

## Prison doesn't work: why don't we care?



Several recent high-profile incidents have highlighted endemic problems facing the UK prison system. **Dr Helen Brown Coverdale** argues that recognising the role of caring in safe, effective and humane penal regimes is essential to meet the needs of offenders, victims and society.

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### A system in crisis

The prison system in England and Wales is in crisis. Officer grade staff numbers have decreased as the prison population has grown; a population who are held in an ageing prison estate designed to hold far fewer inmates. The past twelve months have seen an increase in prisoner assaults on staff and prisoners, and in prisoner self-harm and suicide. The last few months have included unrest, riots and an escape. Prisons in crisis don't work for victims, communities or offenders.

The Government claims rehabilitation and reform will be borne in mind in changes proposed in a November 2016 **White Paper**. The proposed changes, expected to be non-legislative, are widely criticised as too little too late. Overcrowding can make accessing prison rehabilitation harder: prisoners moved between prisons as a result of overcrowding may lose their place on waiting lists for services such as education and addiction treatment programmes.

Reduced staff numbers also make accessing services harder: every time a prisoner moves from one part of the prison to another, for education classes, to receive healthcare, or attend appointments to plan for release, they must be escorted. If no officer is available – to unlock and relock the doors and gates between the wing and the classroom, treatment room or office – then the prisoner misses the appointment.

These problems can make an already austere prison environment unsafe and threatening, for prisoners and staff; as reported by **Straub et al (i)**, emphasised by a Prison Officers' strike in Winter 2016, and underscored by recent violence. Prisons are not presently an environment in which prisoners can focus on working towards a law-abiding life, let alone begin to reflect on the impact of offending on the victims of crime, or offenders' own families.



## Caring is vital for rehabilitation

Currently, prisons frustrate even the best attempts of staff and prisoners alike towards successful rehabilitation. Why? In addition to the difficulties above, in my recent normative research, I argue that this is at least partly because we have forgotten about the caring practices which are entailed in effective, supportive rehabilitation. Rehabilitation for prisoners should not simply be about preventing crime. It should begin from enabling and skilling prisoners to meet their individual needs, and those of their dependents.

Building individual capabilities helps to provide past offenders with the tools to choose crime-free futures. *Pat Carlen (ii)* is rightly sceptical of rehabilitation, observing that many prisoners come from heavily disadvantaged backgrounds, with nothing much to which they can be helpfully rehabilitated. A focus on individual needs can be more successful, she argues. Focusing on person-centred strength-building may create and support opportunities for individual-led desistance processes. This might help reduce re-offending and allow people who have offended to contribute co-operatively to their communities.

A year ago, Prime Minister **Cameron** hinted that prisoners might make positive social contributions, but troublingly objectified prisoners as 'assets to be harnessed'. Prisoners are not objects of capitalist enterprise. The state has a duty of care towards those in custody.

## Under-resourced, under-staffed and undermined

Cameron demanded that prisons should be 'places of care'. Caring, I have argued, is poorly practiced within prisons, but should be present in the work of educational and health care staff. Caring can be identified in peer care between prisoners (for example, a volunteer Listeners scheme run by the **Samaritans**, providing face to face emotional support for distressed and suicidal prisoners). **The European Prison Rules** require officers' duties to 'go beyond those required of mere guards' to include facilitating 'the reintegration of prisoners into society after their sentence has been completed through a programme of positive care and assistance'.

Since the 1991 Woolf Report following the Strangeways prison riots, officers have provided a first point of contact between system and prisoner, for sentence planning, procedural and personal support, through their role as personal officers. *Elaine Genders and Elaine Player (iii)* emphasize not only the negative duty of the state towards prisoners regarding their safety (a duty *not to* actively harm prisoners); but also a positive duty to safeguard prisoners' lives (a duty to *actively* protect prisoners from risks of harm).

Staff shortages do not enhance the quality of this part of the prison officer role, which the White Paper emphasises. A recent comment by a *prison officer (iv)* reports the difficulties inexperienced staff face, particularly in dealing appropriately with prisoners with mental health problems. If unsupported prison officers withdraw into the 'custodial aspects' of their role, as identified by Straub et al, and when prisons are generally under-resourced and under-staffed for the number of inmates held, this undermines the adequacy of caring and supportive work of officers and others, however good their intentions.

We might improve the supportive parts of punishment delivery, by recognising caring practices in punishment (including, but not limited to, prisons) as caring, and using what we know about delivering good care to evaluate and improve practices. Promoting safe, humane and supportive prisons may help to facilitate rather than frustrate the rehabilitative practices which the Government identifies as a policy outcome. Supporting prisoners also creates opportunities for individual offenders to act on choices to stop offending. But offenders cannot become non-offenders unless the wider community recognises, respects and reinforces this choice.

## Why we should care



Why should we care about offenders? Most importantly, caring and support recognises people in punishment as people first. Almost 100 years ago, Prison Commissioner Alexander Paterson argued that men are sent to prison as punishment, not for punishment. The current draft of the *Prisons and Courts Bill* echoes this, amending the current England & Wales prison rules and articulating the purpose of prison as aiming to: protect the public; reform and rehabilitate offenders; prepare prisoners for life outside prison; and to maintain an environment that is safe and secure.

However, the Bill says surprisingly little about prisons themselves, which feature in part 1 only; with parts 2-5 addressing changes to court systems. This first clause only amends the purpose of prisons, reflecting the Government's expectation that prisons will skill offenders for crime-free futures, in a safe, and necessarily supportive, environment. In practice part 1 is mostly concerned with scrutiny of prisons, permitting mobile phone blocking technology, and adding testing for 'psycho-active substances' to permitted drug testing for prisoners.

Of course, there must be a state response to criminal offending that communicates and censures criminal wrongs. But why do we expect something constructive – like rehabilitation – to come from a process – like punishment – which we fundamentally understand as destructive? Punishment does not have to be as it is. We must not lose sight of prisoners as people, with pasts and presents, but also with families and futures. Mending the damage of the prison crisis, for wider society, not just for prisoners and staff, will be difficult. But for punishment to work for offenders, victims and society, we need to remember how to care.



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## References

- i) Straub, Liebling, and Arnold, 'An Exploration of Staff–Prisoner Relationships at HMP Whitemoor: 12 Years on'.
- ii) Carlen, 'Against Rehabilitation'; Carlen, 'Against Rehabilitation; for Reparative Justice'.
- iii) Genders and Player, 'Rehabilitation, Risk Management and Prisoners' Rights'.
- iv) Anonymous Prison Officer 'Mental health issues are rife in prison, but I'm not trained to deal with them'

Note: this article gives the views of the author, and not the position of the LSE Department of Government, nor of the London School of Economics.

Image credit – *The wall of Strangeways prison in Manchester* by Lawrence Holmes

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