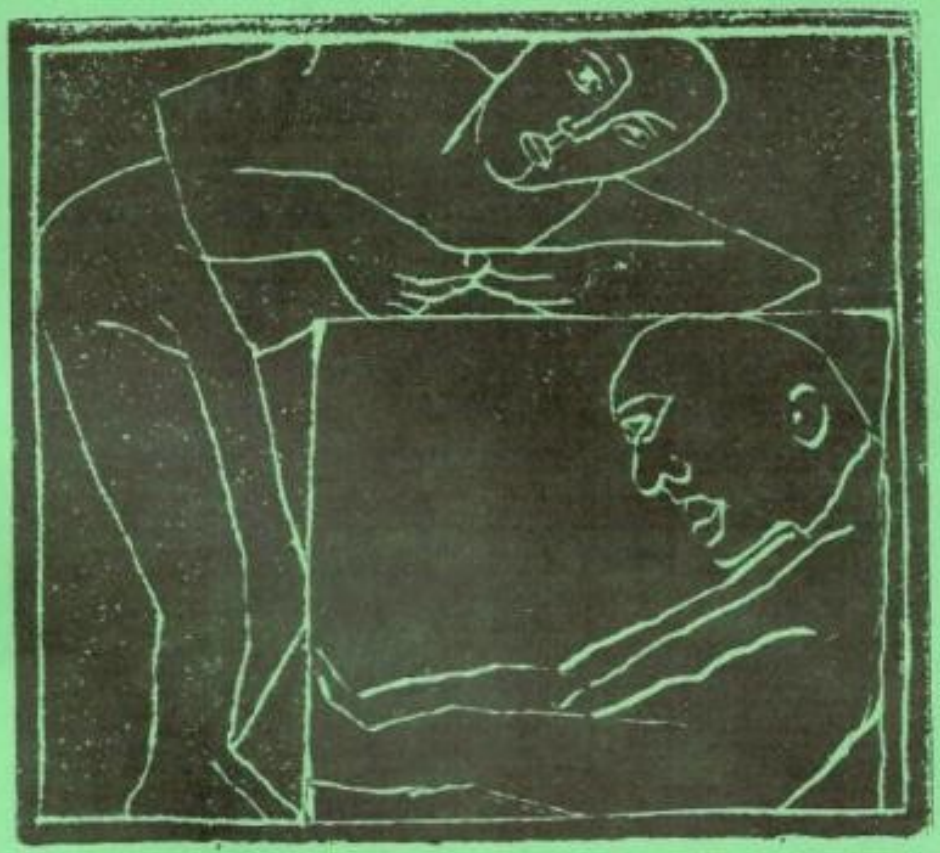
THE ABOLITIONIST

a quarterly journal from Radical Alternatives to Prison

Number 9 Autumn 1981

RADICAL PROBATION WORK



RADICAL PROBATION WORK: PROBATION OFFICERS ON THE PENAL SYSTEM
MEDICAL TREATMENT OF SEX OFFENDERS
BLOOD HARVEST: BUYING PLASMA FROM PRISONERS
VICTIMOLOGY: A RADICAL PERSPECTIVE
BOOK REVIEWS INLCUDING EXTRACTS FROM JACK HENRY ABBOTT'S 'IN THE BELLY OF THE BEAST: LETTERS FROM PRISON' LAW REPORTS

50p

In June RAP moved into a new office. Our new address is:

97 Caledonian Road
London N1. Tel: 01 278 3328

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Radical Alternatives to Prison

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 are in prison for crimes which are a response to the frustrations of their 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 without doubt they are a very small minority in the prison population.

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 reduce maximum sentences and an end to imprisonment for certain minor offences
- decriminalisation of other minor offences such as soliciting and the possession of cannabis
- an end to the imprisonment of fine and maintenance defaulters

The introduction of "alternatives" like community service orders and intermediate treatment has not stopped the prison population from rising but has equipped the state with new implements of control amd coercion. 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" like the Newham Alternatives to Prison Project (NAP) and the Brighton Alternatives to Prison Project (BAPP). These work, as far as possible, independently of the state and participation cannot be formally imposed by a court.

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

The Special Unit at Barlinnie Prison gives some idea of what can be achieved by a less authoritarian approach.

Some of RAP's medium term goals are shared by other groups who do not share our political outlook. But RAP's overriding 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.

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Editorial work: Tim Owen
Cover design & graphics: Harry Brockway

Probation: a socialist perspective

Readers of The Abolitionist may have already come across the views of socialist probation officers as represented in the work of the NAPO Members Action Group or NMAG. This feature, commissioned by RAP and prepared by NMAG, is intended to provide RAP supporters with more information about the ideas and debates taking place among radical probation officers.

NMAG is a socialist pressure group within NAPO (the National Association of Probation Officers, the union representing most probation officers) and membership is open to NAPO members who wish to see the union adopt policies that are consistent with a socialist perspective. It aims both to influence NAPO policies and to provide a forum where members can study and debate issues relating to NAPO and the work of the probation service.

NMAG was formed in 1972. As in many other fields, the early seventies was a period of considerable agitation in the probation service and several currents of opinion combined in the formation in NMAG. Although much of NMAG's early activities centred on issues of pay and democratisation of NAPO, the group also concerned itself from the outset with wider issues of social and penal policy affecting the probation service. The views of NMAG members on such issues have been influenced by their own contacts with other groups, including PROP and RAP, as well as by their direct experience of probation work.

At an early stage in NMAG's development a conscious decision was taken to accept the limitations of working within NAPO. Our aim was not to add to the list of pressure groups which journalists could approach for comment on developments in the criminal justice system but to seek to influence directly opinion amongst probation officers and thus to shift the publicly declared policy of the union. The success of NMAG in achieving this has sometimes been exaggerated, particularly in 'red scare' articles in the Daily Telegraph, but even on a more cautious evaluation must be rated as significant.

At any one time, NMAG has about 150-200 members from amongst about 5,000 probation officers. It operates as a federation of local groups linked by a National Co-ordinating Committee which meets every two months. This committee provides continuity between the twice yearly conferences at which policy is formulated. NMAG has always attracted, and continues to attract, its members from the full spectrum of socialist opinion but has generally managed to avoid sectarian squabbling. In 1976, after about a year of work in groups, NMAG adopted a Working Document which was intended to represent a general statement of NMAG's position. This is based on a specifically marxist analysis and NMAG has continued to develop policy from the same basic position. It publishes a journal *Probe* three times a year (from which much of this feature has been drawn) which sells about 700 copies within the probation service and is available on subscription. Agreed NMAG policy is now included in its Programme of Action (first published in 1979) which is amended periodically.

NMAG's "Programme of Action"

This includes sections on social policy, training, trade union matters, salaries and probation practice, but most relevant to RAP sympathisers will be the following extracts from the section on the criminal justice system.

Reducing the prison population

The 'presumption of liberty' is a concept which NMAG would attempt to see put into practice. Every person who appears before the Courts should have an expectation of liberty unless it can be proved on specific grounds that his freedom should be denied. As in the Bail Act it is the duty of the prosecution to provide this evidence which can be cross-examined and eventual decisions can be appealed. Such grounds for imprisonment would be the protection of the community from dangerous and violent people.

Ending the imprisonment of juveniles will be an immediate priority especially as the 1979 Green Paper clearly recognised that such incarceration is likely to continue at its present level or to increase.

We will campaign for the closure of prisons and an imposition of a legal limit on the numbers in prisons thus placing pressure on sentencers to consider alternatives.

NMAG will continue to press for a greater number of offences to be made non-imprisonable, ie those of a non-violent nature. In addition it will continue to press for the discriminalisation of offences such as 'sus', prostitution, possession of cannabis, vagrancy offences, homosexual offences, and the conspiracy laws.

Opening up the prison system

Exposing it for what it is. NMAG will align itself to RAP, PROP, and NCCL and take up some of their aims. We will press for:

(a) The establishment of a Prisoner's Charter of Rights.
(b) Replacement of the Official Secrets Act with a Freedom of Information Act.
(c) Reducing the bureaucracy of the prison system.
(d) Improved access to legal services.
(e) Abolition of the Board of Visitors to be replaced with scrutiny by a broadly based group of local people.
(f) Abolition of censorship.
(g) Abolition of the prison medical service and legal recognition of the right of prisoners to refuse any form of medical or psychiatric treatment.
(h) Abolition of the restrictions on education in prison.
(i) Freedom of prison staff to speak to the media.
(j) Abolition of parole and statutory licences.

It will be clear that NMAG shares many of the concerns of RAP members. Some of the material presented in this section will be familiar ground to readers, but the significance of these articles is that they have been written by probation officers; they represent a criticism from within, by those employed in the criminal justice system and able to draw on their direct experience of that system.

The first article deals with NAPO's response to the introduction of the "short, sharp, shock" regimes in detention centres and suggest that opposition to this development needed to be more vigorously pursued by probation officers. It originally appeared in the autumn 1980 edition of *Probe*, NMAG's journal.

NAPO and the short, sharp, shock

While I doubt that the Home Secretary lives in fear and trembling of the policies of NAPO, I suspect that even he has been quite surprised at the easy ride the union has given him over the introduction of tougher regimes in detention centres. At the adjourned AGM members will have the opportunity to basically confirm the current NAPO stance (the Middlesex Branch motion expressing opposition but little more) or to strengthen it by supporting the East Midlands motion. This asks NAPO to do more than mouth platitudes about our abhorence of this wholly reactionary shift in policy by calling on NAPO members to withdraw from working within those institutions.

The most important point to make about the tougher detention centres is that their introduction does not arise as the result of any logical development of penal thinking and there has been no attempt to seriously argue the case on the basis of evidence that harsher regimes have any beneficial effects either in terms of transforming those undergoing the experience or in deterring others. There is no such evidence so that argument would be pretty hard to make. No, the idea of harsher regimes was the whim of a man who had spent some time in the army and had thought glass-houses were a jolly good thing. Presumably the feeling was engendered by the vast amount of time Mr Whitelaw spent in the glass-house peeling potatoes! Their introduction was announced at the Conservative Party Conference where they were greeted rapturously by those present who seemed hardly able to conceal their delight at the thought of all those nasty yobboes getting their comeuppance. It was of course an entirely appropriate forum to stage the announcement since the introduction of tough DCs was a naked political play. I believe that our withdrawal from staffing those DCs would be to assert that we will not collude with such political game-playing at the expense of our clients and that we will not give the veneer of respectability to a method of dealing with offenders which one might have associated with the days of transportation. (Well, I suppose that might be next!)

Probation officers co-opted

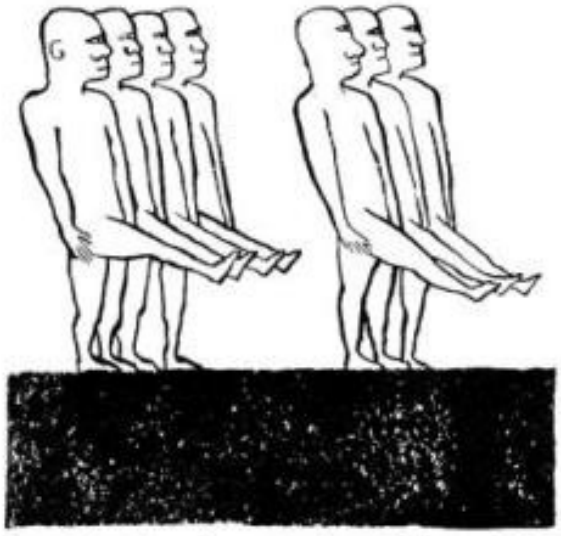
You will be surprised to hear that the Home Office did not consult NAPO to determine whether or not we thought tougher DCs were a good idea but they did write to us in December 1979 to seek our views on after-care and the probation presence in the institutions. After mentioning that there might need to be some changes in the probation role, the letter continued, "opportunities for work with individuals on traditional lines are likely to be even more limited than at present" and "we do not wish to surround these centres with an aura of secrecy; the continued presence of probation officers would provide, and should publicly be seen to provide, a valuable safeguard". You don't have to read far between the lines to detect just how sensitive the Home Office was about the project and how vital our role was in making the thing appear respectable.

The Prison Affairs Committee then drafted a response which was discussed and approved at the NEC meeting in January 1980. NAPO stated its opposition to the introduction of the new regimes but said that we felt there would still be "a need for trainees and their families to be offered help both during sentence and after release." In accepting this draft response the NEC rejected the possibility of withdrawal. Opposition to withdrawal was spearheaded by the Prison Affairs chairman who assured us that those currently working in Send and New Hall wished to remain despite the fact that they appeared to be hanging on by their fingernails in at least one of them. It was also said that it would be premature to withdraw before details of the

new regimes had been published; that we could not desert our clients in those institutions, and that we needed to be there to monitor developments.

Well details of regimes have now been published and a few extracts will convey the tone:

> "The aim is to ensure all work is physically hard. Regimes in DCs are already brisk... the intention is to place greater emphasis on hard and constructive activities, discipline, tidiness, drill, parades and inspections."
>
> "Education sessions generally will be conducted in such a manner as to reflect the general tone of the establishment."
>
> "PE (1 hr 20 mins each weekday) will concentrate on the development of physical skills and related fitness training which will be of use to inmates after release. Inmates will receive remedial PE as necessary."
>
> "Each weekday inmates will spend a total of 1 hr 10 mins on drill... to contribute to the general tone and tempo of the centre, to encourage trainees to develop self-discipline and to take a pride in their appearance and bearing, and to provide an opportunity to develop teamwork and group discipline..."
>
> "Exagerrated arm swinging should be avoided."



The original letter from the Home Office to NAPO acknowledged that under the new regimes the work of POs would be biased even more towards providing an administrative and liaison role with outside POs, and given that those in ordinary DCs have only limited personal contact with inmates I seriously doubt that the clients would see withdrawal as any great loss. The Official Secrets Act also places great constraints on members within these institutions publicising information and there is no suggestion that they are not going to be subject of that Act.

It is significant that since the introduction of the two new regimes we have witnessed a dramatic increase in numbers being sent to DCs of all types, an indication that the short sharp shock type of argument has found more favour with sentencers than calls for less use of custody. Thus far from defending the interests of our clients, NAPO's luke warm stand on the punitive shift in sentencing policy typified by the introduction of these regimes, can be seen to have colluded with a situation where even greater numbers of them have been sentenced to custody. With friends like us who needs enemies?

I believe that even those who feel that the service has a valid role working within penal institutions would accept that this cannot be an open-ended commitment and that we would draw the line somewhere in terms of our own active participation with a penal institution completely at odds with the whole philosophy of our service. For me that line has been crossed with the introduction of the tougher regimes and NAPO ought to be actively campaigning for their abolition and should start by withdrawing from the two DCs in question.

Wes Lacey

Welfare role?

One issue which has been a focus for a major debate has been the position of probation officers who work in prisons, providing the prison welfare service. NMAG has argued for the withdrawal of probation officers from prisons and the arguments in favour of this policy are spelt out in the following article, written in response to an official NAPO report, "The work of Probation Officers in the Welfare Departments of Prisons" (1976).

For those probation officers who believe that the service should pull out of prisons, opposition to the report was clear-cut. The response by those who do not favour redeployment of prison welfare officers was a ready acceptance of the report, as a blueprint for NAPO's future policy in this area. However, I suspect that there is a significant number of probation officers who feel unahppy with the general direction of the report as far as its definition of our role is concerned. Had the report been unacceptable to conference or even referred back, there might, hopefully, have been an intelligent debate on our work within and attitude towards the prison system. As it is, NAPO policy has been formulated and it is my intention in this article to make a few comments on the report and outline specific points which were excluded, points which I believe are essential in considering a policy towards prison welfare.

Security crisis

Since the Mountbatten Report (1966) on prison security and administration, the increasingly stressed function of the institution has been an administrative one — to prevent escapes, i.e. to contain. The result was to reduce the "treatment experts" role and place it firmly below that of security. This has coincided with increasing numbers of long-term prisoners who are contained — dispersed — in a number of top security prisons. The role of the prison officer as a turnkey has, in turn, been amplified. The involvement of probation officers has maintained the pretence that prisons can have a rehabilitation effect on its inmates. For although prison rule 1 states that "the purpose of the training and treatment of convicted prisoners shall be to encourage them to lead a good and useful life" the central role of the prison is the self-containment of the inmate. The HMSO publication "People in Prison" says "First, it is the task of the (prison) service under the law, to hold those committed to custody, and to provide conditions for their detention which are currently acceptable to society".

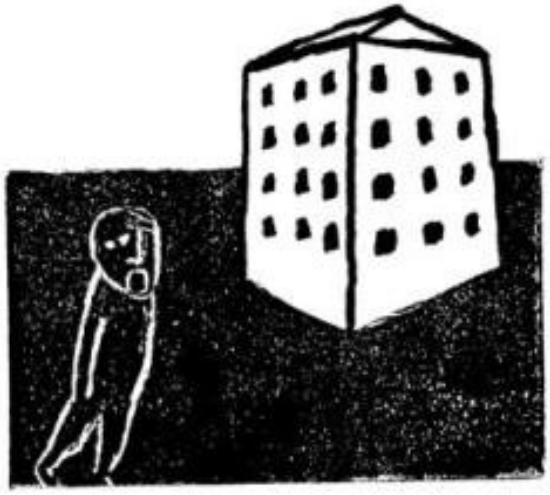
I also believe that the conflict between prison being seen as both punitive and rehabilitative is irreconcilable. The report obscures the real nature of the former and hopes that prison can, in effect, be the latter. When prison officers at their 1963 conference called for greater participation in the welfare role for themselves, it was tantamount to a slap in

the face when we, as a service, went in in 1966. Indeed, the actual effect of our entry into the prison may have been underestimated and exacerbated this conflict. The NAPO report fails to assess those ten years in its totality, our non-influence on the prison system and the effect of Mountbatten, with the subsequent and inevitable restraints placed on prison staff performing welfare roles.

Identity crisis

Ironically the people who are mainly affected (or unaffected) by our presence — prisoners and prison officers — have the least say in whether we serve a useful function or not. (Unofficially and informally, however, messages do get through!) The relationship between staff and inmates is integral to the nature of the prison, and the role of the Prison Welfare Officer (PWO) apropos the relationship is confusing. Who does he identify with? The institution or the inmates? This confusion of identity, the stereotyping of images by staff and inmates is not tackled in the report. There is some research around which suggests that regular contact with a welfare officer produces dividends for the released inmate. Confused or conflict-ridden as a PWO may be, at least this apparently justifies our presence. In passing, however, I wonder whether any different results would have been achieved by regular contact with a home Probation Officer (PO). Successful social work practice in terms of rehabilitation of the inmate and of maintaining his family ties, and essential work patterns where possible, begins with the home probation officer's visits to the institution. One of the essential features of through-care by the home PO is his lack of identification (contamination) with the institution, another factor unconsidered by the working party.

Inevitably the PWO is identified by inmates with the institution. One assumed and explicit aspect of our work is to see that our clients are treated by society both reasonably and fairly. The report points out the process of degradation, dehumanisation and deprivation of prison life. The prisoner is stripped of his possessions and personality. The report says (para 31) that a social worker is "aiming to create a relationship of respect, trust, confidence and purpose, and it is essential to his whole approach that the integrity of the client as a person should be respected and his responsibility for self-determination be upheld." Do PWOs think similarly? Yet there appears little or no agitation by PWOs within any prison to have the degrading rituals of prison life removed. This amply confirms the identification.



It is the whole area of prisoners' rights that has tended to be pushed aside in the aspiration for a more 'professional' role in prison. The report recommends two rather weak and liberal reforms in this area, one involving a review of prison routines and procedures (only a review) and another to improve visiting facilities. Compare this with numerous recommendations of an administrative or professional nature. Compare this with PROPs demands for a charter of prisoners' rights. One area of our work is the preparation of reports, and it seems relevant to this question of rights. Should the procedures of disciplinary hearings in which prisoners are unrepresented be our concern? Unrepresented or not, if the outcome is a further sentence, cannot our report writing skills be used as in any other judicially convened hearing? Yet the inevitable outcome of a campaign by NAPO in this area is increased conflict for PWOs to face in their work, a conflict that most welfare officers would find hard to cope with. The alternative is to close eyes to the nature of repressive treatment in prison, and the effect of the Official Secrets Acts 1911 and 1920 maintains that tendency, on an official level at least. (Under these Acts, if a civil servant communicates any documents, information etc. which he has obtained or to which he has had access in his official position "to any person to whom he is not authorised to communicate it, he is guilty of a misdemeanour..." This provision applies to civil servants even after they have retired or left the service.)

It has been argued that if a minimal welfare intervention role did not justify our continuing existence (this could be left to the prison officer) "real casework" can be done with a significant minority of prisoners. As the report quotes "We do not seek to sound precious in definition or to surround what we try to do with a mystique but we are aware professionally that welfare as such is often the external and externalised needs of the person that have to be dealt with but does not of itself supply more than a small part of the answer to the question or questions he poses." (para 32).

Resource re-allocation

I suggest that welfare resources will be far better redeployed to staff probation offices. With this number of extra staff a whole new alternative to prison programme could even be organised. In addition, contact with prisoners would be with home probation officers direct: this would be a link between the prisoner and his own latent cultural environment. In the short-term prison officers could then be allowed to come to grips with the challenge and find an alternative to their present role. Indeed, there is some interesting research going on which suggests that specially trained prison officers can organise and run constructive learning and counselling courses within prisons. However, probation officers might find it a little painful to see prisoners reacting favourably to a situation in which they were not involved.

The purpose of this article is to appeal for a little honesty — honesty rather than hypocrisy, the honesty to ask whether we are needed or wanted in our prison system. The honesty to condemn a system which should be abolished rather than provide it with a humane face. The case for abolition of prison is a complex one and is to be argued elsewhere. Meanwhile there are issues which need to be considered, in particular the reduction in the scope of the official secrets act and the support of prisoners' rights. Last, but not least, if we deploy prison welfare officers back into probation offices, we can begin to be a little bit more objective about the issue.

Mike Campbell

***Probe* (January 1977)**

The Politics of Alternatives

In an influential article in the Probation Journal (Vol 27 No 2 May 1980), Hilary Walker has pointed out some of the dangers created by calls for "community based non-custodial alternatives". She identifies three dangers for the probation service in "a narrow focus on the alternatives approach as a solution to the problem of prison over-crowding".

Firstly, "this approach tends to pressurise the probation service into taking on new types of work which it might otherwise reject because they extend the control and surveillance aspects of the job to an extent that many would find unpalatable". Once a scheme is held to be an "alternative to imprisonment" then it must be "credible and acceptable to the court". In practice this has meant toughening up the probation order (as suggested in the Younger Report) by inserting restrictive conditions and a renewed emphasis on breaching probationers for failing to comply with these conditions.

Secondly, she points out that the outcome of the alternatives approach may be "a number of harsher measures being added to the range of sentences available which are not necessarily used as alternatives to imprisonment". She instances community service as a measure "designed with some severity as an alternative to imprisonment" but widely imposed on offenders who would not otherwise have gone to prison. She suggests that the "overall effect is to increase the harshness of the sentencing and to spread the control net wider by imposing more restrictions on more people in the community".

The third danger identified is that the alternatives argument "masks or obscures the real issues about the size of the prison population". Hilary Walker argues that alternatives are "unlikely to have any significant impact on the number of those in custody" and that "the size of the prison population can only be dramatically affected by changes in sentencing practices" requiring political will. She argues that such action is unlikely in the present political climate with the government emphasising "law and order" policies connected to "the need for a strong state to contain dissent and... promote consensus in a time of economic, and consequently, social crisis". She concludes that "this should not deter probation officers from exposing the horrors of imprisonment, from refusing to recommend immediate or suspended sentences in their social inquiry reports, nor from demanding reduction in the numbers sent to prison".

Hilary Walker's arguments were accepted and developed in the following article arguing that the penal reform lobby must avoid a policy of appeasement in the face of "law and order" arguments. It appeared first in *Probe* in May 1980.

Reducing the prison population

Several motions before Conference attempt to place NAPO's existing policy on reducing the prison population in a more realistic political context. This article concentrates on the London motion proposing an amnesty as the means to achieve prison closures. The May Report (1979)[1] documented the inexorable rise in the prison population from 17,067 in 1947 to 41,570 in 1977 (average daily population — England and Wales.) This rise has accelerated and there are now more than 50,000 prisoners in the whole of the UK. The May Report attributed this increase over 30 years in roughly equal measure to a 60% increase in receptions and a 60% increase in average length of sentence. Prisons are overcrowded even by Prison Department standards, but even more importantly they fail to meet the 1973 European Standard Minimum Rules to which Britain is committed by the European Convention on Human Rights. Groups as diverse as PROP and the prison governors have warned of an impending explosive crisis worse than the serious incidents at Parkhurst, Hull and Gartree.

More Prisons?

Faced with these facts the May Report recommended an enlarged prison building programme and that depressing conclusion was accepted by a Conservative government committed to "law and order". This ominous beginning makes hopes in the penal reform lobby that the government will finally act to reduce numbers in prison seem hopelessly optimistic. It is true that Tory ideological commitment to "law and order" conflicts with their economic imperative of reducing public spending but they have already shown themselves willing to make even bigger cuts in welfare spending to allow expenditure increases in the defence and "law and order" budgets. Far from encouraging action to reduce the prison population, government abuse heaped on the heads of "scroungers", "vandals", "muggers", "thugs", and "mindless militants" will induce sentencers to impose more, and longer prison sentences.

Appeasement?

The signs are that the response of the penal reform lobby is going to be one of appeasement in the hope of continued influence (or in some cases continued funding). NAPO's present policy on reduction of the prison population places us in the mainstream of the penal reform lobby. NAPO's evidence to the Expenditure Committee[2] advanced a hybrid argument, recommending the development of "alternatives to custody" and proposing "criminal justice reforms". This dual approach has formed the platform of the penal reform lobby in recent years, which has not been without influence. Alternatives (suspended sentences, community service orders, deferred sentences, etc) and reforms (parole, extension of legal aid, 1976 Bail Act, etc) have been introduced but the prison population has continued to increase. The 1979 AGM motion focussed NAPO's arguments on the "alternatives to custody" approach. It is now evident that the probation service (and NAPO) are seeking to appease the government's "law and order" pressure by proposing more controlling alternatives than hitherto.

The probation service tends to accept exaggerted responsibility for the rising prison population — if only we provided the right alternatives, a rapid decline in imprisonment

would follow! This argument can be used to persuade the service to accept virtually any measure. It worked with parole, community service and supervised suspended sentences. It almost worked with the Younger Report's creations — the Supervision and the Control Order and the Custody and Control Order, featuring the infamous 72-hour detention in anticipation of breach. The disappointing Professional Committee paper on "Probation and Alternatives to Custody" proposes tougher probation orders more rigorously enforced. All round the country, in separate ad hoc developments, the fashion is for every facility developed by the probation service to be imposed on offenders rather than offered as assistance. Conditions of residence and day centre or workshop attendance are the order of the day as probation services strive to offer "control packages" which it is hoped will appeal to sentencers. The dangers inherent in the "alternatives to custody" approach are examined above by Hilary Walker.[3] A classic case is the suspended sentence; the May Report concluded that the initial reduction in imprisonment was more than off-set as suspended sentences were activated, that suspended sentences were imposed where a prison sentence would not have been and consequently:

> *if suspended sentences are aggregated with immediate prison sentences, the proportionate use of imprisonment is higher than in the years immediately preceding the introduction of the power to suspend.*

Similarly, community service is already extensively used in cases where a prison sentence would not have been imposed. "Control package" probation orders will go the same way and if rigorously enforced could produce a similar backlash to that of suspended sentences. The probation service may adopt more controlling measures (Younger by the backdoor!) without any reduction of the prison population. It is right that the service should argue for constructive alternatives to custody but these should be consistent with its humanitarian tradition and it is essential that we recognise that such changes have only limited potential for reducing the prison population. The potential of "criminal justice reforms" is also limited; the measures proposed are usually too weak and too indirect to influence the behaviour of the crucial mediators of penal policy — the sentencers. Any real effort to reduce the prison population must confront and restrict the power of the sentencers.

Political will needed

Crime is a product of the society in which we live; all western capitalist nations are experiencing increasing rates of crime. In a real sense we get the crime we deserve! The moral attitudes reflected in much crime simply mirror those applauded and encouraged in our society — aggressive, acquisitive and exploitative individualism in a society where communities have been destroyed and mobility encouraged for economic ends. However, even within this general context, it is clear that Britain *chooses* to imprison a higher proportion of its population than other countries with similar problems and patterns of crime. The May Report notes that: "the UK prison population is proportionately higher compared with other countries." Holland perhaps provides a model of what could be achieved. The May Report acknowledges that "it has seen almost identical increases in reported crime to comparable levels. However, the Dutch prison population is only about 3,200 compared with well over 40,000 in England and Wales... although the general population of England and Wales is less than four times the other, the prison population is more than 12 times higher." This enormous difference is attributed to distinct prosecution and sentencing practices based on the fact that: "penal policy makers... had acted on their growing doubt 'about the purpose and effect of imprisonment...'" A reduction of this order in Britain's prison population cannot be gradually achieved through stealthy back-door reforms. The public has been convinced that Britain is "soft on criminals" although the reverse is true. There now needs to be an honest public debate highlighting the soaring prison population in an effort to win support for a change of policy. We have chosen a high prison population — we can equally choose to reduce its size but only through a direct act of political will.

Amnesty!

So long as we have prisons we will continue to find reasons to fill them. An immediate reduction in the capacity of custodial institutions is an essential first step to a smaller prison population. A reduction to a total capacity of 15,000 represents a return to pre-war levels of imprisonment and approximates to the good example of Dutch practice. A gradual reduction to that figure would prove impossible to sustain and an amnesty is the only realistic way to provide an opportunity for such a new start in penal policy. Selective prison closures would enable European Standard Minimum Rules to be met in the remaining institutions. Present undermanning in the prison service means that the loss of jobs would be limited and some staff could be re-deployed to up-grade the remaining prisons and to related occupations.

An amnesty is clearly a controversial proposal but there has been some public support (including some from prison governors) for a limited amnesty. The May Report considered an amnesty amongst other forms of executive action and concluded rather puzzlingly that such steps should be saved for "a condition of actual as opposed to imminent crisis". I would argue that the crisis is on us and that now is the time for action. The nature of an amnesty requires some detailed consideration. About 13% of the prison population are remand prisoners and they would require special consideration. Prisoners convicted of serious offences, only recently sentenced or considered dangerous form a small sub group (about 6% of prisoners are serving 10 years or over) whose immediate release may be publically unacceptable even in the context of a general amnesty. For this group there may be a need for the construction of careful release plans and the use of parole. For most prisoners (including the great bulk of short-term prisoners and fine defaulters) an amnesty must mean immediate release without supervision. The contribution of the probation service would be to coordinate a concentrated effort to assist those prisoners facing resettlement difficulties on release.

An amnesty followed by prison closures will not, of course, ensure that a reduced prison population will be maintained but does represent an essential pre-condition for this to be attempted. Determined action to prevent a re-creation of our present problems could be necessary. Decriminalisation, the creation of non-imprisonable offences and a general reduction of maximum sentences would be required. Sentencers would have to be forced to choose which crimes merit imprisonment and which of the offenders appearing before them truly represent a danger to society by a conscious rationing of prison places. Within such a context the provision of real alternatives to custody might be a possibility and imprisonment could be truly a measure of last resort where the public well being is at risk. It is only possible to sketch the outline of such a strategy; the first task must be to create the opportunity for real change.

The Tories "law and order" offensive cannot be combatted by the present policies of the penal reform lobby who will be forced to adopt increasingly repressive alternatives in a desperate effort to appease the government. Paradoxically, this presents an opportunity to abandon limited reform policies in favour of confronting the basic political issues. The arguments in favour of reducing the prison population are strong ones based on core concepts of justice and humanity. NAPO and other reform groups should pose the basic question — is there any serious committment to

reducing the prison population?

Notes

1. Report of the Committee of Inquiry into the United Kingdom Prison Services (May Report) Cmnd 7673 HMSO (October 1979).
2. "Reducing the Prison Population" NAPO Newsletter No 155 February 1978.
3. "Alternatives to Imprisonment" Hilary Walker, Probation Journal Vol 27 No 2 May 1980.
4. British Prisons, Mike Fitzgerald and Joe Sim, Basil Blackwell, Oxford, 1979.

Bill Beaumont ***Probe* (May 1980)**

Political 'clients'

Probation officers working in Northern Ireland raised the issue of statutory involvement with politically motivated offenders as far back as 1975. This article sets out their position.

The emergence of protest groups who actively and publicly pursue their social, religious or political objectives not necessarily within the parliamentary process is scarely a new phenomenon in the history of Britain or Ireland. In Britain over the past few years the activities of many groups (Anti-Vietnam War, Anti-Apartheid — to name only two) have attracted public attention; individuals associated with such groups have on occasions been involved in court proceedings where they were not only on trial for alleged specific violation of the civil or criminal law but also (and usually where the latter could not be proved) for their general activities, which, in the eyes of the authorities, ran counter to the public interest and allowed for a prosecution under the Conspiracy Laws.

In N. Ireland, where the past years have seen the growth of organised violence on a massive scale, special legislation has been introduced as an attempt to deal with the situation. Since 1970 a series of Emergency acts have set out a list of 'scheduled offences' which because of their political or sectarian nature are given differential treatment; individuals charged with these offences (including young persons) now appear before specially constituted and conducted courts (no juries). If sentenced to imprisonment from these courts they receive 'political' status within the prison which grants them certain privileges not available to the ordinary sentenced prisoner.

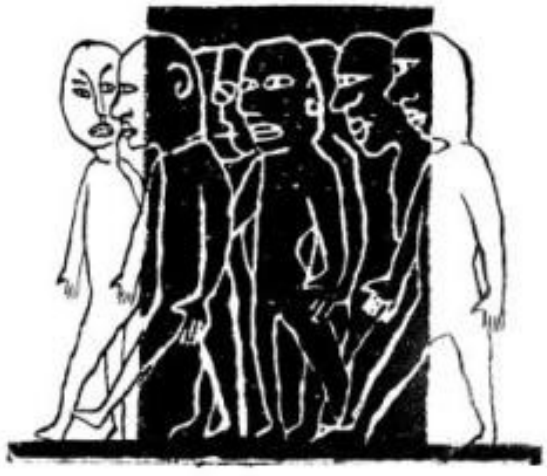
The Irish situation, in general terms, may not lend itself easily to close comparisons but the issues faced by Probation Officers on either side of the Irish Sea are not so different in principle. Basically the issue under examination is the involvement of the social worker with the individual whose motivation for engaging in criminal activity appears to be political in nature.

Collective motivation

It could be argued by some that all crimes are political acts but simply to repeat this view scarcely gives an adequate explanation of recent developments in Britain (vis a vis the Conspiracy Laws) or in N. Ireland (Emergency Provisions Act 1974); nor does it give a practical solution to the difficulties faced by Probation Officers in this context. In discussing political motivation what we are really talking about is individual behaviour which is influenced by collective political motivation and action. And we would seriously question, on both ethical and practical grounds, the involvement of Probation Officers, at least on a statutory basis, with individuals whose actions are so influenced or determined.

If we consider in more depth two aspects of a Probation Officer's work the difficulties referred to above will become more apparent: 1) the preparation of Social Enquiry Reports (SER's) 2) the supervision process.

Much has been written about the content and presentation of SERs and their function in the sentencing process. The Streatfield Committee studied, among other matters, the sort of information reports should contain. They sorted this into three areas: (i) information about the offender and his surroundings which is relevant to the court's assessment of his culpability; (ii) information about the offender and his surroundings which is relevant to the court's consideration of how his criminal career might be checked; (iii) an opinion as to the likely effect on the offender's criminal career of probation or some specified form of treatment. If these guidelines are adhered to in those cases where the motivation of the individual appears to be political (e.g. Probation Officers in N. Ireland currently prepare social enquiry reports on juveniles charged with Scheduled Offences, e.g. Possession of Firearm, Explosive Substance and doubtless there have been comparable situation faced by Probation Officers in Britain who have prepared reports on individuals charged under the Conspiracy Laws) it follows that the report must contain some assessment of the political involvement of the offender. Here one can pose two questions: (1) Are Probation Officers trained to assess individuals and situations in this way? (if not perhaps social work courses should quickly include intensive tuition in political theory!!) (2) Is it right that the skills Probation Officers possess should be adapted to a purpose which is not only potentially insidious but also far removed from an acceptable level of social work intervention in the court setting, and in the wider society?



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Practical constraints

In N. Ireland the practical difficulties in producing reports for the Special Courts are often stressed; the Probation Officer may be unable to visit the home and may have difficulty in obtaining even basic factual information because of the individual's suspicion of his role in these circumstances. The usual outcome of such contact is a sketchy report which in normal circumstances would be totally inadequate; ironically, however, any attempt to provide fuller information which may include assessment of motivation involves the Probation Officer in issues of a political nature and thus represents a departure from professional practice.

This problem is more formidable in the contrasting situation where the Probation Officer *is* presented with an unsolicited barrage of information relating to political involvement. On what basis does he decide to include or exclude such information. Thus it is not in essence the *practical* problem of obtaining material for social enquiry reports which causes most concern to Probation Officers; rather it is the ethical problem involved in obtaining, assimulating and presenting information about individuals charged or convicted under these circumstances.

Finally in the context of SERs it is accepted practice (except in pre-trial reports where a not guilty plea has been entered) to comment upon the offence itself and where relevant to relate it to factors in the individual's personality or social situation. The dimension of political motivation makes it impossible for a Probation Officer to comment upon the offence in any meaningful or objective fashion.

The involvement of Probation Officers in the supervision of individuals who have been convicted of offences (where the motivation was apparently political) raises serious ethical considerations in relation to the objectives of the supervisory process as performed by professional social workers. Without here entering into the perennial debate about social control and social change it is assumed that most Probation Officers accept that they are attempting attitudinal change whether it be in the offender himself or in society's reaction to the offender. This process which at the best of times can create conflict and uncertainty for social worker and client and can easily be viewed as an infringement on the freedom and right of the individual to determine his own life, becomes highly dangerous and totally unacceptable when employed to attempt to change or control an individual's political attitudes and beliefs. That any Probabtion Officer could be involved in such a process may seem incredible. Yet individuals (certainly in N. Ireland) have been placed on Probation (e.g. subsequent to a conviction for belonging to an illegal organisation); the implication in the eyes of the offender, his family and the community is that the Probation Officer is an agent of political control.

***Probe* (May 1975)**

The N. Ireland probation officers won NAPO support in a policy of refusing statutory involvement with politically motivated offenders. This has proved an important issue in their ability to continue to work in a society experiencing widespread social disorder. The policy has always covered England and Wales also and recent events show how accurate our Northern Ireland colleagues were in insisting that the same issues could arise on the mainland. The policy has proved intensely controversial, as well as difficult to operate in practice, but following Brixton, Toxteth and Moss Side there can be little doubt about the importance of the questions posed.

Young offenders

It seems appropriate to include comment on two recent government initiatives, starting with an article responding to the White Paper on Young Offenders (Cmnd 8045, 1980).

Initial responses to the White Paper on Young Offenders suggest a mixed reaction with something in it for everybody. Advocates of the "Justice Model" from both left and right will no doubt welcome the proposed demise of semi-indeterminate sentences incorporated within the present Detention Centre and Borstal Training systems. Elsewhere people of various political hues will find encouragement in the "positive" nature of the document in respect of such things as "substantial training programmes" for young prisoners, "Activities Orders", Junior Community Service and the like.

Norman Tutt, that academic super nova and guru of the Juvenile Justice system, referred to the proposal as "this latest piece of pragmatic patching" suggesting that it "further obscures any underlying philosophy for work with juvenile offenders."[1] Superficial reading of the report tends to confirm Tutt's view that this latest distillation of the raw spirits of Younger (1974), Youth Custody and Supervision (1978) etc etc has failed to separate out the inherent inconsistencies of Justice versus Treatment evident in the original brews of the C & YP Act 1969 and the custody provisions for young offenders which in some cases, e.g. Borstal, have been with us since before the turn of the century.

Closer scrutiny suggests that it is in effect a far more ideologically coherent document than Tutt would have us believe. Certainly there are elements of pragmatism in it as Whitelaw seeks to tinker with existing provisions and plans but underlying this is a distinctive shift towards provision for a more reactionary response to the young/juvenile offender, that most recalcitrant of contemporary "folk-devils". Moreover, the re-emphasis of the location of the causes of "the problem" within the family (para 35) leaves us in no doubt as to Whitelaw's determination to divert attention from the structural features of "the problem" thus ensuring that he has room to manoeuvre into a position where he can muster the forces of consensus behind him for a renewed attack on those deemed to constitute a threat to law and order by means of exercising control and coercion of the pathological individuals within our midst. The state of the economy constrains the Home Secretary to seek out the cheaper expedients wherever possible thus giving the appearance of liberalism but nowhere does he give grounds for optimism by offering assurances that there will be funds available for the "constructive" non-custodial parts of the package. Of even greater significance there is no major attempt to limit the powers of courts to incarcerate, surely the acid test for any policy which would want to be passed off as progressive.

Lowered threshold

NMAG should welcome the end of indeterminancy for the young prisoner but beyond this must oppose all other proposals relating to the imprisonment of young offenders and their subsequent licence. The reduction of the minimum sentence in the "short, sharp, shock" centres leaves the way open for courts to introduce custody far lower in the tarrif than they might choose to do at present, a temptation many will find difficult to resist. There is less to quibble with in the youth custody proposals given that it replaces Bostal and YP, provided no questions are asked about possible increase in sentence lengths, the nature of the training regimes and who will qualify.

We are of course opposed to statutory supervision (licence) and it is evident that "Oyster Eyes" has totally ignored NMAG policy statements that point out its irrelevance. The introduction of judicial sanctions for breaches of "supervision" are novel but represent an insidious provision for double sentencing and even sentencing (non-custodial of course!) for non-criminal behaviour. The analogy drawn with breach of probation here (para 32) is spurious as the ex-youth custody prisoners will have already served a sentence for their crimes and seemingly will not have entered "voluntarily" into a supervisory relationship. This represents the imposition of a post-sentence deterrent/control mechanism which seems inconsistent with the refusal to consider the possibility of suspended sentences for young offenders.

Quaint little provisions such as young offenders, when paroled, being subject to executive and judicial sanction in turn hardly need comment nor does the occasional "theoretical" inconsistency:

> There is a need for separate facilities for young adults in custody..." (para 12)
>
> "It is generally considered to be positively beneficial for younger women to share facilities with suitable adults" (para 13)

On the whole there is not much that could not have been expected here for the young offender. The demise of the Borstal predicted by Younger with provision for sufficient coercion to assist the deliberations of these "who may be at a turning point which decides whether they will become recidivists or responsible citizens" is unlikely to raise too many eyebrows. What about those who have yet to reach such a point by virtue of their age?

Therapy or justice?

The 1969 C & YP has indisputedly confused thinking incorporating as it does both therapeutic and justice measures and whilst no one would have expected Whitelaw to attempt a complete disentanglement he has to be admired for his slick presentation of a more repressive version of the latter in the language of the former. Responding to the pressure of the Magistrates' Association he warns to his theme of ensuring that the provisions are there for "offenders who require the sustained help, support and guidance of a supervisor, or who need to be removed from their home surroundings" and who clearly are not having their needs met by "paid altruists" – what other reason can there be for courts not to have sufficient confidence in some of the existing non-custodial disposals?

Whitelaw's time as Northern Ireland Secretary clearly served him well for the production of euphemisms when imprisoning "enemies of the state" and the term Residential Care Order is in the classic mode. What is the distinction between a custodial insitution (DC, Youth Custody Centre) and a custodial institution (Community Home)? At one level HM government dare not be seen imprisoning kids under the age of 14 for "serious" offences (para 42) – no definition given – and at another it would not want to remove the care (therapeutic) rational vital in ideological terms if the attack on the family as *the source of the problem* is to retain credibility. The paradox which confronted Whitelaw was that the "professionals", the arch-protagonists of the care model, could no longer be entrusted with delivering the goods on this one (inevitable) despite "codes of practice" and thus he has been forced to compromise by partial transfer of responsibility to the more overt institution of repression whilst at the same time changing the status of community homes to open-prisons, and social workers to...?

On the other hand things look good for intermediate treatment – or do they? Quite rightly IT buffs are asking the obvious questions as to where the money will be coming from for all these exciting activities, the probable answer to which is nowhere. For those less certain of the theoretical basis of IT for offenders *per se* but who see no harm – even some benefit – in activities organised for young people – "a constructive and imaginative programme to help the young person whether or not he is an offender..." (para 48), the problem is that a hardened IT Order as opposed to the present laissez-faire variety is likely to exclude provisions (where they exist) for "non-offenders" either by design or by the "non-offenders" voting with their feet in order to avoid stigmatisation.

The similarity between "some types of community work" (para 50) and "Community Service Orders" (para 52) leads to the conclusion that there will be little real difference between the two, particularly as the latter is probably a lot cheaper to provide. What we have is conversion of a fairly nebulous unspecific preventative provision into a "non-custodial alternative" provision to be coupled with Community Service Orders and is therefore much more of a "control" than a "care" provision.

Sins of the children

The beefing up of existing provisions to punish the irresponsible parent, who fails to take steps to prevent their children committing criminal offences, adds a nice final touch, bringing together all the popular images of the bad parent and heaping punishment on top of social work intervention as the price to be paid for their inability to socialise the kids. This is not simple vindictiveness, deterrence or behaviour therapy but a recognition that the less openly coercive institutional means available to the state for controlling behaviour in the interests of capitalism, e.g. the education system and particularly the work place are no longer reliable and are increasingly out of control. In such circumstances the family as the major socialising institution has to be increasingly focused on as the inculcator of capitalist ideology and woe betide those who are found wanting.

1. Community Care, October 16th, 1980.

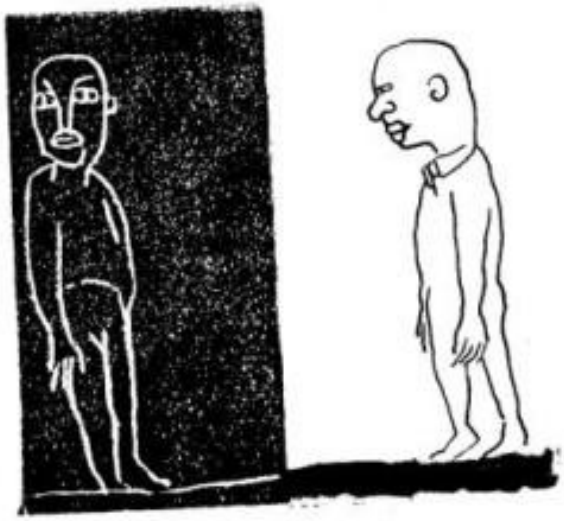
Lionel Smith ***Probe* (February 1981)**

Parole

The Home Office's "Review of Parole in England and Wales" (1981), and particularly the argument for extending parole to shorter-sentence prisoners, raises very important issues for the probation service. NMAG has opposed both parole and other forms of statutory licence following release from custody. There would be strong support for the general line taken in RAP's excellent "Parole Reviewed" (1981) and there seems no need to repeat the arguments here. We recognise the government's proposal as a major initiative but consider that it fails to confront the power of the sentencers and expect that it would in practice be undermined by longer sentences. We are also concerned that it represents another shift towards involving the probation service in more controlling, post-custodial supervision and away from its effort to develop the use of the probation order as an alternative to imprisonment. Interestingly the new proposals, by making parole automatic for shorter-sentence prisoners, appear to abandon much of the conventional argument in favour of the parole system. Probation officers will view the suggested change as an extension of statutory licences rather than parole. NAPO's official response reflects much of this opposition and argues that deletion of the supervision element in the Home Office's scheme would leave a "conditional release" scheme which it could, with reservations, support.

Controls in probation work

We end this feature with an issue which has always concerned socialist probation officers but received less attention from others in the penal reform lobby. We have already argued that one effect of the "alternatives to imprisonment" approach is the suggestion that the probation service should develop effective schemes for "control in the community". The Younger Report (1974) made the most ambitious proposals in this respect, including the suggestion that probation officers should be able to detain people for up to 72 hours if a breach of supervision appeared likely. NMAG was prominent in NAPO's resistance to these proposals and subsequent government proposals have toned down such measures. However, "control in the community" continues as a theme and NMAG has uncovered two schemes in Kent which are energetically pursuing this goal.



Future shock

CLOSE SUPPORT UNIT

..... (Trainee)

DECLARATION OF COMMITMENT

I, the above trainee, am aware that I must regularly and punctually attend school/work/Day Centre (delete as necessary) and pursue my work industriously. On release from my place of education or employment I must immediately report to the Close Support Unit at 23 High Street, Gillingham.

On release from the Close Support Unit in the evening, I am aware that I should proceed directly to my home and that I am not permitted out after 9.30pm, unless permission is granted by the unit manager in writing.

I further understand that, other than on Sundays and Bank Holidays, I am required to report to the Close Support Unit at 9.00am if, for any reason, I am not required to attend my place of education or employment.

On Sundays and Bank Holidays I understand that I am in a position of trust and I undertake not to abuse this freedom.

I promise that I will obey instructions given to me by the staff of the Close Support Unit.

Signed: .....

(Trainee)

I have read the above instructions and confirm that they are clearly understood, and I will endeavour to ensure that they are complied with.

Signed: .....

(Parent or Guardian)

Date: .....

Some readers may think that the above facsmile is an attempt to shock you by presenting a futuristic "taste of things to come" in the probation service. In fact this "contract" is part of a well-documented, if little known, scheme for 14-17 year olds in Kent. Euphemistically called the Close Support Unit, it is a 90-day Intermediate Treatment provision aimed at dealing in the community with those "in need of day to day control". Some aspects of the project are quite startling and represent an extreme example of what supervision in the community can mean in practice. Full details are contained in *Treatment within the community* available for 70p from Kent Probation and After-Care Service; here I will highlight the main features and use some quotations from it to illustrate.

The contract reproduced above is signed by the juvenile in court and outlines the main requirements — regular attendance at the Unit, school or work from 9.00 am Monday to Sunday, at the Unit for the rest of the day, a 9.30 pm curfew and obeying instructions. In order to achieve the purpose of control and supervision, the staff of the Unit take on novel tasks. For example those who refuse to get up in the morning to go to the Unit: "A visit from Unit Mother in such circumstances has been known to stimulate an amazing response. Despite peer group bravado, most male trainees quickly become embarassed if their bedroom is invaded by a determined female." Apparently punctual attendance on Saturdays presents more of a problem: "It would seem that an extra hour in bed is worth two hours on the wood pile even in the frostiest weather." After the Unit closes the trainees (as they are described) are expected to go straight home and "Unit Staff will be available until 10.00 pm to carry out spot checks to ensure that trainees arrive home within a reasonable time." The cooperation of parents, school authorities and employers is expected to assist the monitoring process. Parents should be prepared to "immediately report to the Unit any behaviour that contravenes Unit rules." On weekdays those who are out of work or not attending school are supervised in the Adult Day Centre project run for unemployed adult offenders in the same premises. On Saturdays the juveniles are taken over by the Community Service section of the Kent PACS and carry out project work.

Beak's delight

Some prison-like features of the scheme may already have become apparent, others are the Review Boards which monitor the progress and behaviour of trainees particularly those "due to be released"; and the imposition of fatigues and withdrawal of privileges as punishment. Not surprisingly magistrates are apparently delighted with this way of dealing with juveniles. One writes in the report explaining why: "Not only do we know that there will be very close supervision but also that there will be very strict discipline."

Readers may be tempted to dismiss the implications of such a project because it is in Kent — and we all know what they're like down there. And the project does seem to rest heavily on the enthusiasm and personality of the Senior Probation Officer in charge. But such developments should be taken very seriously by those concerned about their future in the probation service. Before our very eyes the job is changing!

"Control packages"

Other developments have come to the notice of NMAG members all over the country. Particularly popular is the insertion of extra conditions in probation and supervision order — "control packages" as they have been called. Examples of such requirements I have heard of are "not to take alcohol", "to attend an adult literacy class", "to attend school" and "to take part in a banger-racing project". Increasingly day centres and workshop schemes operate on this basis, some requirements stipulating "as directed by the probation officer" or "whilst unemployed".

Three dangers of such developments should be highlighted briefly. Firstly, their general acceptance may be gradually and subtly changing the job into one more akin to that outlined in the Younger Report. These small changes disguise the true significance of the shift and are often seductively sold to probation officers. Secondly, there is some evidence that these more restrictive and punitive sentences are not being used as alternatives to imprisonment, but as additions to prison; so the probation service may be cooperating in the harsher penal system that is an inevitable consequence of the "law and order" political climate. Thirdly, in this climate if these kinds of developments become more widely accepted it will become difficult to obtain finance for voluntary, more adventurous projects. Funding will be dependent on the nature of the scheme proposed; resources which could benefit clients will be channelled into these projects — available only as a condition of probation, supervision or parole.

We must take seriously schemes like the Close Support Unit — think about what it could mean for your work with clients and for the probation service of the future.

Hilary Walker ***Probe*** **(Autumn 1980)**

The message that such developments cannot be ignored was hammered home in the next edition of *Probe* which included the following snippet:

THE GOVERNMENT, IT AND THE KENT CLOSE SUPPORT UNIT
Extract from a Report of Conference on Juvenile Offenders

At a day conference, held on June 12th 1980 and entitled "Juvenile Offenders: Care, Control or Custody" organised by the Howard League for Penal Reform, Sir George Young MP, Parliamentary Under Secretary of State, Health and Personal Services said:

> "We in the Department and many outside it have put great efforts into promoting intermediate treatment. I think these efforts are already paying off and will do so more and more. But are there still promising ideas which have not yet been exploited? Should we focus more on schemes with a higher degree of surveillance than at present practised? I think, for example, of the Medway Close Support Unit, an interesting example of cooperation between the probation and social services in Kent. Children on supervision orders are based at the centre for 14 weeks, are checked several times a day to make sure they are at work or school and attend the centre in the evenings and on Saturdays and Bank Holidays to take part in specified activities, including homework. Although there have been no research results from it and therefore we do not know yet how successful it has been in reducing offending, it seems to us an encouraging project."

The government has expressed its support for Intermediate Treatment in the recent White Paper. Do they envisage the setting up of Close Support Units all over the country? Is this what probation officers mean when they talk about IT schemes?

In view of that comment it is perhaps not surprising that the article on the Close Support Unit also attracted a letter from Martin Wright of the Howard League, published in the same edition of *Probe*:

LETTER
From Martin Wright, Director of the Howard League for Penal Reform

Dear Editor,

I can appreciate your concern over the possibility that close control could be imposed in place of ordinary probation (*Probe*, Autumn 1980). To a lesser extent, any day centre can be a greater limitation of liberty than probation, as Elizabeth Burney recognised in her Howard League pamphlet on day centres, *A Chance to Change*.

But it seems to me that Hilary Walker's article does not face up to the contrary danger: that in cases where, under present sentencing practice, a defendant is likely to get a custodial sentence, often because he has committed several offences previously, magistrates will be reluctant to make a probation order unless it has some conditions.

Simply to blame the courts is too easy. It is all very well to say that they should hand over all responsibility for supervision to the probation officer, but the question is, how to persuade them to do so. If probation officers take a purist attitude by opposing conditions of probation, the result will be that many offenders go to prison or borstal who could have been kept out.

What would be the objection to a gradualist approach, educating magistrates first by showing that what they imagine they achieve through custodial sentences can in fact be done better under supervision in the community? When this has been demonstrated, they can be persuaded in a similar way that such close control is not necessary.

It would be up to probation officers, in their reports, to head off the courts from imposing the strict conditions except in cases where custody was otherwise a strong possibility.

Or do probation officers find life easier when the harder cases are out of the way in penal institutions, becoming with any luck so disillusioned with the probation service that they won't even ask for voluntary after-care: it all helps to reduce the case-load. But no—I am sure no probation officers are as cynical as that.

Yours sincerely,
Martin Wright

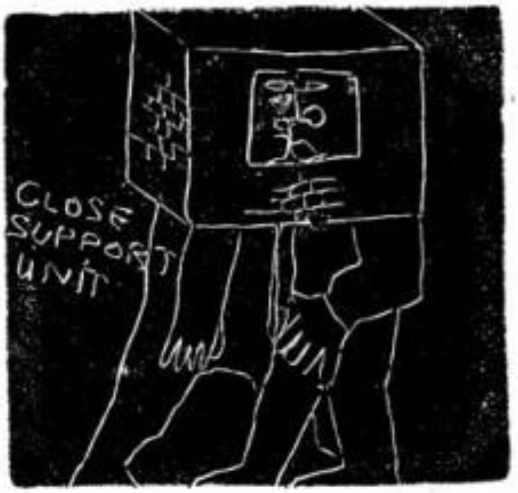
The Probation Control Unit

The recent Magistrates Association proposal for daytime imprisonment followed (and has been directly attributed to) a visit to the Kent unit. The Kent probation service has already introduced a similar scheme for older offenders, reviewed in the following article:

When Hilary Walker wrote an article on the juvenile Close Support Unit, many of us were probably angry, upset and yet somewhat surprised by this latest development in the criminal justice system. Now arising from the same organisation is the adult version of the same thing. In the meantime we have had the White paper on Young Offenders and this has helped both to condition us to the hardening of attitudes regarding penal measures, and also to begin to put these new schemes into some kind of perspective.

At this point one can only discuss the Probation Control Unit on the basis of the job description which was given to prospective candidates for the probation officer post at the PCU. The Control Unit has not yet opened and the Professional Committee is in the process of arranging for someone to go down to Kent to have discussions with those involved in it. The information gathered from that visit will make us either more, or less apprehensive about the regimes it will actually operate in practice, rather than in principle.

I have begun this article cautiously because no matter what the actual practice of the day-to-day operation of the PCU, the principles and philosophy which clearly inform the establishment of the unit are bad enough to make any reasonable response almost impossible. The proposed severe restrictions of "trainees" civil liberties, the draconian rules and regulations, and the punitive and unhelpful roles of the staff attached to the unit, give great cause for concern and represent a drastic shift of emphasis in our work.



The Regime

The unit will cater for young male offenders in the 17-24 age range. Offenders will be placed on a one year Probation Order which will require them to attend the unit for six months as directly by the Unit Probation Officer (UPO), and during that time of attendance they will not leave the confines of their home between 11 pm and 5 am save for emergencies. Otherwise they will be expected to be either at work or at the unit from 9 am until 10 pm Monday to Friday and 9 am to 4 pm on Saturdays.

The details of the regimes are too numerous (and too depressing) to give in full. There are certain points worth highlighting however, such as the fact that "trainees" who are ill and can't attend the unit will receive regular visits from unit staff. Appointments offered by government departments, solicitors etc may not be *responded to* without first getting permission from the UPO; refusing to accept employment offered or deliberately behaving in a way which is likely to prevent such an offer, is considered a breach of the "industrious behaviour" clause in the probation order; consultation with the UPO must take place before termination of any employment and failure to obtain employment within *28 days* of entry into the scheme puts "trainees" at risk of breach.

The overall tone of the unit is supposed to be "relaxed" and "positive". In order to achieve this, the 'trainees' will be instructed to address all staff by their surnames and/or proper titles. The "demarcation" between staff and "trainees" will be constantly emphasised so as "to protect probationers from the danger of becoming over-familiar with staff... (which could) endanger a probationer's liberty through misunderstanding." If a probationer doesn't respond properly to a "lawfully given instruction", after the second time, this is grounds for breach.

Corrections — an alternative to probation

One could go on ad nauseam about the various contradictions and administrative difficulties involved in actually operating this type of scheme, yet that would miss the point. The fact of the matter is that this is no longer probation but "correction". "Advice, and befriending" are replaced by "order" and "demarcation of roles". One logical consistency which does exist within the description of the PCU is the statement that "over familiarity" could endanger a probationer's liberty in this regime. I would imagine that there's more genuine human interaction in the punishment block at Strangeways than envisaged at the Kent PCU.

Even the authors of the scheme realise that anyone having to choose between six months in custody and attendance at the PCU will opt for the former. A "heavy end" alternative to custody, if there ever was one! So heavy that anyone contemplating receiving less than 18 months will want to avoid it. The probation service has come to a real landmark when it offers an "alternative" so punitive that it drives offenders back into custody.

The White Paper foreseen?

It is interesting to note the scheme is essentially designed for the 17-24 age group likely to receive about 18 months imprisonment especially in the light of the proposed legislative changes in the White paper. There is no mention of Borstal in the document outlining the PCU. Could it be that "they" knew something we have only recently known? Or was it just inspired intuition that enabled them to foresee that the Youth Custody Order would provide the custodial range within which the PCU would be an alternative? If so, then the Medway Centre has pulled off a double coup because the Close Support

Unit provides for an ideal "Specified Activities Order" which is one of the main proposals for juvenile offenders. These speculations are probably paranoid – but as the story goes, just because you're paranoid doesn't mean that they aren't *really* out to get you.

KENT — Aberration or representative?

More than once or twice in the last two or three months I have heard it said that if the PCU keeps offenders out of prison then it can't be a bad thing. They have have got a few details wrong, but basically the idea behind the scheme is pretty legitimate. Now *that* is what can only be described as a failure of nerve on a big scale. But where does it come from? What causes people to seemingly sacrifice the entire tradition upon which the probation service was founded?

It seems to me that the answer lies in the increasingly prevalent notion that the business of the probation service is to "keep offenders out of custody". This is a fallacy and an unrealistic goal. The police, the courts and the prison service itself are the agencies whose policies have the most crucial influence on the level of the prison population. The probation service in fact, has only a very marginal influence, if any, in this area. Our agency exists, principally, to provide a flexible and effective social work for those offenders who are permitted by these other agencies to remain in the community.

I am all too aware that to positively advocate a social work role is anathema to many in NMAG and there is some justification for regarding "treatment" with a good deal of scepticism. However, to assume that we should in some way regard our function as involving the provision of "custodial alternatives" is to invite the introduction of increasingly repressive schemes into the scope of our daily work. The probation service has been spending too much time worrying about its level of credibility with the courts purely in terms of how "controlling" we are willing to become in relation to our clients. We lose both ways by this approach. Not only do we sacrifice the only distinctive role we have had (i.e. offering social work help to offenders) but we are coerced into promoting an unhelpful and destructive image of ourselves as agents of social control. The ultimate irony is that there is every reason to believe that this radical shift in our role has had, and will have, no appreciable effect on the numbers of people locked up in prisons.

Returning once more to the Kent PCU, it seems that the most insidious aspect of the planned regime is the expectation that clients will know their place, and will not be allowed to "endanger their liberty" by becoming "over-familiar" with staff. By thus removing a good deal of the humanity that can take place within helping relationships, it will be much easier to impose strict regulations that will exist in the PCU. Whether or not anyone is actually "advised, assisted or befriended" is a matter for considerable doubt. We can only guess at the effect this will have on our "credibility", not with the courts, but with our clients.

Malcolm Thompson ***Probe*** **(February 1981)**

RAP and NMAG

NMAG has welcomed this opportunity to contribute to *The Abolitionist* and look forward to continuing co-operation and exchange of ideas with RAP. For those interested in further information about NMAG, our contact addresses are:

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'...unpleasant but not painful'

Medical treatment of sex offenders

The treatment of sex offenders in prison and in the community under parole or probation order conditions is one of the most controversial aspects of current penal policy. Quite apart from the obvious unsuitability of prison as an environment for dealing with this sort of anti-social behaviour, the treatment of sex offenders highlights the thin line which exists between treatment and control within prison and demonstrates the impossible ethical position which prison doctors find themselves in.

Our purpose in dealing with this subject is not to be negative and destructive. We do not deny that there are men in prison with severe sexual problems who want treatment which will stop them returning to prison and will make them happier people. And we recognise that there are men who sexual behaviour is so aggressive that society in general and women and children in particular have a right to be protected from them. (Most such men are not in prison of course but some of them are and how we should deal with them is a complex ethical and political question.) Nonetheless, we are highly critical of the way in which specialist medical treatment is currently dispensed to sex offenders in our prisons, not least because the existing structure of the Prison Medical Service means that safeguards against medical abuse and experimentation are not strong enough.

Our intention in this article is to critically describe two of the three forms of specialist treatment given to sex offenders in British prisons – behaviour modification and anti-libidinal drug treatment – and in the process to raise a number of questions which socialists must answer if they are to effectively challenge the present use of imprisonment to deal with sex offenders. A third form of treatment, group psychotherapy, is available for sex offenders in the Annexe at Wormwood Scrubs and at Grendon Underwood but as we will be devoting a whole article to this in a future edition of The Abolitionist, it will not be considered here.

Not surprisingly, the Home Office is not overkeen to discuss the various treatments given to sex offenders nor how many men actually receive such treatment. In preparing this article, the Prison Department refused to let us speak with the Senior Medical Officer of a borstal despite the fact that the doctor in question was quite happy to meet us. And when we tabled a parliamentary question via Renee Short MP asking how many sex offenders are receiving suitable specialist treatment, Patrick Mayhew, Minister of State at the Home Office, replied that the information "is not held centrally and could only be obtained at disproportionate cost." (Our guess is that relatively few men are undergoing treatment and that the judiciary is often unaware of the gap which exists between their recommendations and the way the prison department interprets these recommendations.)

Behaviourism

Specialist treatment for sex offenders is a relatively new phenomenon. The 1940s and 1950s was a period of experiment and discovery in terms of new therapies designed to 'treat' a wide variety of sexual 'deviancies'. In Britain in the '50s it was the behaviourists who made the greatest impact on the treatment of sexual 'deviations' such as fetishism, transvestism and exhibitionism by aversion therapy. In the days before the Sexual Offences Act, all homosexuality was regarded as a gross form of sexual deviancy and aversion therapy a legitimate form of treatment to 'cure' it.

Early forms of behaviour therapy derived much of their terminology and procedure from the so called "learning theories", which in turn were derived directly from animal research e.g. Pavlov's experiments with dogs. Classical behaviour therapy was based on the assumption that sexual arousal had become conditioned to inappropriate, 'deviant' stimuli. In the case of gay men, the deviant stimulus was other men, for paedophiles it was children. The treatment which developed from this analysis – aversion therapy – consisted of sessions in which the 'deviant' sexual stimuli in real, symbolic or imagined form were repeatedly associated with unpleasant events such as electric shocks, with the aim of changing the response classically conditioned to them.

To start with, behaviourists seemed, in their terms, to be successful in achieving the desired results. But according to Dr John Teasdale, Psychologist at the Warneford Hospital, Oxford, "over time it became apparent that the initial behavioural analysis, which attributed prime importance to the sexual arousal conditioned to deviant stimuli was inadequate."[1] Teasdale identifies three reasons for this conclusion. First, it emerged that the success of aversion therapy appeared to relate to the extent to which it enhanced the sexual response to normal (sic) heterosexual stimuli rather than the extent to which it suppressed the response to deviant stimuli. Second, behaviour therapists became aware that the problems of sex offenders were more complex than simply their response to 'deviant' sexual stimuli and included difficulties in heterosexual performance and attitudes and in social performance more generally. Third, it became apparent that the mechanism of aversion therapy was not obviously a simple process of classical conditioning.[2] In other words, it became clear that research with animals was not particularly relevant to human problems.

For all these reasons, behavioural therapy has 'advanced' considerably from the crude clockwork orange techniques of aversion therapy used in the 1950s and 1960s. Derek Perkins, senior psychologist at Birmingham prison, acknowledges the charge that early behavioural therapy was naive and manipulative and says that "more recent work specifically with human subjects and patients . . . has gone a long way towards incorporating the best objective features of behaviourism with subtle and often ingenious methods of dealing with the more illusive aspects of human thought and emotion."[3]

Nonetheless, psychiatrists of the old school still abound in the Prison Service. As recently as 1974, Dr Alexander Leitch, visiting psychotherapist at Shepton Mallet prison, described the following treatment in the restricted *Prison*

Medical Journal: "I have used a compromise in the case of male homosexuals by presenting provocative pictures of males and as they look at the picture applying a painful electric shock while at the same time remarking that homosexual activities were disgusting, loathsome and led to corruption of the young and later to conflicts with society and the law."[4]

Straight sex

Behaviourists today would probably be embarrassed by the techniques and assumptions of men like Dr Leitch. It is now fashionable to talk of "integrated treatment programmes" which attempt "to identify and treat deficiencies in sexual information and attitudes, deficiencies in heterosexual arousal, deficiencies in heterosexual skills and general social skills and deviation in gender role as well as reducing deviant sexual arousal."[5] Rather than relying exclusively on modifying sexual arousal to deviant stimuli, more importance is now attached to increasing sexual arousal to "normal" heterosexual stimuli. In other words, psychologists want to be seen as humane healers, encouraging a socially acceptable form of sexual behaviour rather than simply eliminating all forms of sexual desire.

Behaviour therapy is currently "offered" to sex offenders in two English prisons – Winson Green in Birmingham and Wormwood Scrubs. The head of the behaviour modification programme at Wormwood Scrubs in Rhys Matthews, a psychologist. At a Conference organised by the Cambridge Institute of Criminology in December 1979, titled *Sex Offenders in the Criminal Justice System*, Matthews described the programme he has developed at the Scrubs.

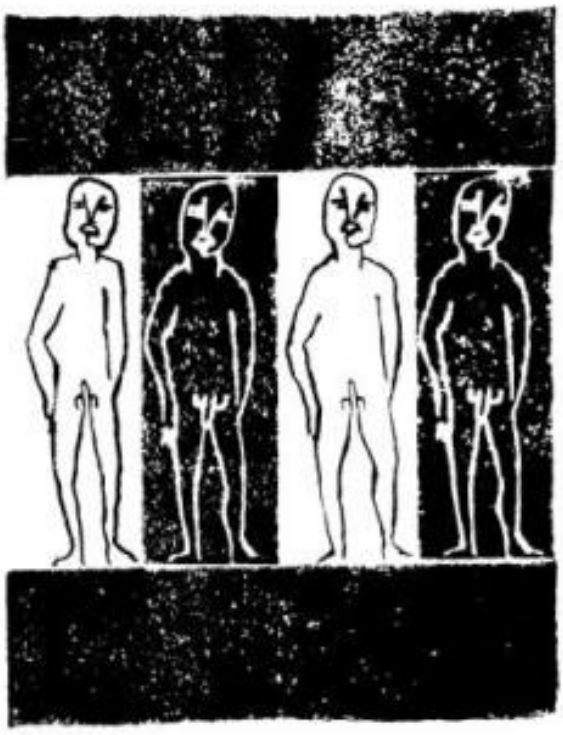
The crucial piece of equipment for Matthews' treatment programme is a machine called a penile plethysmograph. The plethysmograph measures the way in which a man responds to various sexual stimuli (erotic pictures and films) by monitoring his penis response. Variations on the plethysmograph were developed in the 1960s and the machine currently in use at the Scrubs was introduced in 1973. It consists of a mercury in plastic loop which encircles the shaft of the penis. Any change in penis volume results in an alteration in the circumference of the plastic loop which, in turn, alters the electrical resistance of the mercury column. These fluctuations in resistance, reflecting penis response, can be displayed in graph form by means of a pen recorder. The plethysmograph is therefore used to establish a man's sexual orientation, in effect to find out what arouses him sexually. Each machine costs about £10,000 and, as far as we have been able to establish, there are only three in use in Britain – at Winson Green, Wormwood Scrubs and Broadmoor. It is not possible to obtain this treatment on the NHS.

The men who are recommended for behaviour therapy at the Scrubs are usually young, in their twenties. It is felt that drug treatment is inappropriate since it would have to be continued for up to forty years. Not only would this be very expensive but, as Matthews points out, "it would prevent men from achieving a socially acceptable sexual life . . . In the case of a married offender, such treatment puts at risk a partnership which is probably the strongest factor mediating against re-conviction."[6]

Matthew's treatment programme amounts to little more than crude aversion therapy. The prisoner begins his treatment with a routine test on the plethysmograph to establish pre-treatment sexual orientation. Doctors believe that extensive testing with the plethysmograph can conclusively assess a man's sexual tastes and thus "prove" that he is attracted to, say, young boys. The pictures or films used in the test are then put to one side for use in the post-treatment tests. The next stage is the formal treatment sessions and it is worth quoting Matthews in detail to obtain an accurate picture of what 'treatment' entails:

"During a treatment session the subject's penile response is monitored in the same way as for a testing session and in addition two electrodes from a shock box are placed in contact with his wrist and held in place by a cuff. A commercially produced shock-box is used which is adjusted to a level indicated by the subject as being 'unpleasant but not painful'. Considerable care was taken to emphasise to the subjects that the treatment would not be made better or quicker by them undergoing shocks of an unnecessarily high intensity . . .

The subject is presented with a series of deviant stimuli, in most cases erotic pictures of young boys, interspersed with non-deviant stimuli, in most cases heterosexual pin-ups. If the subject produced a clear increase in penis volume whilst viewing a deviant stimuli, he received an electric shock until his penis volume began to decline. If his penis volume continued to increase after an initial shock of 2-3 seconds duration, shocks of a ½ second duration were repeatedly applied at ½ second intervals until his penis volume did decline . . . In addition to the aversion sessions, each subject was questioned concerning his masturbatory activity and subsequently advised to avoid masturbating while fantasising deviant stimuli and encouraged to fantasise non-deviant stimuli."[7]



Matthews makes impressive claims for the success of his treatment. He refers to a study [illegible] patients, in which the treatment programme [illegible] achieve "an exclusively heterosexual orientation". The remaining two prisoners wished to remain homosexual but to lose their attraction to boys. By the end of the treatment one of the [illegible] producing a plethysmograph record indicating a change of sexual orientation and also reported that [illegible] of the change. The remaining [illegible] reported any change in [illegible] Matthews, none of the men had been convicted [illegible] years after their release. He concluded that the treatment package is "most successful" [illegible] almost certainly [illegible] consenting to [illegible]

Winson Green

A more sophisticated behaviour modification programme is "available" to sex offenders in Winson Green prison in Birmingham. Whereas in the Scrubs Rhys Matthews tends to rely almost entirely on aversion therapy, the Winson Green programme has a wider variety of psychologically-based treatment options. Assessment before treatment is also more complex involving not only the plethysmograph but also more subjective ratings such as records of behaviour and fantasies, structured interviews and role-playing. Treatment needs are assessed in terms of modification of sexual orientation and/or improving social skills and/or removal of anxiety to target behaviour. The actual treatment options include the "shaping" of masturbatory fantasies (encouraging men to masturbate to non-deviant stimuli), systematic desensitisation, encouraging men to masturbate beyond orgasm to deviant stimuli , relaxation training (helping prisoners to cope with frustration in a socially acceptable way) and social skills training. Aversion therapy is not given in Birmingham.

The head of the Winson Green programme, Derek Perkins, shows more signs of awareness than most doctors working inside prisons of the ethical problems inherent in treating men in prison. In an article in the July issue of the *Prison Service Journal* Perkins acknowledges the dubious nature of "consent" to treatment while inside and admitted that it is often difficult to balance "the immediate unpleasantness of a particular procedure . . . against the probability of effecting a long term change in offending which is being sought by the offender."[10] With this in mind, Perkins says that all along his aim was to ensure that offenders embarking upon treatment were "true volunteers."[11] This was achieved, he says, by explaining the treatment and non-treatment options available to all those interviewed and by encouraging an understanding of the issues and procedures involved; making it clear to those opting for treatment that they were free to opt out at any stage, and finally being as little involved as possible in any decision-making about offenders receiving treatment such as contributing to parole dossiers and allocation reports.

The most significant aspect of Perkins scheme is that it has close links with the Midland Centre for Forensic Psychiatry, attached to All Saints Hospital Birmingham, and with the probation service. Aftercare is therefore far better organised than at the Scrubs, enabling treatment begun in prison to continue in the community. Furthermore the main aim of the programme is to provide an individual treatment service and Perkins maintains that research needs are secondary to therapeutic needs. This, of course, is wholly irrelevant to opponents of behaviour therapy who say that it is morally offensive and can't bring about long term change in sexual orientation. On this last point, there is certainly no evidence to show that behaviour therapy is any more successful than group psycho-therapy in reducing recidivism rates among sex offenders and while Rhys Matthews claims success for his treatment programme, a sample of 10 treated and 10 untreated men released from Winson Green prison were followed up for between four and sixteen months and showed no significant differences in respect of reconviction rates.

Drug 'treatment'

If behaviourists have been criticised for their naive, superficial approach to the question of sexual deviancy, proponents of drug treatment, the other main treatment available in prison for sex offenders, have been at the centre of an even greater controversy. For while behaviourists have been able to claim that they are not trying to eliminate all sexual expression in so-called deviants, rather attempting to encourage the development of a normal, heterosexual response, drug treatment has followed an opposite course. Though initially used as a temporary expedient to allow a period of 'sexual peace' while more positive treatment was attempted, anti-libidinal drugs have been increasingly used to achieve virtual or complete abolition of sexual desire *as an end in itself*. There is no pretence of trying to develop an alternative form of sexual behaviour. Dr. O.W.S. Fitzgerald, until recently visiting Psychotherapist at Dartmoor Prison, described this aim of total suppression in the *Prison Medical Journal*:

> "I try to impress on subjects who consent to having this (drug) treatment that the object is to remove all sexual desire, that there can be no compromise arrangement such as leaving a man with sufficient libido to indulge in marital intercourse but not enough tempt him into sexual crimes. I tell them I do not know how long the treatment has to be continued and therefore have to assume that it has to continue indefinitely if a man wants maximum insurance against a repetition of his crime."[12]

The use of drugs to control sexual behaviour was first mentioned in English medical literature in the 1940s. A drug called Stilboestrol, it was discovered, made it difficult or impossible to produce an erection or to masturbate successfully. It gradually found a use in treating sex offenders both in prison and mental institutions. Stilboestrol had severe side effects however including nausea, testicular pain and tenderness of the nipples. It also caused the breasts to grow, in some cases requiring a mastectomy to remove them. Despite those side effects, Stilboestrol continued to be used by the prison medical service until, as far as we know, the early 1970s and indeed it may still be used today.

The major drawback of Stilboestrol however, from the point of view of the prison service, was that it could only be taken orally and had to be taken every day if libido was to be constantly controlled. It was therefore not felt to be an appropriate treatment for low IQ or "unstable" men who could not be relied on to sustain their commitment to treatment or report honestly on the effects of the drug. Stilboestrol was soon superceded by a new drug, Oestradiol, which could be physically implanted in the body of a prisoner-patient and whose effects lasted for up to a month. In 1963, Dr Leopold Henry Field, Consultant Psycho-therapist at Wormwood Scrubs, began a programme of hormone implants using Oestradiol on prisoners in the Scrubs, a treatment which he still prescribes today.

There is nothing particularly complex about the mechanism of a hormone implant. The male sexual drive or libido is based on the production of testosterone and the hormone implant works by suppressing that drive. The implant is introduced into the patient's body by inserting it under his skin in the buttocks or abdomen. It aims to achieve its object by swamping the male sex hormones, testosterone, with female oestrogen. By neutralizing the maleness of the patient with a chemical that is the basis of a woman's sexuality, the man's sexual drive disappears.

By 1967, hormone implantation had become the standard treatment for recidivist sex offenders and in 1969 Dr Fitzgerald began a similar programme to Field's in Dartmoor. But though Oestradiol implants had solved the problem of trusting prisoners to take the tablets, they were not free of distressing side effects. Like Stilboestrol, Oestradiol led to breast growth and the need for surgery And though this phenomenon did not overconcern doctors, it did put off potential recipients from accepting treatment because of the fear of ridicule and possibly violent attacks by other prisoners who could easily identify them as "nonces". Research therefore continued in an attempt to find a drug that didn't cause breast growth.

In 1966, Dr Field pioneeredtheuse of another new drug on prisoners. The drug, Benperidol, was a tranquiliser from the same group of drugs as Largactil (phenothiazines) and its anti-libidinal properties were discovered by accident. It did

not render the patient completely impotent in the way oestradiol did, tending only to reduce the frequency of sexual thoughts. Like Stilboestrol, Benperidol was only available in tablet form but it did not lead to breast growth and although it had the side effects common to all tranquilisers – drowsiness and in some cases loss of muscle control – it was regarded as a great improvement on Oestradiol, enabling more sex offenders to receive treatment than ever before.

It was the introduction of a new oral anti-libidinal drug, Cyproterone Acetate, however that was to have the greatest impact on the treatment of sex offenders. Again, its discovery as a libido suppressor was an accident but its effect was far stronger than Benperidol, producing a marked reduction in the level of testosterone. It led to complete impotency and loss of sexual interest and was effective whatever the man's sexual drive whilst Benperidol was only really successful when given to men with a less than average sex drive. The greatest advantage of Cyproterone Acetate, or Androcur as it was commercially titled, was that it produced no obvious side effects. The disadvantages were that it could only be take orally and that libido returned overnight if the drug was discontinued. It was also very expensive.

Androcur has now become the standard drug given to sex offenders both in and out of prison, though Oestradiol implants continue to be given by Field to certain men. The decision on which form of treatment is prescribed depends on the intelligence and 'trustworthyness' of the prisoner-patient. Oral treatment with Androcur is confined to those patients who "by virtue of their levels of intelligence and basic stability are thought suitable" while hormone implants are reserved for those whom doctors feel cannot be relied upon to take Androcur every day. In the case of a sex offender in prison, drug treatment is usually begun a few months before release on parole. This gives time to assess the effects of the drug by means of the plethysmograph and, in the case of oestradiol implants, to arrange for a mastectomy should it prove to be necessary.

Chemical castration?

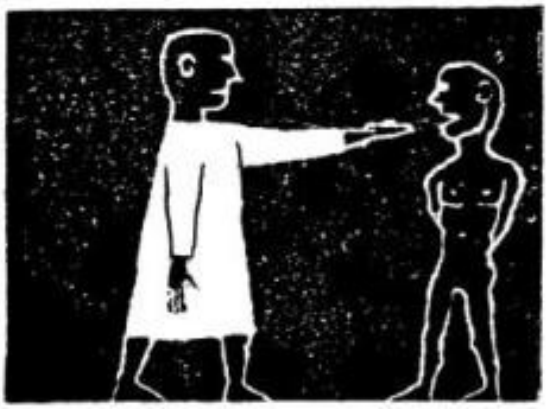
Opponents of drug treatment have described it as 'chemical castration'. This is only partly true because although the effects of Androcur and Oestradiol are certainly equivalent to castration, neither drug is irreversible in the way that castration is. As already mentioned, in the case of Androcur, libido returns overnight when 'treatment' is halted. Clearly though, the use of drugs to control sexual behaviour raises a number of serious ethical problems.

In the first place, there is the questionable right of anti-libidinal drug treatment to be called 'treatment' at all. The word treatment is commonly understood to mean the restoring of a person to full health or as near full health as possible. And most of us would feel that sexual relations are a vital part of good physical and mental health. The chemical manipulation of hormones, however, by drugs like Androcur is actually designed to incapacitate a man by sexually disabling him. Dr Henry Field is not shy to admit that what he is 'offering' is not really treatment – "It would be right to say that I am modifying the man's behaviour, having explained to him the alternatives, which he usually understands perfectly well, since he knows what will happen if he re-offends. There is certainly a degree of social engineering on my part."[13] Given that the Prison Medical Service is a closed service within a totally secret institution and that prisoners find it almost impossible to obtain second opinions on treatment from independent doctors, there are obvious dangers in allowing prison doctors to act as social engineers.

Secondly, there is the question of experimentation. In 1961, the World Medical Association proposed that prisoners "being captive groups, should not be used as the subjects of experiments".[14] This recommendation was never formally adopted, largely because of the opposition of American doctors whose wide ranging experimental activities on prisoners are well documented by Jessica Mitford in her book *The American Prison Business* (Penguin). The use of prisoners as guinea pigs by drug companies and state medical research teams is certainly more advanced and extensive in America than in Britain. Nevertheless, the history of the development of drug treatment for sex offenders does show that a similar, disturbing trend is discernible over here. The three drugs, Benperidol, Oestradiol and Cyproterone Acetate were all originally tested on prisoners and patients in Special Hospitals before they were cleared for general use in the community.

In the case of Benperidol, the Home Office appear to be either ignorant or are trying to hide the fact that it was first given to prisoners as early as *1966* in Wormwood Scrubs. In an answer to a parliamentary question tabled by Renee Short MP in January 1980 and again in June of this year, Whitelaw said that Benperidol was first prescribed to a prisoner in 1971. Yet Rhys Matthews stated in his 1979 lecture at the Cambridge Institute of Criminology that Dr Field used it in 1966, *a full 7 years* before it was issued with a product licence by the Committee on Safety of Medicines. Similarly, Androcur was given to prisoners in 1970 after being issued with a clinical trial certificate: it did not receive a product licence until 1974. It is clear that as long as prison is the only place where any kind of specialist treatment is available for sex offenders, then prisoners will continue to be used as guinea pigs, testing out powerful drugs whose long term side effects are still not known.

The question of experimentation is linked to the next ethical problem, the nature of consent to treatment while in prison. It is clear that the nature of imprisonment puts a great deal of pressure on potential recipients of drug treatment to accept whatever treatment is offered. The type of men who are normally given hormone implants, for example, are usually recidivist sex offenders of a serious kind and who face, in some cases the prospect of indefinite detention. Release depends very much on the use of discretion by the Parole Board and men in such position are liable to accept *any* treatment that offers the prospect of eventual release. And there is evidence that judges, at least, will reduce sentences on guarantees that offenders will accept hormonal treatment e.g. the case of *Regina v Ramsay*, (21.2.75 unreported).



Pressure to consent to treatment also comes from the doctor or therapist, who has a great deal of power to influence the decision-making panels that determine release. There is ample evidence to suggest that the Parole Board pays a great deal of attention to the recommendations contained in doctor's reports.

Establishing the existence of real consent is particularly important now that recent developments in the medical field have made treatment less dependent on the willing consent and co-operation of prisoners. First, it is now possible to administer oestradiol implants which last for six months and so as long as the man turns up for his half yearly replenishment, libido can successfully be suppressed for long periods of time. Second, it's possible to ensure that libido *is* being suppressed by means of blood tests and by testing with the plethysmograph; there is no need, anymore, to trust the word of the prisoner. Furthermore, legal means are available to control the indefinite supervision of offenders even after their release in the community. Life prisoners released on parole and Section 65 mental patients conditionally discharged can both be recalled if they refuse to co-operate with treatment.

On the point of establishing the presence or absence of real consent, Henry Field, Psychotherapist at Wormwood Scrubs and the most influential person working with sex offenders in the prison system, has a controversial opinion. Field regards concern over the notion of consent as so much liberal bleeding-heart rubbish. According to him, 30 years experience of working with sex offenders has taught him that the only thing a recidivist sex offender is concerned with is how to avoid a lifetime spent in and out of prison, possibly ending up with a life sentence. For such men, Field believes that treatment should be made compulsory and that a prisoner's agreement to continue treatment should be made a condition of release. He summed up his point of view in an unscreened TV documentary:

> "If one is going to regard (a sex offender) as a person having some kind of anomaly of physiology that can be corrected, then (to imprison him as punishment) is just not sufficient. Society is falling down by merely putting sex offenders in prison then letting them out again having served their sentence. I think it's much more sensible for society to say that it would be better to give a much shorter sentence or indeed no prison sentence at all – though that might not appeal to certain members of the judiciary – but that treatment should be made compulsory . . . There is no means at present by which one can ensure that most men continue treatment after release. You may well feel that there is no reason why they *should* be made to continue the treatment after they've left prison, they've done their punishment and that's the end of the matter. But I believe that the law ought to be reformed along the lines that there comes a point in the career, as it were, of the recidivist sex offender when his release should be made conditional on his continuing treatment."[15]

Field's extreme solution actually goes to the heart of the problem and forces radicals to clarify their attitudes to the various political issues raised by the question of how we should "treat" sex offenders. For his views are an uneasy mixture of humane concern at the waste and absurdity of imprisoning most sex offenders and an almost God-like certainty about the right of society, in the form of the Prison Medical Service, to sanction highly coercive treatments in order to protect itself from supposed deviants. If we reject Field's solution – and we as a group totally disagree with the notion of compulsory treatment – then we have a responsibility to come up with a solution that more adequately secures a balance between the rights of the offender and in the case of rape the right of women to protect themselves from a violent rapist. An obligation also rests with us to purge our arguments of hypocrisy. Many feminists, for example, regard it as a clear case of double standards to spend so much time worrying about upsetting the hormonal balance of a persistent rapist when thousands of women taking the pill experience equally distressing side effects.

This discussion has raised more questions than it has answered but we make no apology for that. We, as a group, have not solved in our own minds the conflicting ethical and political considerations which emerge from the debate about how we should deal with men whose sexual behaviour is deemed unacceptable and indeed violently dangerous. Nonetheless, we are clear that the present status of the prison medical service places prison doctors in an impossible ethical position in which they are unable to distinguish between treatment and control; we feel that the parole system and the associated pressure put on prisoners by their doctors to accept treatment makes it impossible to talk of consent to treatment in a meaningful way; and we are totally opposed to the use of prisoners, by unaccountable prison doctors, as guinea pigs on which to experiment with new drugs and therapies. All this leads us to conclude that a greater degree of independent advice and consultation must be available to men who are recommended for behaviour therapy and drug treatment because they have committed sexual offences.

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RAP Sex Offences Working Group

What about the victim?

The main purpose of this article is to argue for greater involvement by radicals in developing theoretical perspectives and practical orientations towards the victims of crime. Some of these efforts are already underway, but there would seem to be a marked reluctance on the part of radicals in Criminology, Social Work and in various campaigning organisations to confront the issue of crime victimisation in a thorough and concerted way. I shall argue that we ought to consider carefully some of our own ideologies and assumptions with regard to understanding the nature and function of crime. In so doing, we must develop new conceptual understandings which will aid us in our attempts to combat the repressiveness of the Criminal Justice System, *and* move towards a *just* system, in which individuals and groups are protected from the material and psychic harms generated by the present social arrangements.

When we look at the place of the victim in academic criminology, we discover that the victim as a person, and the processes by which particular people become victimised, have received almost no attention. Conservative and liberal criminologies have traditionally taken an offender-centred view of criminal behaviour and of the significance of crime for society. The offender has been seen, depending upon the perspective, as improperly socialised, psychologically or constitutionally abnormal, or else responding normally to the pressures of the culture – essentially passive. Until recently the victim had been seen, by default, as also passive – playing no particular role but merely being the random focus of the statistically rare criminal event. The criminologist has really only been interested in victims' characteristics and behaviour from the point of view of their willingness, or otherwise, to report events to the police – in other words their potential to create the 'dark figure' of crime. Criminologists of the 'labelling school' have been interested in the 'social deviant' as a 'victim' whose position is created by intolerance of human diversity and by institutional processing. The emphasis has been upon non-criminal types of social deviance or else crimes which are held to be 'victimless', e.g. drug use, prostitution.

The radical criminologies which have emerged in the past decade have revolutionalised thinking about crime through the re-consideration of the role of the state, capitalist production, and political struggles in understanding the nature of the crime. Although radical criminology has equipped us with new theoretical tools, it has tended to shift emphasis away from the study of different types of offence and has considered victimisation only peripherally. In a fashion which points to certain lines of continuity between labelling theory and the newer perspectives, radical criminologists tend to be heavily offender-centred in their approaches; they are interested in processes of 'becoming criminal', and indeed in the offender as a 'victim' of social inequalities and the class-biased operations of law creation and enforcement; *but* this is a one-sided interest which neglects the critical importance of understanding how and why people *become victims* of the social and interpersonal harms of which criminal harms are a part.

Reluctant radicals

The reluctance of radical criminologists to interest themselves in criminal victimisation is strange when one considers that the harms suffered by individuals, groups and classes, as a result of inequalities, exploitation and oppression, and their social roots, have always been the central concerns of socialists, libertarians and radical social scientists. Why then should the victims of crimes be subject to this 'selective inattention'?

Firstly, radical criminology has still not broken completely free from ways of understanding crime as posed by traditional liberal and labelling perspectives. This heritage has (partially) restricted its scope and its ability to generate new concerns, such as victimisation, which would permit a fuller understanding of the social roots of crime. Secondly, there is a psychological hurdle to be faced by those who study criminal victimisation, especially if they reject the idea that social science can be (or should be) free from value judgements. You are forced to confront the fact that many members of the group with whom you sympathise or empathise (i.e. offenders) are engaged in causing material and psychic harm, not to an abstract and oppressive social system, but to actual individuals (i.e. victims) who in many cases may be seen to be themselves among the most powerless and exploited members of society. Canadian criminologist James Teevan has suggested that many radicals feel that they can only be concerned with the plight of victims at the expense of concern for the offender. Indeed many feel that they play into the hands of the most reactionary 'law-and-order' forces by the very acknowledgement of the harm suffered by crime victims. But, as Teevan notes, a critical approach should have little difficulty in locating in capitalism both the conditions conducive to crime, and the resultant suffering of victims.[1]

Double-think

The point I wish to make here is one that has been courageously addressed by Stan Cohen;[2] it is necessary for radicals to re-assess the 'double-think' which characterises much of their talk about crime. Their position at once tries to pose as 'objective', yet is riddled with value judgements. It is apparently permissible to make moral condemnations of corporate and government crime, but we flinch from moral stances on street robberies, theft and burglary, because they are being committed predominantly by those drawn from the most oppressed groups. This contradictory approach leads to the acknowledgement of the victims of white-collar crime but to the denial of the victims of domestic burglary and robbery!

The situation is further complicated by the fact that some groups of victims have received a great deal of attention in society as a result of the activities of various pressure groups. The Women's Movement has been almost single-handedly responsible for recognition of the problems, needs and rights of victims of rape, and the child and female victims of domestic violence and sexual assault. The Rape Crisis Centre have, in addition to the vacuum which they fill in aid to victims, uncovered the very low rate of reporting of rape.[3] More than this the Women's Movement is also engaged in developing theoretical perspectives to account for the victimisation of women and children in terms of the social processes of power and domination.

It would seem clear that the activities of the women's groups and others have achieved social problem status for rape victimisation, sexual assault and domestic violence; no such status has yet been achieved for other types of personal victimisation, including burglary, theft, street robberies and personal assaults. Evidence from extensive victimisation surveys in the United States shows that the victims of these offences are predominantly young, working class, members of ethnic minority groups, and the inhabitants of inner-city areas with multiple social and environmental problems. Limited knowledge of victimisation patterns in Britain would suggest that those most at risk are those who themselves inhabit high crime areas, and who have relatively few resources for avoiding victimisation. Equally, when such persons do become the victims of crime they suffer more financially, through loss of earnings and the lesser likelihood that they will be

(adequately) insured.

The limited but important findings concerning the impact of crime on victims[4] and the fast-growing work of Victims Support Schemes[5] is revealing that criminal victimisation is an unrecognised and unmet social problem of considerable proportions. Research also shows that 'fear of crime' is a problem in its own right; it has harmful consequences for individuals and communities. This fear of crime is exacerbated by media reporting and by law-and-order rhetoric, but has been shown to be related to a variety of other concerns that people have about their neighbourhoods and the quality of life.[6] However, the *fear* of crime, like crime itself, cannot be simply explained away as an ideological tool for diverting attention away from the ills of capitalism towards substitute targets. These things are *part* of the ills of capitalism and are very real to those involved; they can give rise to a number of responses – from fear of going out at night or even of being in one's home at night; from Vigilantism, to calls for democratic control of police deployment; calls for harsher sentences or protest strikes by late-night bus drivers.[7] Viewed in this light, issues of victimisation and crime prevention are inextricably bound up with the struggles of people to gain control of their lives and communities, and for social justice.

Victimology

Victimology, as a sub-discipline of criminology, emerged in Britain and some European countries in the 1950s, and it has grown into a major area of study in the United States in the last fifteen years. The area boasts its own journal, international conferences and massive financial support from federal agencies and private research foundations. The U.S. Justice Department's Law Enforcement Assistance Administration, together with the U.S. Bureau of the Census, annually questions a representative sample of the population – 136,000 persons (aged 12 years and over) in 60,000 households – about their experiences with crime in the previous 12 month period;[8] this is known as the *National Crime Survey* and, despite its methodological problems, the results are held to present a more accurate picture of crime patterns and trends in America than the official police statistics collated by the F.B.I. – the *Uniform Crime Reports*. The vast amounts of information collected allow us to see that criminal victimisation is disproportionately suffered by those groups who suffer from the other inequities and hazards of industrial capitalism.

No large scale victimimisation survey has been conducted in Britain, nor is one likely to be conducted, especially in view of the government's present proposed cuts in social statistics and in the budget of the Home Office Research Unit.[9] A similarly representative survey for Britain would have to be based on an annual sample of 36,000 people in 16,000 households! At best we must rely upon small surveys, such as that by Sparks et al in Kensington, Hackney, and Brixton in 1977,[10] and the invaluable insights of Victim Supports Schemes, Rape Crisis Centres and Women's Refuges. What is really needed is for more radical criminologists and those groups concerned with the penal system, community activism, the fight against racism and sexism, and victimisation at home and at work, to engage in action, participant observation, and survey research into the nature and extent of criminal victimisation of all types. Hopefully we can then demonstrate more successfully that these are traceable to similar socio-economic processes to those which generate non-criminal forms of victimisation, such as poverty, institutional violence, ill-health, and industrial and road accidents.

Finally, I think it is necessary to make some suggestions about the relevance of the consideration of victims and victimisation for RAP. Hopefully, some of the things which I have had to say in this article will provoke some debate concerning making it clear about where RAP stands on issues of crime victimisation and crime prevention. I think that it is perfectly consistent to campaign for and with prisoners and ex-offenders against the repressive and class nature of the criminal justice system, and at the same time to deplore personal crime as an expression of the exploitative values of the capitalist system. The values expressed in most personal crime are the very antithesis of the co-operativeness and consciousness which will transform not only the penal system but also the present society.

Debate overdue

As Philip Priestly has pointed out;[11] the modern state and its justice system, having appropriated for itself the role of injured party, has turned the victim of crime into an object-fodder for the conviction process with little thought for the harms suffered. The fear of potential and actual victims is then channelled into demands for even more punitive action against offenders. He suggests we reconsider the relevance of the ancient principles of *restitution* and *reconciliation*, as alternatives to punishment as the basis of justice. A much wider debate on restitution is required within RAP, and the approach must be a cautious one. We cannot assume that the victim always benefits from restitution schemes, also we must be aware of the rights of the offender.[12] The importance of the debate is that it relates not only to the principles of our present campaigns but also to the necessity to evolve alternative standards of justice.

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Blood harvest

The following article appeared in the American socialist journal, *In These Times*, in May 1981.

Imagine a damp, cold, dark asteroid. Humanoids are kept in pen-like enclosures, feeding at troughs filled with slop. Twice each week, each humanoid is taken to a pleasant, well-lit room. He or she is placed on a comfortable couch, given orange juice, sweets and fruit. His or her blood is removed and processed, with the depleted blood reinfused. Somewhat groggy, but with their pockets filled with worthless tokens and trinkets, they are then returned to their pens. Every Monday, a transport rocket lands, loads its tanks with the week's harvest, and takes off again for earth. There the precious fluids are further processed into valuable medicinals for the benefit of sick earthlings. By now, the value of the fluid has increased a hundredfold.

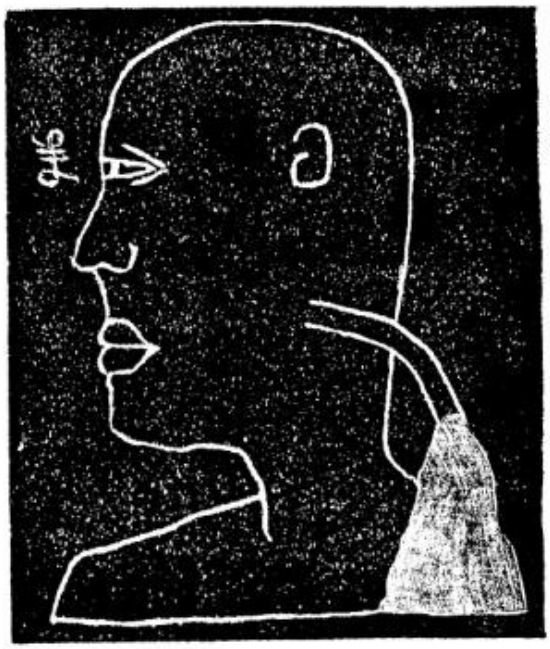
The reality of 1981 at Chicago's Cook County jail beckons us to examine prison industry uncomfortably like that on our asteroid. During fall 1980, the SARA Corporation began a plasmapharesis program at the jail, inviting all inmates to sell their plasma. Plasmapharesis is a process in which blood is removed from the donor, the red blood cells separated from the protein rich portion and re-suspended in salt water, and the blood then returned to the donor. Plasma, the name for this protein rich component, is then sold to drug companies (Baxter-Travenol, among others, in the case of SARA).

The drug companies process the plasma to make a variety of products used in treatment of haemophilia and serious infection, and in support for critically-ill patients. It is a growing industry, with international scope in both purchase and distribution of the plasma and plasma components.

At the Cook County jail, inmates are given the opportunity to have plasmapharesis performed on them two times each week. According to inmates, the simplest thing to accomplish at the jail is to sell plasma. Guards – employees of the Cook County Department of Corrections, either while working for the Department or hired on their time off by SARA – are always available to transport inmates from their cells to the plasmapharesis building. SARA performs a screening evaluation, including a physical examination and laboratory tests. If the inmates pass the test, they are then scheduled for a plasmapharesis session.

The inmates are taken to the SARA building. There they have their plasma removed and receive fresh fruit and juice and $6.25. SARA claims they pay $7.50 for the plasma, $1.00 of which goes to pay off the cost of the building where the plasmapharesis is performed. When SARA has been fully reimbursed for their costs, the building will belong to Cook County, literally paid for with the inmates' blood. SARA also pays 25 cents from each purchase to a Prisoner Benevolent Fund. Inmates are encouraged to have plasmapharesis twice each week.

There are at least four important reasons why plasmapharesis by the SARA Corporation should not be performed at the Cook County jail. The most immediate is the danger to the inmates. The SARA Corporation operation at the Cook County jail involves "harvesting" 500 ml. of plasma from inmates twice a week. Although the Food and Drug Administration (FDA) has approved



such a program, which yields a yearly harvest of 50-60 liters per person, in Europe the acceptable limit is 10 to 15 liters per year. The dangers of plasmapharesis to the inmates include a fall in total serum protein and a fall in serum immunoglobulins, which help to fight infection. There is also an increase in the proteins associated with atherosclerosis. In animal studies, plasmapharesis has been shown to cause an increase in the synthesis of the proteins. These proteins are definite factors for the development of atherosclerosis and heart attacks.

Hepatitis

Danger also exists for the recipients of inmate-donated plasma. In Illinois, no blood from paid "donors" is used for transfusion purposes because the risk of hepatitis transmission is much greater with this population. Plasma is not covered under the same laws, because the commercial plasmapharesis procurers and processors control the production facilities. Although SARA screens for patients with active Hepatitis, this is not sufficient, or 100 per cent effective.

The incidence of hepatitis among haemophiliacs who receive the anti-haemophiliac factor prepared from commercial-obtained plasma is very high. Purchase of plasma from inmates, including many who have visible needle tracks from use of narcotics, is unacceptable. Yet this continues to be SARA's practice. The most common type of hepatitis resulting from blood transfusion is non-A, non-B hepatitis. This type is more likely to be transmitted in blood from commercial, rather than volunteer, donors, and there is no test to screen for it.

Futher, the SARA program is coercive. The SARA plasmapheresis program at Cook County Jail is the one legal way that inmates at the jail can earn money. Most inmates are in the jail precisely because they don't have enough money to make bail.

Can this be called coercive? Can't the inmates refuse to participate? Is there any force, overt or covert, used to make inmates "donate" their plasma?

The incentives to "donate" – the break from jail routine, the pleasant surroundings at the SARA building, the cordiality of the guards who so eagerly search out willing "donors" and escort them to their sessions, the fruit and juice snacks SARA provides, as well as the $13.00 per week guaranteed income – are powerful inducements which in a jail setting are coercive.

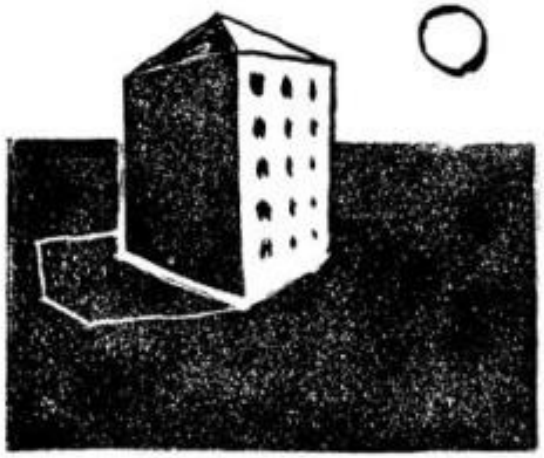
Foreign trade

There is a national and international traffic in human plasma. In the summer of 1979, Pedro Chamorro was publisher of *La Prensa*, a Managua, Nicaragua, newspaper. He wrote an editorial critical of two Managua plasmapharesis centers owned in part by then-Nicaraguan head of state General Anastasio Somoza. Two days later, Chamorro was assassinated by Somoza forces. Chamorro's funeral marked the beginning of the final stage of the Sandinista revolution. One of the first acts in that final stage was a march from Chamorro's funeral to one of the plasmapharesis centers, which the people burned to the ground.

It is common in the U.S. for people to support themselves partially by being commercial "donors" for plasmapharesis program. Although FDA regulations permit twice-weekly collection, four times the harvest recommended by the Council of Europe, many donors give at more than one center under the same or different names. Commercial plasma centers generally pay two or three times the $6.50 offered by SARA to inmates at the Cook County jail. Since follow-up blood tests are recommended on only a four-month basis, serious harm can come to desperate "donors" who surreptitiously sell their plasma on a frequent basis. Seventy percent of the world plasma supply comes from U.S. corporations. Europe imports 60 percent of its plasma supply. U.S. pharmaceutical companies operate plasmapharesis centers in Brazil, Colombia, South Korea and Puerto Rica.

The future is upon us. The distant asteroid is as close as the Cook County jail and as far away as South Korea. SARA Corporation performs 500 plasmaphareses each day at its facility in Louisiana's Angola Penitentiary. They have hopes for a similar level of activity for their program at the Cook County jail.

Robert L. Cohen, a doctor at Cook County Hospital in Chicago, will begin work this fall at Rikers Island (prison) Health Service in New York.



BOOKS

Past imperfect

'A History of English Prison Administration, Volume 1 1750-1877' by Sean McConville, Routledge and Kegan Paul, 1981, £25.

Until the mid1970's with the exception of Rusche and Kirkheimer's *Punishment and Social Structure*[1] the history of prisons was generally portrayed as a movement from the barbarous methods of torture and humiliation prevalent in eighteenth and nineteenth century gaols to a system which although containing the odd abuse, was enlightened, progressive and more humane than its predecessor. This evolutionary and benevolent conception of prison history and prison reform is exemplified in such works as R.S.E. Hinde's *The British Penal System 1773-1950*,[2] and D.L. Howard's *The English Prisons*.[3] However, at the end of the 1960's and throughout the 1970's, the idea that prison regimes and prison philosophies had humanely and significantly progressed was severely jolted in the wake of a number of major and bloody riots throughout the world.

In America, Canada, France, Italy and West Germany, prisoners used the riot as a weapon to publicise the brutalisation, and frequent brutality, which were daily occurrences inside these country's prisons. While new, clean antiseptic prisons such as Vacaville in California had appeared, prisoners drew attention to the type of regimes and new techniques of control utilised in them. For many of the imprisoned, although twentieth century technology had replaced more archaic nineteenth century techniques of control, the prison system appeared to them no less barbaric or humiliating. For example, the use of medicine in general and drugs in particular, as techniques of control, while operating under a guise of 'scientific respectability' were (and are) no less intense and debilitating for those on the receiving end, than the nineteenth century straitjacket and dark cell. Indeed, the horrendous side effects of such techniques fundamentally contradicts the whole notion of progress, humanity and benevolence with regard to the present prison system.

Britain, too, did not escape from disturbances during the last decade or so. The list of demonstrations is long. Parkhurst in 1969, the major demonstrations in over 100 prisons in 1972, Hull in 1976, Gartree in 1978, Peterhead and Wormwood Scrubs in 1979. For every one of these well publicised disturbances, there were scores of other lesser publicised, but no less important ones, as prisoners sought to draw attention to what life was like in what two prison researchers have called the 'electronic coffins' of the maximum security dispersal prisons.[4]

Class and state

The upheaval in the prisons was also reflected in the work of some prison historians in the latter part of this period. This work critically questioned the ideas of progression and humanitarianism in prison history. Instead, they situated the development of the prisons in a more overtly

political context, which for them involved the consideration of key questions such as state power, class control and the maintenance of social order. Michel Foucault's *Discipline and Punish*[5] focussed on the development of prisons and workhouses, as two mechanisms, among others, for disciplining and regulating large sections of the working class and in particular the poor and the criminal groups within that class. Michael Ignatieff's *A Just Measure of Pain*[6] traced the emergence of the prison system in England between 1770 and 1840. Ignatieff, in the book, analyses the motives behind various prison reform movements, and situates them within particular class relations and groupings. Thus, prison reformers such as John Howard were not simply interested in reforming prison conditions because they pitied the incarcertated. More fundamentally, they wished to remake and remould the personalities and behaviour of prisoners to conform with the notion of disciplined and regimented human beings which was emerging with the development of industrial capitalism. Ultimately, the reformers envisaged a prison system which would contribute to the stability of a social order in which capitalism would consolidate and thrive.

A further addition to this critical history has been David Rothman's *Conscience and Convenience*[7] which moves into the realm of early twentieth century prisons. Again, Rothman attempts to illustrate the underlying and more political nature of prison reform. Reforms which were introduced into American prisons during this period – probation, community service, the indeterminate sentence – were underpinned as much by questions of regulation and control as by any humanitarianism. Within the prisons themselves, Rothman points out, the introduction of the indeterminate sentence which was pushed as a measure that would make it easier to 'individualise treatment' and thus reform prisoners was supported by prison officers *not* because of this apparent humanitarianism but precisely because they saw the potential of the indeterminat sentence for increasing their own power and control over the daily lives of the prisoners. One only has to read George Jackson's *Soledad Brother*[8] to see the contemporary validity of Rothman's analysis.

A recent contribution to the literature on prison history is *A History of English Prison Administration Vol.1 1750-1877* by Sean McConville. The book is a long one containing over 500 pages which in thirteen chapters and one epilogue, covers the ground from prisons prior to the eighteenth century through to the centralisation and government take-over of the system in 1877. In between McConville explores the development of the convict and local government systems, the relationship between the various grades in the prisons (governor, chaplain, prison offscers etc.), the controversies surrounding the use of different penal regimes (silent vs. separate systems) and the administration and staffing of the prisons. McConville and his co-workers have been pretty exhaustive in consulting archive material, unpublished theses, official publications and numerous books, essays and journal articles in an attempt to build up as complete a picture as possible of how particular penal policies were formulated and implemented.

On occasion, this attempt to cover every nuance of the debates, together with numerous footnotes, sometimes makes for fairly heavy reading. At a broader level, the relationship between the prison and the wider social system and that system's impact upon the consciousness and ideas of those who were formulating and putting policy into practice is generally dealt with in a superficial manner. Questions of social class, the development of the state apparatus, the maintenance of social order are occasionally referred to without giving them the centrality which arguably they are due. Consequently, the wider historical material utilised by the author leaves some important gaps as the work of Edward Thompson, Michael Ignatieff and Eric Hobsbawn which seeks to address these wider social questions is rarely referred to. The prison, therefore, as such and prison staff and administrators sometimes seem to be operating in a world where questions of class, power and social order do not exist. Furthermore, his interpretation of certain historical phenomena is debatable. For example he argues that tae new police (formed in 1829) was 'not a simple repressive instrument, but was, as Chadwick insisted, preventative" (p.237). Yet work which has been done on the new police clearly indicates that from the very outset the presence of the police in working class areas was vigorously and strenuously resisted in the main because the people found these 'blue locusts' to be indeed repressive, authoritarian and domineering in their attitudes and behaviour.

Nothing new

However, what the book does make clear is that various contemporary abuses, debates and controversies surrounding the British prison system have a long historical pedigree. While the Home Office attempts to continually present a bland and superficial picture of a prison system which in reality lurches from one daily crisis to another, McConville's book shows that many of these crimes and day-to-day abuses, have been part and parcel of the prison system for the past two hundred years.

For example, overcrowding was a problem in Liverpool prison as early as 1857, and although easing slightly in the following years the prison was again, by 1873, reported to be 'grossly overcrowded' (pp.365-366). Similarly the contemporary controversy surrounding the high death rate in the prison system has a long history. In 1855, the death rate was 15.4 per 1,000 in 1865, 18.6, and in 1870, 12.6. This compared with rates of 22.6, 23.2 and 22.9 respectively for the whole civilian population. In a significant footnote to these figures it is pointed out that the civilian death rate included the very young and the very old, whereas most convicts by contrast were in the prime of their life (p.415). Furthermore, McConville makes clear that some prison authorities remained unconvinced that a harsh and punitive prison regime like the separate system was of any use in deterring individuals from crime (p.406). Again, the numerous contemporary instances of prisons breaking their own rules (for example, the lack of medical notes with regard to drug dosage in the case of the late Barry Prosser) has very clear historical parallels. McConville cites the case of one prison where over a period of 14 years the law was continually broken by prisoners being put two in a bed (p.378). A final example which is all too familiar to prisoners in the contemporary system, regards the inspection of prisons by outside bodies. Like today, when an outside magistrate or justice was due to inspect a nineteenth century prison, everything in the prison suddenly became clean and friendly. "the Governor is all smiles and attention: the Deputy Governor touches his cap a la militaire and shakes hands . . . the warders present arms; Sir Joshua walks round the prison and grounds, and a gracious "good morning" finishes the inspection" (p.436)

On these issues as well as in others – the discretion allowed to prison officers, the involvement of medical officers in discipline functions over and above their purely medicinal role, the sacking of prison officers for trafficking and corruption, the secrecy surrounding the prisons and the high recidivism rate of the early prisons – the book clearly indicates that all of these phenomena are not unique – as Home Office statements generally imply – but have been inextricably part of the system since Howard started out on the reform trail in the late eighteenth century. On that score the book provides important and useful information and as such leads one to logically conclude that the various palliatives which have been tried in an attempt to avert crises and contain abuses have failed and perhaps it is time to question the very existence of the system itself. The final word should be left to Samuel Hoare, the Chairman

of the Prison Discipline Society, whose words though spoken in 1835 would appear to make a fitting epitaph for the contemporary British prison system.

> "in short they [the franchise prisons] are so exceedingly bad that the sooner they are abolished the better; they cannot be carried on as at present without great Evil." (p.226)

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(co-author with Mike Fitzgerald of *British Prisons*, to be re-published in October)

Scapegoats

'Community of Scapegoats; the segregation of sex offenders and informers in prison'. Philip Priestley. Pergamon Press £10.

The material for this book is made up of interviews and survey data as well as observations made by the author during the time he was welfare officer at Shepton Mallet prison between 1966 and 1968. At the time it was a very special prison, being the site of an experiment in which the 'scapegoats' of prison society - mainly sex offenders and informers - were concentrated in one institution so as to be completely safe from the unwelcome and potentially violent attentions of other prisoners. These people are generally known as the Forty Threes after the prison rule 43, which allows a governor the discretion to place someone in isolation for his or her own protection or that of others.

Today, Forty Threes are dispersed throughout the prison system in several special segregation units. This fact should be kept in mind when considering the generalizations that Priestley has to make about these people in relation to their adaptation to prison life. And he is by no means averse to theorizing freely, taking a perspective based largely on social psychology (particularly interactionism) and anthropology. The picture he builds up is a coherent and often plausible one but it is still largely specul ative and so is its language - although it often sounds more authoritative than it is.

Nonetheless, the book is grounded solidly in the descriptive data which Priestley was able to build up. The importance of this can be hardly over-stated, given the dearth of detailed work on the subject to be found elsewhere. Of course, the result can be somewhat frustrating since what we are really being presented with is a series of fragmentary glimpses into the lives of the Forty Threes, both in their capacity as prisoners and as deviants. I still feel at the end of the book that there are many unresolved issues brought up by it which perhaps are too complex to be answered in the language of social science. To that extent, any and every judgement is bound to be guided by subjective criteria.

Priestley, for example, makes a lot of statements about behaviour that assume a certain sort of scientific air but which looked at more closely are no more than common sense. He talks about the 'cool' culture amongst the Forty Threes - the way in which they tend to accept the official version of what prisons should be like, with emphasis on the running a 'quiet nick'. As presented, this concept appears to have more depth than it actually does. In the face of almost universal hostility, it is not surprising that individuals should favour a low-profile life. Priestley tends to overdo the part this phenomenon plays in the relationship between inmates and their sub-culture and under emphasise the extent to which it is an effect of the power structure achieved by the authorities in their choice of regime.

Grouses aside however, this is a fascinating work with a wealth of valuable information.

Chris Wallace.

Alternative Sanctions

JOE HUDSON & BURT GALLOWAY (EDS). *VICTIMS, OFFENDERS AND ALTERNATIVE SANCTIONS*
Lexington Books, 1980.

As Alan Phipps's article in this issue reminds us, abolitionists do well to advocate policies which show concern for the victims as well as the perpetrators of crime. Restitution, then, seems an attractive option; as, indeed, it does for almost everyone. It offers leniency to the offender, compensation to the victim, economy to the state; to the penal alchemist, a last forlorn hope of discovering the rehabilitative sentence, and a seeming alternative to the irrationality of punishment. One contributor to this volume describes restitution as "one of the few correctional tools advocated by criminal-justice conservatives and liberals alike". In the USA, the Law Enforcement Assistance Administration (LEAA) is using its ample funds to encourage restitution programmes and research, and national symposia are held to discuss the results; this book comprises selected papers from the third such gathering.

It's clear that the LEAA isn't primarily interested in helping victims, but in adding to its armoury of "alternative sanctions". The two papers on "restitution theory" defend a conception of restitution as a form of punishment, which includes community service. "The leading virtue of community service", according to Richard Dagger, "is that it helps offenders to understand that they are members of a co-operative venture . . .". Sveinn Torvaldson's "close study" of British official literature "showed that CS could not be taken seriously as a predominantly punitive sentence" and that its aim was reparation – which is like deducing the aims of the prison system from a close study of Prison Rule One.

Three papers on "Victim Perspectives" criticise the prevailing view of restitution as an "offender-orientated sanction", and focus on the minority of programmes that attempt to provide an active role for the victim. The trouble with negotiated restitution, as with other forms of 'diversion', is that it depends on a voluntary agreement between parties of whom one is effectively under duress: "offenders may sign anything in order to obtain a probationary sentence, while victims tend to inflate losses" (p. 116). To avoid this, some mediators actively direct the 'negotiations' and "do not allow victims and offenders to acquiesce unless the agreement is seen by staff as fair and capable of being successfully carried out".

Some schemes attempt to avoid two of the basic objections to restitution: that it reduces all conflict to questions of money, and that it favours offenders who have the means to pay, rather than the poor and the unemployed. One such scheme is 'personal service restitution', where the offender works for the victim; the book says little about this except that it is rare. Another is subsidized employment restitution: the offender is given a job at union rates, but about 75% of the pay goes to the victim. Such a scheme might have symbolic value in drawing public attention to the high rate of unemployment among convicted offenders – though this is a fact open to more than one interpretation.

The final chapter, by the editors, is a review of the published research on restitution. It notes, among other things, that restitution programmes don't divert many people from imprisonment; that in most cases the victims are firms rather than individuals; and that ethnic minorities are under-represented amongst the offenders selected. And concludes, predictably, that more research is needed to arrive at any firm conclusions.

In the terminology of Mathieson's *The Politics of Abolition*, this book reduces restitution to a 'non-competeing' alternative one that in no way contradicts the assumptions of the existing system. On the other hand, the more radical idea of 'pure restitution' advocated by Randy Barnett (*Ethics* 87, p.279), who rejects outright the 'paradigm' of punishment and 'debts to society', rests on an individualist, 'libertarian' political philosophy of 'natural rights'. A more attractive model, from a socialist point of view, is perhaps Nils Christie's proposal ("Conflicts as Property", *Br. J. Criminology* vol 17 p. 1) for a "victim-orientated" court. After a conventional trial to determine guilt, a meeting would be held to consider "what could be done for the victim, first and foremost by the offender, secondly by the local neighbourhood, thirdly by the State".

But despite Mathieson's strictures, I don't see that it would be fatal, when we propose the abolition of custodial sentences for petty property offenders or juveniles, to suggest that restitution might sometimes be a suitable alternative. And when we consider such ideas this book will be a useful source of information.

Tony Ward

CS reviewed

COMMUNITY SERVICE BY ORDER ed. Ken Pease & William McWilliams. Scottish Academic Press 1980 £1,75

Five of the nine chapters of this book are written, singly or jointly, by the editors; the others are contributed by various people working in the community service field. The former, on the whole, are the more rewarding; the latter tend to ramble a little, lacking any definite theme. An exception is the chapter on breach of community service, which is methodical to a fault: a "theoretical framework" is elaborated, but it remains an empty framework pending the results of a current research project. Jenny Roberts's "reflections and suggestions" include an excellent critique of community service as a potential "new dumping ground", but it's a pity that the only suggestion that emerges is for a computerized record system.

In marked contrast to the Hudson and Galloway volume, the contributors are impatient of notions that community service is anything but a punishment (though one that may have desirable side-effects), and in the concluding chapter the editors urge that retribution be recognised as the proper function of the order. The idea gains in attractiveness from being set alongside a witty series of "cameos" depicting the various awful fates that might pursue if CS is allowed to go on its inconsistent and atheoretical way.

The main proposal is one that Pease has advanced before, the creation of a "tarrif" by which orders for less than 100 hours would be alternatives to other non-custodial sentences, and the maximum of 240 hours would correspond to a one-year prison sentence.

There are, as Pease says, "a number of imponderables" about this, the greatest being how one can defend on the ground of "equity" a scheme which equates 240 hours of CS with 5,840 hours (allowing for remission) in the "minor hell" of a local prison. As a contribution to the "national debate" which the editors hope to stimulate, I suggest that the offences for which CS is an "appropriate" tarrif penalty be identified, and imprisonment for those offences either abolished or limited to a maximum of one month (30 days *minus* 10 days remission = 480 hours). CS is bound to be anomalous while it remains a relatively humane and sensible measure grafted on to an inhumane and senseless penal system.

Taking Pease's argument to its logical conclusion also seems to solve a problem raised more than once in the book: the danger that the supply of suitable tasks will dry up through being "siphoned off" by schemes to depress the unemployment figures. Since the retributive function of the scheme is fulfilled by the loss of liberty alone, there is really no reason why the availability of work should be a condition for making an order. Redundant CS workers could serve out their sentences just sitting in a particular room. If this appears to reduce the argument to absurdity, it is still no more absurd than being locked in a cell 23 hours a day.

Tony Ward

'In the Belly of the Beast'

In the middle of writing 'The Executioner's Song', Norman Mailer received a letter from a prisoner named Jack Henry Abbott who wanted to warn him that very few people knew much about violence in prisons and who offered to clarify some aspects of Gary Gilmore's life. Mailer began to correspond with Abbott and made, in his own words, 'a startling literary discovery.'

Last July, the results of Abbott's lengthy correspondence with Mailer were published under the title *In the Belly of the Beast: letters from prison*. Since publication the book has received massive publicity and record sales, not simply because it is an extraordinary book, but because on July 19th, a month after his release from the Utah State Prison, Jack Abbott allegedly stabbed a waiter to death outside a restaurant in New York City. He is still hiding as we go to press.

Jack Abbott was born in 1944 in Michigan. He spent his childhood in foster homes throughout the Midwest. At the age of twelve, he was committed to a juvenile penal institution — the Utah State Industrial School for Boys — for the crime of 'failure to adjust to foster homes'. He was released five years later. At 18, he was convicted of 'issuing a cheque against insufficient funds' and was incarcerated in the Utah State Penitentiary on a sentence of up to 5 years. He then killed a fellow prisoner and was given an indeterminate sentence of up to 19 years. Since the age of 12, Jack Abbott had been free a total of 9½ months and served a total of more than 14 years in solitary confinement by the time he was released on parole in June 1981.

In the Belly of the Beast is not yet available in the UK but RAP has obtained an eary US edition. We will be reviewing it in full in the next issue of The Abolitionist but below we print an extract from one of Abbott's letters to Mailer in which he describes the effects of being drugged with Prolixin, the same drug given to prisoners in British prisons under the trade name Modecate.

"...This letter is about the instability 'crazies' have in prison. It is about how we who suffer from this prison-cultivated disease are dealt with.

X told me once that he saw Gilmore transfixed frozen on the nerve-endings of his central nervous system. You do not always die any more from crucifixion; the authorities try not to let that happen. I've myself been crucified a hundred times and more by those institutional drugs that are for some sinister reason called 'tranquilizers.'

They are *phenothiazine* drugs, and include Mellaril, Thorazine, Stelazine, Haldol.

Prolixin is the worst I've ever experienced. One injection lasts two weeks. Every two weeks you receive an injection. These drugs, in this family, do not calm or sedate the nerves. They attack. They attack from so deep *inside* you, you cannot locate the source of the pain. The drugs *turn* your nerves in upon yourself. Against your will, your resistance, your resolve are directed at your own tissues, your own muscles, reflexes, etc. These drugs are designed to render you so totally involved with yourself physically that all you can do is concentrate your entire being on holding yourself together. (Tying your shoes, for example.) You cannot cease trembling.

From all of these drugs you can get the 'Parkinson's reaction' — a physical reaction identitcal to Parkinson's disease. The muscles of your jawbone go berserk, so that you bite the inside of your mouth and your jaw locks and the pain throbs. For *hours* every day this will occur. Your spinal column stiffens so that you can hardly move your head or your neck and sometimes your back bends backward like a bow and you cannot stand up.

The pain *grinds* into your *fiber*; your vision is so blurred you cannot read. You ache with restlessness, so that you feel you have to walk, to pace. And then as soon as you start pacing, the opposite occurs to you: you must *sit* and *rest*. Back and forth, up and down you go in pain you cannot locate; in such wretched anxiety you are overwhelmed, because you cannot get relief even in *breathing*. Sometimes a groan or whimper rises inside you to the point it comes out involuntarily and people look at you curiously, so you suppress the noise as if it were a belch — this sound that is wrung out of your soul.

You can see it. We walk stiff-backed and we don't swing our arms as we walk...

We are not crazy, so why do they do it? Because they fear us; we are dangerous. We fear nothing they can do to us, not even the drugs, the crucifixion.

No doubt there are those who need these drugs; do not get me wrong. I do not pretend to be a doctor. Those who need the drugs, who are ill, do *not* experience it the way we do. They know this, the prison regime knows this little trick.

It is like electroshock treatment: there are those who benefit by it. But administer this to a man who is healthy and does not require it for medical reasons and it becomes a form of torture. It is painful, a nightmare. Fifteen years ago it was used to punish prisoners.

When the captian and the pigs cannot discipline you, cannot intimidate and therefore hurt and punish you, *control* you, you are handed over to a 'psychiatrist,' who doesnt even look at you and who orders you placed on one of these drugs. You see, there is something wrong with your mind if you defy the worst 'official ' punishment a prison regime can legally dish up. That is their logic.

For *years* they have put me through this cycle over and over again: captain-doctor-broken-rule. Over and over. A pig pushes me, I *instinctively* push back, sometimes slug him. That starts it. Eventually I end up stammering like an idiot and staggering about — usually for six months to a year at a time — on the drugs until finally I'm taken off the drugs and turned lose with the 'normal' prisoners in the main prison population. I go along there until the next 'incident' that leads to my 'discipline', and once more the cycle begins, like a crazy carousel, a big 'merry-go-round.'

They know what they are doing, even if they never admit it to anyone. They will not even admit it to *me*. No one expects me to become a better man in prison, so why not say it. The purpose is to ruin me, ruin me completely. The purpose is to mark me, to stamp across my face the mark of this beast they call prison.

...I write with my blood because I have nothing else — and because these things are excessively painful to recall. It drains me.

...There is a saying: *The first cut is the deepest*. Do not believe that. The first cut is nothing. You can spit in my

face once or twice and it is nothing. You can take something away that belongs to me and I can learn to live without it.

But you cannot spit in my face everyday for ten thousand days; you cannot take all that belongs to me, one thing at a time, until you have gotten down to reaching for my eyes, my voice, my hands, my heart. You cannot do this and say it is nothing.

I have been made oversensitive — my very *flesh* has been made to suffer sensations and longings I never had before. I have been chopped to pieces by a life deprivation of sensations; by beatings so frequent I am now a piece of meat and bone; by lies and by drugs that attack my nervous system. I have had my mind turned into steel by the endless smelter of *time* in confinement.

I have been twisted by justice the way other men can be twisted by love..."

Abolitionist Law Reports

In *Payne v Lord Harris of Greenwich* [1981] 1 WLR 754 the Court of Appeal rejected Roger Payne's appeal against the decision, discussed by Cohen and Taylor in the Postscript to *Prison Secrets*, that it was not a denial of natural justice for the Parole Board to refuse to give reasons for turning down his application for release on license. Payne, a "model prisoner", has served 13 years of a life sentence for murder. Lord Justice Shaw said: "In a contest in which the public interest may be put at risk by the inopportune release of a prisoner on license, no constraints or pressures should be put upon the Parole Board in coming to what must in the end be a decision in which expediency must be an important influence." The judges did say that the Board had a duty "to act fairly". But how can such a duty be enforced when the Board's deliberations are secret?

In *R. v. Mellor* [1981] 1 WLR 1044 the court held that a young prisoner released on parole was "serving a sentence of imprisonment" and therefore fell within one of the exceptions to the rule that a person under 21 may not be sent to prison for a period of more than 6 months but less than 3 years.

The appelant in *Guilfoyle v. the Home Office* [1981] 2 WLR 223 was one of the Republican prisoners beaten up by prison officers at Winson Green. Lord Denning's comments on this incident showed once again his total indifference to the interests of prisoners:

> It looks as if they did get a little bit of rough handling by someone or other. They were bruised and received black eyes: but nothing more. It may have been done when they were trying to escape: or when they were refusing to do as they were told. At all events their complaints have been fully investigated in the courts... If any of the prison officers did anything wrong, no doubt disciplinary proceedings would have been taken against them.
>
> Yet despite all these investigations here, Patrick Guilfoyle has the audacity to seek to complain to the European Commission of Human Rights.

There are only two ways to make sense of this passage: either Lord Denning thinks the prisoners may have helped the staff out by beating each other up for disobedience; or he thinks that a prison officer who beats up a prisoner in such circumstances is not doing anything wrong.

After this display of spleen, the court not surprisingly rejected Guilfoyle's complaint that the Home Office violated his rights by reading his correspondence with his lawyer, on the grounds that proceedings before the European *Commission*, as opposed to the *Court* of Human Rights, are not "legal proceedings" within the meaning of Prison Rule 37A (1), or alternatively that an applicant to the Commission is not yet a "party". The rule in question reads:

> A prisoner who is a party to any legal proceedings may correspond with his lawyer in connection with the proceedings and unless the Governor has reason to suppose that any such correspondence contains matter not relating to the proceedings it shall not be read or stopped under rule 33(3).

Clearly reading a prisoner's correspondence with his lawyer in a case not covered by the proviso to the rule can serve no purpose except for the Home Office to inform itself about his case and the decision makes a mockery of the rule in human rights cases.

Lord Denning's comments in *Home Office v Harman* (the control units contempt case) are probably infamous enough by now, but they're still good for a groan:

> I regard the use made by the journalist in this case of these documents to be highly detrimental to the good ordering of our society. They were used so as to launch a wholly unjustified attack on Ministers of State and high civil servants — who were only doing their best to deal with a wicked criminal...

Veater v G. [1981] 1 WLR 567 contains a learned discussion of one of the oldest alternatives to prison, the bind-over. It's an alternative to prison in the sense that if you refuse to be bound over you can be sent to prison (subject to a maximum of 6 months) until you consent. The question in this case was what a court can do if a *juvenile* refuses to be bound over, and the court's reluctant answer is: Nothing. After tracing the history of bind-overs back to 1361, and brushing up *Dalton's Countrey Justice* [1697] the court found that "the essence of a binding over is that the person bound over acknowledges his indebtedness to the Queen... the court cannot, as it were, force such an acknowledgement upon a person behind his back", nor, if he is a juvenile, can it send him to prison. After the 1979 Southall disturbances the magistrates developed a nasty habit of binding over witnesses, so this could be a case worth knowing about for any young people caught up in "riots".

Important Notice

Over the past few months, sales of The Abolitionist have been steadily climbing. But we still need to increase our circulation both for financial reasons and because we believe what we are saying should be heard by as many people as possible. There is no other journal which provides an up to date, radical critique of the penal system and this makes our continued existence all the more vital.

There are many ways you can help us to boost sales - by passing on back issues to friends to read; by asking your University, Poly or local library to take out a subscription; by asking your local radical bookshop to place a regular order with our distributors (Full Time, 17a Albion's Yard, Balfe St, London N1). If you know someone who you think might be interested in reading a copy of The Abolitionist, drop us a line and we will send him or her a free copy. Alternatively, if you really want to be a help by actually selling copies to friends (or strangers), again write to us and we will send you as many copies as you think you can get rid off. We'll even let you keep one third of all you make! Now there's an incentive.....

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UPDATE

.....news

and major events over the past three months!

Parole reviewed

In 1978, when the parole provisions of the Criminal Justice Act 1967 had been in force for 10 years, the Home Office began an internal review of the working of the system in England and Wales. Last May, the results of this review were published in a (free) Home Office publication *Review of Parole in England and Wales*.

Though including a historical survey of the parole system and a description of its present working, the most significant aspect of the *Review* is its proposal that automatic parole be extended to prisoners serving sentences of from six months up to, but not including, three years. The idea, according to the *Review*, is "to make the element of supervision . . . an integral part of the sentence passed by the court." After serving one third of the nominal sentence passed plus any portion of the "last" third that may have been "awarded" for any disciplinary offences, a prisoner would be released to serve the "middle" third under the supervision of a probation officer. In other words, a new sentence would be created – 'imprisonment with automatic parole'.

The real purpose of the Home Office scheme is to reduce the pressure on the prison system. It is estimated that if the new provision applied without exception to all sentences above 6 months and under three years, and if the courts don't bump up sentence lengths or use the new sentence when they would otherwise pass a non-custodial sentence (both highly likely) then the prison population could fall by about 7,000. That figure is somewhat more than the current gap between the population of the prisons (currently 44,600) and the Certified Normal Accommodation but considerably less than the level of overcrowding as measured by cell sharing.

Automatic parole for short termers could thus lead to a stabilisation of the prison population at around 38,000-39,000, enabling the Home Office to buy time while more prisons are built. It would do nothing to relieve the tensions in long term prisons and indeed could make the situation worse by acting as a further provocation to the long term prisoners who are the chief victims of the present, discretionary, parole system. Recent events do not augur well however for Whitelaw's pet scheme. Both Tory backbenchers and the Magistrate's Association are opposed to it and the recent riots have strengthened their hand immensely. In the end such opposition may force Whitelaw to do what he has threatened to do on several occasions – compel the judiciary to reduce sentence lengths by legislation. (*Parole Reviewed*, RAP's detailed response to the Home Office's *Review of Parole* is available, price 65p inc. p+p, from the RAP office.)

Long Lartin petition

Early in July, PROP, the National Prisoners' Movement, received a petition signed by 259 of the 330 prisoners at Long Lartin maximum security prison in the Vale of Evesham.

In it they accuse the Home Office of discriminating against long term prisoners and they demand the introduction of half remission, food parcels, weekly visits and the right to wear their won clothes duting visits. They also complain about 'the lack of proper medical care in the prison' and accuse the authorities of denying them access to medical specialists and remaining indifferent to their complaints about incompetence among medical staff. On June 15, all the prisoners registered their protest against inadequate medical treatment and refused to go to workshops.

The fact that so many prisoners signed the petition shows, in the opinion of PROP, 'a remarkable degree of solidarity'. It also underlines the fact that the tensions in long term prisons - aggravated by such proposals as the recent Home Office plan to introduce automatic parole for short-termers - are nearing breaking point. And the Home Office can't point to overcrowding as the cause of tension because Long Lartin is not overcrowded - in fact there are plenty of empty cells.

Home Office reaction to the petition was predictable - 'Prisoners can demand what they like. Parliament decides what the conditions in prisons will be.' Equally predictable was the attitude of The Guardian newspaper. In an article on the Long Lartin petition, the paper implied that it was mainly an IRA initiative. There are some Irish POWs in Long Lartin but even the IRA would admit that they haven't yet converted 259 of Long Lartin's population to the cause of Irish unity and republicanism. The courageous action of the Long Lartin prisoners - who all risk disciplinary action and loss of remission for signing and smuggling out the petition - demonstrates once again that without a radical change of policy, the Home Office is bound to eventually face an Attica-style confrontation in one of its long term prisons.

Standing Orders to be published

"Whitelaw to relax rules for prisoners" heralded *The Guardian* on August 6th. Below it was revealed that the Home Office is to start publishing prison Standing Orders – at present classified under the Official Secrets Act – at the end of the year.

The origin of this information was not specified by *The Guardian* but it seems likely that it was deliberately 'leaked' by the Home Office. In December of this year, the European Court of Human Rights is to rule on the censorship of prisoners' letters and the internal complaints procedure available to prisoners. The Home Office is anxious to be seen to be doing something to ease its repressive prison regime.

The Home Office also intends to revise the whole system of Standing Orders and Circular Instructions under which prisons are administered. Apparently, Standing Order Five has already been revised in agreement with the Prison Officers' Association and several of its provisions have been liberalised, in particular the rule which prevents prisoners contacting MPs or the press about grievances until all internal remedies have been exhausted. This, of course, is nowhere near abolishing censorship altogether and it is hard to believe that anything which the POA have agreed to will be at all liberal. What is more likely is that a new, secret set of rules and regulations will gradually develop which effectively override the published, more 'liberal' Standing Orders.

The Home Office, never renowned for its speed and efficiency, intends to set about the task of 'opening up' the prison system with typical urgency. Standing Orders are to be revised at the rate of one or two a year. In other words, it could be 17 years before the full set is publicly available, by which time, no doubt, a new set of circular instructions will have been drawn up amending them all.

At present, prisons are governed by a fascinating variety of rules and instructions. Neither the Prison Act of 1952 nor the new Prison Rules carry the legal significance which their names might imply. The actual *working* rules are contained in a set of totally secret documents which prisoners cannot see. In the first place, the Prison Department produces Standing Orders which in turn are amended by Circular Instructions issued on a regular basis. One Circular Instruction, dealing with the question of communications, has 500 separate rules about how the relevant Prison Rules should be interpreted and applied. In addition to this, a further series of procedures is mapped out in the *Governor's Handbook*. This gives detailed instructions to governors on how to interpret and apply Standing Orders and Circular Instructions as well as legislating for all the anticipated contingencies that might arise in the way prisoners try to manoeuvre their way through the rules.

Yet another report

The latest parliamentary report on the penal system (Fourth Report of the Home Affairs Committee) makes many of the same observations about the state of the prisons as its predecessors such as last year's All Party Penal Affairs Group's 'Too Many Prisoners'. It is critical of overcrowding, of Government plans for building new prisons, of sentencing policy and of time spent in custody on remand and of the presence of the mentally ill in prison.

The Report's recommendations include:
Priority in building plans to restoring local prisons including the provision of integral sanitation as opposed to building prisons in rural areas;
A reduction in the use of imprisonment for some categories of offender - 'ordinary non-violent, low risk offenders' along with removal of the mentally ill from prison;
The introduction in England and Wales of the Scottish system of a 110 day time limit between committal and trial;
Extension of the maximum time between court appearances to 21 days for an experimental period of one to two years;
The possibility of legislation to shorten sentences in the event of non-cooperation from the judiciary;
Extension of the use of parole to sentences of between six months and two years;
Review of allocation proceedures and possible review of security criteria;
Reversal of the trend towards decreased use of open prisons;
The establishment of a National Criminal Policy Committee.

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Prison Secrets (1978) Stan Cohen & Laurie Taylor RAP/NCCL. A detailed account of the system of secrecy which protects our prisons and those who run them from public scrutiny and accountability. £1.50 - only available from NCCL, 186 King's Cross Road, London WC1.

Notes on the Prison Film (1979) Mike Nellis. 45p

Outside Chance: the story of the Newham Alternatives to Prison Project. (1980) Liz Dronfield. Preface by Stan Cohen. A report on a unique alternatives to prison in the East End of London, founded by RAP in 1974. £2.25p

The Abolitionist No 1. (January 1979) French prisons; The Home Office and the Liquid Cosh; Crime & the Media; the future of the Children & Young Persons Act 1969; Law & Order - Tories and Labour; Barlinnie Special Unit; review of the Acceptable Pressure Group - RAP & the Howard League. 40p

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