not have known the true horror of it at that time. That all changed, and I hope eventually to publish the book I have written on the events leading up to my trial and conviction, and my complete experience of prison.

After charges were preferred I was anxious for a trial date to prove my innocence. I was on unconditional bail, so I naturally continued to work and earn my living to support my family and responsibilities. In January 1983 during the course of my employment I had an industrial accident. I caught my heel and fell downstairs. I hit my neck and back severely, and was admitted to hospital with a suspected broken back. Fortunately that was not so, although originally I had been paralysed from the neck down movement gradually returned to my upper body, unfortunately, this was not true of my lower limbs. I also suffered the further embarrassment of being incontinent. After I left hospital the community physiotherapist attended me at home to encourage movement in my lower limbs.

At some stage between the accident and the eventual trial date at the beginning of April 1983 the judiciary decided to override medical evidence and insist that I was fit enough to attend court on the specified date. The court was over 200 miles from my home, this was the place I would go to face 'justice'. I alone knew how I felt, the trial alone promised to be a strain without health problems to contend with. Despite my Counsel's protests this was all over-ruled and my medical fate was taken over by judicial administrators. The trial opened and my vital physiotherapy was immediately cut off, along with the equally vital check-ups on the condition of the injury. I was however allowed the concession that I was provided with a comfortable chair to sit on during the long arduous weeks of the trial. I was also given permission to leave the court without getting the judge's agreement, this was to attend to any pressing matters relating to the sickness which I was getting and the incontinence which was still persisting. I was also allowed to take my pain killers, but when I did I fell asleep thus missing vital aspects of the case. I had to give this up, and instead sit in great pain and discomfort hoping not to make too much of a fool of myself. I must admit that at that time I was more fraught with concern about my unpredictable bowel, than the trial itself. I still had a naive belief in 'justice' and that right would win through in the end.

At various intervals during the trial the local doctor was called in to attend me, the last time being two days before the end of the trial. At that stage he diagnosed that I was suffering from an acute kidney infection, and stated that I should get some tests done as soon as possible. In any event that and other treatment was soon to be denied me as a result of the verdict. I was given three years imprisonment. I was told by my solicitor that part of the problem was I had not 'created the right impression'. Under the circumstances what sort of impression could be created, after all I was ill and even the judge did not dispute this fact.

### IMPRISONMENT

Initially, I was taken to Pucklechurch, I was there four days prior to my transfer to Styal. I was ill throughout the short stay at Pucklechurch. I was however given the prescribed pain killers by the doctor at Pucklechurch. I was moved to Styal the following Tuesday, along with two other girls. I arrived at Styal feeling more dead than alive. I was later to learn that I had already been tagged as a hypochondriac by officers at Pucklechurch. Many weeks later I noticed a footnote on the medical records created by the Prison M.O. at Styal. Such opinions based on unqualified observations probably set the seal on the attitude to my illness. Being labelled a hypochondriac is the easy option. Certainly, most female prisoners seem to be automatically regarded in a type-cast way. Work shy, lazy, bad mothers, unnatural beings unfit to be regarded as women, and so on. After initial processing at Styal, I was moved on to Fox House, which is located on the back row at Styal. It is primarily a YCT (Youth Custody training house) and is used in general for pregnant women. I was sent to this house for 'assessment'. I was obviously disabled and walking with the aid of a Zimmer (walking aid). I was allocated the downstairs strip room to sleep in. I was told that this was in no way a punishment but simply the only room available. I was unable to climb the stairs without great difficulty so this was 'Hobsons Choice'.

The strip room was austere, although it was not locked, it was barred inside and out on the windows. There were no curtains and I had no privacy at all. It was also a very noisy room being situated adjacent to the Prison Officer's office. I was given a conducted tour around the house, but was still ill and confused by the journey. I certainly took little of it in. In the early hours of the morning I awoke in that room. I was in acute pain and felt almost panic as I tried to remember where the toilet was. I remembered bathrooms upstairs, and foolishly put on my coat and tried to climb the stairs in my vain quest for the toilet. I was almost at the top on the first landing when a particularly severe pain caught me in my left side, I remembered nothing more. My first recollection was being discovered in a pool of blood and urine at the bottom of the stairs. I couldn't move, someone was shouting at me. My head felt as if it had been hit by a bus, my vision was blurred and I couldn't make out what was going on. Bits of sentences were picked up, and it appeared that unless I got up I would be 'for it', whatever that meant. Someone more realistic than the others helped me up, and back into the strip room. I sat on the bed feeling wet and cold, people kept coming in staring at me. I heard someone suggest that I was an epileptic, but they couldn't quite decide if I was or not. I later discovered that another girl had come onto Fox House who was in fact an epileptic, and I was being initially mistaken for her. I tried to explain that the pain was in my side and was a kidney infection, no one noticed, I was aware that I was not forming my words properly, so communication could not have been easy.

As I sat in that sorry state beginning to coordinate, I caught my first sight of the dreaded 'Godfrey . He was one of the doctors appointed by the Home Office to look after the medical well-being of the female prisoners at Styal. I later learned that there were three in all, who attended each morning on a rotation basis. There was also a Senior Medical Officer, but one had to apply to see him.

He stared down at me, asked a few cursory questions. There was no examination of any description, even a medical student with limited interest would have immediately discovered that I was obviously concussed, and running a temperature. I explained about the kidney infection, he just shrugged. He then addressed his answers to the prison officer, as though I did not exist, he then left. I was told that later that morning I would attend a routine medical examination at the hospital, this was purely a medical given on 'admission'. This too turned out to be a non-event. There were no tests undertaken at all, simply a discussion about past medical history. My pain killers were dismissed as 'not necessary', and my zimmer was taken off me. I was given a wooden walking stick which didn't have a rubber end. I think I fell down more times due to that wretched stick than I did with my legs giving way. I was told that the zimmer could be used as an 'offensive' by some of the disturbed prisoners. I was allocated labour category 3, which meant that I was fit only for light duties. Basically, that was really the purpose of the medical, to determine that fact only . . . what work could be undertaken. If you could walk, you could work. Unusually, I signed the forms for the Prison Medical Service to obtain my National Health records, these had not followed me automatically. I was also surprised that none of the immediate recommendations of the G.P. assigned by the court had been documented either. It all seemed most inefficient. I thanked Allah that my life was not immediately in danger, I resolved to book to see that M.O. as infrequently as possible. It had been made clear to me that it was best for female prisoners not to be ill. Work had never been a hardship to me, and anyone who has been in prison knows only too well that it is one of the few things that helps time to pass. After that I did whatever work I was capable of and kept my pain to myself as far as was possible. The ordeal of the insults one got by seeing the M.O. was more than I could handle, and also exposed me to the risk of telling him to go to hell. So I stayed away.

Each day I faced sickness and pain. Weeks passed and I noted that I hadn't seen a period. I was sent for a pregnancy test. I got no feed back on the results. The pain was getting worse and so was my mobility. I was now getting pain in my joints, and my legs felt as heavy as lead. I was still on Fox House, indeed I was to stay there for the 24 weeks of my stay at Styal. There was simply no other place to accommodate me. We had four regular House Officers on Fox, but one thing that must be factually stated is that they were humane and understanding, that was of course within the parameters of Home Office regulations. They always gave the impression that they were sincerely interested in the girls' well being. They, of course, had no control over the medical care. It was not always possible to have the regular House Officers on duty and frequently there would be relief officers, their conduct often varied considerably to that of the House Officers.

The lack of continuity was nowhere more evident than within the Prison Medical Service. I learned that they were a law unto themselves. There was no automatic communications or system for communication between prisoners own G.P's nor the National Health Service records. The whole thing was fragmented. It was not possible either to have one's own doctor in attendance, and I witnessed at first hand some of the

mistakes that happened. These will be the subject of other articles that I have prepared.

My next brush with the Medical Services came in June. I had by that time been given permission to get married. I was due to be married within the next two weeks. It was the only way I could safeguard my son and my Mother. I knew things had been very bad for them following my conviction. I regarded marriage as a security to maintain some sort of home for them. I had known my husband for many years, he had in fact been my late husband's best friend. He was a sincere friend and I cared greatly for him. Whether we would have got married otherwise is a question of debate, as it is now, the only regret I have is that he is saddled with almost an invalid, which I certainly regard as a most unfair burden to him. I had now been at Styal for over a month, in that time I had already lost over a stone in weight. This I did not feel too much of a problem as I was a generous size 18 when I entered prison. What was bothering me was the continued sickness and pain, it was wearing me down. One evening I felt more dreadful than usual, I went off to bed as soon as I could. I didn't wake up the next morning. The first recollection I had was someone who turned out to be one of the other doctors, a Doctor Fox, pressing down on my breastbone so hard I could not breathe. I heard him say 'get up or you are on punishment, there's nothing wrong with you, stop malingering'. He left accompanied by one of the nurses, I was given 15 minutes to get up. It was completely unrealistic, I could not have moved from that bed to save my life. The house officer came in with one of the girls and they tried to help me up. I realised that my legs were completely paralysed, the effort and pain was too much. I vomitted over the floor. The House Officer realised that there was something far wrong, and telephoned the hospital. Two nurses eventually came over to walk me across to the hospital, it was a lost cause, whilst they were still trying to decide what to do, one of the Assistant Governors came in on a routine visit. She suggested quite logically that a stretcher would be more beneficial. The nurses both responded that they did not have one on the hospital. To which the A.G. replied that there always was one. Eventually it was located in the stores and after much delay I was taken by stretcher to the hospital, and locked in the strip room. The doctor had by this time gone off duty. I would add that although I was ill, I was not disturbed, frankly, I had little strength to do anything except lie in pain and silence drifting in and out of consciousness.

Eventually, I became aware that I had wet the bed, I was acutely embarrassed despite my ill condition. I lay there for some time, eventually in came a middle aged SEN. she had been in the Prison Medical Service long enough to forget her vocational calling as a nurse. Her blue uniform bristled with indignation when she realised that I had made a mess. In the meantime my lunch had been brought into the room, she picked up the lunch tray and placed it in the middle of the pool of urine. You are like an animal so eat like one she said as she turned and left the room. It was not necessary, lunch was the last thing on my mind, eventually the orderly came in and removed it untouched. Shortly after this, the nurse entered muttering abuse, obviously to change the bed. The mattress was tipped up and in my helpless state I fell onto the floor. The bed was near to the floor anyway, so there was no great height to fall from. I still had no feeling in my legs, but I was aware that she put the wet sheet onto my face. She then continued to toss me around like some piece of linen. Eventually, the orderly was summoned to clean up the mess, she tried to help me, but was immediately told to leave me alone. Thankfully, this woman went off duty, and was replaced by Sister C. one of the few in that dreadful place that could proudly wear the title of nurse. Her lovely eyes veiled behind glasses were caring and compassionate. She came into the room and asked me how I felt and about my illness. Later she came back and massaged my legs and tried to get them moving. It was some hours before I started to get feelings of 'pins and needles' which was heralding the return of movement again. All I could think of was how to get out of that hospital, I never wanted to return. One thing did happen which cheered me considerably, the grounds for my appeal was registered, and one of the Senior Prison Officers came over to hand me a copy. I saw the Doctor the day I was discharged, again no examination, just muttering. I returned to Fox House again, to resume whatever is regarded as 'normal' about prison life.

As the weeks passed it became increasingly clear to everyone close to me that weight was falling off me at nothing short of an alarming rate. I was married as planned, and had to pin the waist of my wedding dress so that it would not fall around me too much. My husband and family were deeply concerned about my obvious state of health. I tried to hide it as far as possible but it was no use. Still I saw no periods, but was instead troubled by a foul smelling discharge. Yet more pregnancy tests this time I was advised that it was negative. I was as routine sent to see the visiting gynaecologist, his main function appeared to be what one girl descriptively called 'the clap Quack'. He did however examine me and prescribe antibiotics. Even this the hospital could not organise correctly. Twice I was given incorrect quantities of medication, and once another girl, with a similar name, was given my medicine by mistake. I finally made out a Governors application and requested to see the Senior M.O. I felt that this should be exposed, and I was just desperate enough for treatment to try almost anything. I also requested that in the event of collapsing again, I would prefer to be transferred to 'Bleak House', the punishment block. There, at least I knew the Governor would be accountable for anything that happened. I had no such guarantees at the hospital. Fortunately, that did not arise. Finally, weeks later when I saw the Senior M.O, I discovered that he was a 'shrink'. All he was interested in was my crime. I told him the truth. The crime of which I had been convicted was neither 'kinky' or sexually titillating. It was clear he didn't believe what I said, nor indeed was he faintly interested in any complaints I may have against the medical treatment, or lack of it. I had decided that as a safeguard all communications should be through my solicitor, and eventually the Senior M.O. sent a letter to him, and this stated that I was obviously a person that did not know right from wrong. I knew right from wrong, alright, he was trying to find an excuse for the row he knew I was prepared to kick up, so naturally he had to find a way of suggesting that I was disturbed. Hell, I was normal mentally, it was the physical problems that needed attention, and urgently.

I felt that I was running out of time. I alone knew how I felt. The gynae problems persisted, still no periods. I was now looking and feeling like death. By now I kept 'passing out'. My solicitor had applied for bail pending the appeal against conviction. I prayed to Allah that I would live long enough to expose this barbaric inhumanity. Daily, I could feel myself getting weaker, it was now only will power driving me on. I was now down to a size 10 dress, having lost 5 stones in weight in as many months. I was also alarmed about the worsening state of the paralysis. I would often wake up in the night and the pain in my joints was dreadful, movement was now becoming limited in my arms as well. I would try to massage my joints in the battle to be mobile. I also found the dampness at Styal to be a major problem.

By now it was into the Autumn, and I had more gynae tests. By this time it was evident to all that I had a serious physical problem. Finally, after more tests I was told that I had a growth that was malignant. Thankfully, I was granted bail pending my appeal. Immediately on my return home the local GP was called in. Yet another delay, none of my records at the prison were forwarded to him. Fortunately, the delay was not too long, and the diagnosis was confirmed by a consultant locally. In December I was admitted for surgery, but was too ill for the operation. I was recalled again in January when surgery was undertaken. I was told that this problem had caused the kidney infection which had dogged me throughout those 24 pain filled weeks at Styal.

## PRESENT SITUATION

One problem had been investigated, but it did not explain the other problems I had. I am currently having tests on the bowel to determine if the malignant cells have spread. This is all hampered by the almost total paralysis I now have. I am still 'on bail' waiting for the date of an appeal. One of the conditions of bail was reporting daily to the local police station. This was abandoned a long time ago. Instead I am visited weekly by the local village policeman, to establish that I'm not going to 'run away'. I have to be transported to the hospital via the ambulance, and have recently been granted mobility allowance by the D.H.S.S. What is clear is that far from being a hypichondriac, I was in fact a very sick person whose rights to effective medical treatment was denied. I now find myself at the age of 41 almost a total invalid, who has to rely on other people to do the most basic functions for me. In this humane society court proceedings would be brought against a person who inflicted such suffering on a pet.

I cannot come to terms with the fact that some lay administrator had the power of God over my life, and saw fit without medical knowledge or qualification to sow the seeds which will now affect the quality of my life for as long as I live. I am not blaming anyone for my illness but I do believe that the crippling arthritic condition from which I am now suffering could have been prevented or perhaps delayed with adequate physiotherapy, pain killers to relax the muscles, and correct attention. I no longer plan the future, that would be unwise, I just live from day to day as cheerfully as I can lying in my bed or being helped around my home which has now become my own personal prison.

I know that I could perhaps face consequences to this article if my appeal falls through. I am no heroine, far from it. I do however believe that the power of truth and humanity is accountable only to Allah, and I place my faith entirely in him. He is after all above all man, even judiciary. I hope that perhaps sense will eventually prevail, and prisoners will be allowed access to National Health facilities, not treated as total outcasts from humanity.

GUILTY OR INNOCENT HAS ONE PERSON THE RIGHT TO TREAT A FELLOW HUMAN BEING IN SUCH A WAY??

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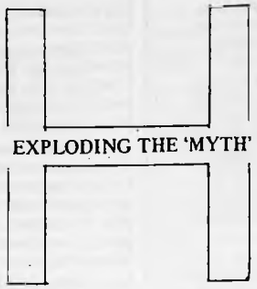
The following is an extract from an official censored prison letter. Confirming what we have said and the prison department has always denied – prisoners' cuts are being stitched without anaesthetic.

You made me really embarrassed telling me to pull up my sleeve to show you the cuts id done. I hate looking at them i feel ashamed for doing it now. But at the time its the only way to let out the way i feel. I just slash them without thinking i don't feel the pain at the time. It's later when i can't stand it. The cuts start to swell after a while so by the time the doctor gets here they're really sore and tender. They don't use an anaesthetic, so its agony. The last time i had them stitched i went all hazy, my ears were buzzing and i couldn't see. I felt terrible. I know its stupid to do it in the first place, but id rather leave it open than get it stitched and go through that pain all over again.


We shall be submitting this letter to the All Party Parliamentary Penal Affairs Group.



## EXPLODING THE 'MYTH'

Machines whirr and clatter noisily, vying with the blaring radio. Under the bright flourescent glare '38 of the most dangerous women' in the country begin another monotonous day. The myth is alive and well and resides in Durham Gaol's 'H' wing – or does it?

Lord Elton and cohorts continually try to establish the myth as fact. In 1983, replying to questions put to him by Robert Kilroy-Silk MP he stated:– 'There are currently 33 prisoners held there, 18 murder charges, 1 manslaughter charge, 2 for conspiracy to murder, 17 of these women are serving life sentences and 4 are graded Category 'A' prisoners. I think that you will agree that with such a population, security has to be the main priority as indeed is the case with similar types of male inmates.'

I would agree entirely that security is the main priority on 'H' Wing; the controlling factor, the reason often given as to why many privileges are withheld and to explain the conditions in which these women live, which are for from satisfactory. In 1974, £100,000 was spent securing the wing from inside and out, yet 'H' wing still suffers from the ancient system of 'slopping out', the only female establishment (remand centres excepted) to do so. The keyword is perpetual surveillance, there is little privacy, even the toilets are fitted with half doors, leaving a psychological imprint on the mind with the very real effect of constimpation, one of the many problems of life on 'H' wing. Cell association is limited to three women, with the door open at all times. During the main association periods (evenings and weekends) there is nowhere for a group of 7 or 8 women to get together. Food, drinks and conversation are prohibited in the two TV rooms. Evening classes take up the two association rooms. Consequently women sit in their cells or wander aimlessly from room to room. The two association rooms are used, not only to associate in, but also for hair-drying or ironing, women can associate at the dinner period 12-1.20pm, but most choose not to. Any grouping together is viewed with suspicion and the women feel they cannot relax, plus the fact there are not enough chairs available for 6 or 8. Solidarity is not encouraged, especially so, since the recent protest.

Education is basic, tending to be more therapeutic rather than actual learning. Needlework, soft toys, pin & thread, health and beauty classes predominate, and lip service paid to English, Typing and Maths. There are minimal correspondence courses available, also the O.U. in Arts, Social Science, Maths and Technology, the latter two restricted due to security reasons.

One hour's daily exercise is taken in an odd-shaped tarmac yard, doubly surrounded by a 20 foot wire fence, toppled with coils of razor-sharp barbed wire and a high perimeter wall. The women are monitored by closed-circuit TV cameras, female officers and male officers who regularly patrol the area between fence and wall with ferocious-looking guard dogs. A concession to nature recently introduced, is a small plot of grass with a few roses planted alongside. Strategically placed behind a toilet wall, there is no access to, or view of, it during the exercise period.

PE again basic, mainly ball games, in the summer sometimes held outside in the yard. Throughout the winter in the 'infamous' blue room, covered by blue corrugated plastic and blue metal slats hence its name. It is also employed as an 'indoor exercise area'. A square 'barn' of a place of stone walls, concrete flooring and more often than not a disgusting odour. The blue room adjoining the remand wing houses men who regularly empty 'slops' and other sundry objects from their windows onto the roof, resulting in the odour.
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onto the roof, resulting in the odour.

On rainy days it is floored by large puddles or rainwater and overflow from the invariably blocked drains. Unheated, it is impossibe to exercise in the freezing cold atmosphere. Unbearably hot and stuffy in the summer and unventilated, the odour is even more obnoxious. Certain items of equipment are prohibited for security reasons. It is no surprise that only 10% of the women attend the PE sessions.

Wing cleaners apart, most of the women spend a major part of their lives in the workroom, a long rectangular room noisy and cramped. To compensate for the twenty odd very small windows set high in the sky-light roof, artificial lighting is constantly employed.

Four larger windows, at waist level, made of thick bottle glass, set in 6" concrete squares are hardly worth mentioning, any light they produce being negligible. Ventilation is supplied by the small sky-light windows, (which only open halfway and some not at all), and supplemented by a recently introduced air-conditioner placed at the far end of the room. Supplying air only to the spaces directly underneath it, has proved it to be totally inadequate. Rising temperatures in the summer have often resulted in the workroom being closed down.

Through glass panelled swing doors on one side are three toilets and washbasins. Fixed in the toilet wall is a large window, allowing observation by the three female officers who preside over the women throughout the day. Though there are three toilets, only one woman is allowed access at a time. They most place their names on a 'loo' list and ask permission before entering. The women find this degrading and humiliating, not to mention the strain placed on one's kidneys as they await their 'turn'.

Cooking facilities are not allowed, although they were afforded to the men inhabiting the wing from 1965-1971. A twelve slice toaster, in use only at breakfast, tea and supper, and a toasted sandwich maker available from 6-7pm nightly are the only concessions. Fillings for the toasted sandwiches are quite expensive and must be bought from the women's wages. As most of them cannot afford the fillings they often sneak cheese or meat from their meals up to their rooms to use in the sandwiches. They have to sneak it up, as keeping food in one's cell is a reportable offence.



Who then are these women, who must live in such conditions, entombed in such a restrictive, claustrophobic, self-contained unit? Do they warrant top-security conditions? The three Category A's apart, the other 35 Category B women are a mixture you will find in any prison throughout the country.

Today (April 1984) there are 11 lifers, 23 serving determinate sentences from 2½ – 14 years, 1 HMP and 3 Category A prisoners. 75% of them are first-time offenders. 50% had been allocated by the Home Office to Styal semi-open prison, due to overcrowding they were sent to 'H' wing. Is this the population warranting 'security has to be the main priority'? Four of the lifers have been here for 2-4 years. This directly contravenes the statement in the Radzinowicz Report, para 200: 'The containment of prisoners in such small confined units can be no more than a temporary and most undesirable expedient.' Is four years temporary, when within the prison system anyone serving 4 years is classed at LTI (Long Term Inmate)?

Cited below are a few examples of the so-called 'problem' cases:

1. A woman allocated to Durham due to an incident at Styal twelve years ago, and not imprisoned since, even though she is serving a minor 2½ years for fraud.

2. An admitted alcoholic of 40 odd, serving her second sentence of 3 years for arson. She committed her crime under the influence of heavy drinking. She obviously needs help and supportive treatment, none is available on 'H' wing.

3. A teenager of 19, transferred to Durham from Styal after proving troublesome. She also is serving a minor 3 years for arson. Sent here for a 'fresh start', how much more will she learn amongst supposedly dangerous women convicted of major crimes? A fresh start, to prisoners, usually refers to Askham Grange Open Prison not a top security 'space-ship'.

4. A 23 year old, allocated to Durham approx. five years ago. served eight month here then was transferred to Styal. For two and a half years she conformed and was working in the prison stores. The last six months she was judged 'unmanageable'. Transferred to Holloway she was appointed a responsible job in the prison kitchens, four months later she was returned to 'H' wing. She has now been here approx. two years and still no reason has been given for her return.

There are eight young girls under 25 on 'H' wing. Exercise one hour, PE twice a week, a dreary monotonous routine and £100,000 of space-age technology is all that is available to them. Even the older women find the wing claustrophobic, the rules restrictive, so what are these youngsters to do with their pent-up energies and frustrations. With little energy output and no 'release valve', it is small wonder they usually end up behind their doors on report, or get 'doped' up to dull their minds.

Generally, women do not resort to rioting, protesting or disrupting the communities they inhabit, unlike their male counterparts. They hold their frustrations inside, releasing them only occasionally as was proved by the recent protest over food and conditions. Male prisoners lose very little compared to females once sentenced. Women lose their homes, children and sometimes husbands, they worry more and thus, problems develop psychologically. The authorities are well aware of this and the 'carrot' of parole, ensuring their continued good behaviour, has great effect when dangled in front of them. Although not as strong and 'together' as the men are, individually, they feel strongly that 'H' wing should be closed and they themselves dispersed to establishments where they should have been in the first place.

Many 'crimes' have been and will be committed. The biggest 'crime' of all is that perpetrated by the Home Office, who, in 1974 wasted £100,000 of taxpayer's money creating the 'white elephant' that is 'H' wing; thus the 'myth' was born. Living in conditions found acceptable for men and twice condemned in government reports, the demoralised, psychologically oppressed women, second-class 'citizens' of the prison system are forced to perpetuate it.

## Deadline

The last phase of the new Holloway opens on August 19th and officers are being sent to staff it from East Sutton Park, Bullwood Hall and Cookham Wood. Of course sending these staff to work on detached duties at Holloway will leave these three prisons even more short staffed than they are at present. As an officer said to me last week,eduation will be the first privilege to go, work will go next and already there is little or no association at all. In her words: 'this is a recipe for disaster'.

We are awaiting the first year figures on the amount of offences against discipline in Holloway since the arrival of the Governor 'punishment is nourishment' Kinsley. The figures may not be that high because keeping the prisoners locked up for 23 hours a day does not give them much opportunity to offend against anything!

A prisoner I was visiting in Holloway last month told me that the nurses on CI Psychiatric Wing slam shut the open hatches on the cell doors as they pass by. The women on C1 are locked up for most of the time, the open hatch means a little contact beyond the cell walls. The nurses do this, she said, 'for a laugh!'

Two new operating theatres are being brought into use in the new building. The Press Office told me they will only be used for minor operations, but failed to qualify what constitutes a 'minor' operation. Holloway doctors should not have licence to syringe an ear let alone perform or oversee any operations and is ECT a minor operation...or an abortion?

We have just been informed that Sunday visits in Holloway prison have been cut from 1½hours to half an hour. We have advised a prisoner who is particularly distressed because parted from her small son,to petition the Home Secretary and write to Jo Richardson MP and Lord Hatch. And if the prison denies her the write to do this to remind Kinsley of the simultaneous ventilation ruling. We hope someone from the Home Office is reading this (and we believe someone does) and will make a move to do something about the

regime this governor seems determined to run. I gather the only reason Kinsley got the job was because she was the only woman in the service with enough seniority for the post, but Holloway will certainly blow if she takes away visiting time as well as all association. It is no good arguing that the problems are because of shortage of staff – the Home Office should ask itself why even the officers can't stand the place!

BULLWOOD HALL

Among other things we were told by women prisoners released from Cookham, Bullwood and Holloway on the mass release day of July 2nd was that the situation in Bullwood is getting better. The officers are still a bit tense, but the level of daily reports for violence and other offences is decreasing under the new Governor.

COOKHAM WOOD

There is too much violence in this prison. Prisoners are afraid of the officers and of each other. I was told that this was because there were two gangs in the prison who were always fighting. Whether both these gangs are prisoners or just one of them I am not sure!

STYAL

We have been sent a letter penned by Jim Anderson Governor of Styal wherein he argues that parole should be given to all pregnant women who are not a danger to the community when their baby is due. We have passed the letter on to Jo Richardson M.P.

At this time, when all the available police power is on picket duty, who would staff the prisons if the POA came out?

A teacher member of WIP overheard a seven year old (who was getting more of the rough than the tumble say); "O.K. you be the cop and I'll be the picket".....

**'Women in Prison' – campaigning for WOMEN PRISONERS – demands:**

1. Improved safety conditions, particularly in Holloway Prison where women have been burned to death in their cells.

2. The introduction of a range of facilities (e.g. more visits, including family and conjugal visits in relaxed surroundings, more association with other prisoners, fewer petty rules) aimed both at reducing tension and, subsequently, the number of drugs prescribed for behaviour and mood control rather than the benefit of prisoners.

3. Improved, non-discriminatory and non-paternalistic education, job-related training, leisure and work facilities.

4. Improved training and supervision of prison officers, aimed at reducing their present discriminatory practices against women from ethnic minorities and lesbian, disabled or mentally or emotionally disturbed women.

5. A mandatory and non-discriminatory income-entitlement to meet the basic needs of women prisoners.

6. Improvement of the existing child-care facilities in prisons together with the introduction of a whole new range of child-care facilities for mothers receiving a custodial sentence (e.g. new centres specially for mothers and children contacts with local nurseries and parents' groups).

7. Improved medical facilities in general and specialised facilities for women during pregnancy, childbirth and menstruation.

8. Dismantling of the punitive disciplinary structure coupled with the development of official recognition of prisoner participation in the organisation of the prison.

9. Non-discriminatory sentencing of women.

10. Unrestricted access to the Boards of Visitors for representatives from women's organisations, community, ethnic minority and other minority (e.g. lesbian) organisations.

**Women in Prison – campaigning for ALL prisoners demands:**

11. Democratic control of the criminal justice and penal systems with: suspension of Official Secrets Act restrictions on the availability of information about prisons; public accountability of the Home Office Prison Department for its administration of the prisons; public inquiries replacing Home Office internal inquiries into the deaths of prisoners, injuries and complaints in general together with Legal Aid to enable prisoners' families to be represented at any such inquiry.

12. Reduction in the length of prison sentences.

13. Replacement of the parole system with the introduction of half-remission on all sentences. Access to a sentence review panel after serving seven years of a life sentence.

14. Increased funding for non-custodial alternatives to prisons (e.g. community service facilities, sheltered housing, alcohol recovery units) together with greater use of the existing sentencing alternatives (e.g. deferred sentence, community service order, probation with a condition of psychiatric treatment etc), with the aim of removing from prisons all who are there primarily because of drunkenness, drug dependency, mental, emotional or sexual problems, homelessness or inability to pay a fine.

15. Abolition of the censorship of prisoners' mail.

16. Abolition of the Prison Medical Service and its replacement by normal National Health Service provision coupled with abolition of the present system whereby prison officers vet and have the power to refuse prisoners' requests to see a doctor.

17. Provision of a law library in prisons so that prisoners may have access to information about their legal rights in relation to DHSS entitlement, employment, housing, marriage and divorce, child-custody, court proceedings, debt, prison rules etc.

18. Improved living and sanitary conditions together with a mandatory income entitlement to meet basic needs.

19. Non-discretionary rights to call witnesses and to full legal representation of prisoners at Visiting (internal) Court proceedings together with the abolition of the charge of 'making false and malicious allegations against an officer'.

20. A review of the existing methods of the recruitment and training of prison discipline staff

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**PRISON BRIEFING** No. 8

**prop** the national prisoners' movement

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As readers will have noticed by the typestyle of the last page of the previous PRISON BRIEFING, PROP has been having troubles with its typesetter which, after twelve years of sustained work, has required extensive repairs. We have still not got it back and we hope that the appearance of this issue of PRISON BRIEFING will not detract from its content, in which we draw attention to the radical reappraisal of working methods which prisoners and ourselves must make to adapt to today's conditions.

We believe that the situation now facing prisoners is more serious than at any time during at least the last twenty years and that the decisions we outside have got to make will be the most important in PROP's twelve year history. In this issue we discuss some of the new problems of communication, as seen from the receiving end, in the hope that our comments will help towards a rethinking on both sides of the walls.

# DIVIDE AND RULE

## HOW PRISONERS' VICTORIES ARE BLOWING UP IN THEIR FACE

### 1. THE SHAMBLES OF PRESS COVERAGE

Never have prison issues been so misrepresented by the press as during the past twelve months – and all this at a time when prisoners' access to the media is freer and more open than ever before.

This apparent contradiction is not a wholly unexpected development. Indeed we in PROP were discussing amongst ourselves, as long ago as 1979, the likely consequences of relaxations of censorship – on the lines of "if the Home Office had any subtlety (never one of its strong points) it would, in its own interests, have introduced such reforms years ago." It was not a concern which we could publicly express at the same time as we were fighting censorship generally. What has surprised us – and it is a serious error of judgement on our part – is the speed and scale of what has happened.

A well known journalist, with as good a record as any for dealing responsibly with prison issues and with a deserved reputation amongst prisoners, told us recently that he was getting more mail from prisoners than ever before. But, because so much of the material was unusable in journalistic terms, he was actually using less than in the old days when the passing out of information from jails was a subversive activity.

Even more serious than the fall in quantity is the drop in quality of what is being printed. Reports are not being related to each other nor to the wider political context of penal policies. The reasons are clear. Subversive smuggling of messages necessarily required the involvement of others. It was a communal activity because it had to be. The recipient, which was very often PROP, had to be provided with a go-between and there was nearly always a reference to outside family contacts. Right from the start, before any approach had been made to the press, this meant that information was being collated externally and the necessary family back-up mobilised.

When the press was approached it was with a dossier of supportive evidence so strong that it could not be ignored, backed by the testimony, in the case of Hull and Wormwood Scrubs, of prisoners' wives, mothers, fathers, sisters and brothers – recognisable people speaking out for themselves and giving reports the human immediacy which journalism requires.

The exposures of the aftermath of the Hull prison riot in 1976 and of the 1979 MUFTI squad's assault on peacefully demonstrating Wormwood Scrubs prisoners were the highpoint of PROP's achievements over the past twelve years. The leading role played in the press was not of course PROP's: it would have had little impact if it had been. No, the important voices were those of prisoners, sometimes demonstrated in their own hand-writing, sometimes relaid by members of their families, and of course the voices of families speaking for themselves. They in turn were backed up by ex-prisoners, prison teachers, probation officers, lawyers. PROP's role was nothing more than fitting the jigsaw together and presenting it as a coherent whole to the media. It was essentially a public relations job, and it is a job which nobody is doing today.

Exposures such as those of Hull or Wormwood Scrubs could not even happen today and the writing was clearly on the wall at the time of the Albany riot in May 1983. The press then gots its information from a host of individual sources communicating with different newspapers and even with different journalists on those newspapers. The press, as usual, rang around for comment but, from the prisoners' side, got only inspired guesswork or generalisations because nobody - neither PROP nor, worst of all, the few contactable relatives had been put in the picture at all. Five years ago we would have been able to offer the press a choice of knowledgeable relatives to speak to.

For PROP itself to be bypassed in this fashion would be of no consequence if its role had merely been transferred elsewhere. Indeed it would be a positive step forward if the reason was that prisoners were undertaking the task for themselves and that PROP, as an external body trying to support prisoners, was becoming increasingly superfluous.

Unfortunately nothing like that has happened, and only sporadically and in a few prisons are there signs of collective disciplined actions, and then usually only after some highly emotive event has thrown people together. And even when the actions themselves have been collectively disciplined, there has been no corresponding unity about the public presentation of the prisoners' case.

Sooner or later it must be realised that the freedom of the press, or rather the freedom of prisoners to communicate with the press, is a meaningless concept if by that it is assumed that letters and messages from scores of prisoners will somehow by distilled by the press into a coherent picture. Possibly that could happen if we really had a free press, that is to say a press which was not in the hands of just a few city magnates, and a press in which journalists were themselves free, not only of editorial pressures but of the more insiduous individually competitive pressures which prevent any of them doing more than a quick knock-up job on whatever comes their way.

If prisoners are to make any headway into this jungle it is essential that they start, collectively, to exercise some control at their own end. For a dozen different prisoners to send out unconnected messages to a dozen different newspapers is ludicrous. For anything at all to be sent out without relatives being not only fully in the picture but actively involved is equally ludicrous. The media, and especially television, needs some immediate personal focus and prisoners, precisely because they are prisoners, cannot provide this.

We urge prisoners, as a matter of extreme urgency, to get their act together and to recognise that there is more to getting a good or even a tolerably fair press than just firing off individual allegations. There has got to be an appreciation of where that fair reportage is likely to come from at a particular moment. A particular journalist may have earned such respect from prisoners that he or she is a natural first choice as the recipient of important news. But there is no point in contacting that reporter or that newspaper if the reporter concerned is off duty or on holiday or on an assignment elsewhere, and if the material is thereby going to be passed down the line to a hack who knows nothing about the issues involved.

Under these circumstances a decision has to be made whether to pass the material elsewhere or to hold it for a day or two. Other decisions concern the day when it should be released: will it be swamped by other news? Or the time of the day to release it: if it gets onto evening television, will the press still want it next day? And of course there is the basic consideration whether to send out press statements or hold a press conference or whether to deal exclusively with a single newspaper, perhaps with a television follow up.



Whatever decision is ultimately taken the story will either take off or it won't, and that largely depends upon the trouble which has been taken to get it together. If it does take off, then the press will soon be ringing round for confirmation or for background information. The prison governor of the prison concerned is available at the end of a telephone line, so is the Prison Department's press officer, so of course is the instant wisdom of sociologists and criminologists and, maybe, the media's favourite ex-con of the moment.

Where in all this is the prisoners' voice? Where is the voice of prisoners' families? To whom can the press turn to locate that voice? Where are the human faces which television wants, not next week or even tomorrow, but in two hours' time?

Before we are accused of wanting to manipulate the news, let us admit that if we had a truly free press there would be everything to be said for just letting things work out. But we don't have a truly free press and we do have a situation where the voice against the prisoner is manipulated. After the MUFTI squad's assault on Wormwood Scrubs prisoners in 1979 the denials of injuries to prisoners were so orchestrated by the authorities, from the Home Office down to prison spokesmen, that even friendly journalists doubted what we were saying. It took a whole month to so marshal the facts at a press conference that the Home Office's version was blown up in its face. We didn't do it, but we did enable it to be done. It wasn't done by manipulation but by mobilisation.

## 2. THE SWAMPING OF CORRESPONDENCE

Relaxations of censorship, forced upon the authorities as a result of legal actions, both in the courts of this country and in the European Court, have meant that letters are now being sent out of prisons which only a couple of years ago could never have got past the censor at all.

Anyone outside the prisons who has any reputation at all on the subject of prisoners' rights is being increasingly deluged with mail. We know of parliamentary individuals who have deservedly good reputations on these issues and have developed quite sophisticated back-up facilities to deal with complaints, but who are now completely bogged down by the appeals and queries which come their way.

As a result, in order to get through an ever increasing case load, individuals and organisations are either having to dilute the effort which they put into casework generally or they are having to be selective on what cases they can take up at all. An organisation like PROP has little choice in the matter. Our minimal funding forces us to pick and choose. Nobody in PROP receives a penny piece and we are entirely reliant on voluntary workers.

Nevertheless we recognise that we ignore our roots at our peril and we are taking steps to ensure that prisoners' mail is given a priority over everything else. It will take time to adapt to the new circumstances but, unless the demand goes so much over the top that even postage costs become prohibitive, we believe that we have already put our house sufficiently in order to be able to promise immediate, or nearly immediate, replies to all mail.

We hope that by attending better to the small things we shall be more readily contacted about the larger ones. Even here there are problems because the new Prison Standing Orders still give governors discretion to stop correspondence to or from 'undesirable' organisations. There are strong indications that this discretion is being applied when prisoners try to contact us on issues that really matter, while letters which the authorities know can only cause us headaches and which relate to matters which neither we nor anyone else can influence are helped on their way. Then there is the ever present danger of unofficial interference with mail.

Messages smuggled out on bogpaper never had these problems! Prisoners only risked them when they had something vital to communicate, and of course they provided far more reliable information precisely because they bypassed nosy prison censors. There is still a great deal to be said for the 'stiff'.

## 3. LIMITATIONS OF THE LAW

The main danger with recent legal advances is not so much the swamping of the few lawyers who have the expertise to handle such cases - though that is a factor - but the hopelessly unreal expectations which are

being built up, as to what the law can actually achieve for prisoners.

The problem about the expertise can be overcome. Most of the solicitors and barristers who have participated in the breakthrough have done so because of their personal commitment to the cause of prisoners' rights, and that same commitment now extends to their willingness to share their experience with the far greater number of lawyers who know nothing of the complexities of prison regulations and regimes. Add to that the new atmosphere of cooperation between at least some of the civil libertarian and penal reform groups, and the whole question of disseminating legal expertise no longer seems the major problem it once was.

The real problem is that the law is of limited assistance to prisoners. A prisoner can win legally but, precisely because he or she is a prisoner, can lose in just about every other way. The opportunities for victimisation inside a jail are almost limitless and the prisoner who starts throwing the law at the authorities will get everything thrown back at him in turn. A whole new range of control mechanisms and regimes is being prepared for the "troublemaker", and the definition, identification and, if necessary, the fitting up of a "troublemaker" is entirely in the hands of prison staff and the Home Office.

Already we have seen prisoners legally challenging the procedures and rulings of the Albany Board of Visitors - and winning their case. Adjudications pending against Albany prisoners were abandoned, those in progress were halted, and those which had been completed and which had found prisoners guilty had their sentences quoshed by the High Court.

Despite those victories, or rather because of them, those same prisoners have since been kept in segregation and/or moved around from prison to prison. Instead of being kept in segregation as a punishment they have been kept in the same conditions "in the interests of good order and discipline." It feels the same and it is the same - except that it involves no disciplinary charge and therefore cannot be defended.

Now, as if that were not enough retribution by the authorities, the intention is to proceed with conspiracy charges against these prisoners in the criminal courts. Not only have they already been punished over and over again but the fact that they have been through the rigmarole of internal disciplinary hearings means that their defence case has been exposed in advance. To proceed now also means that the courts will be asked to reach verdicts on evidence which will probably be at least two years old and to rely on witnesses' memories of events of that long ago.

Maybe, after the hammering which they have received from the European Court of Human Rights in recent years, the British authorities will prudently decide not to proceed with cases on which they are certain to be accused of disregard for natural justice. Maybe - but the authorities then will be even more determined to exact their retribution in other ways. They have long memories. After all, they are still exacting their vengeance on prisoners like Frankie Fraser for daring to challenge them after the so-called Parkhurst riot of 1969.

This is the real problem, and it is one which cannot be solved by lawyers or Ombudsmen or any of the other neatly legalistic 'safeguards' that are suggested from time to time. The law can be a useful tool for exposing what is happening inside prisons, and the prisoners who choose to use that tool are taking principled and very brave actions which can be of benefit to all prisoners - so long as the legal exposures are seen, not as ends in themselves, but as means towards pressing for really fundamental changes of the prison system.

Much the same can be said about campaigns for "Minimum Standards" which run the obvious risk of those standards becoming the maximum ones - and, what is worse, legally sanctified ones

All such reforms have a positive usefulness: they are what penal reformers should be doing, or, perhaps, all that one can realistically expect them to do. But that does not mean that PROP, and still less prisoners, should be going along with them. It may help a great many people's consciences to have prisons a bit more sanitized and a bit more legalised than at present, but if the net result, as in the USA, is to have more prisoners than ever before, but under more acceptable (to the outsider) conditions, it doesn't seem like much of a step forward.



Meanwhile, what PROP continues to campaign for is the removal from Home Office control of all the specialist professional services operating within the prisons - medical, educational, religious, welfare, safety, etc - so that they are manned by, and responsible to, the appropriate bodies carrying out such duties in the community. Lawyers and Ombudsmen popping in and out of prisons will never achieve what would be accomplished by breaking the monopoly of Home Office employees and nominees amongst prison staffs.

As for what prisoners themselves can fight for, this really is up to them in the particular situations of their own prisons. But only to the extent that they mobilise can they effectively struggle for anything. It is too easily forgotten that such useful reforms as have been introduced over the years have been forced upon the authorities by prisoners' pressure, not because the Home Office has suddenly decided on a humane approach.

Even the Barlinnie Special Unit - just about the only constructive and sensible approach to imprisonment within the whole UK prison system - was a response to prisoners' pressure. It was not introduced as something worthwhile in itself which would have happened anyway.

## 4. STRENGTH OF THE COLLECTIVE

The answer to every one of the foregoing problems is the same - prisoners' mobilisation. We are not talking about a Prisoners' union even though that was the original concept behind PROP (actually an American concept picked up by PROP).

The Americans had already found this to be faulty and we too have learnt by our own experience. There are far too many divisions within the prison population - real ones, artifical ones and, regrettably, those perpetuated by prisoners themselves, to be able to talk of prisoners' solidarity across the board. The day that prisoners stop hounding other prisoners into voluntary segregation for their own protection (other than those who, like industrial scabs, betray their own fellow prisoners), then it may be possible to think in terms of a national Union.

The real need now is for something less grandiose but a great deal more meaningful - for prisoners' mobilisation on a prison by prison basis. The perspectives and priorities of long term prisoners are not the same as those who will be out in a matter of months. It is obvious that the latter will tolerate conditions which, in a long term prison, would get prison officers chucked off the landings. No all-embracing Prisoners' Charter, such as PROP conceived in its early days, can ever bridge such a gap.

Even attempts by reformers to rewrite the Prison Rules, so as to replace "privileges" by "rights", run into the same difficulties. The rules are rarely interpreted in such a way as to restrict prisoners to their basic rights (yes, we know that they sometimes are for most prisoners and that they always are for some prisoners), and 99 per cent of prison protests are not over the denial of "rights" but of "privileges".

Attempts to enshrine these privileges as rights, across the board, will certainly mean an upgrading of "rights" - but to what level? And if the whole question of "rights", as distinct from "privileges" is made the issue, then whatever new scale has been fought for and won by the reformers will become the standard to which the prison authorities will work downwards by restricting the "privileges" which exceed those "rights".

One development which is certain to take place in the prisons will be the establishment of Prisoners' Committees - an idea which again stems from the USA and which, because of its apparent reasonableness, has been persistently sponsored by some of our more traditional penal reform groups.

It will be brought in as a sop to these groups and as a typical balance, on accustomed "carrot and stick" lines, to the overtly repressive measures already being introduced to cope with the control problems which are bound to result from the Home Secretary's retrospective halting of parole prospects for many prisoners. (It is a couple of years since PROP quoted from an internal Prison Department document which showed just how artificial such committees would be)

The committees that really matter, and which need setting up now as a matter of great urgency, are ones that don't require anyone's permission to exist and aren't brought into being to serve the Home Office's

purposes. We cannot see an officially inspired Prisoners' Committee having any role to play in deciding upon strategies for communications with the press, or upon tactics for legally challenging the system in the case of abuses of power. Yet these are precisely the matters which most urgently need to be coordinated.

Any prisoners' committee which will have any real usefulness to prisoners will necessarily have clandestine elements, whether or not it is part of an officially sanctioned Committee. At times of crisis those will be the only elements that matter.

We know only too well the difficulties of getting even small coordinating structures to operate inside jails, but the failure to do so will render prisoners increasingly impotent to influence the sinister developments now taking place around them.

## 5. WEAKNESS OF THE INDIVIDUAL

The dangers facing prisoners are in many ways parallel to those outside, where government, courts, police and most of the media are intent upon fragmenting the collective structures for which workers have struggled for a century and a half. In this fundamental attack on organised labour it is the individual who is being glorified. Individuals, speaking only for themselves, are being made into media heroes while the collective views of organised individuals are being presented as some sort of Big Brother. And it is all being done in the names of the freedom and democracy which we only have, to the extent that we have them, because of the prolonged struggles of organised working people.

Inside the prisons it is likewise the struggles of prisoners acting collectively who have won for individual prisoners the right to communicate directly with the press and with lawyers. But if those rights are now to be exploited solely as individual freedoms, the nett result will be fragmentation and impotence.

Such individualism holds no fears for the prison authorities - as is clear from the manner in which the media is now encouraged, by the Home Office itself, to go into the prisons to tout for the views of individual prisoners. This "openness" would have been unheard of even a few years ago, and the fact that it can be introduced at all, however cautiously, is an unflattering reflection of the present state of prisoners' solidarity.

PRISONERS HAVE NEVER, EVEN ON A PRISON BY PRISON BASIS, DEVELOPED THE SORT OF STRUCTURES WHICH ARE NOW UNDER ATTACK IN THE TRADE UNION MOVEMENT, BUT THE 'DIVIDE AND RULE' WEAPON WHICH THEY FACE IS THE SAME ONE.

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# WHAT ABOUT THE IRISH?

## Hypocrisy of the Repatriation Bill

On 27 July, Royal Assent was given to the Repatriation of Prisoners Bill, giving British prisoners serving jail sentences in those countries which have ratified similar measures the chance to apply for repatriation to complete their sentences at home. Such transfers require the consent of the governments concerned and of the prisoners, together with acceptance by the prisoners or their families or friends of the costs of transfer.

In welcoming this belated move - typically long behind most other European countries - the National Council for the Welfare of Prisoners Abroad (NCWPA) has stated; "Many British prisoners serving long and savage sentences abroad have waited years for this Act. It is their only chance of seeing their families."

PROP, too, welcomes the new legislation and congratulates the NCWPA on its persistence in lobbying for the change. Any measures which remove the special inhumanity of distant imprisonment are a step towards civilised standards. Nevertheless the time has come to expose the hypocrisy and double standards which have surrounded some of the support for the campaign. We don't criticise the campaigners themselves, many of whom are well known in wider fields of penal reform and who correctly identified this particular target for reform as one which held a better than normal chance of success because of the sympathy it would arouse, even in those usually opposed or at best indifferent to struggles for prisoners' rights. To strive for



what can be achieved is good tactics.

WHY SO MANY, AND WHY FOR SO LONG?

The increasing number of British prisoners in foreign jails and the harsh punishment to which they have been subjected are the direct consequences of pressures exerted by Britain, along with other western countries, upon Third World countries which have been traditionally associated with the cultivation and use of narcotic drugs or which lie along the trade routes from those countries. It is at western bidding that the authorities there have been imposing progressively harsh sentences for drug offences.

RACISM AND CLASSISM

The consequent plight of white and largely middleclass British prisoners being held under alien conditions in faraway places has excited the humanitarian feelings of politicians, newspapers and commentators who have never given a fig for the plight of British prisoners in British jails. Much of what has been said and written on the issue reeks of national chauvinism and racism.

THE GOVERNMENT'S CAUTION

The Government itself has been more cautious and for year after year has been dragging its feet on the issue of repatriation, long after the United States, Canada and most of Europe had commenced and in many cases successfully concluded bilateral negotiations with other countries.

By May 1983 the Council of Europe in Strasbourg had coordinated many of these individual efforts in its Convention on the Transfer of Sentenced Persons. Amongst the western countries signing the Convention were Austria, Belgium, Denmark, France, Greece, Germany, Liechtenstein, Luxembourg, the Netherlands, Portugal, Spain, Sweden, Switzerland, Canada and the United States. At the end of August Britain, too, signed the Convention. Twelve months later this has now been ratified by the Royal Assent. The practical consequences of the new measures have yet to be tested.

WHY THE GOVERNMENT IS EMBARRASSED

An explanation for the Government's tardy response is not hard to find. Britain, after all, can scarcely champion the right of prisoners to be near their families while it continues to isolate its own prisoners in the middle of Dartmoor or on the Isle of Wight. More extremely, it is concerned that it will be called to account for the disparate treatment accorded to British military personnel who are returned to this country for sentence after being convicted of offences in the north of Ireland, whereas Irish political prisoners, convicted here, are not only kept here but disorientated by continually being moved across the length and breadth of the country.

CAMPAIGN MUST NOW PRESS THE IRISH CLAIM

During the lengthy campaigning for the return of British prisoners from foreign jails PROP was several times requested by interested parties not to rock the boat by introducing the highly relevant matter of the continued imprisonment here of Irish prisoners. We were even on one occasion asked to withdraw a very muted letter we had written to a national newspaper on the issue.

Tactically, PROP has been prepared to overlook the hypocrisy and give the campaign a free run to attract the widest possible support, even from unsavoury quarters. But now that the campaign has achieved its initial purpose we call upon its instigators to recognise that this victory carries obligations to see that this country gives as well as gets.

The fact that Irish prisoners are themselves unlikely to ask the British Government for anything places upon the successful campaigners for repatriation a special responsibility for pressing their prior claim to inclusion. FOR THESE ISSUES TO CONTINUE TO BE RAISED IN FORMS WHICH STUDIOUSLY IGNORE THE IRISH PRISONERS IN OUR MIDST CAN NO LONGER BE TOLERATED.

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IRISH POLITICAL PRISONERS: Irish prisoners are currently scattered around the prison system of this country, from Durham in the north of England to Parkhurst and Albany in the south. The most recent round of transfers includes Stephen Blake, Wakefield to Hull; Vincent Donnelly, Winson Green to Lincoln; Noel Gibson, Gartree to Albany; Patrick Guilfoyle, Parkhurst to Wandsworth; Con McFadden, Gartree to Wakefield; Eddie O'Neill, Wakefield to Durham.

# review: THE IRON FIST (policing the coalfields)

In 1982 Martin Walker was the co-author, with Geoff Coggan, of PROP's book FRIGHTENED FOR MY LIFE (an account of deaths in British prisons), Fontana paperback £1.95. We expect that most ABOLITIONIST readers will by now have read it.

Martin Walker has since written, with Sue Miller, two detailed reports on the Miners' Strike. The first, A STATE OF SIEGE, dealt with the emergence of the National Riot Police and the abitrary police powers seized to enforce the Government's anti-union policies. The second, THE IRON FIST, just published, includes many frightening first hand accounts of being at the receiving end of this uniformed force.

The two reports are set firmly in the political context of a Government which is determined to break the trade union movement and whose intentions were clear even before they came to power. As the authors write: "They have carried out their manifesto to the letter. It is a tragedy that many of the left did not bother to read it." They add: "It is important to understand the politics behind the policing because through the politics we can see that what the Conservative government are pursuing is not the 'rule of law' but the 'law of rule'; brute force and violence. Rather than policing being an incidental spin off from the dispute, it is at the very heart of it."

Prisoners, with personal experience of the infamous MUFTI squads or of prison officers at prisons like Wandsworth, where the bully-boy squad mentality has always been entrenched, will find that the folllowing excerpt from Walker's and Miller's report makes familiar reading:

"Whenever special squads are trained and given a degree of autonomy they develop an esprit de corps. This fraternity is something which the police force develops and builds upon. Each special squad develops an ethos of its own; it imagines it is beyond the rules, above the institutions.

"Men make up their own language, they have passwords and nicknames. Prison officers slash the peaks of their caps to make them come straight down over their eyes. Police Support Unit officers stick up posters and paper plates in the windows of their vans with group names which give them and their team a new potency; 'Grays Grabbers', 'Thunderbird Snatchers'. When units develop like this, they are inhabiting a sinister and dangerous world; their discipline disappears; any accountability is thrown out of the window and they become vigilantes, goon squads with their own codes."

The authors, in their two reports, concentrate, often by quoting vivid first hand accounts, on the physical frontal assault on the organised working class. That is one prong of the assault. The other, more insiduous and more dangerous, is the undermining of workers' organisations from within.

This Government has already abandoned whole regions to the dole queues, and started to attack the dole itself, while the investment capital which ought to be restructuring old industries is being shuttled round the world in search of the highest returns - a good proportion of it to South Africa, thereby shoring up the most exploitive and repressive of regimes. Industry after industry has been laid waste until the miners, in defence of the jobs and the very existence of entire communities, have said 'No further'. Against their organised strength the Government has pitted the massed forces of the police, in the cynical pretence of defending the right of the individual (scab) to work.

It is this pretence of defending individual freedoms - the ideological justification for the planned attack on the unions - which has been wholeheartedly taken up by the media as their own major contribution to the struggle. What it, the Government, wants is nothing less than the destruction of the organised work force and its replacement by individual workers who, thinking and acting only as individuals, can be picked off at will. The only freedom they will then have as individuals will be the freedom to do as they are told.

Unlike its political opponents in Parliament, this Government knows exactly what it is doing. It is no accident that the Home Secretary, when speaking of striking miners, uses the same language as when he introduced retrospective measures obliterating hopes of parole for whole groups of prisoners. It is the language of, to use Walker's and Miller's phrase, "not the rule of law, but the law of rule."

That is what drives this Government, and that is what prisoners, and those in the penal reform lobby, have got to take into account when assessing the prospects for any meaningful advancement in prisoners' rights. THE OUTCOME OF THE MINERS' STRUGGLES WILL HAVE A GREATER IMPACT ON EVERYBODY'S RIGHTS THAN ANYTHING WE CAN DO.

'A State of Seige' and 'The Iron Fist' are available at £2 each from Paul Holmes, Greenwich Branch NALGO, Staffside Office, Basement, Borough Treasurer, Wellington Street, Woolwich, London SE18.

# women in prison

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I enclose . . . . . for membership (£5) and . . . . .as a donation towards the Campaign's running costs.

I will receive an annual report and a calendar and will be informed of any open meetings of the Campaign.

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. . . . . .
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The. . . . . (name of organisation) wishes to affiliate to the Campaign for Women in Prison.

I enclose £10 affiliation fee.

Our organisation is/is not willing to allow its name to be used for publicity purposes on the Campaign's list of sponsors.

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. . . . . .
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WOMEN ONLY MEET AT HOLLOWAY PRISON, PARKHURST ROAD, LONDON N7, from 6.00 to 7.00pm on the FIRST DAY OF EVERY MONTH. PLEASE COME AND SHOW OUR SOLIDARITY WITH THE WOMEN IN HOLLOWAY.

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June Battye (N.A.P.O.)
Melissa Benn (Inquest)
Jill Box-Grainger (R.A.P.)
Pat Carlen (Author of *Women's Imprisonment*)
Orna Fiegel (Community Graphics)
Jenny Hicks (Clean Break/ex-prisoner)
Moira Honnan (Stockdale House)
Christina Kennedy (ex-prisoner)
Patti Lampard (Women's City)
Josie O'Dwyer (ex-prisoner)
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INQUEST Bulletin No.4 September 1984

# UNCARING ATTITUDES

An INQUEST special report
by Tony Ward, Dave Leadbetter and Jacqui McClean

**Two thirds of the people who died in police custody in London last year had been arrested for drunkenness. Some people who are drunk have to be taken off the streets for their own safety, but police stations are not the right places to take them. Three recent cases have highlighted this problem; but police and Home Office policies are more concerned with saving money than saving lives.**

Mr James Sullivan fought in the Second World War, with the Chindits in Burma. After leaving the army he worked for several years as a Customs and Excise officer; latterly holding the very responsible position of driver-messenger to a senior figure in the service.

Two and a half years ago Mr Sullivan retired. He had the tenancy of a council flat where he also accommodated one of his brothers.

Described as a 'man of habits', Mr Sullivan carried with him into retirement the characteristics of smartness and pride first adopted as a young soldier. His extensive wardrobe contained many a 'knife edge crease' and his shoes were always highly polished.

Almost invariably the pattern of his weekday activities included rising at 5.30am and, after breakfast, bath and purchasing his three daily newspapers, taking in mid-morning a bus to the Volunteer public house in Poplar. There (as managers Mr and Mrs Burns testified) he would consume three or four pints of Stone's bitter, talk with friends and read his papers. Then – before the bell he would march smartly back to the bus stop, return home, make himself a sandwich, and wait for his younger brother to come back from work. He rarely went out in the evenings and was 'famous for always wanting to spend the night in his own bed at home'.

On 5th April 1984 Mr Sullivan left the Volunteer at the usual time, got on the bus and fell down stairs. It appears that he was knocked out.

A bus inspector, two ambulancemen and a party of Probationary Police Officers, with their tutor, were speedily on the scene. This was at about 3.00pm.

Mr Sullivan declined to go in the ambulance and, after the bus inspector's suggestion that he be taken home was rejected by the police, was taken instead to Limehouse police station.

Mr Sullivan was not charged. Instead the Station Sergeant decided to apply the Met's new policy of cautioning and releasing (when sober) suspected drunks. He remained in the police station till just after 10.00pm. Although he was searched by his captors they failed to discover £80 which he had on him.

He spent the time mostly sleeping in the big drunks' cell, being checked and roused at half hourly intervals.

No doctor was called to see him. Had this been done, things might have turned out very differently. Dr Mayer, the Divisional Police Surgeon, was experienced in neurosurgery and would surely have noticed that Mr Sullivan was suffering the effects of three distinct brain haemorrhages.

Mr Sullivan refused to sign the 'caution sheet'. Instead of charging him as the new procedure would seem to require, the Station Sergeant had him ejected from the police station.

He was lying and sitting in the rain from about 10.00pm until 1.00am. Various 'samaritans in blue' passed by on the other side and only when two members of the public complained did the police again call an ambulance. The crew who turned out was the same as had seen him at the bus. Instead of taking Mr Sullivan to the ambulance, police station, or some other well lit place, the crew examined him by torchlight. He again, it was said, waved them away. Ultimately Mr Sullivan was taken home in a police van and (after the journey had been interrupted while an emergency call was pursued) was dumped unceremoniously on his sofa. The police who brought him home did not tell his brother that he had been in an accident or unconscious. This was probably for the very good reason that they did not know themselves. Mr Sullivan died the following day whilst his brother was at work. When his brother washed him he discovered many other injuries including fractured ribs.

In an attempt to evade their own responsibilities the police indulged in what amounted to character assassination at the inquest. The family, who are considering whether to take further action bitterly resent the labelling of their smart and 'with-it' brother as a scruffy, drunken vagrant.

The following statement, signed by the jurors, amply bears out our concern about the cautioning policy:

*Unanimous verdict of the juror is death by Misadventure.*

*Recommendations:-*

*Introduction:-*

*We would not use the word 'Neglect' or the term 'lack of Care' but there is definite evidence to suggest, that uncaring attitudes and sloppy practices were demonstrated at the time in question.*

*1. Recommendation:-*
*We would strongly urge and recommend to the Attorney General that the rules and procedures regarding the treatment of the arrested drunk be given a very careful re-examination in the light of these very tragic circumstances, to see whether they should be amended so as to prevent such rigid application in the future. In the meantime we think it extremely important that present and any amended procedures must be strictly monitored at the highest level.*

*2. Recommendation:-*
*Further, we feel that the absence of any suitable caring agency which could have been brought into the situation contributed to the fact that no one was ultimately alerted to the seriousness of Mr James Sullivan's Condition. Therefore we recommend that urgent consideration be given to the allocation of resources for the creation of an independent and responsive agency to fill the gap created by the new procedures.*

*3. Recommendation:-*
*That a person given into the care of a relative by the police should be accompanied by a written report on the circumstances of the person's arrest and as to why the police had to bring him home.*



## 'THE MAJOR CAUSE FOR CONCERN'

The Metropolitan Police Commissioner's Report for 1983, published in June includes the following paragraph on deaths in custody:-

> During the year there were 18 such deaths, which is nine fewer than 1982. Twelve cases resulted from arrests for drunkeness, which remains the major cause for concern. This problem will not be alleviated until provision is made for detoxification centres to be established in the Metropolitan Police District. Procedures for the care of persons in police custody were amended in 1983 and will continue to be reviewed in an endeavour to ensure that all necessary safeguards are taken.

Ironically, the Commissioner's call for detoxification services comes at a time when the prospect of adequate provision seems more remote than ever before.

Under Section 34 of the Criminal Justice Act 1972, the police have power to take a drunken offender to a designated 'treatment centre', (these were originally called 'medical treatment centres' but the word 'medical' was dropped in 1977.

This section was based on the recommendations of the Home Office Working Party on Habitual Drunkenness Offenders which reported in 1971. It proposed that detoxification centres should be 'demonstrably medical and social work faculties with a clearly therapeutic purpose. They should be under medical direction with 24 hour cover.'

Only two detoxification centres have been set up, one in Manchester and one in Leeds. When Lord Whitelaw became Home Secretary he decided that this kind of centre was too expensive and made funds available for 'a simple overnight shelter for people who would otherwise be charged for offences of drunkenness'. Only one of these 'wet shelters' was established, at the Trinity Centre in Birmingham.

The Home Office report on the 'wet shelter's' experimental period was published last year.[1] It found that the shelter was successful in diverting offenders from police custody and from the courts, but was less successful in referring them to treatment services.

The shelter was more expensive to set up than had been anticipated, though still much cheaper than the detoxification centres.

The report clearly illustrates the medical needs of people arrested for drunkenness. Of 958 admissions to the shelter:

> Thirty-five were unconscious on admission, and since the standing instruction to the police is that they should take unconscious persons to hospital, it may be that these cases were diverted from hospital emergency facilities rather than from police custody. On 12 occasions persons brought into the shelter were not considered by the shelter staff to be drunk, but were thought to be suffering from some other condition such as epilepsy or diabetic coma . . . There were 95 other instances when admissions required immediate first aid for . . . On 25 occasions a man became seriously unwell whilst in the shelter . . . One man died in hospital shortly after leaving the shelter.

The man who died was named Joseph Coyle. After his inquest the Birmingham coroner wrote to the Home Secretary expressing the view that Mr Coyle had received a lower standard of care than he would have done had he been arrested and treated according to police regulations, thus confirming fears that the attempt to minimise costs would result in inadequate medical supervision.

1 *Diverting drunks from the Criminal Justice System.* Research and Planning unit Paper 21, by Sue Kingsley and George Mair.

In the light of this research, the present Home Secretary has written in a memorandum to the Parliamentary All Party Penal Affairs Group: 'It is doubtful whether – judged solely on the basis of their success in diverting offenders from the criminal justice system and bringing recoverable savings for other agencies – wet shelters could ever be cost effective. Far more offenders can be reached by the adoption by the police of a policy which creates a presumption in favour of cautioning rather than prosecuting drunkenness offenders.' The Home office has already acted on this new policy by pulling out of the consortium which was to have funded a new 'drying-out centre' in Southampton. As a result the project has collapsed.

The latest pronouncement from the Home Office suggests, however, that the Government has not yet taken a firm decision. Clive Soley MP asked the Home Secretary 'whether in view of the statement in the Metropolitan Police Commissioner's Report that the problem of deaths in police custody will not be alleviated until provision is made for detoxification centres to be established in the Metropolitan Police District, he will take steps to establish such centres'. David Mellor, the Under-Secretary of State, replied:

> We are reviewing our policies towards the treatment of drunkenness offenders, but the case for providing detoxification centres (which are primarily matter for my rt hon Friend the Secretary of State for Social Services) or simpler overnight shelters is not clearcut. We have no present plans to establish any centres in the Metropolitan Police District. (Written answer, 30 July 1984).

The unclear division of responsibility between the Home Office and DHSS is something that has paralysed progress in this area for years. It is high time it was resolved.

## A BLINDING SHAFT OF LIGHT

Police cautioning schemes for drunkenness offenders were first set up in Dorset and in the Metropolitan Police 'F' Division (Hammersmith), and from February have been extended throughout the Met. The architect of the Hammersmith scheme was Inspector Alan Chambers. In an interview with the *Guardian* (23.5.84) he said of the scheme: 'it started selfishly as a means of saving resources and then I was hit with a blinding shaft of light' (he did not say whether he had been drinking at the time). Under the Met's scheme people arrested for drunkenness are cautioned rather than charged unless they have already been cautioned three times within the past month, or, in cases of 'drunk and disorderly', a member of the public has complained.

Inspector Chambers has made it very clear that he does not see cautioning as an alternative to treatment centres. On the contrary he has been actively involved in Out of Court, a group campaigning for alternatives for drunkenness offenders, and in May he organised a conference to discuss the possibility of a 'community drying out centre' in Hammersmith. He has however, suggested that cautioning might be a suitable way to filter out 'first time' offenders, leaving the treatment centres to concentrate on 'habitual' drunks. This is in line with the recommendations of the D.H.S.S. funded Detoxification Evaluation Project, but as a way of avoiding tragedies like Mr Sullivan's it is clearly unsatisfactory. Someone like Mr Sullivan who is not habitually drunk but shows symptoms of drunkenness is at least as likely as any 'habitual offender' to be suffering not from intoxication but from illness or injury.

Writing in the *Home Office Research Bulletin* (no.17, 1984) George Mair displays astonishing optimism about the future role of the police:

> Those offenders in need of help can, the intention is, be identified by the police and referred to appropriate sources of help. In theory, such a policy could be effective as a wet shelter – apart from leaving the police to deal with the problem – but a full evaluation of this approach will be necessary.

The police cannot be relied upon to identify those offenders in urgent need of medical attention; to suggest that they would also take the time to act as a social-work referral agency is simply incredible.

In theory, the cautioning scheme does not entail either a higher or a lower standard of care in the police station, but the Sullivan case suggests that in practice it could make things worse, for two reasons. Firstly, although under the new policy drunks are not supposed to be thrown out of the station before they have sobered up, the fact that they no longer have to be kept overnight in order to be brought to court may tempt some officers to do this. Secondly, the Met's General Orders require a doctor to be called to any prisoner who is not 'fit to be charged' within four hours of arrest, if a prisoner is not in fact going to be charged the police may overlook this requirement.

## GUIDANCE

In any event the procedure will, thanks largely, it appears, to INQUEST'S work on the Police Bill be significantly improved (on paper at least) when the Code of Practice which accompanies the Bill comes into force. In the Committee's debates of 'our' amendments to the clauses dealing with detention, the Government promised to look again at the relevant provisions of the Code. Rather to our surprise, they actually did. In the revised version of the Code, one phrase to which we particularly objected, which required a doctor to be called to an 'incoherent or somnolent' prisoner only 'if the custody officer is in any doubt as to the circumstances of his condition', has been deleted. So prisoners in that condition will no longer have to wait four hours to be seen by a doctor even if, as is usually the case, the police are in no doubt at all that they are merely drunk. The revised Code also includes the following 'note for guidance':

> It is important to remember that a person who appears to be drunk may be suffering from illness or the effect of drugs or may have sustained injury (particularly head injury) which is not apparent, and that someone needing or addicted to certain drugs may experience harmful effects within a short time of being deprived of their supply. Police should therefore always err on the side of caution in calling the Police Surgeon and act with all due speed.

The phrase 'err on the side of caution' has perhaps been borrowed from Gerry Bermingham's speech in Committee (see *Bulletin* No. 3).

It will be important to monitor the working of the Code when it comes into operation.

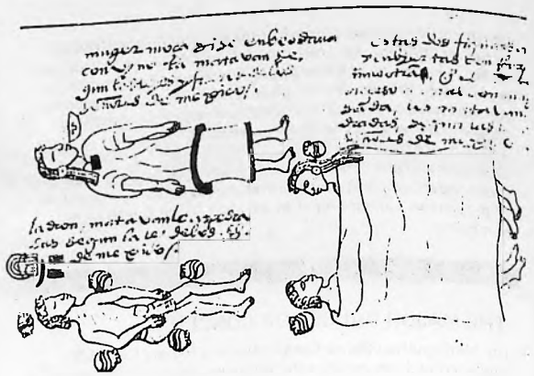
[redacted]

*'Police in the MPD tended to see drunks as a nuisance they could well do without. Drunks as far as the police interviewed were concerned were a drain on resources which could be utilised more productively. . . . However, given that a large proportion of police officers patrolling the streets in central London are probationers, drunks appeared to have one useful role as far as the Metropolitan Police were concerned. Inspectors in charge of reliefs (shifts) felt that they should encourage probationers to make drunkenness arrests for the sake of experience in handling and searching offenders and the procedure for making a charge.'*
Suzan Fairhead, *Petty Persistent Offenders*, Home Office Research Study No.66, 1980.

[redacted]

## RAY OF HOPE

The Alcoholics Recovery Project (ARP) have appointed a development worker, funded by the GLC Police Committee, to work on the proposal for a Drink Crisis Centre in South-East London. ARP has undertaken a survey of people appearing on drunkenness charges at Camberwell Green, Tower Bridge and Greenwich magistrates' courts which shows that on average the three courts between them deal with 93 such offenders a week. The ervices provided by the centre would fall into two stages. The first stage would cater for the sobering up process. ARP stress that



*In the Aztec Empire, drunkenness could be a capital offehce (top left). We, of course, are more civilized.*

> It is essential that permanent medical nursing expertise is always available for critical cases. The experience and perception of qualified nursing staff is necessary to diagnose secondary medical conditions or treatment in cases such as diabetes, drug addiction, other than alcohol, injuries following road accidents, and so on.

And they emphasize that standards of building, washing arrangements, light and heat etc., at this stage should be 'of the highest all round'.

The second stage would involve trying to encourage the client to face up to his or her drink problem and to consider a referral to a local treatment agency, South-East London has what the A.R.P. term 'an unrivalled concentration of such facilities'. During the second stage the client would stay in hostel type accommodation, preferably within the same building. A.R.P. envisage that in order to benefit fully from the Centre those referred to it would have to stay for at least 24 hours, though they would be free to leave at any time. A.R.P. estimate the cost of the Centre (not counting the capital cost of the building) at £100,000 to £120,000 a year. This may give us some idea of the costs involved in providing facilities for London as a whole.

The number of referrals that a centre can attract is the critical factor in what Leon Brittan calls its 'cost-effectiveness'. The Birmingham Wet Shelter report calculates that if the shelter had been fully occupied at all times the cost per admission would have been about £3.80. But because it was under-occupied the actual cost per admission was £39, even though the shelter was 'operating with fewer staff than it really needs'. The report describes the savings for the criminal justice system as 'real but rather intangible'. The Magistrates' Association, however, has estimated the cost of court time alone of dealing with a drunkenness offender at £115. This cost is neatly disposed of by the cautioning scheme, thus undermining one of the few arguments the Home Office seems able to understand. What can still be argued is that, with careful planning and the co-operation of the police, a service such as the proposed drink crisis centre could be less expensive than Birmingham's 'cheap overnight shelter'. A.R.P. is still hopeful that the Home Office will fund the project, and it may also receive money that the D.H.S.S. is making available for projects that will partly replace the Camberwell Resettlement Centre, which has recently closed.

We do not wish to defend alternatives to police custody on the Home Secretary's chosen terrain of economics. It is obscene that a measure aimed at saving lives should be judged solely on the basis of 'cost-effectiveness'. Nor do we wish to suggest that the provision of designated treatment centres alone will solve the problem. The report by the Detoxification Evaluation Project[2] rightly points out that these can only be effective where two conditions are satisfied. Firstly:

> The centre should only be set up as part of a range of services in an area. To go beyond the management of detoxification the centre must have access to long and short term sheltered housing, day and residential care and residential care and therapy for problem drinking and other associated problems.

2 *Detoxification Services: Policy and Research* (1982)



Secondly, centres are only likely to be viable where there is a concentration of 'drunkenness offenders' in a fairly small area. Where offenders are scattered over a wider area, other measures may be more appropriate. The Detoxification Evaluation Project suggests that 'In rural areas the police might be empowered to take drunkenness offenders to hospital or to designated beds in projects for the single homeless or problem drinkers.'

But hospital casualty departments are relunctant to take in drunks and the police are slow to take drunken prisoners to them, as two recent cases illustrate.

## ROBERT PRATT

> **Coroner: Who decides whether a person in this state should be taken to the police Station or to a hospital?**
> **Witness: Sir, the other officers who had first seen him had already decided that he was drunk and he should go to the police station.**
> **Q. Was it ever suggested — perhaps you suggested it yourself — or perhaps you have heard a suggestion; that all unconscious patients should be taken to hospital first?**
> **A. No Sir.**
> **Q. Is it right Inspector that hospitals have said to you please don't bring drunks here?**
> **A. Yes that's right.**
> **Q. And how many times?**
> **A. Lots of times.**

**This revealing exchange took place during the Hammersmith inquest into the death of Mr Robert Pratt. Mr Pratt, a 25 year old civilian police employee, lived at Rotherhithe. One night he went for a few drinks with a friend in Whitechapel. He told the friend, a nurse, that he had been feeling very depressed and even suicidal of late — so much so that he had needed a sleeping pill the previous evening.**

**During this conversation, which extended over a couple of hours, Mr Pratt consumed — as was afterwards confirmed by the pathologist — five pints of beer or the equivalent.**

**After asking his friend to phone his lodgings and say that he was on his way home, Mr Pratt went to Whitechapel Station to catch a train. Those familiar with the station will know that trains for Rotherhithe, New Cross etc., leave from a platform which has its very obvious entrance immediately alongside the ticket barrier. For some reason Mr Pratt must have walked by this, gone to the wrong platform and got a District Line train.**

**We next hear of him at Ealing Station where station staff found him unconscious. Already that evening they had had to eject two drunks. Because Mr Pratt did not seem to be rousable however, they decided to call for police help.**

> **Coroner: Did you notice any movement on the part of Mr Pratt?**
> **Police Constable: Yes Sir. There was some movement of his limbs.**
> **Q. Do police not have a stretcher on which to carry people in such conditions?**
> **A. No Sir. I don't know why not.**

**Asked how they dealt with Mr Pratt, the police said that they had laid him in the recovery position (otherwise known as the three-quarters prone position) with his head on one side, in the back of their van. At the police station he was carried into the charge room and laid in the same position. Then the officers tried to revive him: 'We slapped him on the back, pinched his earlobe and tried to get a response from him without success.' Then they took him to a cell and laid him — once more in the recovery position — on a mattress.**

**As pathologists have often remarked, this position is valuable so long as the patient is continually watched. It is of little use, however, when the patient has to be left alone and is only visited at intervals, because unconscious people are just as likely to move as those who are asleep.**

**The officers, were of course, quite aware that Mr Pratt might move; so much so indeed that they locked him in, in case he should escape.**

**At first Mr Pratt did respond, in an incoherent way, to the officer who made the regular half-hourly visits.**

> **Coroner: When did you start worrying?**
> **Police Officer: By 3am. That is to say two and a half hours after he had been brought to the station. At 3.30am I expected some progress in his condition. The majority of drunken prisoners in his situation take less than the four hours provided in the regulations to recover sufficiently . . .**
> **Witness: The constable returned and said the divisional surgeon was en route. Mr Pratt seemed to be snoring; so I left him and went upstairs.**
> **Q. And why did you do this?**
> **A. Because I had much to do Sir. And I didn't think him in any danger of dying.**
> **A. You sent for the doctor. How did you decide whether to call for a doctor or for an ambulance?**
> **A. Our instructions are to send for a doctor if a prisoner is unfit to be charged. We would not have waited the four hours. If anyone arrived at the police station in an unconscious condition and was not rousable, I would send for a doctor.**

**An ambulance was nevertheless summoned, but cancelled by the divisional surgeon when he pronounced Mr Pratt dead. He had choked on his own vomit. The coroner, jury and all concerned were surprised that so small an amount of alcohol could have rendered him so somnolent.**

**Throughout the inquest, the coroner, Dr Burton, who is also Honorary Secretary of the Coroners Society, tried hard to extract from the witnesses — and later from the jury — the opinion that detoxification centres rather than police stations constitute the only real answer to the problems of drunkenness and *apparent* drunks.**

**The jury, while agreeing that the existing situation was 'most unsatisfactory' declined to support such an opinion, for two reasons. One was based, doubtless on a misunderstanding of what the doctor had said he would have done in a *hospital* — that they considered against 'basic human rights' to stomach pump anybody and everybody who had drunk five pints of peer. The other reason was that the jury felt sure that no one would take any notice of their view and the Government in particular would reject the situation on grounds of cost.**

One disturbing feature of the Pratt case is that both Inspector Barry (the first witness quoted above) and the station sergeant appear to have been unaware of the changes in procedure mentioned in the Commissioner's Report. One of the changes, outlined by Douglas Hurd in a written answer on 27 July, is 'that an arrested person who is unconscious on arrival at the police station must be taken to hospital without delay; before they required that he be taken to hospital if a doctor could not attend quickly'. This did not apply to Mr Pratt, but it was relevant to the coroner's general question about taking unconscious people to hospital (General Orders already required people to call an ambulance if they found a person unconscious in the street). More important is the fact that the station sergeant classed Mr Pratt as 'drunk but rousable', even though when 'roused' he did not say any 'distinct words' but only came out with some 'very drunken' and 'incoherent' speech. According to Mr Hurd:

> The previous instructions required that a doctor should be called if . . . the person could not be roused or made to respond in any way. The revised orders require that a doctor must be called if the person does not show signs of sensibility and awareness or *fails to respond normally to questions or conversation*. [our emphasis]

The other case is one where the police ought to have sent their prisoner to hospital, but had they done so it might not have done much good, if her treatment at the hospital where she was eventually taken is anything to go by.

## WILMA LUCAS

**Wilma Lucas was a 40-year old radiographer from Addlestone, Surrey. She was an alcoholic and had previously been charged with two minor and rather farcical offences connected with her attempts to obtain alcohol. For one such offence she was sentenced to two years probation. It was for breach of this probation that she was arrested at her home at 7.10am on Friday 10th February 1984 and taken to Addlestone Police Station. Chertsey Magistrates Court heard her case at 4.15pm and she was remanded to Holloway Prison, but the police found it was too late for her to be admitted that day. After nearly 12 hours in police custody her speech was still slurred and she had become incontinent. Thus at 6.40pm her GP Dr Staunton was called. He said it was her 'normal condition',**

she was 'fit to be detained' and he was adamant that she should not go to hospital.

At 3.15am on Saturday morning she was unable to stand and at 4.15am, the police surgeon, Dr Francis, recommended that she be taken to the prison hospital.

Nevertheless, she was held until 12 noon on Saturday, when she was bundled onto the floor of a police transit van and taken to Holloway handcuffed to the seat. This was in breach of several rules. The investigating officer, Detective Chief Superintendent Churchill-Coleman of the Metropolitan Police, said at the inquest that they should have called a doctor and sent her to hospital. He was disturbed that she had only been visited once an hour on Saturday morning and that during these early hours no WPC was on duty. Supt. Forward admitted that S.23 para.197 of the Constabulary's rules under which an unwell prisoner needs a doctor's certificate that he/she is 'fit to be conveyed' appeared not to have been complied with. The investigating officer commented that the WPC should have sat in the back of the van with Mrs Lucas and he concluded that the handcuffing 'was both unnecessary and in breach of the Surrey Constabulary's own regulations'. The senior police officer on duty said they used a van because it 'would be more comfortable for Mrs Lucas', whilst Superintendent Morton said it was 'much easier to clean out' than a car, but ex-PC Maylen admitted it was because she was too 'smelly'.

Chief Supt. Churchill-Coleman remarked that 'taking someone like Mrs Lucas to prison is an unpalatable task but the police are paid to do just that and to undertake these unpalatable tasks'.

Mrs Lucas's condition aroused little police concern even though she had fallen in the cell before the journey and in the van she was drowsy, incoherent and cold. When she got out she fell over repeatedly — once face downwards on the ground. Despite the fact that she was described as being 'in a terrible state' and 'saturated with urine', ex-PC Maylen said 'her medical condition was not considered'.

At 1.45pm she was carried into Holloway face downwards and staff noticed severe bruising on her face and trunk. Elizabeth Robson, reception police officer gave evidence that 'she looked as though she needed medical treatment'.

Mrs Lucas had glazed eyes and 'her skin was cold'. She had bruises on the left side of her face and over her eye. Her legs were badly bruised and she had bruises on both arms, the backs of her hands and one large bruise on her right buttock, which 'seemed particularly swollen' according to the prison SEN. The nursing sister Cathy Grimes noted 'bruising on her waits and both knee caps'.

Mr Ivor Ward said that he rang Inspector Dodd to find out 'why she had been sent to us in such a bad state'.

A prison nursing auxiliary told the inquest, 'I have seen many alcoholics but I have never seen bruises on an alcoholic as grave as on this occasion'. Prison Officer Todd said 'her face was dark black . . . I have never seen anything like it before'.

At the Prison there was some confusion because medical reports for the time the prisoner was in police custody were not provided as they usually are by the Metropolitan Police. There was an hour's delay in the arrival of the ambulance (around 4.30pm) since the two 999 calls had allegedly been down-graded to a '30 minute delay' call!

At Whittington Hospital a newly qualified Dr Foster, who had started his job only two days before, could find no fractures from her X-rays and judged her fit to return to prison. She was returned to Holloway in a minicab.

After her return to Holloway Mrs Lucas's condition deteriorated and at 6.30 a.m. she fell into a coma. A part-time medical officer, Dr Coxon, examined her at about 8.30 and arranged an emergency admission to the Royal Free Hospital. A neuro-surgeon operated to remove the haemorrhage, but was tto late to save her.

In his summing-up the coroner told the jury that they could not add riders to their verdict, but invited them to tell him of any recommendation which they would like him to pass on to the appropriate authority. If the jury could not do this, he said, there would not be much point in having one.

When a juror asked the Coroner, Dr Chambers, for guidance regarding a 'lack of care' verdict, he replied 'I would like to steer you away from that one'.

After 3 hours the jury returned an open verdict on a majority of 9–2. The jury's representations to the Coroner largely reflected the criticisms Chief Superintendent Churchill-Coleman had made. They recommended that all alcoholics should have alternative accommodation and medical supervision, which the Surrey County Health Authority should undertake to provide in their county.

All prisoners with a medical condition, who are to be transferred should be properly accompanied by a full medical statement.

Further, no sick prisoners should be transferred on the floor of any police vehicle and a motor car, not a transit van, should be used to transfer them.

Sick prisoners, the jury said, should not be handcuffed and all police officers should be warned that alcoholics bruise easily and that head blows can lead to serious conditions.

## CONCLUSIONS

It is not every day that INQUEST rallies to the support of the Metropolitan Police Commissioner, but in the matter of averting drink-related deaths in police custody, we believe that Sir Kenneth Newman is broadly right, and the Home Secretary is wrong. Only when provision is made for detoxification centres — or some other kind of designated centre under the Criminal Justice Act 1972 — to be established in London will this problem be substantially alleviated.

That does not absolve the police from the duty to take the best possible care of prisoners on drunkenness charges. The Metropolitan Police in the case of James Sullivan, and the Surrey police officers who dealt with Wilma Lucas, fell well short of that standard.

The police must obey their own regulations. The Draft Code of Practice, as amended, is a real improvement on existing procedures and must be strictly observed when it comes into force. Indeed there is no reason why the police should not be directed to comply with the Code's requirements before it is brought into force, by calling a doctor promptly to any prisoner who is 'incoherent or somnolent', whatever the apparent cause. But in the Lucas and Sullivan cases the police did not even comply with existing regulations.

We have grave reservations about the new policy of cautioning the majority of people arrested for drunkenness. The scheme is welcome in as much as it avoids the futility of court appearance, fines, and imprisonment for fine default. But it may have adverse consequences which the officers who devised it almost certainly did not intend. The Home Secretary appears to have seized upon it as a means of decriminalizing drunkenness on the cheap. That is a most cynical and uncaring policy, and will probably be as unwelcome to the police as it is to us. We hope that Mr Brittan's remarks to the Penal Affairs Group and on other occasions do not represent his considered view, and that on reflection he will re-affirm the Home Office's commitment to providing alternatives, and act upon it by funding the proposed centre in South East London, and restoring funding to the project in Southampton.

The cautioning scheme may also be misinterpreted by officers 'on the ground' as permitting a lower standard of care than the old system. As we understand the scheme, it should not have that effect if it is properly applied. At best, however, it is no more than a faster and cheaper way of achieving nothing, beyond keeping people temporarily off the street.

It is unfair both to the police and to their prisoners that police stations should be used as dustbins for people whom nobody else wants. Hospital casualty departments are at least as suitable as police stations for dealing with drunks, and until a more suitable alternative is provided they should be prepared to take their share of responsibility.



# Liberals back INQUEST policies

The Liberal Party has adopted a policy on the reform of coroners' courts which in most respects reflects the policies favoured by INQUEST. A motion passed at the Party Council on July 23rd calls for:

- **The parties entitled to be represented at inquests to include elected representatives for the place of death, the place where the inquest is held, and the place where the deceased lived, and voluntary organisations with an interest in the deceased or cause of death.**
- **Legal aid for parties at inquests.**
- **Parties and their representatives to be entitled to 'call new witnesses and address the court on the facts, and have prior disclosure of all papers (including statements taken by the police)'.**
- **Coroners' officers to be court officials *not* police officers.**
- **Establishment of a chief coroner and his office, to collate information from local inquests and report it annually to Parliament** [INQUEST has not called for the appointment of a chief coroner, but the function of the proposed office is in line with our recommendations].
- **Restoration of riders and 'lack of care' verdicts, and a further power to order a public inquiry on issues which are beyond the competence of the inquest to determine.**
- **Rapid harmonisation of Northern Irish inquests with the more effective English laws.**

The motion 'calls on the parliamentary party to urge these measures, as private members or as part of any future government'.

The only point where the Liberal policy differs from ours is when it calls for 'coroners and deputy coroners to be appointed by the Lord Chancellor's department, and High Court judges to preside in cases of national importance'. INQUEST does not see any advantage in the Lord Chancellor's Department taking on the appointment of coroners, considering the secretive way it operates in relation to other judicial appointments, and its habit of delegating its existing functions with regard to coroners to the Home Office. We prefer that the coroner should continue to be seen as a servant of the local community, appointed by the local authority. As for High Court judges presiding in certain cases, there is no great objection to this as part of the overall packagae (High Court judges are already, in theory, *ex officio* coroners) but there is a danger that this 'reform' could be implemented in isolation, giving a spurious legitimacy to an unreformed procedure.

Before the motion was debated, INQUEST's two London Organisers addressed a small but lively fringe meeting. The motion was proposed by Dave Bird of the Young Liberals, who said that the main purpose of the motion was to ensure that effective enquiries were held into deaths in custody, although inquests were not satisfactory in other cases either. Tim Clement-Jones of the Law Panel seconded the motion. He pointed out that the Liberals would be the first party to have a coherent policy on coroners' inquests. 'There is a considerable head of steam building up behind this issue' . . . he said. 'INQUEST is a pressure group that is going from strength to strength.' The motion was passed *nem. con.*

# In brief

## DAVEY CASE GOES TO HIGH COURT

The Attorney-General has authorised the family of James Davey, who died after a struggle in a Coventry Police Station last year, to apply to the High Court for a new inquest. At the Inquest in March, the jury unanimously agreed on a verdict that the death was accidental but an unreasonable amount of force was used. After this was rejected by the coroner, a majority of the jurors agreed that 'As the law stands, there is no alternative to a verdict of accidental death'. A divisional court will now decide whether the law does indeed stand as the jury was told it stood.

Meanwhile the James Davey Campaign are demanding that West Midlands County Council pay the family's £8,000 legal bill for the original inquest. This follows the news that an insurance company has paid the £12,000 bill incurred by the council on behalf of the West Midlands Police, although this expense does not appear to have been within the terms of the Council's insurance policy.

## INQUIRY INTO INQUESTS

JUSTICE (the British Section of the International Commission of Jurists) has established a committee to inquire into coroners' inquests. The Committee is expected to report early in 1985.

INQUEST's submission to the Committee sets out in detail our proposals for the reform of coroners' courts, and the reasoning behind them. There are three appendices dealing with 'Lack of Care' and the Coroners Rules 1984 (reprinted in this Bulletin) 'Streamlining the Cities' and the Coroners' Service; and Inquests in Northern Ireland).

Copies are available from the office, price £3.50 including the appendices, or £2.50 without appendices. Postage is free.

# Police 4

Melissa Benn and Ken Worpole are writing a book about deaths and the Metropolitan Police. Could people with any information about the following please contact them, c/o INQUEST:—

- Deaths or serious injuries caused by police cars since 1970;
- Shootings by the police;
- Stoke Newington Police Station;
- Southwark Coroners' Court.

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# CLOSED VERDICT

## 'LACK OF CARE' AND THE CORONERS RULES

The Coroners Rules 1984 (S.I. No. 552), which come into force on 1st July, 'consolidate with minor amendments the Coroners Rules 1953 as from time to time amended'. One 'minor amendment' which is likely to prove of considerable practical significance concerns the verdict of 'lack of care'.

In both the old and the new Rules, a list of 'suggested' verdicts is appended to the form to be used for the Inquisition – the formal record of the findings of an inquest. In the 1953 Rules, on of the suggested verdicts is that: 'The cause of death was aggravated by lack of care/ self-neglect.'

In the 1984 Rules, this form of words is no longer listed as a verdict in its own right. Instead, it is suggested that the same form of words may, where appropriate, be added to any of the following verdicts, but to no other: natural causes, industrial disease, drug dependence/ abuse, or want of attention at birth.

### THE LEGAL BACKGROUND

This change in the Rules appears to be intended to reverse the development in the use of the verdict that has taken place since the Divisional Court's decision in *R. v. Surrey Coroner, Ex parte Campbell* ([1982] 2 All E.R. 553). The issue in that case (which arose from the death of Richard 'Cartoon' Campbell in Ashford Remand Centre) was whether a verdict of 'lack of care' was compatible with r.33 of the 1953 Rules (r.42 of the 1984 Rules) which provides that 'No verdict shall be framed in such a way as to appear to determine any question of. . . civil liability.' The Court held that such a verdict did not imply that any person owed a legal duty of care to the deceased, and therefore 'a verdict of "lack of care by another or others" is clearly one which the jury is able to find without transgressing r.33' – providing the "other or others" were not named. Moreover, the jury's statutory duty to inquire "how" the circumstances, and 'Such conflict as may in any given circumstances appear to arise between r.33 and the statutory duty to inquire "how" much be resolved in favour of the statutory duty to inquire, no matter what the consequences of this may be.

### DEATHS IN CUSTODY

Since Campbell's case there have been four cases where 'lack of care' verdicts have been returned on deaths in custody.

In the cases of Ian Methven and Richard Overton, who died in Wandsworth and Hull prisons respectively in 1983, the verdicts were of 'natural causes aggravated by lack of care' and would therefore be consistent with the new Rules. The other two cases both concerned young people who had hanged themselves while in custody.

**Jim Heather-Hayes** hanged himself in Ashford Remand Centre in July 1982. The inquest heard evidence that prison officials had failed to observe Prison Department Standing Orders on the prevention of suicide. The jury returned a verdict of lack of care. As a result, HM Chief Inspector of Prisons was asked to investigate suicide precautions at Ashford. He found that Standing Orders were routinely disregarded.

**Matthew Paul** hanged himself in Leman Street Police Station in May 1983. He had been held without charge, and without access to his family or solicitor, for 36 hours. He hanged himself from the 'wicket-gate' in his cell door. This was possible because the 'wicket-gate' had been left open, in contravention of police General Orders, and despite a recommendation by the coroner after another suicide in Metropolitan Police custody a few months before, drawing attention to this danger.

After hearing legal argument from counsel for the family and the police, the coroner diected the jury that the isolation to which Matthew was subjected, combined with the opportunity provided by the open flap, could constitute 'lack of care'. The jury returned a verdict of 'suicide due to lack of care'.

### THE EFFECT OF THE CHANGE

The authority for these verdicts derives not from the 1953 Rules but from the statutory duty to inquire 'how' as interpreted in *Campbell*'s case. There is no legal obligation to follow the 'suggested' verdicts. Verdicts of 'lack of care' in cases of suicide are not strictly in accordance with the 1953 'suggestions', as the verdict is only suggested in 'cases to which note 3 applies'. Note 3 applies to a similar set of causes of death to those which may be 'aggravated by lack of care' under the 1984 Rules.

Thus is appears that the changes in the Rules has no legally binding effect. But the suggestion that the verdict be used 'In any of the above cases, and in no other' is so emphatic that it will be extremely difficult to persuade a coroner to depart from it.

### AN ARBITRARY DISTINCTION

There is no logical reason to confine 'lack of care' to the cases set out in the Rules. It means that a drug overdose can be 'aggravated by lack of care' if it resulted from drug abuse or dependence, but not if it was accidental or suicidal; and that delay in treating a celebral haemmorhage can constitute lack of care if the haemmorhage occurred naturally, but not if it resulted from a fall or a blow.

The Paul and Heather-Hayes verdicts were unusual in that the lack of care *preceded* the fatal event. The important principle implicit in these verdicts is that, if those entrusted with coercive powers exercise those powers in a way which carries a clear risk of inducing suicide, they have a duty to avoid unnecessarily increasing that risk. But to exclude 'lack of care' verdicts in cases of suicide or accident means that, if a prisoner cuts his/her wrists and is left to bleed to death, this neglect cannot be reflected in the verdict unless it is such as to amount to manslaughter.

### CONCLUSION

Common sense, common morality and the statutory duties of coroners demand that when people who are in the care of other people or of institutions die in cricumstances where they would not have died if they had been cared for properly, that lack of care should be recognized as a significant causal factor in their deaths. The attempt in the new Rules to restrict 'lack of care' verdicts to deaths from natural or non-violent causes is legally unsound and morally and logically indefensible. It illustrates the conflict of interest inherent in the Home Office (which drafted the Rules) having responsibility for coroners and also for prisoners and policing – a conflict which will be intensified if the Government carries out its intention (see *Streamlining the Cities*) to make future appointments of coroners subject to the approval of the Home Secretary.



# The Tottenham shooting

Doubt about the Met's firearms policy is not the only issue to emerge from the shooting of two unarmed suspects by officers from Scotland Yard's Central Robbery Squad. The manner in which the police version of the incident and other important details were selectively and misleadingly released to the press is a cause for public anxiety in its own right.

First news of the shootings was carried in *The Standard* (14.6.84). Early editions released the story under the front page headline 'Police In Shoot-Out: Two Hit'. This article alleged that two raiders had been shot in a 'Gun Battle' which began as they ran into a police ambush. The unarmed suspects were referred to as 'gunmen'.

Later editions of the same paper carried a second version of the events. The idea of a 'shoot out' had disappeared and was replaced by emphasis on a two day 'stake out' of the premises by police. The fact that the seriously injured suspects had been unarmed was disclosed and Scotland Yard was criticised for 'evading' questions about whether the victims had been armed.

*The Standard* quoted from a statement issued jointly by two senior Scotland Yard officers with direct responsibility for the police operation: Deputy Assistant Commissioner David Powis, operational head of the CID; and Commander Frank Chater, head of the Central Robbery Squad. This statement pre-empted the findings of any inquiry into what happened by justifying the action of the two officers. It argued that the detectives had opened fire within the context of 'a struggle':

> 'Two intruders were ... secreted inside the premises. A struggle ensued and the detective officers used their firearms to arrest (*sic*) the two intruders' (*The Standard* 14.6.84)

The following day, the Home Secretary announced an internal police inquiry into whether the required procedures governing firearm use had been observed by the officers involved. Mr Brittan's statement revealed that the force rules relating to the issue of weapons had not been violated. There would also be a report he said, into whether the victims had committed any criminal offences. He repeated the struggle version of the incident but refused to comment in detail on the facts of the case. 'It would, of course be improper of me to say anything that might prejudice any subsequent proceedings'. (*Hansard* 15.6.84)

Primed with material which could only have come from police sources, the press were less reluctant to comment on the incident than the Police Authority for London. The *Sun*, the *Mail* and the *Telegraph* all quoted police sources in support of the additional details they printed. Under the heading 'Let's Kill 'em Cry That Made The Sweeney Open Fire On An Unarmed Gang' the *Sun* argued that one of the victims had yelled the phrase as his accomplice reached inside a bag. Police, fearing that the bag contained a gun, fired three shots. The *Mail* carried an even more detailed account of the events; like the *Telegraph*, it argued that the two detectives had shouted a warning at the intruders Danny Carey and Alf Ficken. Even as Mr Brittan made his statement in Parliament, *Mail* readers could learn that:

> 'Last night after an internal inquiry Scotland Yard chiefs were satisfied that the two detective sergeants who shot two men were totally justified in firing – a decision the officers made in a split-second during a violent confrontation' (15.6.84).

The *Sun* listed the contents of the intruders' bag as 'handcuffs, masks, gloves and burglary tools' while the *Mail* disclosed that the bag contained 'ropes and gags to bind the employees'. The *Telegraph* revealed that the victims were white, and told its readers that the two police officers were 'trained marksmen' who have 'regular refresher courses'.

Though all official comment centred on the struggle scenario, it was soon contradicted by the only witness, Mrs Marjory Simmons, a clerk in the post office who was being escorted into the building by the officers who opened fire. Contradicting the *Sun* and *Mail* stories, she told the *Observer* (17.6.84) 'I never heard anything being said'. Reporters were told that she turned and fled on seeing the intruders, but heard the first shot before she got out of the building.

Her account appears to conflict with officers' description of a violent hand-to-hand struggle and raises more questions than it answers. Mrs Simmons has claimed that she did not know the officers were armed. If police believed that there were armed gunmen about to raid the office why was Mrs Simmons placed in a situation of danger? If they did not think an armed raid was imminent, why were the officers in fact armed?

Further disturbing allegations about the police handling of the affair emerged in a *Sunday Times* report (17.6.84). This revealed that in addition to the officers who fired, four further officers, one an inspector, were in the building at the time of the incident. These officers appear to have been unaware that the intruders were already inside the post office. Their surveillance of the premises had not revealed that its back door had been taken off its hinges during the early hours of the morning.

The Met's guidelines for firearm use stipulate that weapons are only to be used in cases of absolute necessity where the officer or the person being protected 'is attacked by a person with a firearm or other deadly weapon and he cannot otherwise reasonably protect himself or give protection' (see *Policing London* no. 11)

## INQUEST PUBLICATIONS

Prices include postage. If ordering free items only, please send a stamped addressed envelope.

**Annual Report 1982-83.** This, our first annual report, contains general information on deaths in custody and coroners' courts, as well as a review of the cases and activities we were involved in over the year. New members will receive a copy free. £1 to non-members.

**The Coroner's Procedure: Structure, Criticisms and Recommendations,** by Phil Scraton and Melissa Benn. £1.

**Murder Near the Cathedral: Deaths In Canterbury Prison.** Only a very limited number available. £1.

## FREE BRIEFING PAPERS:

**The Cases in Question** (October 82): brief outlines of 14 cases with which INQUEST is concerned.

**Priorities for Reform** (October 1982) argues for some of the most urgently needed reforms in coroners' procedures, and and also in policing and prisons.

**Deaths Connected with the use of Force by Police** (November 1983)

**Nine Deaths in English Prisons** (February 1983)

**Coroners' Courts: an outline of INQUEST's proposals** (more comprehensive than Priorities for Reform, but not as detailed).

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## FINANCIAL APPEAL

As common with many campaigning groups relying heavily on the work of volunteers, INQUEST is always badly in need of money. We are particularly concerned with raising enough money to pay for a part-time or full-time worker in the North of England to help individuals and campaigns around inquest grievances to fight more determinedly for justice. Travelling round the country, attending inquests, even though the people involved are often doing it voluntarily, still involves money. Can you help us?

Why not make out a banker's order to INQUEST? Even if it's only for £1 a month — that's just 25p a week — several hundred of these could give INQUEST a much stronger national presence and identity. Our campaign is growing all the time, daily more and more people realise how grievously inadequate and unjust is the present inquest system. Just fill in this form and send it to us. We'll do the rest.

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# OFF THE DOLE QUEUE AND INTO CUSTODY

by Stephen Shaw

Every month, regular as clockwork, when a Government Minister is called upon to explain the latest rise in joblessness the same 'solution' is proposed: more training for the young unemployed. It is only proper therefore to record the success of this policy since the implementation of the Criminal Justice Act 1982. Whatever may be thought of the schemes operated by the Manpower Services Commission the courts are certainly doing their bit for unemployed yougsters in trouble with the law. In the first six months of the new Act, receptions for training in youth custody centres increased by 70 per cent among 14-16 year olds and by 10 per cent for those aged 17-20.

However, these trends do not appear to be attracting much kudos for the Home Secretary in the corridors of power. For, by contrast, the much vaunted 'short, sharp, shock' is proving an increasing embarrassment to the Government. Many of the detention centres are now half-empty. At the end of April 1984 Send DC had places for 118 but held only 63 prisoners. But even Send looks busy by comparison with Erlestoke where just 33 prisoners were detained in accommodation designed for 98.

Those who subscribe to the 'cock up' theory of history will doubtless take great comfort from the above figures. So much for the need for a military-style 'glass-house' to punish and deter young offenders. But a closer inspection of the statistics discourages such flippancy. What has really happened is that the Criminal Justice Act has given an enormous boost to the inflationary penal spiral by shifting young offenders out of detention centres and into youth custody.

Logistically, the effect on Prison Department of this escalation in sentencing practice has been calamitous. For this reason, in an attempt to forestall the total collapse of youth custody centres, the Home Secretary recently announced that elements of the short, sharp, shock regime were to be extended to all detention centres. The magistrates are apparently to be bought off with a further course of red meat.

It is fair to admit that in practice the 1982 Act is not operating in the way predicted either by its proponents or by its critics. That the Act would extend the catchment of the custodial net was of course widely foreseen, but nobody took the view that the 'short, sharp, shock' would prove so unpopular with the courts. Indeed, about the only people who seem to have any faith in the regime are those who live in the glass-houses: the remaining young men still sent to detention centres. The emphasis on drill and physical fitness persuaded one boy to report: 'Next time when I'm out on a job I'll be able to outrun the coppers'. Sadly for him, when the Home Office finally deigns to publish its much-delayed reconviction data that aspiration will prove to have been as illusory as those of the politicians who set up the short, sharp, shock 'experiment'. (The pseudo-science of the experiment has been further illustrated by the fact that Brittan's recent announcement on the extension of the regime to all DCs was made before he had seen the results of the evaluation).

Of course it is easy enough to lampoon the crass psychology of the short, sharp, shock or to mock the criminal justice system as it once again careers out of control like a headless chicken. But while the Government may be momentarily disconcerted by the failure of the system to respond to the exact formulae of its law and order legislation, the underlying trend of increasing severity is scant comfort for the prisons movement. Since 1970 the proportion of young adults given a custodial sentence has been higher than for those over 21. In the ten years following the Children and Young Persons Act the number of juveniles sent to DC or Borstal rose at three times the rate of increase in recorded offending. The 1982 Act has continued the trend towards custody and additionally shifted young offenders further up the sentencing tariff.

It is true that the average length of custody has fallen slightly because, unlike Borstal, youth custody trainees are eligible for remission and time on remand now counts against sentence. But the effect on the total population has been very largely counterbalanced by the increasing numbers of young people sucked into the custodial system.

How should the present solution be interpreted? It will be remembered that the short, sharp, shock was itself introduced as a sop to the Tory Right, a *quid pro quo* for Lord Whitelaw's then intention to release up to 7,000 prisoners on early supervised release. In practice, early release was abandoned after the 1981 Conservative Party Conference and ironically the new detention centre regime has proven unpopular with the prison officers as well as with the courts.

But while the pattern of incarceration between detention centres and youth custody may meet neither the Government's intentions or expectations, and has thrown the Prison Department into disarray, there is nothing in the pre-history of the 1982 Criminal Justice Act to suggest that its proponents will regret that the new sentencing structure has encouraged the further use of imprisonment. It is chastening to remember that back in 1969 the Children and Young Person's Act did embrace a form of abolitionist strategy, at least so far as children under 17 are concerned. The 1982 Act represents the culmination of the judico-political campaign against the CYPA. All that is happening now is that the courts are expressing a preference for a longer period of custodial 'training' over a shorter period of PT and square-bashing. Over 100 sentences of 4 months and one day have been imposed to *ensure* a place in a youth custody centre rather than a DC.

## DISCIPLINE AND SOCIAL CONTROL

All of those opposed to the increasingly punitive trend in penal policy are bound to consider its relationship to the wider economic crisis. Indeed, few readers of this journal will have regarded the opening remarks of this article describing youth custody as training for the unemployed as entirely fanciful. On the other hand, it has to be admitted that even in the inner-cities the proportion of young people entering custody

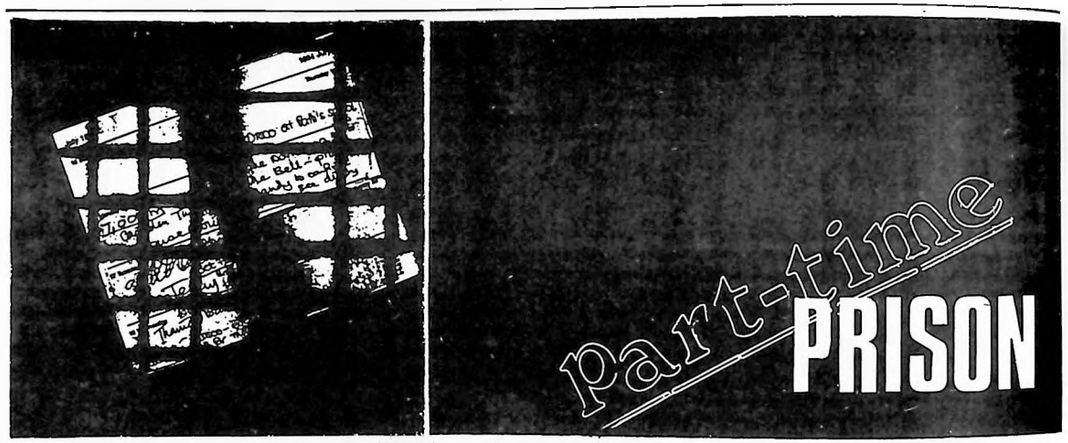
remains comparatively small. And we know too that the deterrent effect of imprisonment as an instrument of social control is even smaller.

However, the crucial problem about reducing penal policy to a minor off-shoot of some economic grand design is that it attributes a ruthless logic to affairs of state which conflicts with what most of us know to be the inchoate and *ad hoc* nature of policy-making. In particular, the criminal justice system cannot be tuned like a racing car; it can only be prodded and cajoled like an ox-driven cart.

But this is not to suggest that there is no underlying rationale for the expanding carceral estate. Even for those who have been wedded to the notion of positive criminology, the replacement since 1979 of what has been termed 'penal pragmatism' by conviction politics must conclusively have demonstrated that penal policy is as much a matter of political choice as any other. And while the present prison building spree is evidence in part of what might be called the bureaucratic expansionism of the Home Office, in the young offender sphere the principal factor generating the growth in custody seems to be nothing less than an ideology of discipline itself.

It is in this sense that 'law and order' is an ideological slogan designed for an age of mass unemployment and industrial and economic decline. For it is allegedly to reverse that decline that we are to be taught the value of discipline in the workplace, the school and in the home. However futile the effort, the drill-ranks of boys at Send Detention Centre are being marched to the same Victorian tune, the same consistent 'intellectual' purpose.

If the courts with their modern sophistication prefer the 'training' regime of Youth Custody Centres to the para-military routine of the detention centres this does not affect the fundamental change in underlying philosophy which has taken place. In criminal justice, as in social and economic policy generally, the nation of welfare (however flawed it may have been in theory and practice) has been labelled redundant. The 1982 Criminal Justice Act explicitly rejected the welfare approach to young offending and extended the powers of the courts. Since the Act's implementation those powers have been deployed against young people in such a way as to add to what was already the fastest growing sector of the sentenced prison population. The courts may not like three-week detention centre orders but it cannot be doubted that they are still batting for Brittan.






Labour Campaign for Criminal Justice

Part-time prison is back on the penal agenda after a gap of six years. In July of last year, the All Party Penal Affairs Group published their report recommending the institution of trial schemes for day and weekend imprisonment. The Home Secretary is known to be keen on the idea of intermittent custody and the Home Office is shortly to produce a consultative document outlining plans for the introduction of weekend and part-time imprisonment.

The idea of part-time prison is to create a sort of half-way house between full custody and non-custodial sanctions. In theory it would provide the courts with a semi-custodial alternative to full-time detention to be used where the offender would otherwise go straight into prison. The object is to minimise the damaging effects of full time imprisonment on those offenders who have jobs to lose, families to support and who represent no danger to the community.

It has been claimed that part-time prison would be cheaper than full time imprisonment, and arguments that it will reduce the full-time prison population have seduced many penal reformers. However, other groups like the Magistrates' Association have welcomed the idea on the grounds that it would act as a deterrent in providing a punishment for particular types of crime – football hooliganism and fare-dodging for example – where full custody would normally be considered inappropriate.

No advantages in terms of savings in either money or space in full-time establishments are apparent in those countries where part-time detention is in operation. In Holland the system of weekend imprisonment established in 1970 has turned out to be an expensive drain on resources. Offenders with sentences of up to two weeks may choose to serve them at weekends, but in January 1983 only 60 had elected to do so.

In Belgium a similar system of weekend imprisonment has been available as an option since 1963 for those offenders with sentences of two months or less and in employment. In January 1983 only four offenders had agreed to serve their sentences at weekends, making this all expensive provision. Belgium also has a costly form of part-time prison open to those offenders with jobs and with sentences of up to six months. Offenders leave the prison for work during the day and return at night. They revert to full-time custody if they breach the conditions or if they lose their job. In January 1983 only 68 of all those eligible had agreed to serve their sentences part-time.



In New Zealand, part-time prison is being phased out. It was found to be hopelessly expensive to run and to be no more effective in reducing re-offending than non-custodial sanctions. In spite of this depressing record, the All-Party Penal Affairs Group have proposed trials for:

- a system of semi-detention whereby selected prisoners with jobs be released during the day, returning to the prison at night;
- weekend imprisonment;
- a system of day detention requiring attendance for up to eight hours on a set number of days within a six month period. This is not unlike the system for the existing attendance centres.

The Magistrates' Association has also proposed a system of day-detention for persistent or petty offenders. It favours daily attendance from 9am to 10pm with a programme of work for the unemployed and evening attendance for those in employment.

The cost of accommodation and staffing for the new part-time prisons is likely to be formidable. Existing prison accommodation is already overstretched and would in any case mean that the maintenance of security would be impossible in the face of a flow of part-time prisoners. Separate accommodation would therefore be necessary. Day prisons would need to be easily accessible in urban areas to enable offenders to travel to and from them daily. The use of schools and hospitals that have fallen victim to cuts in public spending is unlikely to receive much popular support as day prisons, and the difficulty in finding a sufficiently large number of suitable buildings to serve realistically sized catchment areas may be imagined. Weekend prisons could draw from a wider area and could perhaps be located in remote districts and even in those familiar old army camps. However the cost of operating overnight detention with the necessary reception, medical and administrative procedures would outweigh any savings made on accommodation.

It is by no means clear where the staff to run the part-time prisons would come from. Prison officers would be an obvious choice but the service is already hard pressed. The Probation Service is understandably reluctant to administer a punitive sentence. The police have quite enough to cope with and already have the running of Attendance Centres. There has even been some talk of employing a private security company to run the part-time prisons.

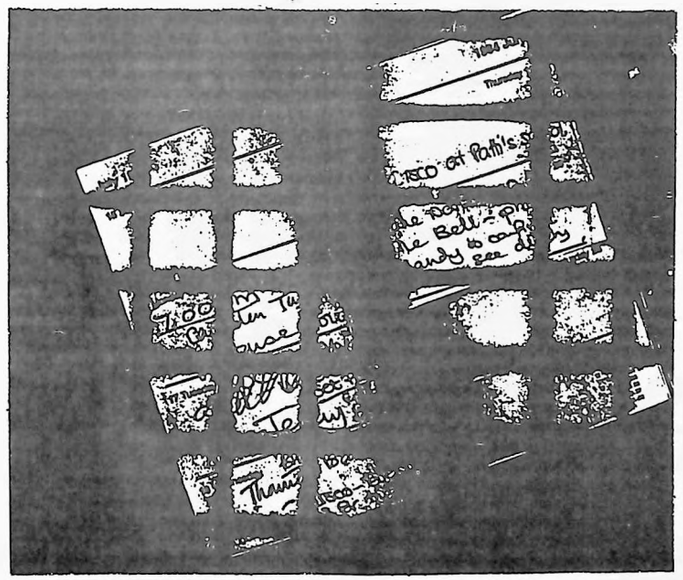
It is clear that neither the accommodation nor the staff of part-time prisons could be drawn from existing resources and would require a considerable investment.

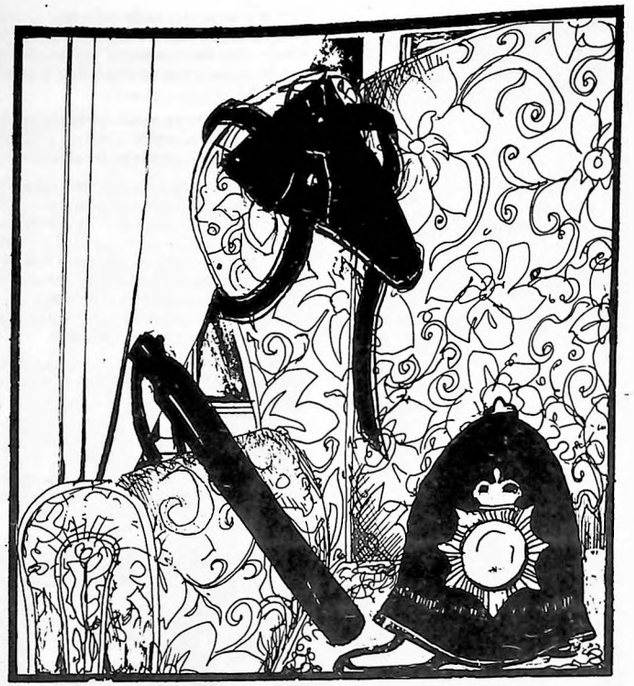
The cost of setting up and operating part-time prisons might be justified were there any guarantee that the sentence would be used solely for offenders who would otherwise go to full-time prison. However the results following the introduction of the suspended sentence provide a salutory warning: Home Office research has shown that between 40 and 50 per cent of those receiving a suspended sentence would probably not have received sentences of immediate prison if the power of suspension had not been available.

It is worth nothing that the only country now running a full system of weekend imprisonment is West Germany where young offenders may be sentenced to serve up to four weekends in prison. A staggering 26,000 young people served such sentences in 1981. That figure suggests that there is a great temptation to use this kind of sentence to give a 'taste of prison' and the failure of previous attempts to legislate to reduce the use of custody indicate that it is unlikely that this temptation would be resisted here.

There is little doubt that far from exercising a humane and liberalising influence part-time prison would:

- be used instead of non-custodial sanctions and devalue their purpose;
- push petty offenders up the sentencing tariff and swell the full-time prison population with those who breached the rules;
- discriminate against the unemployed who represent the vast majority of offenders appearing before the courts on criminal charges;
- waste an enormous amount of money at a time when public expenditure can ill-afford to squander the £250 million committed to the existing prison building programme.





## ARMCHAIR POLICING

**John Lea and Jock Young,**
*What is to be Done about Law and Order?*
Penguin, 1984, £2.95.

**Tony Ward**

The most useful chapters of this, the latest in a series of 'What is to be Done?' books sponsored by the Socialist Society, are those which make the case that law and order, or rather crime, is a problem about which the left ought to do something. The ideology of 'law and order' feeds off a fear of 'street crime' which, the authors argue, cannot be dismissed simply as an irrational, media-inspired 'panic'. Drawing on statistical, journalistic and criminological sources, Lea and Young show that 'crime' as conventionally defined is concentrated in deprived inner-city areas; is predominantly intra-class and intra-racial; is not a *direct* consequence of poverty or unemployment; and is an ugly reflection of conventional – individualistic and acquisitive – values. They also argue that it 'is of paramount importance that socialists mount a campaign against the illegalities of the rich'.

So far the authors' case, though perhaps overstated in places, is an important and valid one. Things start to go wrong in the lengthy chapter devoted to 'The Race and Crime Debate'. The relationship between race and crime is summed up quite adequately in half a sentence: there are a *'few* crimes where there is some evidence of a substantial, if still minor, racial component'. (There are, of course, certain crimes where there is overwhelming evidence that racism is *the* major component; but those are not the concern of this particular chapter.) The reason for taking up almost a quarter of the book with this 'minor component' is the intense debate that has been provoked by Young and Lea's previous attempts to bridge the gap between 'some evidence' and proof.

Lea and Young believe that the grossly disproportionate numbers of black people arrested for certain crimes such as robbery *must* be due, *in part*, to significant differences between racial groups in the numbers of such crimes actually committed. For critics such as Paul Gilroy, the important issue is the way crime figures are manipulated and distorted as part of a political offensive by the police, and any attempt to infer 'real' racial differences from the figures is methodologically unsound and politically unhelpful. At least, as a coy witness might say in court, that is the *gist* of what they have said.

Central to Lea and Young's elaborate argument is their view of the contrasting 'subcultures' of Afro-Caribbean and Asian youth, which allegedly make them respectively more and less likely than their white contemporaries to engage in some kinds of 'street crime'. Lea and Young claim that only 'a subcultural approach, which looks for subjective meanings behind objective statistics . . . can take the debate further' than the conclusion of Steven and Wills' Home Office study, *Race, Crime and Arrests* (1979), that it 'cannot be emphasized too strongly that with the data currently available it is not possible to say what weight should be given to any' of the possible explanations of high black arrest rates. But these 'subjective meanings' turn out to be nothing more than a string of unsupported assertions about other peoples' feelings and experiences. So far as the reader can tell, this is armchair theorizing of the most arrogant kind, to which those theorized about have every right to take exception.

After this regrettable diversion, Lea and Young reach the core of their analysis, which concerns the related concepts of the 'militarization' of policing and the economic and political 'marginality' of the young unemployed. The former they see as caused by, and in turn intensifying, the alienation of inner-city communities from the police and the consequent drying-up of the flow of information on which 'consensus policing', or whatever approximation to it may ever have existed, rests. 'Marginality' refers to the exclusion of the unemployed from political processes and institutions (e.g. trade unions) organized around the process of production. The arguments are very skilfully presented, but their intellectual elegance is achieved at the price of some glaring omissions. There is not a word in this book about Northern Ireland, nor about the policing of industrial conflict and political dissent, and very little about the numerous 'grass-roots' campaigns around policing issues. An account which ignores all this is as lopsided as one which ignores the suffering caused by crime.

### A CURE FOR ALL ILLS?

It is this selective analysis which makes possible the authors' simplistic answer to the question posed by the title: that the solution to all the most important aspects of the law-and-order problem is police accountability. Lea and Young argue for accountability not simply as a means of inhibiting the police from shooting or harassing people or from disregarding their needs, but as a virtual panacea for urban crime and unrest. The 'vicious circle' of alienation, reduced flow of information, rising crime, 'militarization', and more alienation will, they say, be broken and replaced by a virtuous circle of greater confidence in the police, more information, higher clear-up rates, less crime, still more confidence, and 'consensus policing'. At the same time, police accountability will create a political institution related not to the process of production but to one of the main concerns of the young unemployed, and so – hey presto! – no more marginality, no more riots.

It is ironic that, just at the time when the Home Office and some senior police officers are beginning to concede that policing can have only a limited effect on crime, sections of the left should display such blithe optimism. Even if changes in the constitutional position did significantly affect the flow of information, the relationship between the flow of information and the crime rate is a highly complex issue which Lea and Young make little attempt to explore. Firstly, their position assumes that in a large proportion of crimes there are witnesses who (a) could identify the offender; (b) do not do so out of hostility to the police; and (c) would do so if the police were accountable and behaved better. Should any of these assumptions be false, the result of an increased flow of information could well be a higher rate of reported crime, and a lower 'clear-up rate'. Secondly, they assume that the 'clear up rate' is a major determinant of the 'real' crime rate, thus taking for granted the shakiest aspect of the theory of general deterrence, the relationship between 'objective' and perceived certainty of detection. It is disingenuous, in a book aimed at a lay readership, to pass off highly questionable hypotheses as self-evident truths. As in the 'race and crime' chapter, what seems a closely reasoned argument turns out to rest on mere speculation.

The argument about 'marginality' is stranger still. It is perfectly true that a sizeable part of the population has, largely as a matter of deliberate strategy, been expelled from the process of production and politically marginalized. But to suggest that the victims of this process could be pacified by being allowed to vote every so often for a delegate to a police authority has the same kind of irrelevance as the slightly more plausible suggestion that improved grievance procedures would reduce tension in the prisons.

Which brings us to Lea and Young's views on prisons. There is just one reference to 'Prisons' in the index, which directs us to the following gem: 'Prisons should only be used where there is extreme danger to the community. The development of weekend prisons which permit people to maintain their jobs and social relationships is important . . .' presumably to contain those unfortunate creatures who are useful, hard-working members of society for five days a week, but turn into raging monsters while watching the Friday late-night movie.

There is, in fact, a simple explanation for Lea and Young's obliviousness to the drawbacks of part-time prisons and 'alternatives' in general. While their car was parked 'in up-Market Canonbury Square', some villain broke into it and stole a bag containing 'a series of articles on abolishing prisons'. Such is the impact of street crime on the middle class.

### CONCLUSION

Lea and Young's 'left realist' position starts from the following assumptions: we need a police force because crime is a real problem. There is a lot of it and it harms the working-class community. Working class crime is directed against working class people. Vandalism, rape, mugging, burglary, etc., constitute just one more factor in the burdens that working class people have to suffer. The issue is to get a police force which will deal properly with these problems.

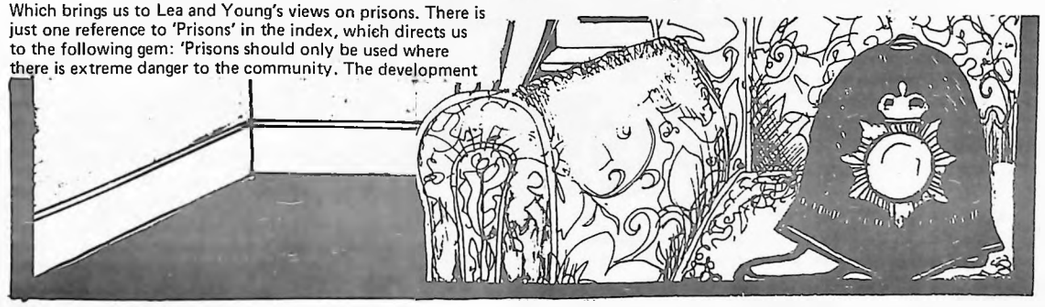
There are two objections to this, which seem to me to go to the heart of this version of 'realism'. Firstly, vandalism, rape, 'etc.' do not constitute a single phenomenon (if the common denominator is supposed to be 'street crime', this implies a gross misconception of rape). Secondly, policing is not *the* issue. *An* issue is that in certain circumstances where the police could take effective action – e.g. rapes and racial attacks where the victim knows the attacker – they fail to do so. It is a secondary issue in the wider context of racism and patriarchy, but a crucial one for the individuals concerned: 'sticking-plaster' solutions should not be sneered at if they save people from bleeding to death. In relation to vandalism, on the other hand, policing is not a relevant issue at all, as a recent GLC inquiry recognized; and there are very strong grounds for scepticism in relation to burglary and 'mugging'.

If these objections are valid, they point towards an alternative 'realism' with three main elements: a search for specific 'sticking plaster' solutions for specific crimes (including those of the police); a curb on unnecessary police and sentencing powers; and an attack on the general features of capitalism, patriarchy and racism which manifest themselves in 'crime'. Accountability of the police, prosecutors, and the penal system would contribute towards the first two objectives and indirectly (by stimulating a more informed 'law and order' debate) to the third.

Despite their view of crime as 'a result of the fundamental structural problems of capitalism', Lea and Young's remedies do not, so far as I can see, offer any real challenge to the premise of the traditional 'law and order' debate: that the problem of crime is the problem of ineffective law enforcement. Their own perception must be different, for they claim that their 'politics of crime control' will

> 'replace the "war against crime" notion of conventional politics with the notion that the fight against crime is one that combats the material deprivation of capitalism and the rank individualism of its values. It is with this aim in mind that we have written this book.'

The aim is a worthy one; the book is way off target.




**David Downes,**
*Law and Order: Theft of an Issue*
(Fabian Society No. 490, 1983)

Although the Labour Campaign for Criminal Justice has made a number of specific policy recommendations on crime and punishment in recent years, and also issued a short manifesto, the Labour Party's only comprehensive post-war investigation into this important area of social policy until now, came in the early sixties when it invited a committee of sympathetic 'experts' to advise the Party on what needed to be done. The outcome was *Crime, a challenge to us all* (1964). This new Fabian pamphlet updates Labour's concern, and it should be said straight away, it does so in a far more critical and imaginative way than its predecessor.

However, there are some important criticisms. In the first place, the title itself. This seems to suggest that the Labour Party had been busying itself with the law and order issue over the years, only to have it snatched from under its nose by the Tory Party playing electoral politics in the build-up to the 1979 General Election. This suggestion is far too generous to the Labour Party, which, in truth, has rarely turned its attention to this central issue. The law and order issue, then, was not stolen from the Labour Party, it simply gave it away so abdicating a crucial ideological space which the Tories ruthlessly exploited.

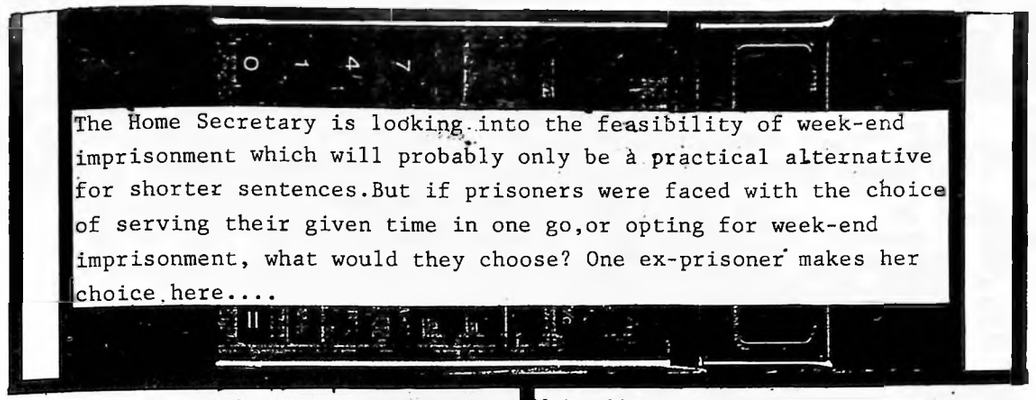
A second criticism is that although Downes clearly recognises the political economy behind patterns of crime and punishment he only snatches at it. To put the same point more particularly, the seventies build-up towards the 'authoritarian consensus', its marked contrast to the liberating 'alternative society' of the Sixties needs to be located more firmly in the economic and political changes which were happening at that time. It is surely possible to make much more of this location without being labelled as a crude reductionist.

Third, Downes shows a gentle scepticism about the high returns which will allegedly flow from community policing. A sensible note of caution, perhaps, but many RAP members will feel that the section on Policing needs a far more radical perspective. They will probably take much the same view about the section on Prisons.

These criticisms aside, it is important to recognise – and praise – this pamphlet for what it is, namely, a wide-ranging and necessarily brief discussion of crime and punishment directed at rank and file members of the Labour Party. As such it is a very useful starting point and every Labour voter should read it.

**Mick Ryan**
**(Thames Polytechnic)**





The Home Secretary is looking into the feasibility of week-end imprisonment which will probably only be a practical alternative for shorter sentences. But if prisoners were faced with the choice of serving their given time in one go, or opting for week-end imprisonment, what would they choose? One ex-prisoner makes her choice here....

COLD CALCULATIONS

Part-time prison ...I have a calculator in my hand. I didn't count the days, nor did I pile up the individual Ship matchboxes on the pinboard in my cell, in fact, I found those time pyramids strangely depressing. It seems that I served something over five hundred days – sixteen months – of a two year sentence. If I had served this same time over week-ends it would have taken me three times as long and a bit, around four years.

If the judge had given me the choice to serve my time at one go or to serve my time over the week-ends I wonder what I would have chosen. I had already lived a life that did not fit with any normal working routine so that week-ends meant little more to me than a busier club circuit and crowded shops to avoid. Most of my friends moved around regardless of the days of the week so that wouldn't be any problem and Sundays has always bored me to death.

I might have pondered the problem of getting to the prison on time on a Saturday morning or a Friday evening, and I would have looked for a catch...it might be worse if I failed to get there. And the oddness of actually appearing at reception. What would I say? 'Hi, here I am again for the week-end'... when I had been on the run from arrest for seven years! Demeaning I would think. The screws would, of course, play on the good little week-end girl as they used to do to the 'Star' first timers, but the majority of screws are thick and more windupable than most of us. They would get stronger wind ups and would stop.... eventually.

I could perhaps continue my criminal career if I was a part-timer. During the week I could duck and dive and chase and run and then hand back two sevenths of my time as a form of recompense to the community. A sort of inverted job-tariff, except the straight employed are only free for two days a week and I would be free for five. A reasonable equation and better than social security, no forms, no interviews and no penury – unless the bottle goes ...

What would it mean to other prisoners having part-timers sharing their space assuming that the Home Office agrees to keep us all together? There would be lots more privileges of the unofficial kind because I would be bringing in the outside both in attitude and in goods. I would also be able to take the inside out. Messages to friends and families, checking on the kids, warnings to pay the rent on the temporary home provided someone whilst the owner is away, reminders to others not to sell her records or clothes. It would surely be better for the full-timers.

The prison doctors would not be able to treat me so badly either because their work would be overseen by outside surgeries and hospitals and I would have access to avenues of protest. They can't kill you if you are only there for two days a week .... or it would be harder. I probably wouldn't go mad and any way it would take longer than two days to ship me to Rampton or Broadmoor.

But if I chose a straight sixteenth month sentence rather than a four year part-time one it will be over that much quicker... or will it?

My five hundred days were days lived apart from a one year old child I had been jointly bringing up – he was two and a half when I returned. He had already started walking when I came up for sentence, but talking came next. Nothing can make up for that lost time and nothing would have induced me to choose a continuous separation, without a doubt I would have chosen to spend a four year part-time sentence.

So I think we should ask imprisoned Mothers what they think about part-time prison, and the women who know they are seriously, maybe terminally, ill with only the vicious prison 'doctors' to tell. Ask the women who have lovers they want to spend every minute with –now, not in twelve months time. Ask the women who know that their absence will mean they will go out to no-one, and the women in there who, unable to look after their homes and belongings, will go out to nothing. Ask the women who are afraid of going mad in there...

And ask these questions before calculating the costs of part-time imprisonment; the failure of this or that European experiment; the motives of the Home Secretary and the possibility that more football hooligans might go to jail for the week-end.

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