



The Privatised Lifer: An Observation
of a Cohort of Life-sentenced
Prisoners through HMP Wolds
December 2003 – July 2005

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Abstract

This research proved a unique opportunity to observe a cohort of 20 life-sentenced prisoners that had already negotiated an often fragmented and difficult 'system'. These prisoners were at the Category-C stage of their sentence (medium security) and looking to progress to Category-D (open conditions) and ultimately towards release on license. Unusually, they were attempting to do this at a private prison, HMP Wolds in East Yorkshire - the first private prison to open in Europe in 1992. Due to negotiating a new contract in 2001, it became the first private prison house a group of 'lifers' in a dedicated Lifer Unit.

The research details how progress was made and how this private prison, staffed with predominantly untrained specialised 'lifer' supervisors, coped with this type of prisoner and if the prisoners would progress on time. This qualitative research project examines issues such as conditions, staffing, education, work and programmes, mainly through the eyes of the prisoners but also by way of staff interviews and observation. Although no direct comparison could be made with a similar private prison, as no other private prison held lifers at that time, it is a useful observational study with a degree of longitudinal depth.

The prison certainly demonstrated that it could hold lifers in very good conditions, overseen by excellent quality staff and three quarters of the cohort had either progressed on time or were scheduled to progress to open conditions at the time the research concluded. From the Director personally, the staff made every effort to do things correctly, not only providing the minimum requirements, but providing pockets of innovation that could lead to universal improvements in the treatment of prisoners in England and Wales – most notably the decent manner in which prisoners were treated by staff, which leads to a much more relaxed atmosphere, and therefore a quieter prison with few disciplinary issues.

Cognitive-behavioural programmes were analysed and the research demonstrated that the whole rehabilitative idea, although well conceived, is poorly administered in practice, with no central coordination. The research questions whether lifers are suited to such programmes and whether they should actually take up much sought-after places on such courses considering their potential distance from release.

To bring this narrative account to life, the thesis highlights two prisoners and conducts a detailed 'case study' of each; one who negotiated the 'system' successfully and another who failed to engage. It follows their time at HMP Wolds and explores their experiences of the prison regime generally, conditions and staff and considers such issues as sentence planning, town visits, programme provision and delivery. These two prisoners commented lucidly on their time in HMP Wolds and although they were generally very positive about their experience, these comparative case studies demonstrate the difficulty in negotiating the prison 'system'.

The standard of treatment in HMP Wolds was found to be high, backed up with external inspection reports, with most lifers making progress on time due to excellent staff diligence. The privatisation debate, morally and practically, is discussed at length and the holding of lifers sees an increase in not only numbers, but responsibility in the private sector.

It could be argued that following almost two years studying this private prison; that if private establishments prove to be no worse than the public sector and no more expensive, then surely this is all that can be asked of them. There is concern as to whether the currently over-crowded prison system is working, but private prisons have certainly not added to the problem, indeed privatisation may have improved some aspects and therefore relatively, privatisation can and should be labelled a success.

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Finally to my wife, Kim, whose patience was appreciated and who became used to answering the phone by saying: 'he's not in – he's in prison!'

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Introduction

'Outrage!'

Front page headline and full page photograph, the Sun newspaper, 22nd February 2006 - the best-selling daily national in the UK. The article referred to the fact that Learco Chindamo, convicted of killing head teacher Phillip Lawrence in London in 1986, had been allowed out of Ford Open Prison, unescorted for 11 hours as part of his rehabilitation. It was part of the normal resettlement programme of a lifer coming towards the end of his tariff, which in Chindamo's case is scheduled for the autumn of 2008. Having successfully negotiated the system and achieved all the targets set, he will have undergone a risk assessment prior to the decision to release him for just one day. This was Chindamo's first unescorted day release in over a decade and according to the media left Phillip Lawrence's widow 'totally devastated' (*The Guardian*, 24th February 2006). A usually ambivalent public is occasionally stirred by sensational media portrayal of these rare but very serious cases, before returning to slumber and is rarely woken by lesser crimes and generally shows very little interest in prisons at all.

This thesis examines the realities of how the current criminal justice system processes lifers, from sentencing to release on license with particular attention to the penultimate stage before transfer to open conditions: namely the Category-C prison. Convicted murderers are no longer executed in England and Wales and although sentenced to 'life', it is in very few cases that lifers actually remain in prison for the rest of their natural lives. In the vast majority of cases, the first part of the life sentence is spent in prison and the second part under license in the community, supervised by the Probation Service. A sentence plan sees the offender progress through the 'system', meeting certain criteria and achieving targets towards successful rehabilitation and eventual release. The plan could involve any mix of psychiatric treatment (if a clinical diagnosis is made), undergoing psychological interventions (cognitive-behavioural programmes aimed at reducing an identified risk),

educational training and employment-related training, all focussed on reducing the potential risk of re-offending.

The research will examine the treatment and progress of a cohort of life-sentenced prisoners in one private sector prison, HMP Wolds, opened by Group 4 (since re-branded as Global Solutions Limited – GSL) in 1992. This was the first private prison to open in Europe and subsequently, some ten years later, the first to house a designated group of lifers in a dedicated unit. The study concentrates on male lifers for two main reasons: firstly although there are a small number of female lifers, it is males who make up the overwhelming majority of the 6000 plus currently serving life sentences in England and Wales and secondly, HMP Wolds contains exclusively male prisoners.

Part 1 contains a review of literature on the subject of lifers and associated themes, including how prison research is conducted. It commences with a review of sentencing policy, particularly since the abolition of the death penalty in 1965, when the life sentence became the most serious sanction available to the judiciary. As the research concluded in 2007, with the numbers of life-sentenced prisoners at an all time high, it focuses on the *rationale* of sentencing policy and outlines the range of life sentences available. Moralising about which hypothetical sentences (such as the death penalty) could be put in place for murder would be a fatuous exercise and this thesis aims to operate within a factual framework.

The thesis explains how the life sentence is planned, describes the process of serving it and looks at the changing nature of the male prisoner population. It looks at why lifers have traditionally been segregated from other prisoners and why this tradition is starting to change, as more lifers are becoming integrated with fixed-term prisoners. With a desire to clarify the exact role of the contemporary prison estate and in order to reach a clear understanding of the prison functions as an institution, a thorough review of the sociology of imprisonment is undertaken – describing the ‘pains’ of imprisonment and how individuals deal with incarceration and the psychological effects it can have.

The thesis will examine how the powerful officer-prisoner relationship impacts on prisoners and how prisoners cope and adapt. The idea of prison legitimacy is also explored, looking at how prisoners are treated and the conditions in which they are held.

It is of course judicious to examine other research undertaken in this field, although there is a shortage of literature that looks particularly at the progress of lifers, suggesting that such research is a niche area, particularly within the context of the private sector. Much existing literature emanates from the USA and is often psychologically focused with little content regarding policy or relevant strategic direction. Some valid research from England and Wales does exist, much of it from organisations promoting prisoner's rights and penal reform, such as the Prison Reform Trust or the Howard League. The remainder consists mainly of official statistical bulletins with limited analytical detail beyond the presentation of relevant statistics. Official statistics are a statutory requirement but a paucity of independent, academic research probably reflects the public's ambivalence towards the treatment of life-sentenced prisoners.

The situation is exacerbated by the fact that lifers have invariably been found guilty of serious crimes, with which the public may have little sympathy. In fact, dangerous prisoners, once incarcerated can pose no threat to the public for the length of the sentence and are only released on license under close supervision and following a stringent risk assessment. As has been pointed out, public attitude to murder often elicits mixed responses, 'mixed emotions of hostility, revulsion and fascination' (Smith, 1979:preface), but this must not distract researchers from this area, as basic human rights must apply to each member of society, regardless of status or history.

It is essential that prison research is undertaken and important to understand how it is 'done'. This is explored by looking at the basics, issues such as ethics, confidentiality, access to prisons and gate-keeping. Other practical issues involved in conducting prison research, for example handling keys - a controversial topic - are also explored. The theoretical approach of 'grounded

theory' is also explained and in addition to more traditional methodological considerations, the thesis examines what has come to be known as Appreciative Inquiry (AI) and how this contemporary and innovative approach is being used to assess the quality of prison life.

Important topics in this research are rehabilitation and resettlement, therefore the work ethic in prisons is examined, along with the implementation of various programmes designed to address offending behaviour and promote rehabilitation and as a central aim of contemporary penal policy, rehabilitation needs to be evaluated in a contemporary context. The thesis explores the effectiveness of programmes relevant to lifers and if these are generally made available at a time when crime reduction would appear to be the government's main crime policy initiative and budgets are limited and keenly contested. It will then focus on CALM, a cognitive-behavioural programme offered at HMP Wolds, aimed at managing anger and emotions and will observe those from the cohort selected and subsequently assessed as suitable for this programme and follow their progress closely.

Part 2 explores two linked themes. Firstly, the public versus private debate is obviously of great interest, both generally and more specifically in the area of life-sentenced or long-term imprisonment and will be explored in some detail. Whilst assessing the major arguments for and against prison privatisation and how it came about, this section also looks at the progress of the private sector since it was introduced in 1992. Secondly, this section looks at the Foucauldian theory of Governmentality and examines the relationship between government and the administration of punishment, a subject intrinsically linked with the privatisation issue.

Almost all life-sentenced prisoners are accommodated in public prisons but the recent change in classification of HMP Wolds, following a successful 2001 bid by GSL, saw a number of lifers arrive at the prison to a potential maximum of 100. This represents a sea change in penal policy with the expansion of not only numbers of places, but increased responsibility for the private sector. This expansion has not diminished as expected, but increased apace since

the election of 'New' Labour in 1997, culminating in the opening of Peterborough Prison, with over 1200 new places in 2006. Parts 1 & 2 therefore lay the foundations for the fieldwork by giving a thorough review of relevant literature and explaining how prison research is conducted.

Part 3 incorporates the fieldwork phase and begins with an overview of various inspections of HMP Wolds, both at a national level (HM Prisons Inspectorate) and at a local level (Independent Monitoring Board) to establish just where the prison is now as regards quality from the view of these independent organisations. The aims and process of the fieldwork and the cohort of 20 life-sentenced prisoners are introduced here and the fieldwork is presented. The final section focuses on two case-studies, one lifer that successfully negotiated the system and one who did not. These case studies paint a vivid picture of 18 months on the Lifer Unit at HMP Wolds through the eyes of two very different inmates – with contrasting results.

Part 4 focuses on cognitive-behavioural programmes, questioning not only their effectiveness but also their suitability for lifers. It focuses particularly on CALM, a cognitive-behavioural programme that is designed to diminish anger and create coping strategies for those who are deemed to have anger as an identified risk. At the time of the conducting the fieldwork, HMP Wolds was the only prison in the north of England to provide this programme and using a case study approach, the experiences of those selected to take the programme will be closely documented and analysed.

This research developed from an existing working partnership between HMP Wolds and the University of Hull and was an excellent opportunity to observe two things: Firstly an insight of the treatment of lifers, including segregation, rehabilitative and work programmes, motivation and the setting of goals and targets. Secondly, to assess how a private company with a newly signed ten-year contract and with no previous experience of lifers, deals with this type of prisoner. Whilst operations are largely restricted to guidance in the 'Lifer Manual' and dependent on Prison Service and Home Office guidelines, it would be interesting to ascertain if a private institution can suggest and

implement new and innovative ideas to improve the sentence plan and optimise the time spent in incarceration for the life-sentenced prisoner.

A basic aim of the research therefore, is to evaluate the treatment of a cohort of life-sentenced prisoners in one private prison, in view of the many limitations placed upon private establishments by contract compliance. Private prisons are by no means homogenous and are frequently in competition with each other as well as the Prison Service in situations of tendering. By observing how GSL deals with this inaugural group of lifers at HMP Wolds, the research gives an insight into how private prisons manage this group of offenders, a category of prisoner that is new to the private sector, having previously been the sole responsibility of the public sector in England and Wales. It evaluates the efficacy of rehabilitative and other programmes currently available at this stage, especially those considered suitable and made available to lifers and questions the motivation of long-term prisoners at this often-indeterminate stage of the sentence. It examines specific problems encountered by life-sentenced prisoners whilst institutionalised and the difficulty of beginning the resettlement phase following such a long period of incarceration and in some cases with several years still to serve.

Although the PhD was sponsored by GSL, involving payment of University fees and a small annual educational bursary, the project has remained neutral, free of interference or influence from GSL. The need for 'value free' PhD research was made explicitly clear at the initial meeting with the Director and both parties were very clear on the important issue of neutrality. Whilst GSL was keen to enter the academic research arena and make a valid contribution to the penal debate and was keen to enable the prison to be the subject of the research, it was vital that this point was made. I am indebted to the Director for allowing this approach to prevail and recognising its importance.

Terminology

The term 'lifers' or 'life-sentenced prisoners' is used throughout, although it is recognised that this is not a homogenous group, prisoners are individuals and often the only thing lifers have in common with each other is the sentence itself. The term derives from a tradition that sees life-sentenced prisoners treated completely separately from other prisoners, going back to the days of execution. This is an attitude that is changing, as lifers are no longer considered as 'elite' prisoners, kept in relative comfort on special privilege wings. Occasionally the term 'client' will be used and although it could be argued that this term is inappropriate for prisoners, if the rehabilitation ideal is in place and prisoners are undergoing training, it would not seem to be a totally inappropriate term and one that some of the classic literature has been known to use. In practice, it is a term that the Probation Service, the Prison Service and the private sector are certainly beginning to adopt and will surely become more accepted parlance, especially with the imminent introduction of 'contestability' in areas other than custody, such as probation and the delivery of education and psychological cognitive-behavioural programmes.

Part 1: Literature Review

1) Sentencing policy and the administration of a life sentence

Sentencing policy is the cornerstone of the criminal justice system in England and Wales - it affects all the actions that follow. Although the verdict of the jury is final, the reasoning behind sentencing is very much a matter for judges, who are given guidance and a reasonably wide framework in which to operate, but still retain an extraordinarily high degree of autonomy and discretion. In sentencing a convicted offender to custody, the main objectives of the sentence are 'to punish, incapacitate, mark society's disapproval and, perhaps, deter' (Vennard & Hedderman 1998:101). Until 1965, execution by hanging was an option for judges when sentencing convicted murderers. It is important to examine such historic and more recent changes made to sentencing policy and look at how these changes have affected the role of prisons, particularly when dealing with lifers. As a corollary of such changes, prisons have had to adapt and provide an atmosphere of rehabilitation. If those who commit murder are no longer executed and are rarely incarcerated for natural life, there will inevitably be a point when most convicted murderers are eligible for release under license. This being the case, it must be the role of the prison to rehabilitate and prepare the offender for eventual release. This does not appear to assuage popular public opinion and it certainly will rarely allay the fears of relatives of the victims but neither does there appear any collective political will to change this process.

There are very few cases where life actually means life in the way the term may be literally defined (i.e. incarceration until death) and there is much confusion over the term 'life imprisonment' and calls for a change in legislation to aid clarity. For example, an offender who has committed a very serious offence, but not committed murder, could be given a life sentence, but with a very short tariff of only 18 months. This is not exactly 'life' in a general understanding of the term, so it is easy to see where the confusion over definition arises. The majority of course, does not realise that the mandatory life sentence is in two parts: a period in custody followed by supervision in the

community under license, a combination of the two means that the whole of life is actually served, but only a limited time (currently on average 13.5 years) is spent in custody.

The mandatory life sentence dates back to the abolition of capital punishment, legislation culminating in the Murder (Abolition of the Death Penalty) Act of 1965 (Padfield, 2002:5). The Act was largely a compromise between mandatory life sentences and the option of discretionary life sentences and tried to appease both sides; leniency and compassion for the political left and the toughness of the mandatory life sentence for the hard line right-wing politicians, who would have preferred the Death Penalty to remain. Foucault remarked that once the act of physical revenge is removed from bestowing a sentence on a criminal, part of its significance is lost (cited in Gordon, 1980:48) and any other sentence therefore, however long, does not compare with the chilling finality of death as the ultimate form of retributive justice.

The mandatory life sentence therefore, was the replacement for the death penalty and remains the only sentence permitted for murder, but exactly how long the tariff should be has been somewhat arbitrary with a minimum tariff set for each case and constantly reviewed by the Home Secretary. The Home Secretary introduced minimum tariffs in 1983 in response to pressure brought about by a failed attempt in parliament to reintroduce the death penalty and public pressure against the perceived leniency of the Parole Board system. The tariff of 'natural' or 'whole' life is used occasionally but for the majority, a minimum tariff is specified and cases are reviewed by the Parole Board three years before release is due (Flynn, 1998:78).

The practice of tariff setting remained the responsibility of the Home Secretary until 2003 and was always controversial as the Home Secretary is not normally professionally qualified in such matters of legal definition, unless by coincidence. Following the Criminal Justice Act of 2003, this task is now the responsibility of the trial judge, who sets the tariff at the point of sentencing and subsequent appeals against the length of the tariff can be made at the Court of Appeal. This brings sentencing policy in line with European policy, in

particular the European Convention of Human Rights (Article 6). Also as a corollary of the 2003 Act, 'normal' tariffs of 15, 30 and whole life were introduced for the crime of murder, which could potentially increase the time spent in prison (which as already stated at the time of writing was on average, 13.5 years).

Initially, there was much opposition to the Home Secretary being able to set tariffs as it was thought there would be too much leniency, whereas current concern is that just the opposite has occurred (Coker & Martin, 1985). The James Bulger case was typical, with much tinkering of the killers' tariff by the Home Secretary (finally set at 15 years), largely due to the 'populist punitiveness' or 'penal populism' that has recently pervaded society via politicians and the media. These phrases are common in contemporary penal debate and indicate that penal policies, particularly at election time, can be influenced and indeed made harsher by both public opinion and media representations and are attributed to Professor Sir Anthony Bottoms (Bottoms, 1995; Pratt, 2007:2). In the Bulger case, there was much public opposition to calls by Lord Chief Justice Woolf to release the convicted young offenders (Venables and Thompson) on license with new identities in 2001. They were about to reach the age of 19 and according to Lord Woolf, risked being sent to the 'corrosive atmosphere' of an adult prison, where it was believed most of the good rehabilitative work undertaken would be undone (*The Guardian*, 22nd June 2001). As stated in the opening paragraph, no more than a *frisson* of public interest is usually stimulated when discussing anything other than these very high profile cases.

Discretionary life sentences cover almost 70 other serious offences committed by adult offenders, including manslaughter, arson and rape. The presiding judge sets the sentence tariff and this decision may be subject to appeal. To enable fair decisions to be made and to comply with legislation, Discretionary Lifer Panels (DLP) were set up in 1992 following a decision of the European Court of Human Rights, which required a legally-binding independent review for those at the end of a tariff (Padfield & Liebling, 2000). The Panels are set up by the Parole Board and are made up largely of Parole Board members

but may also include judges, psychiatrists and independent members from varying backgrounds and expertise and approximately 200 panels sit each year (Padfield, 2002). Additional, incremental tariffs can be added to the discretionary life sentence for reasons such as public protection or conversely, sentences reduced for reasons of mental illness or special circumstances. Mandatory lifers have consistently outnumbered discretionary lifers by a ratio of approximately 3:1, although the number of both mandatory and discretionary lifers has grown considerably in recent years. In 1957 there were only 170 life-sentenced prisoners in England & Wales, in 1970 there were 730, in 1980 there were 1535, by 1990 this had risen to 3095. By 2002 the number had topped 5000 (Coyle, 2005b:p75) and by 2004 numbers had risen further to over 5500. In fact, in June 2007, there were over 7,274 prisoners serving sentences of indeterminate length (NOMS, 2006) - a stark contrast to only 170 lifers some 50 years ago; England and Wales now holding more life-sentenced prisoners than the rest of the Western European countries combined (Prison Reform Trust 2004; Aebi, 2005).

Recently, Padfield & Liebling investigated the fairness and legitimacy of DLPs in a study which attempted to evaluate the efficacy of such panels by means of observation. The results proved extremely interesting. The authors highlight a particular paradox, in that the DLPs were initially set up in response to European Human Rights legislation, to ensure that prisoners over tariff would only continue to be held in custody if there was a need for public protection and for no other reason. It was found however that the subject of prisoners being over tariff was very rarely mentioned or considered at DLP hearings. Many questions were raised at these hearings, but there should be only one salient question requiring an answer at a DLP where the prisoner is over tariff - is the offender a danger to the public, no other consideration should be discussed (Padfield & Liebling, 2000).

It could be argued that as Parole Board hearings for mandatory lifers and many of the procedures and personnel are the same or very similar to the DLP, that a similar oversight of prisoners over tariff could take place - although there is no empirical evidence to back up this claim. There is no

doubt that the use of discretionary sentences by the judiciary was introduced in the 1950s to provide a stiffer, although less determinate sentence for offenders classed as 'dangerous', but who have not committed murder (Padfield & Liebling, 2000:11). It requires such offenders to remain in custody for an unspecified period until their behaviour has changed sufficiently to allow release. The need to increase public confidence in sentencing is always high on the political agenda.

In 1997, yet another type of life sentence was introduced; the automatic or 'two-strikes' life sentence, which formed an important part of the life sentence framework in England and Wales until it was repealed in under the Criminal Justice Act (2003) (Padfield, 2002:11; Solomon, 2008:153). This relatively short-lived sentence was for adults aged over 21 who have committed a second serious or violent offence (for example, armed robbery, rape or attempted murder). Although it is ostensibly a life sentence, the average tariff is between two and four years, but can be as low as 12 months. This sentence was very much a part of the sentencing framework at the time of the fieldwork for this thesis and although offenders could be fast-tracked through the system to enable them to reach open conditions and release 'on tariff', this research will demonstrate that this was simply not the case and would actually be difficult to achieve in a slow and cumbersome system within the timescale of these very short tariffs.

The sentence was replaced by an open-ended sentence, the controversial indeterminate sentence for public protection (IPP), which is designed to be given to adult offenders who would receive sentences of over ten years and are deemed a significant threat to the public and offenders can receive this sentence after committing any one of 65 'violent offences or 88 sexual offences' (Solomon, 2008:153). Prior to the introduction of the IPP in 2005, the number of receptions of life-sentenced prisoners (including the 'two-strikes' lifers) varied between 380 and 450, but the first year of the IPP, saw the numbers of receptions of indeterminately sentenced prisoners (either IPP or life sentences) rise to 1050 and saw a much higher rise in 2006 to 2160, a percentage increase of 106% (Ministry of Justice, 2006:71). By the end of

2007, just over 3000 offenders had been given this 'open-ended' sentence, so the introduction of the IPP has certainly resulted in a marked increase in the long-term prison population in order, in theory, to protect the public (Solomon, 2008:153). It gives judges an easy option in not having to set a tariff but seemingly able to assure the public that the time spent in prison will be lengthy, possibly even whole of life. It is fair to say that early use of this controversial sentence has been quite phenomenal and has shown a significant increase in those detained indeterminately - it is controversial because it leaves prisoners 'in limbo', uncertain of when or if they will be released, which must have a detrimental psychological effect and adversely affect motivation to progress.

For young offenders below the age of 21, there exists a range of sentences. 'Detention at Her Majesty's Pleasure' is an open-ended tariff used when sentencing those juveniles who committed murder between the ages of 18 and 21 and are under 21 at the time of the conviction (not necessarily the age at sentencing). For those under the age of 18 at the time of conviction, another similarly indeterminate sentence for young offenders is used: 'Detention for Life' was introduced in 2000. There is therefore, an array of sentences for the judiciary to understand, much of it uncertain and contentious and as previously stated, life very rarely means 'whole of life'.

In the late 1960s, the sea change in sentencing policy away from capital punishment did not however, suddenly increase the numbers of lifers, as approximately half of male prisoners, and almost all female prisoners sentenced to death were reprieved in the 50 years prior to this legislation being introduced. Indeed it could be argued that the length of life sentences prior to the abolition of capital punishment was shorter, the new bill appearing to toughen the resolve of the judiciary to impose what was now the most severe sentence that could be introduced in an almost compensatory gesture (Padfield, 2002). It also meant that juries could give a guilty verdict for murder with less certainty in the knowledge that a convicted murderer would no longer be hanged. Although there was no sudden increase in numbers, as

previously mentioned, there has been a constant and significant increase in the numbers of lifers in the system since 1965.

Sentencing is very much the public face of the criminal justice system, serving as a deterrent to potential offenders but equally as importantly sending a signal of intent to the electorate, as sentencing dangerous offenders to long sentences demonstrates a strong political resolve to keep the public safe from such criminals. Judges still retain a great deal of discretion in sentencing, but legislative changes could certainly be described as a political act from a political party in power suffering from electoral anxiety. Opposition parties could also promise a tougher stance on 'Law & Order' policies to court the floating voter, the current official opposition, the right-wing Conservatives, hold a notoriously tough position on such matters.

As previously mentioned, it is worth noting that a proposal to re-introduce the death penalty in the House of Commons was made by then Home Secretary Leon Brittan in 1983. It was defeated, although the result was far from comprehensive, especially for the crime of killing a police officer (HM Inspector of Probation, 1999) and even in 2003 certain members of the Conservative Party expressed personal, individual views on its reintroduction via the media, although it was not official party policy, neither is there a collective political will to revisit the death penalty debate or to seek a change in legislation.

The life sentence is something we seem to take for granted as being the maximum sentence now available in England and Wales and that idea is somewhat entrenched, but there has some academic resistance to the idea of a life-sentence. There has been an abolitionist opposition to the assumption that life sentences are acceptable, particularly the 'whole of life' tariff, which although administered relatively rarely in England and Wales, means that the offender has no chance of release and there is therefore no point in offering rehabilitation. Likewise the recently introduced IPP, whereby life-sentenced prisoners must prove they are fit for release but no tariff is set, is equally as problematical.

Van Zyl Smit explains that the concept of a life sentence is not absolute, in Portugal there is no life sentence, in Spain it is 'unconstitutional', in Norway it is not allowable in law and even in Germany, where the life sentence is quite firmly entrenched; it is very rarely invoked for crimes other than murder (Van Zyl Smit, 2001:300). In most European countries it is seen as better to give the offender the chance to rehabilitate, however serious the crime. There is a belief that life imprisonment is maybe the lesser of two evils compared to the now-abolished death penalty in England and Wales, but also a belief that there hasn't really been much thought as to exactly how it should be administered and therefore it does not work particularly effectively (Van Zyl Smit, 2001). An English prisoner in a Dutch prison described the experience by saying 'they treat you like a human being' and 'they don't despise you because you're a criminal' (cited in Stern, 1989:80). Courts in Holland impose merely a loss of liberty, although for life-sentenced prisoners - life generally means life in prison.

Many changes to sentencing policy stem from judicial precedents. In 1978, a defendant was convicted of rape, buggery and assault and was sentenced to life. The justifying criteria were judged to be that the offences were 'in themselves grave enough to require a very long sentence', where the person is of 'unstable character' and likely to re-offend and where, in the cases of sexual offences or violent offences, 'the consequences to others might be especially injurious' (Coker & Martin, 1985:23). Although the authors point out that definitions of gravity and dangerousness can be somewhat arbitrary.

It is now 40 years since the abolition of the death penalty and tariffs are becoming ever longer, creating pressure and overcrowding in the system as the prison estate grows unsustainably. Life imprisonment is viewed as a soft option by hard-line disciplinarians but conversely seen by humanitarians as a necessary step forward towards a more humane society. Thirty years ago Cohen and Taylor argued that now we no longer have the death penalty, transportation and torture as punishment options, 'the only way our society can think of dealing with certain offenders is to send them to prison for a very

long time' (Cohen & Taylor, 1972:188). This lack of imagination and pandering to populist public opinion still appears apparent in current penal policy and it appears that the part of the sentence spent in custody is only going to increase as more and more prisoners serve over tariff.

Whilst it could be argued that very long sentences are a better, more humane option than the death penalty, in reality it does not solve the problem of containing serious, violent offenders and again shows that as long as such offenders are securely contained under lock and key behind a very high wall, the public (the electorate) is apparently content. Political parties do tend to suffer from a degree of electoral anxiety every four or five years and next to the economy, psephologists would argue that 'law and order' is usually a major policy issue that could affect a general election result. Sentencing generally has become tougher and the Carter report of 2003 proposed tough, rigorous sentences as part of the aim of crime reduction, demonstrating that the path to increasingly punitive sentences is not one from which the current government is planning to deviate (Carter, 2003).

These cumulative changes have undoubtedly had an effect on the size of the predominantly male lifer population, which according to annually published official statistics stood at 5150 on 30th June 2002 (Home Office, 2003:102); by far the highest in Europe. Probably a more worrying statistic in times of ever-increasing budget pressures is that on average, it is estimated that 80-90 lifers are released on license each year (Sparks, 1998). This figure remained constant until 2002, when a record 150 were released - this increase in the numbers released on license is believed to be linked to the enforcement of European Human Rights legislation. The overall situation however, did not improve as the numbers of new lifers received in that year hit an all time high of 530 (Home Office 2003:103). These increases are a cause of concern due to the problems of resources it causes within the prison system generally and for lifers in particular, pressure is evident in all areas of the prison estate with a population that rose by 7% in 2002 to a total of almost 71,000 and continues to rise spectacularly (Home Office 2003:3). By the end of 2002 England and Wales held a total of 5268 life-sentenced prisoners, in comparison the total for

the rest of the European Union combined (made up of 45 countries) was 5046 (Prison Reform Trust, 2003:2).

In 2003 England and Wales housed over three times the number of lifers as the second placed European country, Turkey, making it the lifer 'capital' of Europe (Prison Reform Trust, 2004). In November 2003, the lifer total in England and Wales had reached 5475, of which 5305 were men and only 170 were women, with a further 151 young offenders aged 18-21 and over 70% of life sentences were mandatory. In July 2005, there were 77,029 prisoners in custody, of which 5646 were lifers (Home Office, 2005:2) and by mid 2006, the lifer population in England and Wales rose to over 6000, although the crime of murder had not seen a corresponding increase in the four years compared here.

Across Europe, the situation is fluid, depending on the ideology and political thinking of the government in power, cultural factors and the place of prison in the penal system (Cavadino & Dignan, 2005:12). Conditions and treatment vary, as do the justifications for the use of prison in a particular country and imprisonment rates vary hugely. In 2003 England & Wales (neo-liberalist) had an imprisonment rate of 141 per 100,000 of the population, Italy lower at 100 (conservative corporatist) and Finland much lower at only 70 (social democracy) (Mayhew & van Kesteren, 2002:87-89). European social democracies such as Finland and Sweden had seen a steady rise in prison numbers since 1986, but all other countries in Europe saw a marked increase since that time, some very steep indeed (Cavadino & Dignan, 2005:44).

Demographics of prisoners in England and Wales have seen some noteworthy changes. The sharp increase of life-sentenced prisoners, due to the increased array of sentences, increasingly tough sentencing and the relative ease of being sentenced to life imprisonment for a range of offences has been documented, but there other factors. The number of women prisoners, despite an increase, remains low in all categories at less than 6% of the sentenced population and there are very few life-sentenced female prisoners. There are also very few life-sentenced young offenders under the

age of 21, but across the prison population as a whole, one demographic that is changing is the age of prisoners. Whilst the peak age of offending has not really changed for males and is relatively stable at 18, there has been a challenge to the idea of the prisoner being almost exclusively young and male. Certainly the prison population remains predominantly male, but no longer exclusively young and the age group that has increased most since 1990 is those prisoners aged 60 and over. Although older prisoners could be considered to be below 60 (the USA basis its discussion on older prisoners starting at 50) much of the statistical evidence in England and Wales sees 60 as a natural cut off point.

This increase does not reflect any increase in offending by this age group. Numbers are negligible in the female population, but there has been a vast increase in the number of older male prisoners. It was reported that in 1990 there were only 365 prisoners over 60, but by the year 2002, this had risen to 1359 (of these, 80% were serving sentences in excess of four years and 20% were serving life sentences) and that figure was further revised by the Home Office three years later to show a further increase to 1,507 (although only 20 women were noted)(Prison Reform Trust, 2003; Howse, 2003). NOMS reported in 2006, that between 1996 and 2006, the biggest percentage rise in male prisoners was in the age group 60 and over, at 149%, the 50-59 year age group rose by 74% and the 40-49 year age group rose by 97%, far higher than the 21-24 age group at a much lower 27% (Ministry of Justice, 2006:96). This is not an isolated phenomenon and is reflected in the World Prison Population List , which for the corresponding period showed an overall average population increase of 44%, but an increase in the over 60 age group of 144% (cited in Ministry of Justice, 2006:97).

Crime may no longer be exclusively a 'young mans game' but this ageing in the prison population causes particular problems as there is little special provision for older prisoners, who are far more prone to suffer health problems. By the end of 2008, the NHS should have taken over prison health provision completely, having steadily assumed responsibility since 2003, which may or may not improve provision but a more central approach should

certainly help consistency of health provision. The Prison's Inspectorate drew attention to the plight of life-sentenced prisoners in particular when it noted that there was little provision for disabled lifers who required specialist care or treatment - the vast majority of such prisoners would fall into the category of older prisoner (HM Inspectorate of Prisons, 2005). The USA has recognised the problem and has opened specialist units to deal with the 'greying' prison population (Crawley, 2008:7), but in England and Wales there are no special arrangements for older women and the provision for older men is very sparse, at the time the NHS began to take over health provision in 2003, it amounted to three wings and one unit (Prison Reform Trust, 2003).

There are also economic and practical issues, such as the legitimate withholding of entitlement to the state pension and indeed, a partner share of a joint pension whilst incarcerated (this legislation is still in place). Qualifying prisoners receive only a small payment in its place of as little as £3.25 in some prisons, making it difficult to purchase medical items, unless the prisoner also has a job in the prison with additional income (Prison Reform Trust, 2006). There is evidence to suggest that some prisons have invested in provision for prisoners aged over 60, but this is not the norm and a range of facilities need to be developed if the ever increasing numbers of elderly prisoners are not going to continue to 'be stuck in inappropriate facilities with nowhere to go' (Crawley, 2008:8). Even from this limited discussion, there is little doubt that older prisoners are marginalised and their needs are not sufficiently addressed and this thesis will pay attention to this group at various junctures.

Without execution and with numbers growing higher each year, the role of prisons has necessarily changed. Lifers can expect to be released into the community on license at the end of the tariff period, which apart from those few serving a 'whole of life' sentence, can be as little as two years for the 'two strikes' offender, but tends to be generally in the range 12-18 years. It should be incumbent on the penal system therefore, due to the excessive cost of keeping prisoners incarcerated, to prepare prisoners for release in time for the tariff expiry (although it is accepted that the tariff is ostensibly a minimum

requirement). The Parole Boards set targets and the prisons need to work in a coordinated fashion to ensure that these targets are met and timely progress is made. The realities of these targets and this process will be discussed in detail later, but included briefly here to demonstrate that sentencing policy does have a consequential effect on how prisons operate and the 'service' they must provide. Other factors are also taken into account, such as stringent risk assessments to establish if the offender is still likely to be a danger to the public on release. The Parole Board and the Home Secretary have the ultimate authority in these matters.

The arbitrary nature of the course of the life sentence places undue pressure on the prisoner, who, in the majority of cases, lives in a 'state of continuous uncertainty' (Coker & Martin, 1985:35). Release can appear a long way off and a lifer's only real hope is to eventually obtain a provisional date when he may be released on conditional license and hope to work his way towards it by good behaviour and meeting targets. This indeterminacy is a major factor in motivation, or more accurately a lack of motivation. Most are treated as 'elite' prisoners, with several privileges such as single cell accommodation and personal belongings, usually segregated and treated somewhat differently to other prisoners and have no reason or motivation to change. Even if budget pressures allow lifers to be offered cognitive, educational or resettlement courses, or engage in work experience, this lack of motivation caused by the extreme uncertainty of release may cause lifers to turn down such opportunities when they arise.

In addition to the documented numbers crisis, the severity of sentences has also increased, indicated by a massive rise in those serving over 15 years (Padfield, 2002:18-19). Once imprisoned however, the Prison Service makes little distinction between these sentence lengths until the latter part of the tariff is reached, lifers are merely lifers. Some life-sentenced prisoners are successful in appeals, a number die, a number are released to psychiatric institutions and some are released on license. Approximately 200 lifers per year have cases heard by Discretionary Lifer Panels, which have been in existence since 1992 and somewhere in the region of 16-20% of these have

been released or transferred to open conditions, so numbers are fluid (Padfield, 2002:83).

Post sentencing, women would be transferred to HMP Durham (and formerly to Bullwood Hall), children and juveniles to local authority care or Young Offender Institutes as appropriate. Most adult males will remain in local prisons for some time until they are transferred to one of five specialist lifer centres (Gartree, Wakefield, Wormwood Scrubs, Long Lartin or Brixton), where they may spend some considerable time, often up to one year or in some cases much longer (Sparks, 1998). From this point, a progressive movement down through the system begins. From the lifer centre, the next move will usually be to a high security Category-A (high-security) prison. Following rehabilitative work, psychiatric evaluation and good behaviour, including an acceptance of the sentence and an awareness of what is required to progress, the next move down the system will be to a Category-B (medium security) prison. At this stage, more offence-orientated work will continue as appropriate and again, linked to good behaviour, the next move will be to a Category-C (training) prison. Internal security is more relaxed within the confines of the prison and rehabilitative work, offence-based work and education continues as appropriate. At this stage prisoners are being prepared and considered for open conditions (Category-D) when they reach a point three years from the end of tariff. Accompanied town visits take place at this stage, usually three are recommended.

The lifers at HMP Wolds are at the Category-C stage, having engaged with the system and made progress (some faster than others) and are now preparing for transfer to open conditions and eventual release on license. Progress is closely monitored and documented in preparation for a Parole Board hearing that would herald the most important move for the lifer in the system – a move to open conditions, incorporating unaccompanied day-release or weekend release and a chance to prove that he could be released permanently on license into the community. This is very important stage and an interesting one to be allowed to observe. The research will examine the system and how HMP Wolds contributes to this part of the sentence by

ensuring that prisoners can negotiate this stage as smoothly as possible, the objective must surely be to make the experience positive, ensure any targets are met and expedite the prisoner to Category-D on time. Generally, progress is often slow and it is clear that a 'two-strikes' lifer on a low tariff of less than two years would struggle to negotiate the system. Even if some stages were 'fast-tracked', in a highly fragmented system, the realistic minimum time for these prisoners to progress downwards through this system to release, taking into account annual reports, courses, programmes, evaluations and boards is probably closer to four years.

As a corollary of the Joint Thematic Review of Lifers conducted by the Chief Inspectors of Prisons and Probation and in response to concerns by Ministers, Parole Board members, The Probation Service and prison staff generally, a revised 'Life Sentence Plan' (LSP) was introduced in 2001. This replaced the somewhat dated 1993 model and was administered by way of a Prison Service Instruction (PSI) on 14th June 2001 as PSI 31/2001, amending and updating Chapter 8 of the Lifer Manual. The plan aims to improve the management of the sentence and adopt a more 'systematic approach' (Padfield, 2002:23). The aim is to have a single sentence-planning framework that takes into account all contributions from various staff involved in the processing of lifers. The idea is to make the series of transitions 'seamless' from the Lifer Centre following sentencing to eventual release into the community. Lifers sentenced before 1st January 2002 however, will not be subject to this new, revised model until their next Board occurs, when they will be transferred to the new system.

Under the new rules detailed in PSI31/2001, a progress report can be called for at any time following recommendations of significant progress and could speed up the process to reward positive behaviour. The purpose of the LSP is to monitor improvement and reduction of risk in categories where risk exists. It follows the lifer through custody and records events, improving cohesion between planned targets and achievements. Significant changes will be observed and recorded via the reporting system and this information can then be clearly presented at a Board (PSI 31/2001). Any attempt at

improving cohesion in a somewhat fragmented and often chaotic system must be welcomed.

Treatment programmes are often set as a target, and it remains the case that lifers are often a low priority for treatment programmes due to the pressure for places, ever-increasing budget pressures and the 'indeterminate nature' of sentence (HM Inspectorate of Probation, 1999:11). For reasons of humanity, it is preferable that prisoners sentenced to life imprisonment have a good knowledge of the process and realise from the very start just what the sentence entails. Presently, this is clearly not the case and it is also apparent that lifers transferring from the lifer centre to a local prison are not treated satisfactorily and rarely undergo a suitable induction programme or have a sentence plan put in place satisfactorily (HM Inspector of Probation, 1999). Many prisoners clearly do not understand the process or what is going to happen to them in the years to come (Sparks, 1998).

During this time they should have the opportunity to attend several accredited programmes (such as anger management, alcohol or drugs awareness courses), participation in which will be looked upon favourably by a Parole Board at a later date, regardless of whether these courses have been either relevant or effective (Padfield, 2002:21). In reality, this approach is somewhat uncoordinated as the full range of courses is not on offer at every prison and programmes are often over-subscribed and lifers may not always be viewed as the highest priority. It is quite logical that prisoners with imminent release dates would be prioritised, particularly if non-completion may delay scheduled release. It is true to say that the increase in the numbers of life-sentenced prisoners has not helped the situation and could have contributed to some lifers becoming 'stuck' in the system due to the extra administrative burden, enduring numerous unsettling transfers before finding their final destination in a local prison where any real treatment or rehabilitation, if available, can begin in earnest. According to the Chief Inspector of Prisons, the majority of lifers serve approximately one year over tariff due to this poor process, which is of no benefit to the prisoners or to the public. The public purse pays for this

expensive extra period of incarceration at a rate of some £30-35,000 per annum (HM Inspectorate of Prisons, 2001).

A major problem seems to be the backlog of Parole Board cases and a further problem would appear to be poor coordination between prisons, which unless checked, will be further exacerbated as the private sector moves into the area of lifers. This is a particularly important part of the process and one the research has attempted to unravel by interviewing lifers who have undergone such a process and the staff that deal with administration at both national and local level and is examined elsewhere in this thesis.

Even when eventually settled, there seems to be an array of problems, often caused by inadequate staffing or guidance, whereby life-sentenced prisoners have difficulty moving along as the sentence plan recommends. In a recent study of lifers (involving 89 lifers from five prisons) by the Prison Reform Trust, it was discovered that most lifers were given leaflets and some induction material (although not all was found to be helpful) but more worryingly, almost one third had received no information at all (Sparks, 1998:14). The study also discovered that many prisoners complain that once settled they rarely see their personal officer, who is responsible for writing six-monthly reports. This is significant as such reports can have a major effect on both their treatment within the prison and their chance of release on license in the future. Many viewed this contact as woefully inadequate and accuse officers of being secretive and several complained that they do not get to see their sentence plan or any written submissions and also complained of little guidance if problems are assessed (Sparks, 1998). Interviews with lifers and staff should uncover whether this is a micro or a macro problem within the prison system.

The Probation Inspectorate reported that in reality little or no work was done with lifers, there were no specialist courses and that pockets of good practice in this area was usually the result of 'local initiatives' rather than any coordinated or strategic policy (HM Inspector of Probation, 1999:11). It may seem strange that the Probation Service should be so heavily involved in life

sentences but the fact of the matter is that the majority of lifers are released on license at some stage of their sentence. To be released into the community is not the end of the sentence, and to be 'on license' requires close supervision of lifers for a considerable time. At first, this can be daily for a prescribed period, which can often be lengthy or indeterminate and can involve curfews or community probation-led programme intervention. This stage is administered by the Probation Service, so its involvement prior to release is an important part of the transition.

In September 2005, there were 1500 lifers being supervised in the community and therefore the Probation Service (now administered by NOMS) is heavily involved in the resettlement and through-care process in the prison before release to ensure ease of transition, including one-to-one work and representation at Parole Boards. The progress of lifers within the system is often slowed by a lack of motivation, opportunity and an incoherent sentence plan, all of which can conspire to delay release on license. Therefore, the Probation Service is certainly intrinsic to any discussion on this topic and its views are valid as it is ultimately responsible for resettling and supervising the licenses of potentially dangerous offenders in the community.

The Home Office has only recently developed a 'management' policy for lifers, which was proposed in the 'Gowers Report' as early as 1953 (cited in Coker & Martin, 1985:8). In 1969 'People in Prison' barely mentioned lifers and potential management in this area was found to be unsatisfactory. Progress was slow and much decision-making in this area was still taken by the Home Secretary, although the setting up of the Parole Board in 1967 helped make the process more independent (Coker & Martin, 1985:12)

One thing that lifers do not have to contend with in this country is the death penalty. Johnson writes lucidly about the problems of 'life under sentence of death', which he describes as the ultimate process of 'dehumanisation', which several residents of death row described as a 'living death' (Johnson, 1982:129). Contact between death-sentenced prisoners in US prisons is negligible. Regimes invariably promote solitary confinement and isolation

even when exercising. No education, assistance or attempt to rehabilitate is made despite the lengthy appeals process in the American courts taking several years in many cases and some decisions ultimately commuted to life imprisonment. To bear such inadequacies and humiliation with the promise of release, conditional or otherwise, is one thing, but to suffer such conditions when the only outlet is execution is quite another. Johnson lucidly explains the particular hardship that these inhospitable conditions promote, the psychological deprivation, the 'powerlessness', the loneliness and hopelessness of the situation and of course, the inevitable and very real fear of death (Johnson, 1982:129).

Due to its abolition, the death penalty is rarely a feature of contemporary penal debate in England and Wales, so is not a point to dwell on in this thesis, but it is a reminder that this situation is still very much a part of the prison debate in other countries, most notably Russia and several states of the USA.

2) The sociology of imprisonment

Foucault was insistent that we did not need the institution of a prison as a symbol of state punishment (cited in Gordon, 1980) and the most basic question is to determine what prisons are for. It could be argued that they exist for a variety of reasons: to punish, to segregate dangerous criminals from society, to incapacitate thereby ensuring public protection, to rehabilitate, to deter or to correct by instilling conformity (Cohen & Taylor, 1972). Much depends on individual and often ideological viewpoint, although it is fair to say that the majority of the public are believed to be ambivalent as to prison regimes, be they harsh, repressive or conversely, rehabilitative and constructive, often with the idea that prisoners have committed a crime and deserve whatever treatment is decided appropriate. The prison wall may stop inmates escaping, but it also protects regimes from the glare of the public, who seem willing to fund ever-increasing numbers of institutions and prison places at considerable expense to ensure criminals are incapacitated by separation from society, but with little regard to their operation. Public opinion is influenced by a media-driven, over-zealous fear of crime, which is rarely matched in reality.

It is not surprising that prisons have succumbed to so much sociological research, they appear to accommodate the main concerns of the discipline, namely 'power, inequality, order, conflict and socialization' (Crewe, 2007:123). This section will examine the effect that entering and adapting to prison life may have on long-term prisoners. The main aim is to develop an understanding of prisons as a particular type of social institution, defined by power and its exercise, but also as a context in which social relationships must develop and become 'normalised'. In order to do this, this section will examine the body of sociological work relevant to the sociology of imprisonment. The literature has a long history, but this review will start with the classic text of Gresham Sykes and conclude with more a contemporary account by Ben Crewe. This section provides a context to enable the fieldwork to look at the experiences of lifers by instilling an understanding of this experience and the effects that incarceration can have.

a) The 'pains' of imprisonment

Prisons have their own culture, lifestyle, language and currency and are fascinating places to conduct research. To enable this 'culture' to exist, prisoners are 'dehumanised' (Jewkes, 2002:3), they lose (or one could argue are deprived of) their identity and assume the role of the inmate. There are official rules and 'unofficial' rules, created by the social structure of the informal hierarchy with inmates socialised into prison 'life'. Prisoners live in a 'closed world', an environment that is almost self-sufficient, that does not need the outside world; it usually has its own doctors, teachers and clergy amongst others (Stern, 1989:225). Conformity becomes a necessary evil and for prisoners, even the most trivial issue can become magnified into a major problem. Privileges are earned or acquired but can be removed with little or no explanation or notice. Some prisoners withdraw and their personalities are severely affected whilst others interact willingly with staff and fellow inmates. Those who withdraw find interaction difficult, especially the somewhat schizophrenic existence of solitude and confinement and having to put on a more pleasant façade when being visited by friends or relatives. Prisons are full of cultures and subcultures, decided by age, ethnic minority or drug dependency and protection rackets and bullying can be rife. Which groups to become a part of and which to avoid are decisions new inmates have to make as they adapt to their new lifestyle (Padfield, 2002).

The most notable sociological literature on the 'pains' of imprisonment was the seminal work by Sykes - 'The Society of Captives' - a study of a maximum security prison in the USA. Although written in 1958, it has resilience and has admirably withstood the test of time, seeming almost as relevant today as 50 years ago. Sykes believed that pain in its literal sense was something very relevant to those in prison and took the form of a series of five deprivations. The first and most painful of these was the loss of liberty itself, to not only be restricted in movement and regulations, but to be cut off from family, friends and relatives, even from those that the prisoner did not associate with outside – the choice to do so has now been removed, a loss described as 'painfully depriving or frustrating in terms of lost emotional relationships' (Sykes,

1958:65). The prisoner also loses his status, whatever that may have been outside and is now not a 'trusted' member of society. Mathiesen describes this deprivation as 'onion-shaped', almost a double deprivation, explaining that prisoners often feel isolated within the prison environment as well as isolated from the outside world (Mathiesen, 2006:132).

The lack of material possessions makes up Sykes' second deprivation, with prisoners being allowed only the minimum of material needs, with the whole day being made up of measurements, be it food or exercise hours. Outside the prison what we own may define what we are, material goods have little or no value in this setting, even furniture is of little or no importance or value in comparison with a furnished house, although Sykes does point out of course that some inmates could be materially better off in prison. The economics within the prison are less obvious than outside. It is a great leveller and to be removed of personal possessions of either monetary or sentimental value strikes at the very core of our personal identity (Sykes, 1958).

Sykes's third deprivation is seen as a removal of heterosexual relationships, causing problems of self-identity and can be psychologically serious, the lack of heterosexual intercourse in particular causing great frustration (Sykes, 1958:97). Sykes recognised that the vast majority of prisoners were young, heterosexual males, largely from lower socio-economic groups and finds it unsurprising that problems of masculine identity abound (Sykes, 1958:98; Jewkes, 2008). Questions of masculinity within this micro-existence has certainly been perceived a problematical area, it is an unnatural dynamic in which the strongest often assume control. A desire to 'prove' ones masculinity could see an open display of masculine power, of sexual or physical presence, possibility a honed and fit body could be thought of as replacing the competition of having better personal belongings as compensation for restrictions placed on having personal belongings in prison (Jewkes, 2002).

Prisoners look at others of the same sex and view themselves in comparison due to the removal of the opposite sex and it heightens the need for the

'desirable male image' and may become extreme, creating a 'hyper-masculinity' with the more powerful exploiting the weak (Jewkes, 2008:162; Sykes, 1958). This relationship does not always mean that the most violent offenders become the most powerful in the prison hierarchy, the dynamics are very complex and prisons are not homogenous places, neither necessarily, with the usual portrayal of 'hyper-masculinity, lawless and violent places (Crewe, 2007; Jewkes, 2008:162). In fact, prisons based on therapeutic communities seek to challenge this dominant masculinity.

The fourth deprivation is the loss of autonomy, a lack of freedom in decision making. The imposition of rules and regulations, often stringently adhered to, enable the population to be controlled, cause a deprivation of autonomy and a feeling of powerlessness. This is a threat to the prisoner's self-image and self-worth and according to Sykes could even cause the prisoner to become weak, even to the 'helpless, dependent status of childhood' (Sykes, 1958:75).

The fifth and final deprivation that Sykes alludes to is security. Security is seen as causing a degree of pain and anxiety, the idea that prisoners are sharing intimate space and belongings (although usually limited) with criminals of whom many may be violent or aggressive. Fellow inmates may be dangerous and the inmate is forced to sharing space with such men. As with problems of masculinity, this can become a competitive situation, in which inmates are 'tested' by other inmates. The only true security in the prison to the 'captives' is the external barrier (Sykes, 1958:76).

Sykes comes to the conclusion therefore that 'imprisonment then, is painful' and not merely limited to loss of liberty and that these pains are not completely deliberate in a society that prides itself on its humanity (Sykes, 1958:78). Mathiesen reminds us that in more contemporary criminological texts, these pains are largely ignored as they have become almost accepted norms and seem to have been forgotten (Mathiesen, 2006:134) but it only takes only a relatively short period of time observing life on a prison wing, especially containing life-sentenced or long-term prisoners to be aware that these 'pains' are very real. Also added to the list of 'pains' is power,

something Sykes did not note as important but the powerful subordinate prisoner-guard dynamic has a significant impact on the everyday life of prisoners (Mathiesen, 2006:134).

Crewe further elucidates Sykes's seminal work, stating that there are two main connecting threads dominating the 'Society of Captives'. Firstly, that the total power domination in the prison guard/prisoner relationship did not actually exist, the sheer number of 'violations' of rules and regulations charted on a daily basis is testament to that and makes one aware of the struggle to maintain order (Crewe, 2007:124). Whilst prisoners seemed to recognise the legitimacy of the environment and power dynamic, they had no real motivation to conform to the regulations and whilst this could be done through force, it would serve little purpose as violence could easily be a resulting problem in an environment where prisoners far outnumber the prison officers (Sykes, 1958). Secondly, prison officers were dependent on the prisoners to carry out everyday chores and refusal to carry out these chores could result in the smooth running of the wing being compromised and also the authority of the prison officers appearing to be diminished. Officers could induce small rewards, so it appears that order is 'negotiated' especially with an inmate 'leader' who could smooth things for the officers and maintain order (Crewe, 2007:125). So the inmates had a 'hierarchy' that could be manipulated in what Sykes described as an 'inmate code', where prisoners treated each other with a degree of respect and abided by their own rules, rather than the rules of the establishment, where inmates had a set of values, a normative system that is seen as a blueprint for appropriate conduct within the prison setting and thereby offsetting the 'pains' of imprisonment (Sykes, 1958:57; Crewe, 2008:140).

The culture in the prison is due to both institutional and external factors and prisoners realise that they must behave in a certain way and conform to not only the disciplinary regime but the informal code within the regime; solidarity, a loyalty to other inmates for example and to become anti-authority (for the temporary period of the sentence at least). Following an ethnographic study in HMP Wellingborough, Crewe assessed that this 'value system' has

declined in recent years, there is less association (due largely to better conditions, enhanced privileges, in-cell television *etc.*) and the traditional code of inmate unity is diminishing, albeit reluctantly, possibly due to the rise of individualism in late and post-modernity and less reliance on established structures (Crewe, 2005:180). Crewe noticed that there was even a tolerance of 'nonces' or sex offenders on the prison wing and also of ethnic minorities, although many ethnic minority prisoners formed naturally into sub-groups (Crewe, 2005:183).

These pains can be very real, the make up of prisons is predominantly made up of young, unemployed males with few academic qualifications or employable skills, ethnic minorities are also disproportionately represented and many of the prison population are suffering from 'psychiatric distress' (Sparks, 2001:215; Carrabine *et al*, 2004:303).

b) Entry to the total institution

The reception process removes a prisoner's liberty and most personal possessions and following this deprivation, conformity and adaptation must follow if life is to be tolerable. Goffman, a social anthropologist from the Chicago School of the 1950s and 60s with a penchant for Freud, goes further, stating that prisoners are 'stripped' (sometimes literally at reception) of usual social arrangements on entering these total institutions and 'begin a series of debasements, degradations, humiliations and profanations' (Goffman, 1961:23), a mortification of self, giving a sense of almost suspended normality for the duration of the sentence. Prisons were likened to mental 'asylums', where Goffman conducted most of his sociological research and held a belief that there were many similarities in these 'total institutions', whereby most of the individuals 'pre-prison' attributes were removed on entry, including social and cultural aspects of their identity. These institutions were described as a 'place of residence and work where a large number of like-situated individuals cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life' (Goffman, 1968:11). It is easy to see how prisons come under that category although there are some

obvious differences - in an asylum, the act of entry may be voluntary, but of course in prisons rarely so.

In 'Asylums', Goffman describes the recruit entering into the total institution as possessing a view, a concept of himself based on 'normal' life outside the institution (Goffman, 1972), he may have a family, a house, a profession for example, all these things build our character and define us. Often visits are initially suspended and this loss of normality and the physical barrier of a wall or gate preventing entry or exit begin the process of separation or institutionalisation. A 'dossier' is compiled about the prisoner's past behaviours and is available to staff, privacy is now removed (Goffman, 1991:36). It is not just material goods that are stripped away at the reception and induction process, after reception it appears that a different persona emerges, a person devoid of status, privacy and ties with the outside, ready to be further conditioned into the ways of the institution.

The normal 'backstage' persona is suspended for the duration of the sentence and as Goffman suggested in his earlier work, individuals put on a performance and this presentation can be adapted to demonstrate a certain acceptable behaviour amongst both peers and the hierarchy. A 'frontstage' production, which is expressive, showing ourselves as we wish others to perceive us - as an actor wearing make-up or a mask to produce a character, an alter-ego. Drama is a useful analogy; the actor can make the 'front' appear very convincing, almost real, whilst hiding his real identity for his private life, where the 'backstage' persona can be completely different. Goffman applies this frontstage/backstage dichotomy to prisoners and the role the prisoner assumes for this usually definite period of incarceration, prisoners adapting and promoting this alternative persona in order to fit in (Goffman, 1961). This is a phenomenon Goffman believes we all submit to in various forms in our everyday lives, be it for employment, relationships, we all play a role from time to time, a role that is expected of the position we are assuming. Goffman believes this is a normal presentation of social identity and is almost expected on this artificial stage on which we all play a part and believes that in

institutions such as the asylum and prisons, this conformity is necessary to enable smooth running (Goffman, 1961).

Entering such a closed institution and being subjected to such actions is surely much more difficult for the life-sentenced prisoner to endure, as not only does he know the time to be spent in prison will be lengthy, but may not actually know how long it will be. The uncertainty is painful, certainly more than for a short-term prisoner, who merely needs to suspend normality for a finite amount of time. There is evidence to suggest that the entry and early stages of the custodial sentence have a particularly profound effect on the prisoner, who struggles to adapt and feels a great sense of displacement and upset during this painful transition (Liebling, 1999).

c) Adapting and coping with imprisonment

The micro-sphere of incarcerated existence is an extreme situation and individuals cope and adapt as best they can, in a similar way that one would cope with catastrophic events in the outside world, and a lengthy prison sentence would surely fit into the category of 'catastrophe'. Sometimes the devastation is so overwhelming that instead of waiting for it to pass and normality to resume, it alters the way life is viewed and it appears as if normality will never return (Cohen & Taylor, 1972). Such major adaptations are encountered on entering institutions and it has long been the case that extreme changes to social structures or circumstances have led individuals or society as a whole to change and adapt. C Wright Mills in a discussion on sociological imagination puts forward the case of wars as an example of a major change that affects both society and the individual. When this major change occurs, a drastic move away from the perceived norms, then people change and adapt. Women move away from being housewives and become munitions makers or agricultural labourers, men in secure and peaceful jobs become soldiers, trained to kill the enemy. How people react to this new and strange situation differs greatly, some may wish to perform well, become brave and decorated heroes, others may wish to make money out of the

situation, but all are reacting and adapting to this new catastrophic, life-changing situation, albeit in different ways (Wright Mills, 1959:132-134).

A lengthy sentence can have profound effects on already strained family relationships, especially if a serious crime has taken place within the family. This is particularly problematic to the older prisoner, who if commencing a life sentence with a tariff that would almost certainly see little chance of release, to be starting a new 'life' with little chance of returning to the previous life must be difficult to face, a particularly cathartic 'entry shock' to the institution (Crawley & Sparks, 2005:345). For the long-term prisoner over 50, there is a dramatic loss of identity, a loss of status accrued over a lifetime that reduces practically to nothing, survival in the terms that Cohen & Taylor espoused would appear almost unachievable, with the particular difficulty of having life almost literally destroyed and rebuilding it with little hope of release or normality (Crawley & Sparks, 2005:349). There is also the prospect of losing touch with family and friends and having to adapt to prison life knowing it may be the last form of lifestyle you may encounter and death may be a reality before release (Cohen & Taylor 1972).

The discussion on adaptation follows logically from the 'pains of imprisonment' and 'entry to the total institution' to examining how the 'pains' continue and how prisoners strive to adapt. The notion of an inmate 'code' has already been touched upon and strategies for coping and adapting to prison life take on a similar guise. Clemmer coined the term 'prisonization', a term that referred to the assimilation of the customs and rituals of the prison in an attempt to fit in and survive (Clemmer, 1958:299). Most of the early sociological literature on prison life concentrated on this 'monograph' of day to day existence and only more recently has the discussion become more sophisticated (Carrabine *et al*, 2004:304). Much of the traditional discourse was centred on sub cultures and a natural hierarchy based on class structures with an almost gangster-like ruling class in control of the ordinary inmate. This was found to be somewhat of an oversimplification. In a study of two long-term dispersal prisons by Sparks, Bottoms and Hay, it was found to be far more complex and 'fluid', with hierarchical groups based more on business

interests, ethnic minority or 'regional affinities', making the simplicity of the classic texts somewhat misleading (Sparks *et al*, 1996:176-181).

Coping for the older long-term prisoner is particularly difficult and they are often excluded from the camaraderie due to age, possibly due to being physically weaker, having ill health or a lack of employment if over retirement age. In a study of older prisoners, Crawley and Sparks noted some particular coping strategies, including campaigning and letter-writing, documenting events and making lists (Crawley & Sparks, 2005:350). Many would still work, coming from a generation possessing a strong work ethic, but just to earn a little money, as understandably there was little motivation to learn new skills for employment, but many lack a 'sense of purpose' (Crawley & Sparks, 2005:251).

Studies have shown that the psychological damage inflicted on long-term prisoners is not believed to be anywhere near as bad as feared and have shown that life-sentenced prisoners in particular, emerge relatively unscathed, although the Probation Inspectorate provides little evidence to back up such a claim (HM Inspector of Probation, 1999). Zamble and Porporino found that anxiety and depression were heightened in the early stages of custody but declined over time (Zamble & Porporino, 1988). There is also evidence from research into prison suicides to suggest that the prison experience can be 'unbearable' and leave long-lasting and 'deep scars' on those who do survive their sentence (Liebling, 2008:80). It is a complex issue and the idea that little permanent damage is caused is one the Probation Service and the Prison Service may wish to promote.

To be a lifer in this strange, forced and extreme situation calls for desperate measures and many of the behaviours described here are the inmate's response to this situation. It is not so much living as 'survival in extreme situations' causing inmates to adapt and discover coping strategies to counter the deprivations (Cohen & Taylor, 1972:41). When faced with similar extreme, catastrophic situations in everyday life caused by disruption and confusion our behaviour changes to adapt or counter these unexpected

changes. There has been little research carried out in this area and accordingly, there is no real evidence that incarceration for any length of time has directly caused any diagnosed mental disorders (Walker, 1984). Any results could also be skewed, as prisoners found to have a mental disorder on reception are likely to have little or no history of contact with a GP, let alone any specialist help. The circumstances of incarceration and the associated pressures would certainly be amenable to inmates being vulnerable to mild psychological or psychiatric problems or make existing, possibly undiagnosed problems, potentially worse (Walker, 1984).

It has already been mentioned that lifers are almost always segregated from other prisoners, although there is no statutory requirement to do so and there appears to be an imminent policy shift towards more integration. Indeed, Flanagan argues that complete segregation is illogical and it is undesirable for the prison population to be separated into perceived homogenous groups (Flanagan, 1982). The argument is that there is very rarely a homogenous group and even the most basic sociological analysis would point to the fact that just because lifers have a sentence in common, it is unrealistic to suggest that they may have anything else in common. According to Flanagan, much traditional research assumed that problems faced by prisoners are 'ubiquitous' and that they make up a 'predictable' group and does not take into account the fact that psychological problems faced by inmates serving life can be completely different from those serving very long sentences, often in isolation or segregated conditions (Flanagan, 1982:115). It could be argued that murderers are in fact 'unexceptional' individuals who have committed a very serious crime, often an impulsive act untypical of their nature and that the majority therefore do not pose a significant threat on licensed release (Smith, 1979: preface).

Whilst this thesis does not wish to dwell on the effect of media in prisons, be it television, radio or newspapers, it must be said that the media in all its forms has become a major influence on prison life, with both positive and negative effects. It can act as a window to the outside world by reading, watching or listening to the news or provide escapism in fiction. There are many schemes

in contemporary prisons that advocate in-cell television, in many prisons on a privilege basis, such as a substance-free wing, where the privilege can be withdrawn following a positive drug test. The often-confrontational nature of the communal TV room, where often the 'biggest, strongest, loudest or most intimidating members' would decide on what is to be watched is therefore hopefully decreasing and prisons becoming more 'acquiescent' as a result (Jewkes, 2002:187). The effect on life-sentenced or longer term prisoners is probably of greater importance, as it could be the only way to keep up with everyday life over a period of many years and therefore ease the process of returning to a society that may have changed substantially during the years of incarceration and whilst 'we may regard the television as entertainment, prisoners may view it as a symbol of loss or disconnection' (Jewkes, 2002:383). Conversely, some lifers may not wish to be connected to a society that they will be separated from for a number of years and this research will look to explore this phenomenon. Johnson describes in-cell television as 'dead time' and an easy way to keep prisoners entertained and out of trouble and it can be seen as 'the babysitter of choice' (Johnson, 2005:264). As in the home, it is a respite, a distraction from reality.

d) Time, deterioration and institutional dependency

Following adaptation, the institutionalised prisoner, particularly longer-term prisoners can become dependent on the assimilated lifestyle and some find it difficult to cope on release when the old persona can be returned and the deprivations are removed. The longer the sentence, the more difficult it is to deal with the advance of time, so how time passes for life-sentenced prisoners is a particular problem. Out of cell time has increased and improved markedly and hours engaged in 'purposeful activity' have also increased in the modern prison, but there exists an inordinate amount of time that a prisoner is either in his cell or otherwise 'idle', be it in leisure activities or casual association.

Whilst many in life regard the passing of time as too quick and seem not to have enough time, just the opposite is the case for the prisoner and Cohen

and Taylor regarded this time as problematic. Long-term prisoners have had a sentence of 'time' imposed on them it seems, almost like a fine, along with freedom and autonomy. Factory workers may suffer from the monotony of a boring job but can still see the end of their relatively short shift, not so the prisoner. For the duration of a prison sentence, time is almost suspended, meaningless, a phenomenon described by Liebling as 'deep freeze' (Liebling, 2008:80) but time that needs to be filled somehow. There is a loss of perspective with the past and the future and some prisoners actively try and break that link in the hope it will alleviate the problem, therefore prisoners tend to think only in the present.

The future is also problematic, older life-sentenced prisoners may see themselves dying in prison or being much older when they are released and possibly unable to return to the 'normality' of pre-sentence days. As with the past, the future tends to be disregarded and the well-known adage of a young person having their 'whole life ahead of them' does not register, there is no chronology. For lifers therefore, this presents particular problems, as the end of the sentence is a long way off for most, save for those few in the final stage of the sentence. It appears an unthinkable, unfathomable distance in the future and may be merely a notional target or 'tariff', possibly an indeterminate length of time, as yet not a fixed date to aspire to. Shorter term prisoners can cross dates off a calendar but this is a fairly pointless exercise for the lifer – they are discernibly 'marking time' (Cohen & Taylor, 1972:90-91).

Prisoners have few benchmarks, no real points of reference to time passing. Hospital patients can check their progress in a linear fashion, whilst prisoners can just count the days and years. Incidents and such things as a new prisoner arriving or leaving are usually unscripted and unexpected. Visits apart, there is little to look forward to that is planned. Passing time is a real problem, learning new skills, studying, body-building and fitness, all pass some time, but in this environment there is always more time still to pass and even work it seems, in this environment does not help speed up the passing of time, possibly due to the inane nature of the labour offered (Cohen & Taylor, 1972). In the outside world, individuals may be busy at work or enjoy

our leisure activities, but this is not just being done merely to pass the time, in prisons this is certainly the case with many activities.

Time passes and for the long term prisoner things change rapidly in the outside world and the lifer can lose touch with reality. A prisoner sentenced in 1975 may never have seen a mobile phone and would have no working knowledge of the internet - keeping up to date with technology is a real problem. Another recognised problem is mental deterioration, the loss of skills, almost a situation of losing education and knowledge that had previously been accrued. Cohen & Taylor's subjects were mindful that this could happen and several asked the researchers if they would inform them if they noticed anything, any mental deterioration, slowness or 'personality changes'. Some talked about memory loss or 'cultural inadequacies', little things that they believed were caused by boredom and inactivity of the brain, either endlessly pursuing either no activity or mindless activities merely to pass time (Cohen & Taylor, 1972:105), possibly more of the 'dead time' to which Johnson referred (Johnson, 2005:264).

It is a particular problem for the older prisoner and as well as coping strategies for passing time already mentioned earlier, those who may die in prison must cope with that possibility. Far more than worrying about mental deterioration, older prisoners face ill health and the fear of dying alone in a prison cell. Although most would wish to die with family and friends, only if diagnosed with less than three months to live would an elderly, infirm prisoner be allowed to find respite in a community hospice (Crawley & Sparks, 2005:354).

e) Legitimacy and imprisonment

The subject of legitimacy crops up both intentionally and unintentionally at various points of this thesis, because legitimacy affects most areas of penal discussion. It isn't just about issues of treatment, conditions, control and order and especially prison riots, which have occurred in prisons for several hundred years and usually act as a catalyst for raising the topic for discussion,

but a plurality of complex issues, mainly rooted in politics and power. On a wider scale legitimacy is about the way in which the state administers all its institutions, such as schools and hospitals and services, such as the military and the police. Whilst it is difficult to compare these institutions with prisons in exact terms, questions do need to be raised regarding penal legitimacy, especially in the light of privatisation, which in itself raises questions of legitimacy. A wider discussion around prison privatisation and the question of legitimacy will take place in Part 2 of this thesis.

Legitimacy is about more than the connection between power and order, it is also about the acceptance of such phenomena, how the institutions themselves and those that work within are legitimised and become acceptable, gaining a degree of support from both the rule makers and those that are subject to the rules and subsequent punishment. The poor conditions to which incarcerated offenders are subjected become a normal part of the process. This is problematic, as it approaches the liberalist nightmare scenario of institutions of absolute power, although the sociological literature disputes this, indicating a degree of regulation within the institution would see it fall short of total power. It is this regulation and negotiation of prisoner-guard relationships that produces a kind of order and one that often results in unrest when the delicate equilibrium is upset.

Although involving a complexity of issues concerned with containing fellow humans as prisoners, much discussion on legitimacy does often seem to centre on riots and the problem of order (Sparks *et al*, 1996) a somewhat extreme adverse response to perceived problems in the penal system at a local level. This deflects the discussion on legitimacy away from more complicit issues, such as fairness, social justice and disorder generally and returns us to the fundamental question of what prisons are for. The social order and the way prisoners live within a prison could be at best be described as diverse, even unnatural. Legitimacy may not cause the riots but questions do need to be asked of it and conceptual difficulties arise in attempting to answer that fundamental question. Prisons are not schools or hospitals,

usually containment is permanent for the duration of the sentence and particular problems exist.

Lord Chief Justice Woolf, in a report on the prison disturbances of 1990, blamed the riots squarely on the injustice suffered by inmates due to the poor treatment and conditions (in HMP Strangeways in particular) and suggested that the Prison Service needed to balance the key areas of security, control & justice to create a fairer regime. It was suggested that prisoners will respond to authority as long as conditions are tolerable. He was the first to recognise that prisoners are the end-users, the consumers of a system, not always by choice, but consumers nonetheless and that they should have certain expectations to be housed humanely (Woolf & Tumim, 1991).

This represents a more contemporary view of penal legitimacy, looking to address far more than just poor conditions causing unrest amongst prisoners, although Woolf was criticised by Sim for likening prisoners to consumers and also for the report's aims of re-legitimising prisons (Sim, 1994). A corporate plan was introduced by the Prison Service and great strides were made to improve conditions until the escape of six prisoners from HMP Whitemoor in 1994, the outcome was the Woodcock report, which turned the emphasis back to physical security and it was some years before there was any further progress (Scott, 2008:77). It has been suggested that prisons are already a place of violence, often seeing intimidation and assaults as 'part of the everyday routine' and the type of individual housed there may be prone to such a reaction, but that prison riots are less common but far more serious, involving a significant loss of order and control (Sparks *et al*, 1996:2).

Carrabine insists that the circumstances of riots is due to the unnatural nature of containment and sees the riot as a complex action, consisting of a number of inter-connected elements; the social factors, such as 'material conditions, institutional diversity, power relationships and state organization' and the human dynamics present, such as 'prisoner anger, official indifference, administrative struggles...' (Carrabine, 2005:896). The problem of order in prisons is therefore situated within the wider issue of social order generally

and there are few theories as to why they occur and indeed, if they are so deeply rooted in injustice as Woolf suggests and the 'illegitimate distribution of power and severe crises', it is surprising that they do not occur more often (Carrabine, 2005:897; Scott, 2008:307). Woolf believes that the dedication and professionalism of the Prison Service is the main reason that such serious riots have not occurred more frequently (Woolf & Tumim, 1991:1).

To right the injustice that Woolf suggested; stability within the prison would seem to crucially rest on legitimacy, mainly humane conditions and treatment. This point was also made by Useem & Kimball, who noted in a study of nine prison riots in the United States, that if a prison is 'well-managed', this ensures compliance, whilst a poor administration engenders illegitimacy and institutional breakdown (Useem & Kimball, 1989:4). Additionally Beetham, building on earlier work by Habermas (1976) believes that all systems of power need to be seen to be legitimate and that power can be legitimate if:

- (i) it conforms to established rules;
- (ii) the rules can be justified by reference to beliefs shared by both dominant and subordinate;
- (iii) there is evidence of consent by the subordinate to the particular power relation.

(Beetham, 1991:16)

So the prison must be run in an ordered and correct manner, in accordance with the rules, beliefs must be shared and there must be a degree of consent. Most prisoners understand the subordinate power relationship but if conditions and treatment are tolerable, will accept it and are more likely to comply. It is important that the justification for punishment is understood by those imprisoned, they also need to recognise and understand legitimacy in order to accept compliance, a 'reason to obey' especially when conditions are poor (Sparks, 2008:149) and surely legitimacy is diminished or eroded for the prisoners if conditions become intolerable.

More basically, legitimacy can be considered a political and more explicitly an ideological concept and basically concerns the authority of governments (elected or otherwise) to use power against its citizens. Whilst there is rarely opposition to governments possessing power, in the penal context it is about how that power should be utilised and what level of power is necessary and acceptable when administering punishment. The legitimate use of power administered by the correct authority (in the case of England and Wales a democratically elected government) is crucial in maintaining order in the prison system. There is also somewhat of a dichotomy in the comparison between the government and the perception of the public as to how prisons should be run and Garland alludes to this problem in believing that the public are very much attached to the idea of prison as a place of coercive punishment and a symbol of state power (Garland, 1990:4-6). Attempts therefore to increase legitimacy and create a more tolerable and progressive prison environment, whilst the public mood remains generally punitive is difficult to achieve.

The idea of legitimacy and its frequently-cited interconnectedness with the 'penal crisis' is an 'old idea' (Sparks, 1994:14). Sykes was one of the early theorists in looking at the question of legitimacy in US prisons and suggesting that the extreme exercise and sometimes excessive display of dominance and power may be beyond what could be described as legitimate (Scott, 2008). This is the very core of the contemporary legitimacy debate and whilst the majority of penologists believe that some form of state punishment is valid and therefore legitimate, it is the nature and severity of the punishment that raises some key issues. The formation and administration of the law and punishment are socially constructed ideas in that society (or members elected on behalf of the population in a democracy) has decided what is morally right and morally wrong and decided on a set of rules. Society has also decided on a system for deciding if these rules have been broken and what the punishment should be, it uses its power to punish. Therefore what appears quite a narrow remit to discuss legitimacy becomes more complex.

Liebling sees the question of legitimacy as not being concerned merely with the punishment being correct, but in how it affects the individual subjected to the institution, it asks questions of 'trust, respect and well-being' as well as issues of order and control (Liebling, 2004:xviii) and a more detailed account of Liebling's work in this area, 'Measuring the Quality of Prison Life' is to be found in a later section. One of the central tenets of prison treatment is undoubtedly fairness, fair procedures and 'consistent outcomes' and Sparks and colleagues also identify quality of 'behaviour of officials', where unacceptable behaviour leads to poor regimes and conditions, which could cause problems even in newly built prisons (Sparks *et al*, 1996:88). In fact everything that is allowed to take place within the prison to demean a prisoner, be it a racist comment, a bureaucratic delay, a poor administrative decision, a 'petty miscarriage of justice' or even an inedible meal is 'delegitimising' (Sparks & Bottoms, 1995:607).

Staff-prisoner relations and the way prisoners are treated will become a focal point of this thesis and Carrabine summarises four key elements that are required to promote legitimacy; 'procedural fairness, consistent outcomes, official conduct and regime standards' (Carrabine, 2004:903). It must also be noted that with a move to a more managerialist approach to prison management, the traditional power relationship between Prison Officer and inmate has been slightly diluted in recent years and although still confrontational at times, is not based on constantly visible and audible authority. Fewer decisions are taken on the ground and although Prison Officers have a level of discretion that remains significant, it is no longer absolute. The introduction of the earned privilege scheme has also taken much of the sting out of the authority dynamic (Crewe, 2005:195).

As the subject of legitimacy will appear at various junctures within this piece, it would be useful to attempt to define some of the words frequently used in more contemporary prison literature when looking at the subject of legitimacy, particularly the more contemporary literature on measuring prison conditions and quality. The most difficult to define when looking at the terminology used in penal research is respect and it is one this thesis has largely tried to avoid,

as it does have connotations of non-criminal behaviour and some believe it to be an inappropriate term when describing convicted offenders. Respect is usually something that is earned and is often allied to status and good conduct. Other words are deemed more suitable when discussing offenders and words this thesis prefers to use *vice* respect are: decency, dignity and civility, although all have nuances.

Decency is a fairly commonly used word in contemporary penal debate and emanates from the 'decency agenda' purported by Martin Narey (2003), then in post as Director General of the Prison Service. Narey defined decency as delivering treatment 'within the law' and standards, providing 'fit and proper facilities', attending to concerns and providing a varied regime to help towards rehabilitation, but most of all, it means 'fair and consistent treatment by staff' (Prison Service, 2003:29). So this word already has an academic definition within this subject area and includes many of the topics covered in this piece, including physical conditions, staff-prisoner relationships (language, tone etc.) and legitimacy (issues such as racism, self harm and suicides) (Scott, 2008:91). Dignity is also a word used within the decency agenda - it promotes better treatment of prisoners by staff, use of first names, politeness and a move away from the militarised regime. Civility is a word that this thesis draws upon to describe the staff-prisoner relationships that should be aspired to, not necessarily respect, but to show basic civility to fellow humans. These words are very similar but nuanced and strive to describe the reality of the association between prisoner and guard.

The way prisoners are treated is also problematic in this area, too much power and too many infringements of human rights could bring legitimacy into question. Scott argues that there are two basic dimensions to the legitimacy debate: political legitimacy and moral legitimacy (Scott, 2008:157). Political legitimacy looks at the right of a democratically elected government to decide, in consultation with the public, how offenders should be punished. Sim, a committed prison abolitionist, views prisons as 'politically illegitimate', because they merely punish the marginal, lower class offenders' in a system of punishment that is 'class-based', in a classic analysis of political legitimacy

which they believe to be in crisis, Sim & Fitzgerald cannot separate imprisonment from social divisions and societal inequalities, such as 'racism, sexism and poverty' (Fitzgerald & Sim, 1982:24). Consequently, prisons would lack political legitimacy because they do not look to incarcerate the dangerous offenders as a priority, but prioritise the poor and excluded (Scott, 2008:157).

Mathiesen, a committed abolitionist, in a sociological study of prisons in Norway, noted that prisoners subjected to a formal hierarchy may unite in 'peer solidarity' and formulate a common enemy in the prison guards (Mathiesen, 1972:3). This formal hierarchy is visibly manifested in the uniform, and although the Prison Service in England and Wales abandoned its military style headdress in the mid 1980s, its dress still resembles a military uniform and the associated authoritarian and powerful image that promotes (private prison supervisors appear little different, their uniforms being very similar to that worn in the public sector). Prison Officers and private supervisors should not make value judgements about prisoners and should encourage good behaviour by reward. Mathiesen also recognised that a degree of 'prisonization', first noted by Clemmer, cannot be avoided and that prisoners will become deviant when associating with deviant peer groups (cited in Mathiesen, 1972:5). Those that do not, experience 'ensoriousness', a feeling of disempowerment that those in charge do not comply with established and correct social norms and values, but in the internal values of the institution. The subservient or weaker inmates suffer from 'individual censoriousness', they stand powerless and alone and complicit in conformity (Mathiesen, 1972:14).

Both public and private prisons take their lead from the HM Prison Service Lifer Manual and both sectors are bound to abide by it. This lengthy publication was republished in 1999 and is a result of consultation with "Governors, Prison Service staff, Probation Officers, the Association of Chief Officers of Probation and the Parole Board" (Prison Service, 1999:8). Ominously omitted from the official consultation process, the private sector prisons are therefore extremely limited in their interpretation of this manual,

which many in the custody 'industry' believe is too restrictive and leaves the sector unable to move forward with new initiatives. Private prison staff undertake basic mandatory Prison Service training in most areas, any innovative in-house training is therefore supplemental. Treating life-sentenced prisoners in exactly the way the Lifer Manual prescribes is the only option and there is little room for compromise. The manual is comprehensive and far too cumbersome a document to review in any detail. It covers a vast array of subjects pertaining to the life sentence, including sentencing, the sentence plan, parole boards, report writing, behaviour, case reviews, release on license and resettlement. There are also separate sections on young prisoners and women prisoners serving life sentences. It is factual and sets out clearly the minimum standards required and gives relevant guidelines for management staff (Prison Service, 1999).

It does contain some surprising statements. Lifers are often segregated and given certain privileges in many prisons, often described as 'elite'. This document however states 'they are treated as a group...though not necessarily by separation or special privileges' and also confirms, as do most Prison Service documents, that the number one priority is security, the first rule being 'keeping them in custody and ensuring the safety and protection of the public' (Prison Service, 1999:9). The manual also states that the sentence plan should be 'structured' and that the service should be 'helping them come to terms with their offence', which should be of benefit to those looking to implement programmes addressing offending behaviour (Prison Service 1999:10). This manual certainly tries to cover every eventuality and scenario, although to be tied to its every detail must be of concern to Governors and private Directors alike, as it could inhibit autonomy or innovation to areas beyond the scope of the document. Basic information for prisoners is provided in the 'Prisoners Information Handbook for life-sentenced prisoners – lifers'. This booklet is written in a question and answer format in an easily readable style and is freely available (Prison Service, 2001).

The case for moral legitimacy seeks to establish whether the conditions in which prisoners are held in are appropriate, humane and acceptable and abolitionists have charged various governments with keeping prisoners in sub-standard conditions for some time and England and Wales is no exception. It argues that the very term 'prisoner' has a dehumanising effect and a 'dehabilitating' rather than rehabilitating effect and they are often places of violence (Scott, 2008:153). However, the public seem to be morally apathetic to the severity of punishment and continues to promote incarceration as a valid form of crime control in the interests of public safety. On several occasions in the 1980s and 1990s, the then Home Secretary, Michael Howard stated that 'austere' is exactly how prison regimes should be (*Hansard, 18th November 1994*).

The present New Labour Government (and a prospective Conservative Government waiting to take over with an equally tough agenda) is apparently insistent on continuing its harsh stance on crime. With an ever increasing use of prison and longer sentencing, a major expansion of the prison estate already agreed, and a commitment to 'penal populism' due to electoral anxiety (Bottoms, 1995), the abolitionist discourse, although compelling, would seem to have little hope of achieving any more than a theoretical victory in the penal reform discourse.

Sykes believes that two wrongs do not make a right and that it is a 'fallacy' that any rehabilitation can be achieved by incarcerating offenders (Sykes, 1958:intro) and throughout history, many notable penal reformers, such as Elizabeth Fry and John Howard have fought against inhumane conditions and treatment of prisoners and the punishment ideal. It could be argued that current regimes, although often viewed as harsh, are preferable to floggings and capital punishment and that this move towards a more humanitarian approach has seen the modernised prison become an alternative to these barbaric forms of punishment and into the kind of institution it is today. Rather than the Victorian treadmill and other pointless punishments, the modern prison provides a place for learning, training and rehabilitation.

The question of moral legitimacy on the surface appears straightforward, but becomes complex on further examination of the scope of the term. Later in this section, the work of Liebling is examined as she strives for checks on quality, constructing a framework in which the treatment and conditions of the prisoner can be viewed through his own eyes and that of the regime. There are of course various official checks on quality already in place; the Prisons Inspectorate, Probation Inspectorate, Prison Ombudsman and at a local level, Independent Monitoring Boards. Of course there are also penal reform organisations such as the Howard League and the Prison Reform Trust. So, on the surface, there would appear to be sufficient checks in place on the quality of provision to ensure that legitimacy would be assured, but of course it is never quite so simple.

3) Research on life-sentenced prisoners

The eminent sociologist Howard Becker asked 'Whose side are we on?'; declaring that it is virtually impossible for the academic not to feel some sympathy towards respondents in sociological research, in fact it is essential in trying to gain knowledge of marginal, hard to reach populations (Becker, 1967:239). Cohen and Taylor alluded to immense sympathy for the inmates of Durham high security prison, whilst teaching and conducting research there in the late 1960s (Cohen & Taylor, 1972). Friendships, even relationships are formed and to the prisoner you are not the enemy (although the authorities can be reasonably suspicious of researchers). Becker did not warn against this forming of relationships and saw them as largely unavoidable, but warned of bias and believed men would not see themselves as victims. This is similar to the 'appreciative stance' favoured by Matza, whereby ideas of correction and deviancy are largely abandoned and instead one sees the subject as something to be understood and his problems to be empathised with (Matza, 1969:72). It is not a matter of taking sides, there is already confrontation in the inmate-jailer power relationship, but an alternative approach is needed.

In fact, Cohen & Taylor's research conducted in Durham in the late 1960s produced some interesting results, most importantly that many people in similar situations to those serving long sentences behave in the same way, a phenomenon that official research does not seem to indicate. Interestingly, this unofficial piece of research conducted by Cohen & Taylor into the effects of long-term imprisonment was duplicated almost exactly by the Home Office, using almost identical methodology and even some of the same sample group, which as the authors point out, was extremely coincidental (Cohen & Taylor, 1972). The authors aim some criticism at The Home Office, although not at this particular project, but at psychological research within prisons carried out by government agencies.

In this research, sample groups were divided into four to enable a longitudinal comparison (new inmates, those having served 3 years, 5 years and 7 years respectively). Following a mixture of psychological, cognitive, intellectual and

personality tests, the Home Office findings were that there was 'no significant difference' between men who had served different sentence lengths (Cohen & Taylor, 1972:203). Therefore, according to Cohen & Taylor, the researchers changed the criteria for the sub-sample groups, one of the many areas in which they became extremely critical of the Home Office researchers methodology and practice. The authors firmly believe that the reason for this is that any official research in this area is undertaken to show that a perceived problem is being researched and is being 'scientifically tackled' and written in a language that politicians understand. It may be that the findings are relatively unimportant compared to the 'window dressing potential' or 'WDP' as the authors refer to it. The three stages are (Cohen & Taylor, 1972:205-206):

- 1) 'A problem emerges or is created'...and appears in journals and the media
- 2) 'A hasty piece of research is commissioned'...
- 3) 'The public is then ritualistically reassured that things are in control'

According to the authors, this piece of official research is symptomatic of such a process and emanates from a report into high-security prisons by the Advisory Council on the Penal System, known as the Radzinowicz Report of 1968. The report moved away from the 'concentration' approach to Category-A prisoners and towards dispersal, but stated that 'practically nothing is known about the vital subject of the lasting effects on human personality of long-term imprisonment' (Cohen & Taylor, 1972:206; Bennett, 2008:110). Indeed, Cohen & Taylor felt that the Home Office had a particularly negative view towards their research and their methodology was criticised, especially the use of unstructured group interviews and assessing attitudes to literature which the respondents were given to read, in order to form literary opinions and stimulate discussion. This unstructured approach however, was the cornerstone of their methodology, moving away from forced and arranged psychological settings and looking to a natural research environment, referred

to as 'talk' and was a radical move away from psychometric testing and structured questionnaires employed by the official Home Office researcher, a technique Jupp describes as 'collaborative research' (Jupp, 1989:140). Although it was true to say that over time Cohen and Taylor's research, which had started off as sociology classes, became more structured, but the notion of participation by respondents and a deliberate lack of control and direction remained central to the methodology.

The respondents were able to read through the research papers, often correcting matters of fact and commenting on the language, which they did not always understand due to it being too sociological or academic. This fairly radical approach, although ethically good practice, certainly does not fit in with the three stages of official research as perceived by the authors but endeavoured to uncover a more phenomenological and realistic picture of prison life (Cohen & Taylor, 1972). This technique has since become a reasonably standard tool of the prison researcher. This dated research remains one of the few studies to look at the psychological effects of medium and long-term incarceration and the radical methodological techniques raised the issue of the effectiveness, reliability and validity of social researchers using such unstructured techniques and if they can be 'objective observers' best placed to produce valid results. The Home Office at the time certainly did not believe so and very much favoured the well-established, highly structured approach, to the detriment of this important study (Jupp, 1989:140).

An important point is to establish if the effects of long term imprisonment are temporary or permanent and according to Sapsford, psychological deterioration should only be considered so if proven to be irreversible (Sapsford, 1978:143). In 1983, Coker looked into this further with a study of 239 lifers and discovered that any psychological damage was reversible, with inmates coping well on release. He points out however, that most of the sample would appear to be from lower socio-economic groups and it could be argued that this group are the most vulnerable to psychological deterioration in most circumstances (Coker & Martin, 1985). Researchers in this field, as previously stated, admit that there are immense problems with studies of this

type, both methodologically and practically. There are many difficulties, including problems with access to prisons, stereotyping of inmates, comparisons with non-prisoners and also the reliability of the data given by offenders.

Most sociological studies have been designed to look at the prisoner experience in the closed and almost autonomous institution of a prison and to attempt to assess the effects of incarceration in both the long and short term and at how prisoners organise themselves and adapt to survive. Sykes looked at the oppositional regime and the struggle of prisoners against prison officers, whereas Mathiesen discovered a degree of consensus between inmate and jailer in Scandinavian establishments. Such sociologically grounded studies looking at 'prisonization' and the long or short-term effects of imprisonment may be too broad, in fact the whole raft of 'effects' literature, which is included at various points of this thesis, whilst compelling, is often contradictory and leaves the reader uncertain as to whether prison life is actually damaging or repairing (Liebling, 2008:80).

Research conducted by the Prison Reform Trust in this area has already been briefly mentioned. It consists of a relatively small but nonetheless interesting and relevant study of 89 lifers in five prisons, published by Claire Sparks in late 1998 (Sparks, 1998). It is interesting because although giving good background to the life sentencing policy and the process of the sentence, the basis of the findings emanates from qualitative interviews with lifers, reflecting the methodology of this thesis. It attempts to show the difference between policy and reality and putting aside the fact that the research is formulated by an organisation promoting prisoners' rights, it does have some validity. The sample of 89 is a good size sample for a qualitative study, although it is restricted to men, which is often a problem, due to the fact that the vast majority of lifers are men. It does, however, contain a mix of mandatory and discretionary life-sentenced prisoners. It is mainly concerned with highlighting how the process should work, especially the sentence plan, pointing out that in reality lifers are frequently not treated as the Lifer Manual and legislation dictates.

Sparks' methodology is qualitative, with prisoners' quotations used to enhance the analysis in looking to uncover depth and meaning. The main problems identified were: the slowness of the system, the lack of information given to the prisoners and the lack of contact with officers, some of whom were responsible for writing reports on lifers that could have consequences when consideration for parole is given. The majority worked out just what was needed to move towards possible release on license but admitted they did not always know how to go about it, also feeling they received little guidance from staff. Many were unaware that they were not doing the right things until it was mentioned in an official report at a sentence-planning meeting, a stage that could delay a client's progress for at least 12 months. Much blame is apportioned to the increase in lifer numbers and staff shortages in the Prison Service. It is a useful insight into the many problems faced by life-sentenced prisoners as they progress through the system and try and make sense of it (Sparks, 1998).

Flanagan looks somewhat critically at several research projects on life sentences and long term prisoners conducted in the USA, although the findings are valid when comparing problems of lifers in England and Wales. Several studies sought to investigate how long-term prisoners suffer, how various facets of their lives deteriorate and identify possible causes of this deterioration, mainly by looking at the different way prisons are run and using these as variables. Researchers have also tried to establish how incarceration had changed inmates psychologically but Flanagan concedes that 'virtually no convincing evidence' has been put forward that would add to our understanding (Flanagan, 1982:117). Indeed, as previously stated, much research would point to the fact that long-term imprisonment is not as psychologically damaging as is widely believed and is rarely irreversible

This 'deterministic' view of deteriorating personal states increasing proportionately with the length of incarceration is a somewhat simplistic view and does not take into account the differing responses of individuals and fails to consider human adaptive strategies (Toch, 1975:5). Although it is

recognised that such cognitive behaviour is extremely difficult to measure, it is extremely important and certainly should not be ignored due to the difficulty of access and assessment (Flanagan, 1982). The treatment of lifers seems to fall into the category of 'humane containment', usually in conditions of maximum security, segregation and with little political will for an alternative goal (Cohen & Taylor, 1972:95). The human cost of long-term imprisonment is high and it is in this area that efforts should be directed, as reducing this human cost is not only humane, but most likely to 'yield rewards in the near future' (Flanagan, 1982:127).

Flanagan is also concerned both with stress amongst long-term prisoners and with links to the outside world, predominantly the importance of family ties forming part of the deterioration he identifies. Stress could certainly affect motivation and the cutting of or lack of family ties could have an effect not only on motivation but the psychological state of the long-term prisoner, especially if the prisoner feels the relationship, possibly due to stigma of attachment or the seriousness of the crime could be lost 'irrevocably' (Flanagan, 1982:118). It has been noted that even where family ties have been kept initially, the prisoner's role whilst incarcerated obviously diminishes and contact often decreases to a relatively low level (Cohen & Taylor, 1972). Indeed, it has been suggested that those who desperately try to maintain a high level of contact, often unsuccessfully, actually add to the stress already incurred by being incarcerated for long periods and those that do not attempt to keep contact actually cope better (Farber, 1944 cited in Flanagan, 1982).

A brief synopsis of Home Office research throughout the 1960s and 70s is provided by Sapsford and Banks, although the prison population at that time was much smaller, the numbers of life sentenced prisoners stood in the region of 1000 in the late 1970s (Sapsford & Banks, 1979:20). At that time, penal policy in England and Wales was of great interest to the rest of the world, not only due to the increasing numbers, but also due to the fact that it was one of the only systems with such high numbers to be managed centrally, often with great attention to individual cases. The increased numbers caused not only problems of allocation, but also problems of higher numbers eligible for

resettlement and release. Accordingly, the authors point out that studies were not just concentrated on psychological studies, looking predominantly at the composition of the lifer population, especially changes since the abolition of the death penalty in 1965, but several looked at 'management-orientated' projects (Sapsford & Banks, 1979:20).

The difference in research finding pre and post-abolition of the death penalty is noteworthy, the change in the lifer population (containing a much higher percentage of those convicted of murder post-abolition) affected research findings significantly. Early research in the mid 1950s looked at 88 men convicted of murder, at a time when the Homicide Bill was under review and most convicted murderers were automatically reprieved. The most notable finding in this study was that the majority of prisoners were transferred to Broadmoor, having been diagnosed with a mental disorder, confirming the commonly held view that the Prison Service, as with most official agencies, does not easily identify mental illness (Sapsford & Banks, 1979).

There has always been a fascination to identify the characteristics of the typical lifer, the majority of whom were believed to be murderers and most studies were psychological. Since the abolition of the death penalty, this 'hard-core' was believed to be made up of notorious and extremely violent killers, prisoners that would have previously been sentenced to death (Sapsford & Banks, 1979:34). A study looking at 221 lifers convicted of murder and diminished responsibility manslaughter between 1956 and 1962 concentrated on offences and it was found that those serving longer sentences were more likely to have committed a sexual or violent offence, that they are repeat offenders or had suffered some kind of mental abnormality in the past. It likely that the introduction of diminished responsibility manslaughter in 1957 significantly affected the make-up of the lifer population, especially the increasing practice of placing those convicted in prison rather than mental hospitals (Sapsford & Banks, 1979).

In contemporary penal debate, the subject of mental health is relevant and problematical. The authors point to research at that time, revealing that small-

scale psychological studies showed that there were some changes in personality and attitude, apparently related to the length of time detained but evidence of an 'institutionalisation syndrome' often believed to exist in mental hospitals was found to be questionable (Sapsford & Banks, 1979:46). Surveys of mental illness show that up to 40% were diagnosed as 'disordered' by the time of conviction, 11% of these were serious enough to be admitted to hospital (Sapsford & Banks, 1979:47). Sapsford also looked at the coping strategies and changes in psychological states caused by long-term incarceration and found that many inmates became introverted, suffered increased institutionalisation and a deterioration of the quality of family relationships. As previously stated, one of the aims of this research was to discover if any such damage was permanent or temporary. Interestingly, with this thesis in mind, it was found that motivation was lacking in those sentenced to over 12 years. There was a distinct lack of interest in self-improvement and keeping mentally active, possibly caused by a decrease in 'future time perspective', especially with indeterminate sentence lengths, a notion that is still relevant in contemporary debate (Sapsford, 1978:146).

4) Doing prison research

Scott asks us to use our 'criminological imagination' and think what it might be like to be in a prison cell:

'Imagine being locked in your bathroom – put an inspection hole in the door; put bars on the windows; remove the bath and in its place, put three beds. Then imagine what it might be like to spend 15-23 hours a day in this 'cell'...you must eat, sleep and shit in your cell in the company of others, and it is possible, that all three activities may be going on in this small space at the same time.' (Scott, 2008:11)

Most who will read the research, even at quite a high level, will probably have a good theoretical understanding of prisons, but probably will not have experienced more than a 'day trip' to view the inside of a prison. It is important therefore, that the researcher attempts to describe the atmosphere as vividly as possible and as has been documented in the previous section looking at 'sociology' in prisons, this can be a strange and forced environment. The only people who have real experience of prisons are those who work within them and perhaps more importantly the prisoners serving a sentence, spending 24 hours a day on prison wings.

This section details some of the methodological and practical issues involved with conducting fieldwork in prisons, how the researcher reconciles himself to blending in to this unfamiliar environment and some of the established and more contemporary methods in use to try to uncover the truth of the 'lived experience' of a prison sentence. Although not concurring with the view that the higher a prison wall, the greater the thrill for the researcher (King & Wincup, 2000), there is no doubt that conducting any research inside an otherwise closed institution is extremely interesting, challenging and a great privilege. There are many stages to negotiate, including ethics, access and practical issues, which will be discussed here.

a) Access and Gatekeepers

In any form of academic research it is vitally important to have practical access to the sample population and in the case of closed institutions such as prisons, this can be difficult. Those responsible for granting access may be sceptical about research generally, in that much academic research has historically tended to focus on the negative aspects and failings of the prison process, so there is sometimes an understandable lack of enthusiasm to be involved. Piacentini refers to this as 'penetrating the penal periphery', although that said, there is sufficient access to many prisons and most research is now centrally coordinated (Piacentini, 2007:154).

The whole process of access has been revised and 'formalized' and for public prisons is contained in PSO 7035 and consists of a single application form. The lengthy form requires detailed knowledge of the research aims and particularly the amount of staff time that would be required (King & Liebling, 2008:434). Small scale individual projects may still be arranged through the individual Governors or presumably an approach to a Director of a private prison, as there appears to be no formalised route into private establishments. Even though the forms are lengthy and detailed, we are certainly witnessing a more open agenda and cooperation from public prisons to open their gates to academic research, but this has not as yet penetrated the private sector or indeed the area of life-sentenced prisoners to any great degree (King & Liebling, 2008). This thesis could be the start of the private sector being involved in research in earnest.

Choosing a prison to research is difficult and depends mainly on the research question and importantly, the availability of a prison and an accessible sample. In the case of this thesis, access was offered by HMP Wolds, which simplified the issue somewhat. Harvey found that his connection with an established higher educational institution worked very well in gaining access to a closed institution and gained access to Feltham Young Offenders Institute at a time when adverse media reports had made it the centre of attention (Harvey, 2008:488). Access was offered to all parts of HMP Wolds, with

virtually no restriction, something that Harvey realised needs to be negotiated, as prisons are complex organisations, often internally separated by function (Harvey, 2008:88).

So to have open access to HMP Wolds was invaluable, but that access came at a price and a week long security course had to be negotiated, but only after careful consideration of the possible adverse effect on the research. It was decided however, that due to the low classification of the prison (Category-C training prison) that carrying keys would not impinge unduly on the research but would greatly aid access – further discussion on the practical and ethical issues of carrying prison keys is covered shortly.

Permission to enter the research environment must always be sought and it must be pointed out that Cohen & Taylor's work did not have official permission and this is something that ethically, the researcher simply cannot allow to happen. The gatekeeper of the prison estate is the Home Office in the public sector and a manager of a private company in the private sector. Contemporary research in the public sector is largely achieved by application to the prison, with the Home Office or more recently the Ministry of Justice having the final say. This can be problematic; government funding could complicate the issue, as there could be an expectation of 'strings attached' to make the project look favourable and this could affect access arrangements (Piacentini, 2007:154).

Having unrestricted access not only makes best use of time, but also helps with assimilation into the prison. Prisoners get used to seeing the researcher and much can be gleaned from casual conversation. Looking at a single prison could be considered too narrow and some would criticise a lack of comparison with other prisons, but there are distinct advantages with immersion in just one prison. Making frequent and lengthy visits (becoming a part of the scenery) makes it easier to conduct interviews with no formal timetable, enabling the researcher to gain confidence and rapport with the cohort. The researcher is not viewed as an outsider, but neither as a member of staff. It is an approach rooted in ethnography, observing the cohort and

interviewing members of the group. It helps to understand the dynamics of the Lifer Unit and how it functions on a day-to-day basis, similar to Harvey's approach in Feltham YOI, which he describes as an 'embedded approach' (Harvey, 2007:488).

b) Ethical and practical considerations – a 'key' issue

At this point it would be useful to explore ethical and practical dilemmas that face the prison researcher, starting with the thorny issue of a prison researcher carrying keys. The practice appears controversial and there are several notable prison researchers who are happy to carry keys and others who feel it is ethically indefensible.

Although feelings are seemingly mixed amongst prison researchers as regards drawing and carrying prison keys, a four-day training and orientation course was undertaken with Group 4 prior to the commencement of the research, enabling keys and a radio to be carried. On successful completion of the security training, this allowed entry to the prison to all areas without the need for an escort. Issued with a 'Group 4' identification badge clearly stating 'researcher' and a University name-badge to aid identification, access to the prison without notice was approved.

There are certainly ethical dilemmas in being perceived as a figure of authority or part of the establishment. To be seen ostensibly as a member of the prison staff could put the researcher at a distinct disadvantage and could affect the cooperation of the interviewees and the quality of the data. Other techniques such as ethnography or covert participant or non-participant observation, are not an issue within prison research as they are unrealistic and unfeasible. A researcher cannot simply 'blend in' to these surroundings and being admitted as a sentenced prisoner would be the only way to be truly covert - the ethics of such behaviour would certainly be open to question and difficult to achieve. Holding keys and becoming familiar with the prison layout makes a huge difference to planning and conducting interviews.

Dress is an essential element in gaining acceptance and casual jeans and shirts are the order of the day but despite dressing down the researcher will always have a slight air of authority within the prison. The only way to dispel this is by communicating with inmates in the hope this can be diminished or alleviated and subsequently gain their confidence. This is indeed a great skill and if this rapport can be achieved, holding keys does not compromise effectiveness or the way inmates perceive the researcher's presence but it does enable far more effective use of time and resources. One simply cannot avoid appearing as a figure of authority to a certain extent, as prisoners generally separate prisoners from non-prisoners and the latter category always carries a degree of suspicion.

Not requiring a constant escort also means that an inordinate amount of the staff's valuable time is not unduly impinged upon, promoting a much healthier attitude to the research. Whilst conducting a previous research project, one Prison Officer had spent almost three hours of his shift escorting me each day, so this can help to alleviate such perceptions that the researcher is taking up an inordinate amount of staff hours. Time is a consideration and research impacts on both staff and prisoners, although less so on prisoners (King & Liebling, 2008). Staff can also be frequently be sceptical about research projects, as most published articles seem to question the quality of the establishment and in turn the staff. Safety issues are obviously paramount but CCTV covers most interview areas, a personal alarm is issued with the keys and assistance could easily be mustered *via* the radio carried.

When given the opportunity to carry keys and undergo security training, the belief was that this would be so beneficial organisationally, that it would outweigh any ethical limitations and that would be the end of the discussion. However, since completing this piece, I have found the depth of feeling against this practice from colleagues and other penal researchers to be somewhat surprising. There appears to be no middle ground on the issue and as Liebling observed very recently when compiling a list of 'dos and don'ts' of prison research, that her co-author Roy King fundamentally disagreed with her stance on the ethical acceptability of carrying keys whilst

conducting research in prisons (Liebling & King, 2008:443). To Liebling, as a researcher who accepts carrying keys, there seemed to be an element of surprise in her co-author's disclosure and it continues to be a controversial practice in the eyes of many prison researchers.

Criticism was certainly directed at Jewkes by Sim in 2003, whilst reviewing Jewkes's book 'Captive Audience', when he clearly articulates that this is a 'contentious issue' for researchers in prisons and that just because it makes access easier, does not make it ethically correct (Sim, 2003:241). In Sim's view, the idea that keys are issued by the 'authorities' is in itself ethically 'indefensible' and has 'symbolic connotations' for the researcher within the power dynamic (Sim, 2003:241). The polarisation of the debate within a small and specialist field is maintained.

This thesis maintains that prisoners generally separate individuals in the prison into just two categories: prisoners (us) and non-prisoners (them). Any trust must be earned through developing a good rapport and it is my firm belief that keys make little or no difference to how prisoners perceive the researcher, it is much more about how one acts, how you communicate and relate to the respondents as individuals, on a one-to-one level. There is an obvious subordinate power dynamic between uniformed Prison Officers or Supervisors and prisoners, but it must also be explained to readers who are not familiar with the inside of a prison wing, that there are many non-uniformed individuals who carry keys, including psychologists, medical staff, catering staff, grounds maintenance staff, probation staff, social workers, clergy, workshop trainers and education providers, to name but a few. Visually, within HMP Wolds, those carrying keys in civilian clothing often seem to heavily outnumber those in uniform and the power dynamic between non-uniformed staff and prisoners is certainly less severe.

The argument is therefore, that particularly at this lower category of prison and particularly in a private prison with several civilian providers evident within the facility daily, prisoners are used to a plethora of non-uniformed staff carrying keys, and certainly seem to understand that the reason is one of

mobility rather than power or discipline. The carrying of keys was discussed with the cohort at the start of the fieldwork and all clearly understood the reason that keys were being carried and that it did not mean that I represented the 'authorities'. It was always made explicitly clear that this was independent academic research, conducted on behalf of the University. In my view, the message was received and understood.

There is an argument that civilians may feel threatened whilst carrying keys or may be vulnerable. This is understandable, but researchers, especially ethnographers have historically put themselves in questionable and sometimes risky situations in the name of research. In truth, I never once felt threatened in over two years of carrying keys at HMP Wolds, in fact, I have felt far more vulnerable and even 'in danger' interviewing apparently much 'safer' ex-prisoners in the community. For a lifer to commit an act of violence towards a researcher at this advanced stage of the sentence would have a severely detrimental effect on progress to open conditions – it would not be in their best interests and they are very aware of that fact.

On a positive note, the freedom of movement it gives the researcher is invaluable as a time-management tool. Those experienced in prison research will undoubtedly appreciate that comment as issues of gate-keeping, security clearances and access can be a frustrating and time-consuming exercise. Prisons can be difficult to access at the best of times and can take months of negotiation.

Following discussions with the Director, access to this cohort of lifers at HMP Wolds was dependent on working in this way due to critical staffing levels. So, in further defending my actions, it should be understood that without undergoing the training course enabling keys to be carried, this research would simply not have been able to take place. If this or any other opportunity to conduct unique research in this closed environment is prevented by the insistence of keys not being carried, then much data will remain undiscovered, although to Sim, this is apparently a price worth paying. The argument against keys may be stronger at a higher category of prison, such as a high-

security prison or YOI, but it can no longer be dismissed as simply 'unethical' in all circumstances of prison research. Several notable researchers, including Liebling and Jewkes have carried prison keys, so it is certainly not a new phenomenon. Hopefully the resistance to the idea that holding keys places the researcher in a position of power within the dynamic and adversely influences the research will fade in time and a more balanced view could be adopted, if not generally, then at least on a case-by-case basis.

Part of the trust and rapport being built with the respondents involves confidentiality, something which respondents need to be aware of and understand from the outset of the fieldwork. This is a sensitive subject and the subjects need to know how you will use the data and if they will be recognised. It is good ethical practice to gain a signature on a simple 'consent' form and this should be re-negotiated at each stage of the fieldwork, continuing consent should not be assumed - this was certainly the case in this thesis. Some prisoners do not mind their identities being compromised, but others are understandably fearful of repercussions if seen to be critical of the regime or individuals within the prison, both staff and fellow inmates – it is important that their wishes are adhered to. Assumed names can be used to mask real identities, but again this must be agreed with the respondents concerned.

c) Sensitivity to surroundings

Don't say much – 'retain your neutrality; try not to take sides' (King & Liebling, 2008:444)

Staying neutral is certainly a dilemma for the prison researcher. When there is an aspiration to be value free, as there is throughout this thesis, the seminal writing of Howard Becker on the subject of neutrality certainly possesses more than a degree of resonance. In sociologically based qualitative research, there is usually a concerted effort to be neutral that sees researchers attempt to comply with the recognised guidelines for such methods, indeed it is usually a demand placed upon them by those overseeing or supervising the project. Becker pointed out that this is somewhat of a puzzle and that the urge to be neutral may be both a natural

desire and an attempt to 'stick to the rules', but in reality is probably not achievable (Becker, 1967). Ethnographers and qualitative researchers have historically become caught up in the relationship between themselves and the subjects, our real selves and personalities become 'entangled' with others in the dynamic – namely the researched (Piacentini, 2007:154). Indeed this closeness can be a positive, it can break down barriers between the researcher and the researched, as evidenced in Cohen & Taylor's research in HMP Durham, where former convict John McVicar described how Laurie Taylor's nervousness and vulnerability brought the interviews to life, this can add a richness and honesty to the data (Cohen & Taylor, 1981).

Becker's 'Whose side are we on?' is a well known and frequently quoted phrase that really puts this into perspective (Cohen & Taylor, 1972:180). Becker firmly believes that qualitative research cannot be totally value free, particularly when researching in an environment in which there is a hierarchy of power, such as schools, hospitals and of course, prisons. Becker refers to this phenomenon as a 'hierarchy of credibility', something he believes sociologists are accused of when appearing to take the side of the powerless and also extends to the idea that it is the powerful that define what is actually going on and define the 'way things really are' (Becker, 1967:240-241).

The prison fits in particularly well with this idea, and Becker specifically refers to prison research as an example, stating that the researcher is usually researching either the prisoners or the prison staff, but rarely both. The researcher will undoubtedly be more familiar and have more understanding with whichever group is being researched and will probably have some sympathy with that group. Whilst ethics is undoubtedly a vital component of good research, it must be said that when researching subordinate and powerless groups, such as prisoners, it could be argued, as Becker suggests, that one must take sides in order to produce authentic data. As part of this power dynamic, intentionally or unintentionally, to be tied completely and fastidiously to the ethical code and an insistence on being technically correct in neutrality could indeed result in an inability to collect quality data.

As an effect of working closely with prisoners within the confined prison environment, it is also quite natural that staff may feel sympathy or empathy with those they control (Arnold, 2005:416) and the Prison Officer/prisoner dynamic cannot be ignored. To take the argument in a slightly different direction, Liebling believes that the prison researcher does not have to take one side only, that it is possible to be appreciative and have a degree of allegiance to both sides in the power dynamic, namely the subordinates (the offenders) and the 'superordinates' (the staff) (Liebling, 2001:473). It is vital that trust and rapport is achieved with both 'sides' so that there is an honesty to the practical collection of the data. Making a further conundrum of Becker's idea that it is impossible not to take sides, Liebling suggests that it is both healthy and productive to take more than one side, without deference to either and in fact sympathy is not something limited to the subordinates, but could also be something the researcher feels towards the staff, many of whom work very long hours under a great deal of pressure and often at considerable risk (Liebling, 2001). This idea is one that this thesis has strived to accommodate with a concerted effort to be fair to both 'sides', to try to disregard 'sympathy' and not to be bias towards the subordinates.

One of the worst-case scenarios in an interview situation is receiving complaints from prisoners about individual members of the prison staff or a particular situation. When these complaints are passed on to the management, often without consulting with the staff involved for a response, the management view is that there is bias in the research and that you are simply taking the side of the prisoners. From experience of the fieldwork in this thesis, the Director of HMP Wolds wanted the data to be honest, from prisoners and staff alike. These two types of interviewee see the prison and problems within it from a completely different perspective, but both sides can be accommodated and both contribute worthwhile data. Subordinates (the prisoners) may simply tell it as they see it, some with blatant honesty and this may not be favourable to the staff and conversely, some staff may have a dislike of certain prisoners. The stance of the Director, who was consistent in his approach to neutrality and honesty, was crucial and made any critical reporting easier. It could be very difficult to write a hyper-critical report on an

organisation which has funded the research project and it is difficult on occasions not to feel that as a researcher, one could disappoint the Director or other members of staff by being severely critical and this could inhibit the research, especially when poor treatment or conditions are discovered (Liebling, 2001:479). A report was made to the Director at the end of each fieldwork phase, although King & Liebling recommend against this as they believe it can affect neutrality if bad news emerges (King & Liebling, 2008:445).

It would seem almost incomprehensible that serious criminals who have been removed from society (as in the case of the cohort of lifers in this thesis, the majority of whom had been convicted of murder) would engender feelings of sympathy from the researcher but human nature sees us make attachments that may seem illogical but are often unavoidable. The prisoners are humans and the very personal nature of the interviews can cause a relationship (of sorts) to form, a relationship with deviants that Becker sees as quite normal and understandable (Becker, 1967). There is therefore, due to this individual, personal 'hands on' nature of qualitative fieldwork, little chance that the researcher will not have some sympathy with the group that is being researched at the expense of the group that is not. This severely jeopardises the 'value free' stance attempted by the researcher, who may unintentionally take sides, to the extent that Becker firmly believes that all research is unavoidably contaminated by the researcher's beliefs. Although individual values and biases could be minimised, they cannot be completely eradicated. Being sympathetic and taking one side or another could certainly distort the data to a degree but it does not make it unusable. Historically, the qualitative researcher or ethnographer invariably leaves his individual mark on the data collection process.

Every effort has been made from the very start to remain value free in this thesis. The worst-case scenario – the personal complaint – has already been mentioned and several complaints from prisoners were received - that is the nature of this type of research. Some prisoners do view researchers as somebody who may be able to 'put a word in', which is at odds with the

attempted representation of a completely neutral figure conducting academic research. It can put the researcher in a difficult and uncomfortable position ethically and therefore any complaints were handled sensitively, always discussed with the relevant staff and very rarely passed to management. No promises were made to prisoners and it was made clear that this was not my function. There was a deliberate decision not to read case notes of the cohort, some of whom were very well known for their crime as it was felt that this could influence the relationship between the researcher and the interviewee. It was better just to be aware of the offence and not too many details of the individual or exactly what the offence consisted of so the focus could be squarely on the process of the sentence, rather than being influenced by the severity of the offence.

Having read Becker's work prior to starting the research, the idea seemed relatively abstract, but there is certainly much truth in the idea that totally 'value free' research is impossible due to the human nature of the researcher and the enforced familiarity, almost intimacy with respondents due to the lengthy face-to-face interviewing schedules. The fieldwork experience within a prison, looking predominantly from the perspective of the prisoner, has confirmed to me that Becker's argument does hold. If you are researching one part of a hierarchical structure, one will have some sympathy with that group and probably not look at both sides equally, therefore in effect, unwillingly and unintentionally, the researcher takes sides, something the reader would notice quite easily. It takes a concerted effort to attempt to follow Lieblich's preferred idea and take both sides wherever possible.

d) 'Grounding' the theory

One theory that was not prominent in preparing to conduct this research or at the conceptualisation stage, but in retrospect certainly became relevant after the fieldwork was conducted, is the Grounded Theory approach, first developed by Glaser & Strauss in 1967 (Glaser & Strauss, 1967). It is somewhat ironic that this theory was seen as being relevant after the data collection and into the analytical phase of the project, as this is precisely the stage that this theory alludes to. The idea involves inductive theory

generation, not just in qualitative method, where induction is an expectation, but across all forms of research, including the more structured and generally deductive quantitative methods. Here, the main theory can be tested (as is considered a prerequisite of this approach) but at a later stage, additional theories may be generated both from the data collection and subsequent analysis. This is in direct contrast and according to Bottoms, 'conscious opposition' to the more standardised and theory deductive approach of hypothetico-deductive theory, developed from the natural sciences (Bottoms, 2008:98)

A theory is 'grounded' by applying a series of systematic 'tests', where it must conform to the following criteria; fit, in that the theory fits the data; understanding, meaning that those in the field will understand the language and the context of the theory; control, so the researcher is in control of the data; generality, the theory will be applicable in a variety of contexts. The theory is therefore derived from analysing the data, specifically from the phenomenon under observation, rather than from testing of previously formulated or constructed hypotheses, it is a process of discovery and one of comparative analysis, the basics being 'concepts, categories and propositions' (Corbin & Strauss, 1990:7; Glaser, 1978; Bottoms, 2008).

More attuned to my research, is that Grounded Theory recognises the subtlety of the means of data collection and the sensitive nature of dealing with the respondents and this allows the researcher to develop an insight into the phenomenon and gives the research some individuality – the general aim of this thesis. As respondents, prisoners require sensitive handling and how they are interviewed is central to the data collection process. The way that process is carried out is vital to ensure quality data. This is a major consideration in Grounded Theory, which accepts that most interviews are a mixture of active, but mainly passive listening, always trying to remain neutral to the process but remaining sensitive. Becker's idea of taking sides, that some of the researcher's personal beliefs and ideas may influence both data collection and analysis (researcher bias) is apparent and largely unavoidable, but can be minimised.

Grounded Theory, like qualitative research generally, is frequently criticised for not being able to relate with aspects of the real world, although it is recognised that an internal logic and therefore validity can exist in such unique research environments (Hammersley, 1992). It has been suggested that Grounded Theory falsely assumes that there can be facts that are ‘theory neutral’, which is highly unlikely (Bottoms, 2008:98). There has also been criticism from constructivists that a Grounded Theory researcher could almost make up or ‘invent’ missing parts of the data and that the researcher ‘composes the story’, rather than letting factual data inform the analysis (Sharmaz, 2000:15). This suggestion does not make sense, as the analyst would not be in a position to ‘concoct’ data if it isn’t there. The data used by the Grounded Theory researcher is the data as collected and should be analysed in that way, although within this theory there are no checks to ensure that this is the case. It is also problematic to suggest that absolutely everything can be data and qualitative researchers who employ this technique have been accused of paying too much attention to the development of theory and too little attention to empirical data (Bryman, 2004:401).

The fieldwork in this thesis took place in a particular time and place with sensitive and vulnerable respondents in an institutional setting. It proposed a general theoretical framework, rather than a specific research question - asking if a private prison could progress life-sentenced prisoners through the prison system, the first time a private company has been given the opportunity to deal with such prisoners. This evaluative study was never intended as a comparison, but as an extended longitudinal observation over an 18-month period. Direction would always be dictated by the data analysis at each stage and new theories would be generated inductively in the great traditions of qualitative research and although not modelled on the approach, it certainly has more than a passing resemblance to aspects of Grounded Theory.

Layder’s adaptive theory could also be relevant here to a certain extent, in that the researcher should always be aware of existing theoretical frameworks within the subject matter, all data is ‘theory laden’ but also be ‘adaptive’ to

new theories that further shape the data and alter the perception of the original framework (Bottoms, 2008:100; Layder, 1994). It is about knowing the theories that exist but being responsive in interpreting data and flexible in methodological approach.

e) Assessing quality through ‘Appreciative Inquiry’

Historically, the vast majority of accounts of prison life seem to focus on what has gone wrong and attempt to work out why. Issues such as low staff morale, intimidating or violent cultures, the poor treatment of prisoners, prison riots, disturbances or unexpected deaths in custody – the list is almost endless. It invariably centres on the misery of suffering prisoners in overcrowded prisons and a fragmented and under-performing Prison Service that is seen as a primary cause of these well-documented problems. This is an attempt to uncover the truth by asking difficult questions and by critical observation, often described as ‘critical inquiry’ (Scott, 2008:52). As Liebling points out, contemporary research projects do not always fare much better, tending to look at specific policy implementation and effects and often seem barely relevant when the policies themselves (such as monitoring ‘out of cell’ hours) are narrowly conceived (Liebling 2005). This is not to decry previous research as ineffective, but if the regime and management ethos have changed in the penal system then as researchers, we must strive to research differently and meet the challenge with new techniques.

There is currently no real consensus as to how issues of quality of life or regimes should be measured or approached methodologically and even defining ‘standards’ is very difficult, especially when the experience of the prisoner is sought. It is very difficult to acknowledge the factors that would make a study of the quality of prisons more methodologically sound and acceptable, with a more rounded and thorough approach. Little can be measured quantitatively but it is important to try and get an imaginative ‘feel’ of the way the prison is perceived by both staff and prisoners. The Prison Inspectorate, by its very nature, tends to focus on visible deficiencies, whereas this research is more focused on the lived day-to-day experience.

Such research looks at the regime from the experiences of the prisoners, whilst being very careful not to ignore the views of the staff, who can often feel ignored when this type of prisoner-focussed research is conducted. It is very easy to slip into a mentality that measures only the things that are easily quantified and visible and not to concentrate on uncovering the 'harder to reach areas of research' and Liebling alludes to the fact that there is already a reasonable amount of 'prison measurement' literature that does just that and is therefore limited in scope (Liebling, 2005:129). Such measurements can be misleading and often do not do the performance of the establishment and staff justice. Innovation needs to emerge and develop to enable empirical findings to be fused with imaginative sociological and anthropological research, to enable us to understand what prisons are trying to achieve at a micro level and what the prisoner's experience of the system is in reality. Prisoners are in effect, clients, they may not have chosen to be so, but they are in receipt of a service administered historically by the state.

Appreciative Inquiry (AI) is a management based research tool, a mainly qualitative technique that focuses on the positive, as it strives to understand what is happening dynamically when an organisation is working to its optimum performance and when best results are achieved, rather than discovery by critical review. As a management tool it has been in existence since the 1970s in the USA and has been adapted for use in prisons and successfully utilised in the UK since the late 1990s (Elliott, 2008:13). It is basically trying to establish 'what is best' in an establishment or organisation, both identifying weaknesses but more importantly, best practice (Liebling, 2005:133). In a prison environment this would involve calm day-to-day running with few incidents and for the inmate, living in a safe, secure environment and being able to make progress unhindered through the system. It is both creative and inductive, looking for the 'lived experience', questioning respondents about 'prison values' and its focus on the positive can generate enthusiasm in the participants (Scott, 2008:53).

AI is certainly not without its critics and Scott summarises the main criticisms levelled against this innovative and contemporary approach to penal research. Firstly, critics suggest that it may not uncover the truth, largely ignoring any negative aspects as it strives to accentuate the positives of the regime, secondly the more traditional prison researchers may not consider it a research method at all and finally, it may be too closely allied to government funding in many cases and there is a fear that the research could be 'manipulated', with the researcher succumbing to being a 'technician of the powerful' (Scott, 2008:53), impacting on the validity and reliability of any study. Liebling refutes this, firmly believing that although AI is looking at accentuating positive achievements within prison regimes, there is room to document the failures and the negative, so that the respondent dwells on the best *and* the worst of experiences, there is no exclusivity. The approach is also based very much in the present and future, so impacts upon the positive aspects intending to invite positive change to prison regimes leading to real improvements (Liebling, 2004; Scott, 2008). The balance between critical and appreciative research values may not be completely polarised, both approaches are seeking to uncover the reality of prison life and improve prison conditions, but with differing approaches.

Prisons are now awash with targets, audit teams and 'ticks in boxes', especially those that must conform to contractual obligations. Key performance indicators (KPI) can be an important measure of quality, especially in the private sector, where contract compliance leads to data being collected on a range of subjects. If nothing else, indicators and targets can stimulate Governors/Directors and prison staff (and to a certain extent the prisoners) into wanting the prison to do well and achieve the targets set. It can be problematical, as an indicator can show good progress and a target achieved can show good progress, but not if the achievement is not understood or if it is the wrong factor to be subjected to measurement. This shows that there are 'conceptual gaps' in measuring quality and the performance agenda technique has been described as being too narrow (Liebling, 2005:128). Certain aspects of prison life or potential outcomes

could be described as empirically uncertain and simply cannot be measured but merely approximated.

For example, ensuring a certain number of prisoners complete offending behaviour programmes by target setting is a laudable approach on the surface, but only if the programme is the correct one for that prisoner to enable him to address and reduce a particular risk factor. To then assess the effectiveness by reconviction rates alone will only inform us of the eventual outcome - it does not inform us of specific progress made to address the behaviour itself. Any improvement may be a considerable achievement and may not necessarily have been a factor in subsequent re-offending. Also, if as part of the 'regime monitoring' introduced in the mid 1990s, data collected on targets and indicators associated with safety and treatment of prisoners indicate that they are poor or sub-standard, Liebling questions the reasons as to why does this not alert the Prison Service to 'the hazards of quality' (Liebling, 2005:144). It would seem a strange paradox to be able to meet targets on issues such as humane treatment and violence, yet be possible to have a regime with this type of problem occurring regularly in a culture of violence and poor treatment in some prisons. As Liebling rightly argues: 'there are conceptual and methodological limitations to current prison research techniques, particularly in relation to the measurement of prison quality' (Liebling, 2005:131).

AI is one method of trying to 'get under the skin' of the regime, is to use traditional qualitative methods by conducting semi-structured interviews and subsequently coding and analysing the data, which is part of the process used in this thesis, but also to focus on the positives of the regime and has been used to great effect in recent years. Over the last decade, Liebling in particular has pioneered this innovative technique effectively in the area of prison research, at a time when targets, KPIs, facts and figures were starting to take over penal research projects. There currently exists an audit culture in the penal system and all areas of public service delivery, which has been part of the political and economic changes brought about by the change of

government in 1997 and typical of the way advanced economies monitor progress (Sinclair cited in Liebling, 2005).

The approach is used within this thesis to establish through their experiences, what lifers thought of the system and the regime at HMP Wolds, about how it works best, especially in the area of staff-prisoner relationships. In studies by Liebling, this has often been followed up with a more deductive 'quality of life survey' (Liebling, 2005:133). One part of the AI approach is to go beyond the known level of knowledge, not so much about solving a problem but looking further into the future and seeking to develop a strategy that would enable the positive methods to flourish, encouraging positive outcomes. Basically, identified changes should be made to ensure that these positive outcomes, such as respectful treatment by staff, become the normative mode of staff-prisoner relations and not something that is often commented on by the Prison Inspectorate as a pocket of good practice.

It is embedded in a wider approach, that of 'moral performance', in which 'what matters' is adjudged to be the key aspect of measuring performance and quality, looking at both the regime and the relationship between those involved within it. The approach does have its critics and the main criticisms are levelled at the focus on managerialism and its adherence to state discourses on penalty. Perhaps the most striking criticism is that it 're-legitimizes' prison and has little legal basis and it is also argued by some criminologists that it is somewhat strange also to see a moral discourse in an institution largely regarded as immoral (Scott, 2008:92).

Some studies have examined treatment and the effectiveness of offending behaviour programmes, but outcomes are difficult to analyse and measuring reconviction rates can only partially inform us as to the effectiveness of all parts of the sentence and individual prison regimes. The emphasis is currently on reconviction rates, which when measuring outcomes, have become the measure of success of these programmes and indeed, a barometer of success of the prison system as a whole. As regards cognitive-behavioural programmes, there may be other measures of success, such as

improved day-to-day behaviour in the prison, demonstrating improved thinking skills or improved scoring in psychometric testing. Providers have been reluctant to put a cost per programme completion (estimated as at least £2,000 per place on average) and the emphasis has then been to estimate the cost of this place against potential or predicted crime reduction, which is empirically impossible as there are only estimates and no reliable, quantifiable data.

Most contemporary prison research projects try to assess the effectiveness of regimes and are predominantly outcome-based, with an increasing awareness of the importance of cost-effectiveness, which (due largely to improved record-keeping since privatisation) enables at least a limited amount of empirical data to be used to examine such an issue. If the effectiveness of the prison estate is based on cost, then it is relatively easy to come up with a cost, either *pro capita* or per prison, but this relays no information at all about the prison itself or how it is delivering a service. This would initially appear straightforward, but is actually far more complicated than it first appears as there are many externalities affecting the economics of the prison estate. To merely analyse the cost effectiveness in a way that measures *pro-capita* costs of incarceration and rehabilitation against a potential, projected reconviction rate would be a crude exercise.

However, most contemporary research on programme effectiveness will include a cost-effectiveness evaluation, which will usually be based on: the cost per completion, estimated reconvictions saved, recorded and unrecorded offences saved (usually by reconviction study) and estimated savings to the criminal justice system (Harper & Chitty, 2005). Apart from the cost per completion, which is relatively straightforward to calculate, the other criteria are projections and estimates, unless the sample is drawn from short-term offenders and this is the type of prisoner that does not normally receive such programmes. Any more than a basic cost-effectiveness study becomes increasingly complex and research projects are beginning to turn to specialist companies or economic consultants to conduct any such analysis beyond a rudimentary level (Clancy *et al*, 2006).

5) Keeping Busy: Work and Programmes

a) Prison labour: The history of the work ethic

Voltaire once said ‘work banishes those three great evils, boredom, vice and poverty’ (cited in Davies, 1995:35) and there is no doubt that lack of employment and skills are key problems associated with resettlement and an area that frequently sees ex-offenders marginalized. The Prison Service does not wish to base its regimes on merely fitness training and education, providing fitter and better educated offenders as a consequence, but also employment training (with a view to employment on release) and such training should be as diverse as possible (HM Inspector of Prisons, 1993). Work regimes within prison establishments should be closely examined in order to establish whether this long-held notion of instilling the work ethic is relevant and makes any contribution to offenders desisting from crime.

Prison Rule number one states that: ‘The purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life’ (Flynn, 1995:1). Conversely, Sir Ivan Lawrence MP, Chair of the Home Affairs Select committee in 1995 proclaimed: ‘People are sentenced for punishment and to protect the public – there are no other reasons’ (Flynn, 1995:1). Thus one statement indicates that rehabilitation is the main aim of incarceration and the other that it is merely for incapacitation. Such a contradiction demonstrates a constant tension between politicians and the Prison Service as to the aims of incarceration and such competing views muddy the waters when rehabilitative ideals are sought and promoted by prison reformers.

Foucault famously noted that work in prisons was merely ‘work for work’s sake’ and was specifically designed as a ‘didactic strategy’ to ensure that prisoners could not engage in work on release (cited in Gordon, 1980:42). From a Marxist standpoint, work in prisons has also been compared to a mode of production and it inextricably links punishment and discipline with capitalist modes of production and as with most sociological literature on prisons, it explores the wider link between prisons and the social world and its

structures (Melossi & Pavarini, 1981). In their seminal work 'The Prison and the Factory', Melossi and Pavarini explore the origins of the prison and note that before capitalism there was no punishment as such, although this position could be challenged with historic accounts of punishment going back to feudal times that involved some form of deprivation or incarceration, but the point is made that since the advent of capitalism, punishment has certainly been closely linked to work (Melossi & Pavarini, 1981:2). The authors also draw the comparison with the right to work and the requirement to work, in many establishments work is viewed as a punishment as well as a means of supposed reform and the pay is extremely low, one could say derisory. Work does exist in prisons and the majority of prisoners do work, some on maintenance tasks but others certainly on manufacturing goods, often of low value for commercial sale. This means that the prison is indeed a place of productivity, a 'unit of production' and part of the economy and the prison is transforming its criminal inmates into a workforce, a proletariat (Melossi & Pavarini, 1981:143).

Sellin stated that prison labour has its origins in slavery, insofar as both see an individual stripped of citizenship, liberty and being coerced to undertake manual labour. He believed that the idea that prisoners should work derives from slaves being given tasks as a punishment and over the centuries this has now become applicable to all types of offenders. Hard labour, chain gangs (now controversially making a comeback in Florida, USA), cleaning sewers etc. became a recognised method for fusing punishment with labour (Sellin, 1976).

Therefore, as the work ethic has become a mainstay of the prison regime and it remains a mandatory requirement to work when available, this is an important area to be investigated in the fieldwork, most importantly the type of work available and if it is the sort of work or skills that will lead to a job opportunity on release. It is fair to say however, that the subject of prison labour has lost its way somewhat, there have been so many dramatic events and changes to prisons over the last 25 years, that work seems to have lost its place in the order of importance (Van Zyl Smit & Duenkel, 1999)

Morally held values such as marriage and the need to be productive may have no obvious correlation with ceasing to be a criminal. This need for 'generativity' has been the bedrock of modernist penal policy for some time, as Simon stated: give offenders religion, education, treatment but always 'make them work' (Simon, 1993:39). A lack of work is a problem for those used to regular employment but not necessarily a problem for those who have chosen to disengage with the work ethic already (Jewkes, 2005). Although in penology, the link between the work ethic and crime reduction has been 'assumed' for over 100 years, but employment must be allied to job stability and the desire to be productive, rather than it merely being a societal norm (Maruna, 2000:117; Sampson & Laub, 1995). This assumed causal link between unemployment and crime (and subsequently imprisonment) has been challenged by Box and Hale, who argue that statistical representations of crime are largely unaffected by unemployment, although appreciate that this assumption has repercussions for prisoners (Box & Hale, 1982; Scott, 2008:38).

In any case, it is clear that by reviewing the literature available, that the kind of employment available in prison establishments is relatively mundane and menial with little aim of obtaining an employable skill or career on release. Few are taught how to be bankers, accountants or white-collar managers; most are shown how to paint, clean or other manual skills. Are these skills important in desistance or is the desire to desist the overriding factor when a former criminal is at the stage when he is tempted by a former criminal habit? Although boredom is a problematic factor in returning to a criminal lifestyle, the work ethic alone may not be the answer to the problem of boredom and certainly in the Pathfinder resettlement study, the target of finding work on release did not rate very highly against the problems of housing, drug desistance and avoiding former criminal associates (Clancy *et al*, 2006).

Wells noted that despite his research demonstrating a strong link between crime and unemployment, one of the main problems is an increasingly fragmented society and a very high rate of high unemployment at the time of

writing, which in 1995 stood at over three million. It seems therefore, that the link could be more to do with poverty and crime rather than merely unemployment and crime and researchers frequently use the variable of unemployment to denote 'economic disadvantage', when maybe other social deprivations need to be investigated in tandem (Wells, cited in Coleman & Moynihan, 1996). A recent study in US prisons concluded that this is indeed the case and have gone further, likening the state of the US prison system to modern slavery and indicating that: the rich are getting richer, whilst conversely all the poor get is prison (Reiman, 2007)

Education and skill development programmes designed to make ex-prisoners more employable on release are clearly not the same as having a job as a Wing cleaner, yard sweeper, kitchen-hand, gardener or even the traditional mailbag sewer. These inane and demeaning prison jobs, of which there are many different types, see prisoners paid very little and are indicative of the traditionally 'closed' institution. It could be argued that this humiliating work could be seen as punishment rather than work and historically, it was certainly viewed as punishment, hand in hand with the deliberately harsh regime. Although the Victorian treadmill and endless stone breaking have now disappeared, most prison jobs are certainly not a constructive use of an inmate's time, neither rehabilitating nor educating. In terms of rehabilitation, to link hard work to punishment is not particularly productive. Illustrative of the prison community however, many inmates view them as privileged positions, positions of trust, where extra time out of cell is accorded and a little extra money 'earned' and a little perceived 'self-worth' gained (Davies, 1995:35). This is more indicative of the prison as an institution and a desire to obtain status within it, rather than a useful means of rehabilitation.

The official line on the whole issue of prison labour and prisoners' pay used to be found in the 'Prisoners' Pay Manual', replaced in 1992 by Prison Service Order (PSO) 4460. The rationale of prison work and amounts of basic pay is detailed in this document. It states that prisoners must be paid for work carried out or for engaging in 'purposeful activity' and that prisoners must carry out the work if required, if they refuse, no pay or unemployment pay is to

be paid to them. Unemployment pay can be paid if a prisoner is willing to work but no work is available. Rates are £4 per week for work and £2.50 per week for unemployment pay, although Prison Governors and Directors can pay higher rates under local arrangements and also reward good performance, but are entitled to retain a portion of pay for poor performance or behaviour. The minimum wage does not apply in prisons, Section 45 of the National Minimum Wage Act (1998) states that prisoners do not qualify for the national minimum wage if in pursuance of prison rules (PSO 4460).

Over the last two decades the prison system and the Prison Service in England and Wales has seen so many dramatic, high profile events (riots and escapes for example) that the relatively mundane area of providing work in prisons has been largely ignored, yet many of these developments have had an effect on prison regimes and particularly the provision of work. This research will question the more recent policy direction; that is the provision of work as a form of rehabilitation, in the hope that the work ethic will be instilled and that gaining employment on release will lead to desistance. Theoretical criminological research in this area needs to prove a solid link both between crime and unemployment, and between educational and work-based programmes as a means of reducing crime by instilling a work ethic and providing skills-based training in order to obtain employment on release. At present the link is not proven. For example, two studies by Hollin & Palmer and Simon & Corbett were unable to find clear evidence that such programmes were beneficial and reduced re-offending, although it was believed that those involving close links to manufacturing and to the local community were more effective (cited in Vennard & Hedderman, 1998:109).

Historically, this has certainly not been the policy direction and successive governments, ever mindful of the public's need for crime reduction, have ensured that work stays central to the prison system but for a variety of reasons. The historical development of prison labour is documented in some detail by Vagg & Smartt and it not the intention to review this in any great detail but the salient points are certainly of interest (Vagg & Smartt, 1999:40).

Prior to 1850, prisons and prisoners were few in number, largely due to a combination of transportation and the use of the death penalty. In the first half of the 19th century there was no statutory requirement for prisoners to work for any reason, and as gaols were administered locally, it was largely a case of implementing local arrangements, using prisoners as a local workforce carrying out tasks such as vegetable growing, carpentry and cleaning. The idea of using the prisoners to maintain the prison buildings and to keep the prison clean is the one type of work that has endured the centuries and remains a part of every day prison life to this day (Vagg & Smartt, 1999).

In the second half of the 19th century, work was used very much as a punishment. With prisoner numbers rising sharply due to the colonies not accepting any more transported convicts, 'convict prisons' were set up under a regime of hard labour (Vagg & Smartt, 1999:43). Until the Prison Act of 1865, prisoners could be sentenced to hard labour, although even after the passing of this legislation, the use of the 'treadwheel', a cruel feature of many Victorian prisons, was still permissible in some circumstances. Although many prisons began implementing more formal arrangements with local industries, some inmates attending day release schemes in a forerunner of the current open prison system as early as the 1870s.

Some of the early commentators on prison life made the connection with labour in the penal institutions, notably Clemmer in the 1940s, who recognised that there existed a 'social significance' in the relationship between prisons and work (Clemmer, 1958:274). Whilst it was recognised that the instilling of the work ethic in order to induce conformity and reduce reconvictions was central to penal legislation in the USA at that time, Clemmer was already starting to ask questions that ran much deeper than this fairly superficial analysis: why shouldn't prisoners earn money and pay some towards their keep, for example (Clemmer, 1958:274). As this section will elucidate, it is not until quite recently and the move towards privatisation that this question has even been considered in England and Wales.

Training began in earnest with the introduction of Borstals for young offenders at the turn of the 20th century. Discipline and the work ethic was instilled into boys between the ages of 16 and 21 and it was emphasised that to work hard and 'stick to a job' was the way to a life away from crime and the regime was based on training as well as discipline (Fox, 1952, cited in Vagg & Smartt, 1999:45). In 1919 the Labour Government instigated a major review of how the prison system was working, looking particularly at the effects of imprisonment, psychological, moral and physical. The final report in 1922 painted a far from rosy picture of prison life and deemed that prison labour had a low priority within prison regimes. The report concluded that there were not enough trainers or reasonable work available and that work was still predominantly administered a punishment, with the task being conducted to 'absorb prisoner time'. The report was also critical of the Borstal training regime, believing that insufficient trainers and workshops were preventing the young inmates, who could now be held in a Borstal until the age of 23, from learning employable skills that should result in meaningful employment on release. The report also recommended, quite radically at the time, that prisoners be paid for working and called for Trade Union affiliation for those working in prison workshops. They also recognised that with free or very cheap labour, such regimes could make a profit and could compete on a free market economy (Hobhouse & Fenner Brockway, 1922:114), although this could cause a problem and Clemmer argued that unions would ask if cheap prison labour is a threat to local businesses and question if such direct competition is fair (Clemmer, 1958:274).

This idea made little headway and progress in the field of prison labour was slow, if not non-existent until the 1960s. Most decisions were morally based and the idea that work should contain punitive elements remained an important issue. By this time, most inmates were involved in either maintaining or cleaning the prison or conducting menial or mundane tasks for very little pay. One must bear in mind that at this time Rule 56 of the Prison Rules stated that it was a disciplinary offence to refuse to work. Much important legislation was implemented in the latter half of the 20th century but very little pertained to work. In 1988, particular attention was paid to young

offenders and Rule 37 stated that under-21s in Young Offender Institutions could only carry out work authorised by the Secretary of State and that the work must be of interest to the prisoner and enable him to develop skills that will prepare for return to the community – not too dissimilar to the original Borstal ethic of training almost 80 years previously.

Prison regimes have taken steps to provide more in the way of training for employment and improved educational provision. An Advisory Council on the Employment of Prisoners was established by the Prison Service in 1960 and it concluded that two principles should be implemented: Firstly that vocational training should be given to prisoners to assist them find employment on release and that the 'best economic use' should be made of prison labour (Home Office, 1977:55). Later, a KPI contained in the framework document for the Prison Service, stated that it should deliver positive regimes, although work was not mentioned specifically, but merely included under the umbrella of 'purposeful activities', which could also include leisure, association and education. As early as 1972, prison industry was recognised and given a corporate logo: 'Prindus' and prisons were engaged in a variety of manufacturing and semi-skilled industries, in the hope that skills would be learned to gain employment on release. Some were more successful than others and by the 1990s, prison industries had been introduced in many prisons and this trend was not confined to the private sector. In fact the first four private prisons at HMPs Wolds, Buckley Hall, Blakenhurst and Doncaster, struggled to provide skills-based work due to their build and design. These prisons were designed to hold only remand prisoners, therefore no workshops or buildings for providing training had been provided.

It must be said that prisoners cannot work for the prison as such, but for the Crown, therefore Health & Safety implications do not always apply, neither do inmates make NHI contributions (Vagg & Smartt, 1999). Theoretically, the idea of prison work is interesting and it has a somewhat mixed and chequered history. It has been used as a form of punishment, a form of cheap labour, as a means of cleaning and maintaining prison establishments and more recently as part of the rehabilitation ideal. Blauner, an industrial psychologist,

suggested that as well as prison industry being potentially profitable, it was important for the prisoners to be involved in their own rehabilitation (Blauner, 1964).

So the idea of prison work is certainly not new, it has seen many changes in emphasis over the last 150 years but despite many attempts to focus on the development of employable skills, the reality is that most prison jobs are mundane and often involve cleaning. Those that do involve training and working in prison industries often do not provide skills required to obtain employment on release. It is a way to keep prisoners occupied and bring in a small amount of extra income and it is unclear exactly what direction current policy is edging towards.

In 1996 Anne Widdicombe, then the Prisons' Minister, suggested that prisoners should be paid near normal salaries for working, prisoners setting up savings for their release and contributing towards victim support. The accumulation of large amounts of money would be prevented, as prisoners would pay a contribution towards their keep. Throughout the 1980s and 1990s, several reports called for this to be implemented and several made headline news as the popular press worried that prisoners could earn more than jobs offered at local job centres. This marked an ideological shift and commentators such as Judge Stephen Tumim, the former Chief Inspector of Prisons and Prison Minister believed that it is acceptable for prison industries to be motivated by money and that private industries should indeed make money and that this profit could be shared with the prison to offset running costs.

Some private sector prisons have embarked on partnership schemes involving outside agencies or companies to train or even set up workshops within prison establishments with a view to commercial sales. HMP Wolds accommodated a metalworking workshop specialising in cast iron garden furniture, all retailing commercially (to order) and providing good skill development for prisoners, all linked to NVQ qualifications. None of the first four private prisons were built with workshop facilities in mind, as they were

designed and built as remand centres with no requirement for training. Certainly at HMP Wolds space is a real problem and it has made best use of available buildings to provide such training. The prison has several other such forward-looking and innovative schemes, including a web-design centre and a UPVC double-glazing workshop, giving potentially employable skills and NVQ accredited qualifications for prisoners. The use of private companies or private prisons themselves instigating partnerships to produce profit-making businesses is a thorny issue, for some it is more 'contracting out' and a move away from the state as the administrator of punishment and weakens the concept of prison labour as 'treatment' or rehabilitation (Vagg & Smartt, 1999:73).

Such initiatives have not been limited to the private sector, the public sector has also developed several such schemes in association with private companies. At HMP Full Sutton in 1993, the prison produced its own commercial brand of clothing, 'Keyhole Clothing' and was subsequently tied up with the successful 'Red or Dead' fashion label, with prisoners receiving a commercial rate of pay and gaining qualifications (Davies, 1995:43). Traditionalists may have difficulty accepting the validity of such a programme but such ventures signify a significant step forward and an end to viewing work in prisons as punishment with little or no value. This is an investment in people's skills, whereby prisoners not only get relief from boredom but often commercial pay and useful qualifications (Davies, 1995) and possibly the first step towards living a 'good and useful life' (Flynn, 1995:1). It is also clear that vocational or employment training not linked to paper qualifications or giving any real chance of employment on release is not an effective contribution to reducing crime, although research studies in this area have been rare and those that have been conducted could be considered inconclusive (McGuire, 2002).

Evidence certainly indicates that employment, or probably more accurately unemployment and offending are linked, but the exact nature of the link is unclear and certainly not as straightforward as initially thought. Social and demographic factors come into play and the link may be indirect rather than

direct. Obtaining employment on release may not be dependent solely on training but more importantly the prevailing market conditions in the area of resettlement, including the amount and suitable nature of work available. Although, if following release, the double-glazing company currently providing training and manufacturing double glazed units at HMP Wolds does not subsequently offer employment to the inmates it trained in its prison workshop, what has been the point of the exercise – altruism or profit? Foucault certainly had a point.

The stigma of imprisonment continues long after incarceration ends, ex-prisoners generally find that employers are not keen to employ them, despite many having gained employable skills whilst incarcerated and are often excluded from jobs that require criminal record checks. The initial period of any release may be served on license, possibly under curfew by Home Detention curfew (HDC), supported by electronic tagging with the added stigma and inconvenience of trying to re-settle whilst having to report regularly to the Probation Service.

b) The usefulness of prison programmes

Another perceived good use of prisoners' time is for them to undergo a series of accredited programmes and those available at HMP Wolds are discussed in detail later. They are numerous and varied and intended to address several issues, typically from addressing offending behaviour or behavioural problems and preparing for release. Some address specifically identified problems such as alcohol or substance misuse, whilst some deal with practical resettlement problems or cognitive deficits. The Home Office in its White Paper of 1991 set out the *rationale* for putting prisoners through various programmes and contemporary debate finds programmes at its centre, especially with funding at a premium. In agreement with the 'good and useful life' theory, it was agreed that 'prisoners spend their time in active, demanding and rewarding ways relevant to their needs and to the reasons why they are in prison', the latter presumably referring to addressing offending behaviour. Prisoners should acquire 'the necessary skills and resolve necessary not to

commit further crimes' (Home Office, 1991:69). Most studies into rehabilitation agree that prisoners exhibit certain deficits, which have affected their decision to commit crime, described by Katz as 'background factors', which certainly include unemployment and boredom, but can also include poor education, poor decision making, addictions and being a victim of child abuse (Katz, 1998; Clancy *et al* 2006).

The ideal of smoothing resettlement and encouraging prisoners to improve their education or learn employable skills is laudable, but clearly ingrained in the Home Office's theory at this time was the notion that such programmes will not only help reduce re-offending but will keep body and mind active and occupied whilst incarcerated. The basic belief is that less boredom equals fewer problems. One of the most important aspects however, is the use of prisons as a place of rehabilitation. Whilst the rehabilitative ideal is not completely dead, budget pressures and diminishing resources make implementation somewhat limited. The effectiveness of rehabilitation is difficult to measure and any positive debate is invariably overshadowed by extremely high reconviction rates, even if a slight reduction is achieved. If recidivism is to be the prominent or even the sole measurement of success - then rehabilitation and specifically the use of cognitive-behavioural programmes would appear, on paper at least, to have failed.

There are two particular groups of prisoner that would appear to fall through the net of the rehabilitation programme: short-term offenders (serving less than 12 months) and life-sentenced prisoners. In particular, prisoners serving very short sentences of less than 12 months (often much less if Home Detention Curfew is granted) are extremely unlikely to receive any rehabilitation, despite over 50% of sentenced prisoners coming into this category. It is believed that there is insufficient time to have any significant impact on addressing criminal behaviour and re-offending. The type of crimes that these offenders have been imprisoned for are usually relatively petty and non-violent and it could be argued that this group would probably benefit the most from resettlement and rehabilitative programmes, in an attempt to prevent the 'revolving door' syndrome. The lack of 'through the gate'

rehabilitation and a reduction in voluntary aftercare is also problematic and although the Probation Service deals with many licensed prisoners on release, short-term offenders are not released under license, without supervision or condition and do not generally qualify for post-release support.

In 2002-2003, the Home Office piloted a resettlement/cognitive-behavioural project in three prisons in England and Wales, in an attempt to alleviate this lack of coordinated rehabilitation, resettlement, through-care and aftercare for such offenders. The results demonstrated that such end-to-end through-care caused a marked reduction in reconviction rates for this group, but despite this success, the innovative 'Pathfinder – For a Change (FOR (Focus on Resettlement))' programme was not introduced initially, presumably for financial reasons (Clancy *et al* 2006). Success, it seems, is difficult to define and a 5-10% reduction in reconvictions may appear small but could potentially prevent numerous victims of crime. A small measure of success could also see criminals veer away from serious crime to less serious, non-violent crimes on release. Therefore, regarding Home Office research, it is unclear just how much the reconviction rate would have to fall for a programme to be considered a success and for a pilot to become an accredited programme, a feat actually achieved by the Pathfinder programme in late 2005. Using reconviction rates alone is not the best indicator of success for several reasons: Firstly, the offender may commit a lesser crime, which may indicate some degree of positive reinforcement of attitude towards criminal activity or a significant change in behaviour. Secondly, reconviction is not the same as re-offending and the rate of re-offending if not followed by conviction would not be recorded in official statistics. Finally, there is no consistency in the length of the reconviction study period, ideally but arbitrarily set at two years, but could be only six months for petty offenders or five years for sex offenders (Vennard & Hedderman, 1998).

The second group are an entirely different proposition. Lifers are usually incarcerated for extremely grave offences and at the time of beginning these programmes, the end of their sentence can be a very long way off, both in perception and reality and often indeterminate due to the uncertainty of tariff-

setting. It would seem logical that lifers lack the motivation to work towards such a distant and often inexact or indeterminate goal. They are usually segregated from other prisoners and would appear to have little to aim for. There are those like John McVicar, well known for gaining a degree and writing several novels whilst serving life sentences, this may be to pass time or to progress and improve with a view to release, but this is not typical of the life-sentenced prisoner. Much consists of personal accounts of their time as lifers, often to highlight the poor treatment of such prisoners and raise awareness (Jupp, 1989).

Cognitive-behavioural programmes are inordinately expensive to commission and extremely labour-intensive for trained staff to deliver (Cann *et al*, 2003). Theoretically, it could be argued that if an actual reduction in crime is achieved, resulting in less imprisonment and fewer victims of crime, then the cost could be neutralised in real terms, but it would take a brave researcher to put forward such a hypothesis as it would be virtually impossible to measure the specificity of the programme's effect. In a value-for-money environment, programme delivery must be cost effective and provide real results – i.e. in reality, to reduce re-offending measurably by desistance - although desistance as a concept is particularly difficult to define. Maruna believes that traditional definitions have been unclear and have not served a useful purpose, making analysis difficult. Desistance may be total (lifetime) or partial, lasting a few days, weeks, months or even years. Most researchers refer to the 'termination' of criminal activity as though it was the very final criminal act (Maruna, 2000:32), but as Farrington points out; 'even a five-year or ten-year crime-free period is no guarantee that offending is terminated' (cited in Maruna, 2000:33). Therefore the definition of desistance is arbitrary and the measuring of crime reduction, which is largely based (statistically at least) on re-conviction studies, would appear to be an inexact science. Crime desistance has been equated to quitting smoking; not every ex-smoker will desist completely (i.e. never have another cigarette) but remains an ex-smoker and like crime, temptation could, in the right circumstances, lead to a brief lull in abstinence (Maruna, 2000).

It is important to ascertain whether cognitive-behavioural programmes are effective (and indeed cost effective) or merely just a fashionable tool in contemporary rehabilitative treatment programmes. As part of the rehabilitative ideal, programmes have been around for some considerable time in varying forms and with varying aims. There are treatment based programmes such as the sex-offender treatment programme (SOTP), educational programmes, employment programmes, cognitive-behavioural programmes, anger management and resettlement programmes, all with the aim of 'improving' clients and preparing them for release in the hope that re-offending and return to prison is avoided or the chances reduced' (Boddis & Mann, 1995:55). Very few programmes are available to prisoners serving less than 12 months and few are thought suitable for long-term or life-sentenced prisoners until the end of the sentence or tariff is approaching.

There are numerous programmes on offer to prisoners and although there is a national policy to enhance cohesion and delivery, not all programmes are offered at every prison, due to budget constraints and a lack of trained staff. Lifers, however, have additional problems, firstly the fact that there would appear to be no dedicated programmes and secondly, where programmes are deemed appropriate, few places are allocated due to the length of sentence still to be served, either for reasons of cost-effectiveness or prioritisation, with places at a premium given to those with imminent release dates. It is also possible that a lack of motivation may make lifers decide against attending any voluntary programme, although such an assumption is difficult to determine from current research. It must also be stressed that the word 'voluntary' could be considered a misnomer, many of these programmes are certainly voluntary but if identified as a target for progress through the system, could slow or halt that progress if not completed.

Correctional programmes, such as the SOTP and educational programmes have reasonably clear aims, but the more general rehabilitation and resettlement programmes would appear to be more arbitrary, although crime reduction is clearly a major aim. The Probation Inspectorate reported that few lifers, apart from sex-offenders, actually receive any programmes

addressing their offending behaviour throughout their sentence (HM Inspector of Probation, 1999:13). It cannot simply be assumed that lifers have problems with anger because of their crime, which could have involved a single act, executed out of character. Most cognitive-behavioural programmes involve tracing back a lifeline to establish why the criminal behaviour came to be, instilling a sense of purpose, trying to put right what has previously gone wrong and creating a coping strategy for release (Clancy *et al*, 2006). Basically, such programmes are based on social learning theory, assuming that offenders are a result of their environment and as a result have certain skills deficits and have learned inappropriate and often anti-social behaviours. Cognitive-behavioural programmes address these behaviours and attempt to change them and repair the damage, using pro-social modelling, a method of reinforcing of positive attitudes to criminal behaviour. It is possible that some deficits are so severe and engrained in the prisoner throughout his early, formative years, that such interventions at this relatively late stage may not change the behaviour and thus may not be effective (Vennard & Hedderman, 1998).

The main problem is that prisoners cannot see 'the road ahead' and assume that change would be difficult to effect and feel detached from what they see as the real world, a world where the rest of us live and they cannot infiltrate, nothing appears logical (Maruna, 2000:6). Whilst incarcerated, prisoners are also in a false environment, with many of the problems they encounter in the 'outside world' removed, i.e. they have a room, food, someone to help with problems and little temptation to resort to criminal behaviour. This can help them 'see the light' whilst incarcerated but may not provide a long term coping strategy once returned to society and sadly, the 'best predictor' of future involvement in crime is usually past involvement – behavioural change is difficult to achieve, particularly if released to the same set of problems that caused the offending behaviour (Maruna, 2000:55). Yet, as the research will demonstrate, these cognitive-behavioural programmes aimed at changing behaviour and developing coping strategies to desist from crime in persistent offenders are frequently made a target for life-sentenced prisoners, who may

not benefit as much as prisoners serving shorter sentences for less serious crimes.

With a prisoner who has not seen the outside of a prison for several years, many changes we take for granted in the outside world appear staggering and difficult to grasp and therefore resettlement is fraught with problems. In the final stage of the sentence (Stage 3) lifers will usually be held at an open prison, which will involve escorted and unescorted visits to local towns to aid reorientation and reintegration. Resettlement programmes are situated on the periphery, not viewed as quite as important as the purely correctional side, and therefore often somewhat of a luxury towards the bottom of any budgeting prioritisation (Stern, 1989). Public prisons, where resettlement programmes are usually run by Prison Service, Probation or associated staff, also suffer from a failure to break down formal barriers between prisoners and Prison Officers, which would enable such programmes to run more effectively – invariably Prison Officers still wear uniforms to take sessions and adhere to formal terms of address. This subordinate dynamic and very formal regime does not lend itself to this kind of personal, one-to-one tuition.

The voluntary sector has a part to play and NACRO has made great strides in introducing simple but effective schemes, whereby housing officers visit prisons to discuss personal housing needs with those about to be released and to try and ameliorate the massive housing problems suffered by ex-prisoners. Lack of suitable accommodation is a major concern and often a major reason for failing to settle in the community and thereby resulting in re-offending (Stern, 1989). This is a major factor for lifers as they will almost certainly have lost accommodation and will have extreme resettlement problems due to the length of disassociation with mainstream society and becoming institutionally dependent.

Integrated group work is often considered to be the optimal mode of delivering rehabilitative programmes. This conflicts with the idea of segregation of lifers, which occurs at almost all prisons and would appear therefore, to exclude the majority from participation in programmes that may be of value. Some clients

may need to be educated individually but for the majority it is believed that group work is 'more useful' and improves programme integrity (Boddis & Mann, 1995:55). It is believed that there are several common deficits amongst prisoners, such as a lack of confidence, poor decision-making, poor thinking skills, poor problem solving, lack of 'goal-setting', low self-esteem and below average levels of literacy and numeracy. There is a plethora of programmes available, aimed at addressing offending behaviour, anger management, drug/alcohol dependency and cognitive programmes such as Reasoning and Rehabilitation (R&R) and Enhanced Thinking Skills (ETS) and also cognitive skills boosters (refreshers) taken every two years, although unfortunately there is little published research material regarding the effectiveness of such programmes. Whether or not any of these programmes are suitable for lifers is questionable, as most are aimed at the persistent offender, which is not normally a category containing lifers.

The Shannon Trust, founded by Tom Shannon (a former life-sentenced prisoner) from the proceeds of a book he penned whilst incarcerated, is one voluntary agency that is trying to tackle the problem of poor literacy with a mentor-based literacy programme. The programme can be undertaken in the prisoner's own cell with a fellow literate inmate as mentor (Shannon, 1996). This appeals to prisoners not wishing to go to an education department where they may feel embarrassed and appeals to prisoners acting as mentors; who usually benefit from more out of cell time and feel valued (in addition some are paid between £7-8 per week). Another benefit is that when the ever-vulnerable education budget is discussed, this programme is extremely low maintenance, needs no dedicated premises and very little human or material resources. In comparison to more complex psychologically based programmes, this simple and effective programme attempts to tackle one of the most basic of skill shortages, which many believe could be a major cause of offending behaviour. It is very much a local initiative that could be implemented more widely with better funding. It is currently funded solely from profits of Tom Shannon's book 'The Invisible Crying Tree' (Shannon, 1996). The effectiveness of education within prisons, most importantly basic literary skills is highlighted in a recent Prison Reform Trust publication, which

looks at current education programmes and also correlates improved literacy skills with reduced re-offending (Braggins & Talbot, 2003).

Cognitive-behavioural programmes, whilst psychologically based, should not be confused with psychiatric treatment, although the intervention of psychiatry in the penal and judicial systems in the early 19th century has had an undoubted effect. Until the idea of 'insanity', cases were judged merely on the basis of evidence and fact. Foucault discusses this directional change towards psychiatric causes of crime, a 'psychiatry' of crime and pointed out that the criminal justice system changed emphasis, when it decided it wanted to acquaint itself with the defendant beyond just evaluating the facts of a case (Foucault, 1978:7). It is not the intention to evaluate the effect of psychiatry and crime or psychiatric interventions on offenders in this thesis, but as one judge told a rapist in a Paris trial in 1975: 'you must make an effort to analyze yourself' (Kritzman, 1988:130). This idea of self-analysis and self-evaluation is an attempt by phenomenological criminologists to understand the offender's decision-making process by analysing their aims and aspirations, their self-image and forms the basis for much cognitive-behavioural work (Toch, 1969). This interpretation is described as the 'foreground' of crime, the cognitive explanations as to why criminals commit crime, rather than the 'background' area, which focuses on social, biological and psychological characteristics of the offender (Katz, 1988).

The number of cognitive-behavioural programmes has increased and the numbers of prisoners subjected to such programmes has increased accordingly. Pressure on the Prison Service and other providers to achieve targets aimed at providing rehabilitation by programmes is growing, without any associated, detailed research on programme integrity and identified positive changes to attitude or behaviour. These programmes are inordinately expensive and little has been done to examine just how effective they are (Vennard & Hedderman, 1998). What is unclear from the research conducted thus far is that there is any actual link to crime reduction, indeed when crime reduction is demonstrated by way of reduced reconviction rates, it is virtually impossible to accredit this reduction specifically to these programmes.

Programmes must now be 'accredited' and are checked for integrity and this may address the problems that feature in previous research in this area, including a failure 'to make explicit how the intervention is supposed to work' and 'a failure to monitor and evaluate' (Vennard & Hedderman, 1998:111).

Cognitive-behavioural programmes were viewed as somewhat of a panacea and it is considered important (and often made a mandatory target) that prisoners complete desired courses in order to reduce risk and to progress. As one Governor states: 'A willingness to undertake a programme and complete one is a good sign' (Vennard & Hedderman, 1998:45) and it is believed to have an effect on annual reviews and panels, where successful completion is looked upon favourably. Views are mixed however, as regards psychological damage incurred by cognitive-behavioural programmes, some believe that the damage is temporary, whilst others believe that the damage is more serious, caused by the attempt to change or manipulate a subject's personality and thought processes. Proponents believe that the improvements are real and legitimate, whilst opponents believe they have no real value and that the attempt to administer them as 'treatment' is a precarious façade, masking the punitive elements of the sentence and adding to the negative prison experience, causing both psychological and social damage, particularly anxiety and depression (Liebling, 2008:79; Zamble & Porporino, 1988).

Much of the previous research on this subject has come from Canada, where many of the best-known programmes originated, making it difficult to assess, as it does not conform to the conditions prevalent in prisons or prison corrections in England and Wales and it cannot be assumed that it would necessarily apply in that context. That being said, the positive message sent from the Canadian research, indicating real reductions in reconvictions have certainly persuaded the government to invest heavily in such interventions in England and Wales.

6) Conclusion

In looking at sentencing, process and legal issues, Padfield gives a clear and factual insight into the legislative and legal developments affecting the sentencing of lifers over the last 50 years and attempts to simplify what can be a very complicated area. This can be supplemented by a reasonable amount of official publications from the Prison Service, Probation Directorate and The Home Office, which attempt to set out policy and procedures in several key areas. It is important that the key legislative issues in the area of sentencing are understood and what impact these have had on life-sentenced prisoners. The ever increasing numbers of lifers in the system in England and Wales has a profound effect on the administration of the sentence.

The administration and process were examined, particularly the difference between public and private institutions in their approaches to resettlement and rehabilitation. Official literature was reviewed, especially the Lifer Manual, which gives guidelines from sentencing to release and all stages in between. In fact, guidelines, regulations and directives abound within most of the official literature, so much so that one wonders how anything could go wrong in practice. Much of what was commented on however, has also been quite sharply criticised, especially the lack of structured sentence plans, the effectiveness of personal officers and report writing, particularly in the public sector.

It was important to build a solid background to understanding the process of the sentence by examining literature concerning the sociology of prison life, the deprivation, the 'pains' and the very micro-sphere of existence that makes up day-to-day life within the closed prison environment. Classic and contemporary texts were explored to look at how prisoners enter this type of institution and adapt to serving the sentence within it, how time passes and the difficulty of maintaining ties. It was also important to question the very legitimacy of the prison, not just as a matter of authoritative power, but as to how prisoners should be held.

Regarding previous research, the work of Cohen & Taylor in the 1970s is undoubtedly dated but nonetheless extremely relevant and innovative in its time and has not really been supplemented or surpassed by a more recent, similar study. Although unofficial, it was groundbreaking in its field and was hugely critical of official agencies' approach to prison research. Sparks (Prison Reform Trust) gave a useful insight into a small sample of lifers but the work was commissioned by an organisation striving to ameliorate the conditions of prisoners and should certainly be read with this in mind. Flanagan gave an insight into research in the USA and Sapsford & Banks looked at Home Office research over the last 30 years, particularly the treatment of lifers, concentrating on psychological problems, coping strategies and normalisation.

On reviewing the literature, the subject of life-sentenced prisoners or private prisons generally in England and Wales is not found in abundance - certainly not the two subjects in tandem. Liebling points out that although several studies have alluded to include some degree of research into private institutions in wider study, there has only really been a single academic evaluative study in a private prison, namely that conducted by Bottomley *et al* in HMP Wolds in 1997 (Liebling, 2006).

The very nature of prison research and the problems encountered were discussed - issues of access and gate-keeping are certainly not straightforward in the sphere of prison research, despite more prisons becoming accepting of academic researchers. Ethics is an important issue to which the practical fieldwork of this thesis will pay great heed and it was important here to discuss issues such as dress, handling keys, confidentiality and developing rapport with vulnerable and potentially volatile and mistrusting respondents. Staying neutral was discussed at this point and both traditional and contemporary views analysed, with the conclusion that both 'sides' (the prisoners and the staff) can be accommodated in the research. Theory generation was explained, with attention paid to Grounded Theory and the innovative and inductive method of generating theories from the data without preconception.

It is important to decide in what conditions prisoners should be held and how we should measure the quality of these conditions and how a framework could be adopted to ensure consistency and uniformity between researchers. Appreciative Inquiry was discussed and it was emphasised how this innovative approach is trying to get 'under the skin' of the institution to try and assess the quality of the institution through the eyes of the researched by looking at what works, as opposed to the traditionally more disparaging approach of criticising what does not.

The work ethic was examined and whilst there were pockets of good practice in both sectors, much work was found to be menial, pointless and did not contribute to the wellbeing of the prisoner or teach any new or employable skills. Programmes were more problematic to assess to the current dearth of research in this dedicated area, particularly in England and Wales, which could be viewed as somewhat surprising as rehabilitation by cognitive-behavioural programme has become a major focal point of contemporary penal policy.

In readiness for the fieldwork phase, this substantial literature review has attempted to give theoretical background to the thesis as well as an insight into the practical process of conducting research in prisons.

Part 2: Issues of Privatisation and Governmentality

Two important issues are dealt with here; firstly the debate regarding privatisation of prisons and other areas of penal provision in England and Wales and secondly, the Foucauldian theory of governmentality, which looks at the changing role of governments, how they govern populations and its relevance to privatisation and delivery of penal policies. These two issues are certainly linked and it is sensible that the two topics are analysed in tandem.

1) An Overview of Privatisation in England and Wales

'In a democracy grounded on the rule of law and public accountability the enforcement of penal legislation, which includes prisoners deprived of their liberty while awaiting trial, should be the undiluted responsibility of the State. It is one thing for private companies to provide services for the prison system but it is altogether a different matter for bodies whose motivation is primarily commercial to have coercive powers over prisoners'

(Radzinowicz, The Times, 22nd September 1988)

It would be somewhat remiss, when conducting any form of research within the private prison sector to ignore the controversial debate on the contracting out of custodial institutions. It is not the aim of this study to directly compare the quality of public and private provision or indeed to compare HMP Wolds with other private establishments. The first would be very difficult to accomplish as prisons have diverse roles, they are not easily comparable and any comparison would have to involve a public prison of similar role and size. It would also require a comparison group from that prison and the associated problems of gaining access, time and logistics, which without a team of researchers would be impractical if not impossible. The second would be just as difficult, ostensibly for the same reasons and it is unlikely that another company would feel comfortable in agreeing to participate knowing that any results or findings would be compared with another private establishment and may not be in its best interests. In any event, any form of comparison was not

the aim, neither was it the intention of this thesis to promote the private sector in any way and whilst the generous sponsorship of GSL is acknowledged, there is certainly no underlying motive to promote GSL as a company and the project is approached with total neutrality and objectivity.

However, the privatisation debate is directly relevant and cannot be ignored. It has been central to penal debate for several years and whilst not going into great detail, it would be sensible to explore that debate here and to examine the argument for and against the privatisation of prisons generally, not confining the discussion to lifers. This thesis explores the use of larger, often global players on the penal stage operating prisons in England and Wales, rather than smaller companies, voluntary groups or charities running smaller segments of service provision. This type of provision will feature much more prominently in such debates in coming years following the Carter report, which recommended that the delivery of the majority of integral and associated prison services should be opened to tender (Carter, 2003). As previously stated, private prisons have existed since medieval times and even Bentham's revolutionary 'Panopticon' was designed and built with the intent to make a profit. Despite sustained pressure from penal reformers, including John Howard, the practice grew although it was eventually abandoned at the end of the 18th century, culminating in the complete 'nationalisation' of prisons, leading to over 130 years of uninterrupted public management of the prison estate until its re-emergence in 1991 (Liebling, 2006:69; Borna 1986).

Theoretically, on a positive note, the profit-making, business ethic of the private sector should produce greater efficiency due to improved management techniques and reduced bureaucracy, leading to greater cost-effectiveness and the introduction of companies new to the field should bring new ideas, leading to better conditions. One of the main aims of involving the private sector was to raise standards across the entire prison estate and not just to provide a cheaper alternative to costly public provision. Negatively, the loss of public ownership could lead to a lack of accountability, both financial and administrative and raises important ethical questions about making profit from human suffering and the potential for political corruption. It fundamentally

questions the role of the State regarding the allocation of custodial punishment. The profit-making ethos is central to the anti-privatisation lobby, the pursuit of profit as a primary motive is alluded to by Radzinowicz at the start of this section and is seen as abhorrent by many. It simply was not seen as a problem by the liberal Thatcher Government looking to 'roll back' the welfare state and seeing privatisation of prisons as a chance to relieve the state of some of the provision at lower cost, thereby reducing the tax burden on the public (Ryan, 2008).

Privatisation links neatly to the managerialist approach adopted by Thatcher and surprisingly taken on board by Blair and New Labour, following their election victory of 1997. This idea is based on autonomy, entrepreneurial thinking, innovation and above all, saving money by increasing cost-effectiveness and efficiency. The new flexible business approach contrasts with the notoriously cumbersome, inefficient and profligate public service delivery by state mechanisms. Although as will be explained, in the prison sector, this entrepreneurial freedom is somewhat curtailed as the state owns the majority of the estate and retains all of the power, but there is an interesting similarity with the managerialist approach that had already been established in other areas of public service delivery – mainly health and education (Scott, 2008)

It would be useful to examine the state of prisons and the prevailing and changing political landscape of the mid to late 1980s, which led to the possibility of private prisons being reintroduced. The prison system was effectively 'in crisis' at this time, culminating in several high profile and very public disturbances in 1990. There are several academic and theoretical accounts put forward to explain this; most commonly the 'orthodox' account, highlighting the problem of overcrowding, understaffing, poor security, poor conditions and the 'toxic mix' of different types of prisoner and the 'radical' account, which examines areas of containment, visibility, authority and legitimacy (Cavadino & Dignan, 1997:19-20). In 1980, Bottoms predicted much of the coming crisis, his 'critical mainstream' theory challenged the legitimacy of the system following the 'collapse of the rehabilitative ideal',

particularly highlighting the problem of resources (Bottoms, 1980:4). It is clear that the penal system was in poor condition and there was a belief that nothing could prove worse than the public sector's management of the system. Although as Liebling points out, there had been 'self-evident' problems with the 'occupational and management culture' of the public prison estate prior to 1991 that needed to be addressed, including overcrowding and oppressive regimes (Liebling 2006:69).

The dramatically spiralling prison population, leading to increased cost was a major factor in the decision making process. Politically, Conservative ideology is towards the free market economy and rolling back the welfare state and prisons became part of a multi-faceted privatisation process already under way, not all of which has ultimately proved successful and it could be argued that privatisation can be attributed to policy failure. The poor state and high cost of the penal system, with its ageing estate and inefficient administration made privatisation an attractive prospect. The perception was that it would lead to better conditions and importantly, reduce costs. There was simply a belief at that time that conditions were not going to get any better and the regimes should aim for 'humane containment', which should always be preferred to inhumane containment (King & McDermott, 1995).

In 1984, the right-wing think tank, the Adam Smith Institute published the 'Omega Justice Policy', stating that as the private sector has experience of hotels and security, these skills could be combined to extend free market ideology to prisons. It received little support and despite the then Home Secretary, Douglas Hurd, declaring prison privatisation 'unthinkable' in 1987, the Thatcher and Major governments quickly cleared its path in the Criminal Justice Act of 1991 (Morgan, 1997:1162). Implementation followed swiftly with the opening of the purpose-built HMP Wolds Remand Prison, run by Group 4 just one year later, the first private prison in Europe. In the same year, the Prison Service was given agency status and a manager from the private sector (with no previous experience of prisons) was brought in to head the newly created Prison Service Agency with the belief that new ideas would lead to greater efficiency in the management of the prison estate. Some

years previously, Mathiesen pointed out that innovative ideas for improvement usually come from outside an established organisation (Mathiesen, 1971) and although this would appear to be the case, the strategic direction of penal policy would without question, remain with the Home Office (Morgan, 1997), or more recently the newly formed Ministry of Justice. This is an important aspect and in countries that have taken privatisation on board, the models differ; in France the state builds and owns its prisons, but has meted out some of the management of some prisons to the private sector. England and Wales has gone as far as allowing companies to build, maintain and run private prisons, similar to the USA and Australia, some with 25 year contracts (Ryan, 2008:229).

Regardless of logistics or practicalities, the prison privatisation debate often centres on deep-rooted ethical and moral values, far more than in other areas, especially for opponents of privatisation. It could be argued that prisons and their appointed officers, like the police or the military, are symbols of State authority and punishment (through loss of liberty and custody) and should remain the sole responsibility of the state as delegation diminishes its 'moral legitimacy' (Harding, 1997:21). Critics find it 'morally repugnant' that those who break the rules and are sentenced to imprisonment should be coerced by private supervisors making a profit (Ryan, 2008:230). Lord Chief Justice Woolf believed that stability depends on a balance between justice, security and control, many prisoners feeling a sense of 'injustice' (Woolf & Tumim, 1991, para 1.148) and opponents would argue that the private sector, due to a lack of official authority, is not best placed or qualified to deal with such problems. Proponents however, would argue that the state remains the arbiter of justice, that has not changed and there is an important distinction between punishment given by the courts and the administration of custody, which is the final, non-judgemental stage of the justice process. These are two distinct functions that are able to remain separate and it could be argued that tasked with the second stage only, the private sector is capable of improved service delivery in most areas (Schichor, 1998).

So the moral debate coalesces neatly with the crisis of penal legitimacy alluded to earlier in this thesis. There is little argument that the function of the state is to decide on the type, severity and length of punishment given to an offender, but proponents of privatisation would argue that the delivery of the sentence, the supervision and rehabilitation, is a totally separate function, which absolves those involved of responsibility, therefore removing them from the legitimacy debate altogether. Allocation of punishment remains very much a matter for the courts, but the delivery aspect could easily, with adequate and 'appropriate safeguards', be apportioned to the private sector (Cavadino & Dignan, 2007:278), thus the delivery becomes merely a 'technical issue' to be competitively tendered to the company or organisation who can promise effective, efficient, high quality delivery of service (Sparks, 1994).

The moral issue permeates most areas of the debate, especially the idea of shareholders making a profit from human suffering, where goals of 'humanity and efficiency' would appear to conflict in the area of incarceration (Schichor, 1998:84). Private companies and their shareholders would instinctively seek to increase turnover and growth in order to increase profits and dividends. The opportunity for political corruption is obvious with lobbyists from large, powerful companies in parliament attempting to influence political decisions regarding sentencing policy or contract tendering and politicians could become advisors or shareholders, leading to a conflict of interest (Logan, 1990). Policy questions are also raised and the goals of imprisonment must be made clear as differing goals of incapacitation, rehabilitation, deterrence, retribution or public protection each have distinct policy implications (Borna, 1986).

The moral and ethical debate is powerful and often polarised, but with the new recently-opened private prison at Peterborough obtaining a 25-year contract, where does this leave those who oppose prison privatisation on such grounds? From a viewpoint of total opposition, at least the charitable organisations are beginning to recognise that the current is moving quickly and that rather than making futile attempts to stop the progress, attempts

must be made to ensure quality. Speaking in 2005, Juliet Lyon of the Prison Reform Trust stated that ...'even those who believe that ethical or moral considerations about prison privatisation are misplaced or outdated should surely stop and think about the impact of prison privatisation on criminal justice policy and the treatment of offenders' (Prison Reform Trust, 2005:preface). This is progress and although the ethical debate will not ebb away, its relevance decreases and efforts can be focused on legitimacy, the quality of prisons and the improving the experience of prisoners. To the substantial anti-privatisation lobby, the debate is similar to that of the prison abolitionists, in that any attempt to improve the system demonstrates firstly that the system is poor and secondly that it continues to legitimise it, be it the prison system generally or the privatisation issue. There is little doubt that prisons have not been effective at goals of rehabilitation and crime reduction, but by merely promoting their abolition and seeing any type of positive reform as reinforcing the idea of the institution is quite a narrow argument that may be heading for a cul-de-sac. This thesis is not pro-privatisation but remains neutral.

The main justification for privatisation is economic and seen as a measured response to the ever-spiralling and unmanageable prison population, but problems are immediately apparent as cost-effectiveness and profit may come before the best interests of prisoners. There is no doubt that staffing in private prisons is critical, certainly at a lower staff/prisoner ratio than in the public sector and staff receive lower pay, no public pension scheme and have an inferior career structure. Critics suggest that private companies simply replace skilled labour with cheaper, lesser-trained staff with no long-term career prospects and a high turnover (Matthews, 1990). Figures from the Scottish Prison Inspectorate show that the staffing levels at the privatised Kilmarnock prison are between 30-50% lower than equivalent Scottish Prison Service establishments (Prison Reform Trust, 2001), although as previously mentioned comparisons are difficult in other areas.

On the more general question of economic performance, research has been largely inconclusive and it is unclear that privately run establishments are

actually any cheaper and may eventually prove to be no less expensive than public prisons. Improved efficiency should certainly reduce cost but this would be offset by a profit margin, which could see no real saving to the taxpayer. Problems include the independence of the research but particularly the difficulty of comparing like establishments, as the private sector has, until recently, been at the low security, low risk end of the market with lower running costs (Schichor, 1995). Despite this, the Government frequently claims that private prisons are cheaper by up to 25%, although these figures are not backed up with valid and comparable statistics (Cavadino & Dignan, 1997). Greater accountability may bring to light the true cost of humane conditions and more effective treatment, which has yet to be accurately established.

In a report from the National Audit Office in 2003, it was found that the best PFI prisons outperformed public prisons in most areas but that the poorer PFI prisons were poorer than the public sector. It found that there was some variation within each sector, suggesting that not all prisons in one sector perform in the same way. The private sector was slightly more successful in the areas of purposeful activities, relationships, treatment of prisoners and staff-prisoner relationships, but public sector prisons performed better in the areas of security and safety. Some comparisons are not possible, out of cell time is difficult to assess as contract compliance in some private prisons is higher than in some public prisons and therefore the target is harder to hit. It was encouraging that more information was forthcoming from private prisons due to contract compliance encouraging more extensive data compilation (National Audit Office, 2003). Measuring cost effectiveness as the sole indicator of success has not produced clear results and indubitably, if it exclude issues of quality is not particularly useful. A study by Pratt and Maahs (1999) concluded that private prisons were no more cost-effective than public prisons, although agree that due to methodological problems, all such assessments are tentative (cited in Liebling, 2005:115).

The first private involvement in England & Wales dealt with transportation to courts and remand services, before moving on to remand centres followed by

low-security prisons and immigration detention centres. As at November 2007 there were a total of eleven private prisons: two contractually managed at HMPs Wolds and Doncaster, nine PFI (25 year contracts to finance, design, build and operate) with a further seven in the planning stages. These are financed by the Government's often-controversial PFI scheme, with several companies being used in a deliberate attempt to avoid a monopoly (Prison Reform Trust, 2001), although recent take-overs and mergers of companies within the sector (as previously stated, in 2003 Group 4 took over Wackenhut Correctional Services in the UK and became GSL) have made the situation less clearly defined. Approximately 8,000 prisoners are held in private prisons, including the latest at Peterborough, which was opened by UKDS in March 2005 and holds 480 male and 360 female prisoners. At a cost of £62 million, it is the first purpose built prison to hold both men and women, albeit segregated and has 12 mother and baby units.

Better quality prisons should be built faster by more flexible private companies, alleviating the lack of prison places and reacting more quickly to changes in requirements, although opponents see privatisation as expansionist - more prisoners leading to more profit. Expansion leads to more places to fill and therefore harsher sentencing in a penal equivalent of Parkinson's Law, which states that 'work expands to fill the time available' (Borna, 1989:330). If rehabilitation is to form part of the ethic of the private establishment, with a view to lowering re-offending, the crime rate and subsequently the prison population, then this could conflict with the business ethic of filling places, especially if payment is *pro capita*. This could lead to the dilemma of private prisons being victims of their own success – an unhealthy business plan by any standards. The numbers crisis however, has not been solved and in 1997 three of the four private prisons in operation at that time showed an operating capacity of over 100% (one as high as 132%), therefore *pro capita* payments could encourage overcrowding (Prison Reform Trust, 2001). With record numbers in the prison estate, a figure exceeding 80,000 at the time of writing, this phenomenon is unlikely to disappear.

Even if significant economic savings are not made, it is believed that the greater efficiency in private sector management will lead to better quality service delivery (Logan, 1990). There is little published evidence to suggest that this has been the case so far, although some areas have undoubtedly improved in some private prisons (Cavadino & Dignan, 1997), a thorough, independent evaluation of the private sector is indeed necessary. There is limited evidence that competition has brought 'wider benefits' to the Prison Service, in particular it has brought the decency agenda to the forefront of penal debate, with private providers being generally more civil to prisoners (National Audit Office, 2003). The private sector is generally recognised as utilising the latest management techniques, employing well-motivated staff and having greater flexibility. New ideas are to be welcomed from innovative, although inexperienced managers without preconceptions and therefore in theory, conditions and regimes should improve. As already mentioned, staffing levels are critical in a profit-making sector and an obvious way for an over budget private prison to cut costs would be to cut staff, reduce working hours or training or re-schedule work patterns, which could lead to a reduction of out-of-cell hours as the staff/prisoner ratio decreases.

Proponents would point to the fact that private companies must strictly adhere to detailed contracts and the fact that, unlike a public prison, a poorly performing private sector establishment could lose its contract or fail to have it renewed. It could be argued that the public sector, by implementing rigorous programmes of close regulation, inspections and recommendations could impose its notorious bureaucracy on a sector that prides itself on reducing red tape (Borna, 1986). Private prisons are not simply left to their own devices, they are closely scrutinised by the Home Office Controller, primarily installed to oversee discipline, doubles as the Compliance Monitor. The contracts themselves are highly complex and detailed in the level of provision to be provided and are referred to as a Service Level Agreement, although details are unavailable to the general public due to concerns over security issues and client confidentiality. It must be said, that several targets for private prisons (particularly in the areas of out-of-cell time and education) are set much

higher than comparable public prisons, which does not create a level playing field.

Due to their closed nature, prisons are probably the least accountable and verifiable area of public provision and have always had somewhat of a 'crisis of visibility' (Cavadino & Dignan, 1997:137) and involving the notoriously unaccountable private sector with its commercial confidentiality caused justifiable concern. There are many layers of accountability and the quality of organisation, treatment and security are difficult to monitor. Harding identifies several 'tenets of accountability', key principles that should be instrumental in providing necessary accountability to the state and its citizens. Profit should not drive policy and prisons must never take over the punishment role, all activities must be open and accessible with independent evaluation and full financial accountability. Public prisons must not deteriorate as a consequence of privatisation, regimes must be culturally appropriate and the aims of the private sector must be clearly specified and the suitability of companies scrutinised (Harding, 1997:27-31).

This demonstrates a degree of concern regarding accountability that encompasses far more than financial considerations, although many of these problems have never been addressed in the public sector, which has been criticised for failing to rehabilitate and being extremely inefficient and expensive (Schichor, 1998). Critics also suggest that the private sector has not actually fared much better and has generally not demonstrated that it can 'reform' or rehabilitate prisoners any more successfully than the public sector (Ryan, 2008:230). It could be argued that due to highly detailed contracts, often with higher targets set than in the public sector in conjunction with close supervision and regulation, far more is being required of the private sector than was ever demanded of the public sector and therefore accountability should be effectively higher (Logan 1990).

Organisational accountability starts at the top and historically prisons have been governed and administered by highly trained public servants, but private establishments were to be run in certain cases by businessmen with little

experience of the penal system (although in some cases senior management had arrived from the Prison Service). The Prison Officers Association views prison staffing as a specialist, highly professional, vocational occupation and as a symbolic representation of State authority and naturally sought to defend its members. Many Prison Officers had joined a public service with good career prospects following extensive training and see privatisation as a definite and direct threat to their previously secure livelihood. In 2000 thousands of Prison Officers walked out in unofficial strike action against the proposed privatisation of Brixton and the Prison Service had to threaten legal action to keep its officers in order. The Chief Inspector of Prisons, commenting on the first private prison to be opened, (HMP Wolds) stated that he was in little doubt that many in the Prison Service were 'willing it to fail' (HM Inspectorate of Prisons, 1999:5). Indeed, in 2000, the chair of the Prison Officers Association was quoted as saying 'private prisons are an experiment that has been in this country for eight years and they have failed' (www.bbc.co.uk). This opposition is understandable.

Targets set by the Home Office for time accorded to 'purposeful activity' are invariably higher for private establishments. The Prison Inspectorate's unannounced inspection of HMP Wolds in 2004 also highlighted three other problematical areas of what could be described as unfair practice. Firstly, the IT system and internal intranet of the Prison Service has only been partially rolled out to the private sector and much information is unable to be accessed. Secondly, the OASYS offender risk assessment tool had at the time of writing, still not been made available to the private sector. This potentially useful system will underpin offender management in the future and cannot be fully effective until it is integrated within both sectors. Lastly, private prisons must be integrated into any coordinated resettlement strategies available in its area. There is evidence that in the East Yorkshire area, there exists an active 'Yorkshire and Humberside area resettlement strategy' that HMP Wolds is 'unable to be part of' despite its very close neighbour HMP Everthorpe being included in the strategy (HM Inspectorate of Prisons, 2005:5). This is unacceptable and puts this private sector prison at a disadvantage.

It must always be remembered however, that the Prison Service is in direct competition with the private sector and indeed since 1995, following a successful tendering process the Prison Service has regained two of the prisons that were previously contracted out. However, as HM Chief Inspector of Prisons points out, contestability appears to have caused a 'growing gap' between the public and private sectors that is compromising the management of prisoners as they are passing between the sectors (HM Inspectorate of Prisons, 2005:6).

Initially, the obvious fear was that expansion of the private estate could lead to large-scale redundancies, although this has so far not been realised, mainly due to the incessant rise in prison numbers requiring an increase in staffing in both sectors. It must be pointed out that the Prison Service itself has successfully tendered for a number of market-tested prisons, although in some tendering processes it was deliberately excluded to encourage the private sector (Twinn, 1994). In 1998 it took back the running of Buckley Hall, a Category-C prison from Group 4 in 2000 following a successful tendering bid.

Accountability in the areas of security and authority is also problematic and the basic idea of private prison 'supervisors' exacting any form of control over inmates is morally questionable and any response to serious incidents or disturbances, such as the 'Strangeways' riots of 1990 would have to be the responsibility of the police or a contingency plan put in place to call a team of Prison Officers from nearby establishments. Private prison guards have no state authority or powers of arrest, they are not responsible for punishment, neither can management enforce any internal discipline of any magnitude, neither can private prison staff cannot impose loss of remission or fines. Discipline is facilitated by the employment of a Home Office Controller, who is responsible for any such adjudications and this post has become an integral part of private establishments in England and Wales and this is vital to safeguard the interests of prisoners (Bottomley *et al*, 1997b). Although the very fact that a private prison supervisor can lock up a prisoner is coercive

enough for many anti-privatisation campaigners. To add fuel, there have been incidents in private establishments where harm has come to prisoners, such as the death of Alton Manning at HMP Blakenhurst, who was 'unlawfully killed' whilst being restrained during a drugs search in 1998. Seven custody officers were suspended, but more worryingly two senior members of staff were found to be 'ignorant of Home Office guidance' detailing the dangers of using the technique (Cavadino & Dignan, 2007:279, Prison Reform Trust, 1998:13).

Constant evaluation is vital, but methodological issues are many and varied, including the difficulty of comparing like or similar establishments and methods of payment (fixed or *pro capita*), making any findings tentative. Further studies will be essential although limited studies so far highlight a major dilemma in the area of research into private prisons, namely the delicate and questionable balance between economy, effectiveness and the quality of service provision. Neither has it been significantly proven that any improvements are as a direct result of privatisation alone, although limited research has demonstrated that several new-build public prisons have shown great improvements in some areas (Bottomley *et al*, 1997b).

As with public prisons there will be good and bad, effective and ineffective, efficient and inefficient and there will be successes and failures within both sectors. Proponents would point to cases like HMP Wolds, where the private sector appears to have succeeded in some areas although opponents would counter that argument by suggesting that improvements and increasing investment in the public sector would have solved many of the problems and averted the crisis. In 2000, the newly-elected New Zealand Government shelved the previous administration's plans for privatisation, the Minister of Corrections stating that a failing system needs resources, not privatisation, incarceration should not be a growth industry and that increased resources for crime prevention should reduce the need for prison places (Prison Reform Trust, 2001). These comments could be described as somewhat naïve and could be open to debate but it demonstrates the strength of feeling that the privatisation debate can generate among politicians, although to merely

suggest that privatisation is the panacea to the problem of poor conditions simply because public conditions are so poor is an argument of little substance.

'Quality....is the most important aspect of the whole privatization debate' (Harding 2001:285). Despite the current political and economic climate and a fascination for audit and target setting and achievement, prisons need to remember that quality and standards should not be compromised by the need to be cost-effective, for public as well as private prisons. There is insufficient comparative, reliable and independent research in this area to enable a generally ambivalent public to engage with the general privatisation debate and it is against this background of public ambivalence to the prison system that the privatisation programme continues to be rolled out. It is contentious as to who benefits from privatisation; the prisoners, the companies and their shareholders or the state due to savings to the Treasury. Overall, despite many arguments for and against, prison privatisation seems to have been neither a success nor a failure in England and Wales. In the USA, there is evidence that private prisons suffer from staff shortages, poorly trained staff, disturbances, escapes and violence, so in many areas would appear to be no less problematic or any more effective than state correctional facilities (Prison Reform Trust, 2001).

Although many arguments have been discussed, including cost, accountability and security and compelling moral arguments put forward, contemporary penal policy towards contracting out custody to the private sector does not seem to have changed. The change in status of HMP Wolds with the introduction of life-sentenced prisoners would indicate that future involvement in the private custody business is likely to expand rather than diminish, despite reservations or the lack of evidence that it works. Governors of low-medium security public prisons face constant insecurity and live with an anxiety that market testing of their establishment could be forced upon them at any time. It could be argued that the penal system is still not heading out of its numbers crisis and that privatisation will not only fail to improve the system but could easily become 'a major part of the problem', in that it has deflected

and distracted policy makers from the need for fundamental reform of a system in crisis (Cavadino & Dignan, 1997:177). Conversely, it could also be argued that private prisons have been a catalyst for change, raising standards in certain areas and keeping the Prison Service and state-administered prisons on their toes. The Chief Inspector of Prisons declared in 1999 that 'private prisons have now proved their worth' and described HMP Wolds as a 'success', in the way prisoners are treated and as 'an outstanding example of good practice' (HM Inspectorate of Prisons, 1999:9).

The custodians, public or private, are at the very heart of the system and it is the key area where reforms should start. It could be argued that officers should be merely jailers with keys or a step further, become a more professional, multi-faceted body, trained in areas of education, rehabilitation and counselling. This of course, would depend on your view of the fundamental purpose of imprisonment. The role of the Prison Officer was reviewed some years ago by the May Committee in 1979, which reviewed pay and conditions following industrial action by the Prison Officers Association. It proposed a new idea of 'positive custody', which basically sought to keep prisoners occupied and a further set of working arrangements known as 'fresh start' came into existence in 1987, which saw a reduction in the working week and the abolition of overtime (Flynn, 1998:37; May, 1979). Current recruitment, whilst including a standard equal opportunities literature, is usually done nationally, whereas private prisons recruit locally in order to further good relations with the local community.

Many private prisons do have a less austere and more relaxed regime, where prisoners are called by Christian names and custody officers do not have to be referred to as 'Sir' or 'Miss'. This has received much praise from the Chief Inspector of Prisons as a model that other prisons could adopt as it leads to a visible reduction of tension and is certainly noticed and appreciated by the majority of prisoners (HM Inspectorate of Prisons, 1999). It is less demeaning, less disciplined in approach and encourages better relationships and good rapport, although we must not forget that the Prison Service did attempt to 'de-militarise' in the 1980s by losing their peaked caps. Many

Prison Officers in the public sector have a background in the armed forces and this is often reflected in their outlook on discipline. The Prison Inspectorate realised as early as 1993 that a sea change in attitude was required in the way prison regimes were run. A review and updating process needed to be initiated and the very attitude of the Prison Service and its members needed to fundamentally change and be more positive (HM Inspectorate of Probation, 1999).

Due to the way the legislation was speedily put in place, the Home Secretary technically has the power to privatise every prison and detention centre in England and Wales. It is interesting however, that no country has yet advocated total privatisation and some countries, New Zealand and Ireland for example, have resolutely refused to contract out their prisons for moral reasons. It seems however, that in England and Wales there is no turning back and that despite a change of Government in 1997, the privatisation process continues apace and the debate as to whether private prisons should exist or not was declared 'sterile' as early as 1994 and contracting out prisons is definitely 'here to stay' (Twinn, 1994:34). With all major political parties driving the expansion of privatisation in the prison estate ever further, the focus of prison reform organisation should now be to assess the effectiveness of such regimes rather than calling for a 're-nationalisation' of the prison estate.

In December 2003, Carter produced a blueprint for the future of offender management. The main thrust of the recommendations in the Carter Report was that end-to-end management of offenders, either in prisons, the community or a combination of both, was better administered through a joint management structure rather than via the Prison Service and the National Probation Service, who often have different and competing priorities (Carter, 2003:24). Because the strategic emphasis is in managing two very separate services rather than continuity for offenders, there existed a gap in provision between the two that could potentially inhibit delivery to clients. These two agencies were combined to form the National Offender Management Service

(NOMS), implemented from June 2004 (a discussion of the potential impact of NOMS on life-sentenced prisoners is to be found at Appendix A).

Carter also made some interesting recommendations that, if implemented, will directly affect private sector provision. It begins by stating that private prisons have been 'very good' and the introduction of competition and performance testing has improved the quality of provision across the estate (Carter 2003:23). The report recommends more contestability not only in the provision of custody but also to introduce a market to front-line probation and support services, already established in other countries, particularly the USA. It also recommends that the private sector should not be limited to failing prisons or problem areas and companies need an incentive to invest if they are to be 'a credible alternative to public sector providers' (Carter, 2003:24). The Chief Executive of the NOMS would in fact, actively engage current and potential private providers and increase contestability in several key areas of provision.

Despite many concerns, it would appear that many problematic situations have at best become no worse, which is fortuitous as with contracts agreed and several renewed, some for as much as 25 years, private prisons will certainly be a fundamental part of future penal policy in this country (Harding, 1997). The Carter report confirms that the future of prisons (and indeed all areas of criminal justice provision) is very much a combination of public and private provision, with new areas of contestability and a major expansion of the prison estate both in size and variety of provision. The focus must move away from the ethical and moral debate and perhaps we should be less worried about which company has the nameplate on the prison gate but more concerned about what actually goes on within the walls. If the main aim is not merely economic, but to improve conditions over the whole estate, then whether or not prisons like HMP Wolds succeed would appear to be somewhat irrelevant (Twinn, 1994). Only continuing, independent research and evaluation will determine if the political judgement was correct and if the prisoners are experiencing improvements, better conditions and the public believe they have increased value for money.

2) The Foucauldian theory of Governmentality

This Foucauldian theory of the late 1970s actually emanates from the 18th century, a time when governments began to utilise bureaucracies and become ever more involved in how government was administered. Foucault certainly sees governing as a way of ‘thinking about the government and the practices of government (Kerr, 1999:197), revolving around how they interact with those they govern and the mechanisms used, which have traditionally been coercive. Foucault refers to this as the ‘art of government’ (Foucault, 1991:92). It certainly has some relevance in contemporary criminology and in penal policy in particular and deals with three main ideas:

Firstly, that in a liberal or neo-liberal government, the power of the state is decentralised or diffused to non-governmental agencies and organisations, including the private sector, with citizens involved at every level. Secondly, that the state can govern in partnership with its citizens, not necessarily from a position of inordinate power and not merely by passing laws and demonstrating its domination and finally, that by becoming an active part of the process, citizens can be ‘individualised’, motivated and will have the desire to be a part of the governing process, thereby ‘responsibilised’ (Garland: 1997, 175). This demonstrates a change in the power dynamic between government and citizen, a loosening of the reins towards a more shared responsibility and a definite move away from the traditionally coercive and disciplinary governmental rule. It expounds that the dynamics of state power, the ‘modalities of governance’ and how such power is inflicted on citizens is extremely complex (Hudson, 1998:585) and gives criminologists a chance to re-assess the ‘dynamics of penalty’ (Hannah-Moffat, 2000:510).

As a civilised society, we have already moved away from the bloody code, the pre-modern era of gruesome representations of state punishment. The death penalty and associated grisly public spectacles demonstrating state superiority to its subordinate audience of oppressed citizens have been abolished. Indeed, moving away from the oppressed state is one of the points Foucault makes in his analysis, stating that governing is not about

'commanding' its citizens and passing laws but engaging and activating them to willingly become active members of the community - it is about treating citizens as individuals (Foucault, 1977:19). It advocates a diffusion of responsibility and the commissioning of the private sector could certainly be viewed as an intrinsic part of the governmental process. If private companies and individual citizens become part of the penal process and its delivery, the responsibility for any failure would not be that of the Government alone, the failure would be a collective one. It is almost 'self-policing' or at least the public and non-governmental and voluntary agencies becoming jointly responsible and pro-active regarding crime control. It is about discarding the 'welfare' mentality and coming to terms with the fact that the state will not - nor should not - provide everything that is required and recognising that in some areas, the police and the criminal justice system are ineffective. The public is encouraged to take responsibility for its own security, carry out crime prevention measures by fitting burglar alarms to properties as a means of 'target hardening', to be vigilant against terror attacks, form Neighbourhood Watch groups to share intelligence with neighbours (Rose, 2000:183).

So for Foucault, governing is more than displays of coercive power and in a neo-liberalist ideology, governance sees the retreat of the welfare state and the government no longer as provider and the organ of responsibility - it removes responsibility from itself and places it squarely on the shoulders of the individual. Such matters as health, education and employment is no longer the responsibility of the state, it becomes a matter for the individual in a form of self-governance. Governance is therefore not by coercive legal powers, but by individuals governing themselves through their own freedom (Rose, 1999:87) and about individuals becoming autonomous, being entrepreneurial and taking control of their goals and how they are achieved (Rose, 1996a). Government should govern not through laws and discipline alone, but govern things, govern people and populations with a plurality of aims, most importantly to provide a strong economy so that the nation can flourish (Foucault, 1991:94-95).

Rose believes there are three tenets to the neo-Liberal strategy; Firstly that governments should have a 'new relation between politics and expertise', in that governments should be more aware of human conduct, secondly a 'pluralization of new social technologies' seeing power detached from the centre (Rose, 1993:295-296) and thirdly, a new role for government, which would seek to see individual's govern their own conduct by free will, as 'self-governing' subjects (Rose, 1996b:59; Hannah-Moffat, 2000:511). This neo-Liberal strategy of governance has become known as governing society 'at a distance' (Garland, 1996; Hannah-Moffat, 2000:511), bringing in more social actors into play vice the formal politicians and political institutions and promoting autonomy, a phenomenon Rose refers to as the 'de-governmentalization of the state' which in penological terms would see an end to the state monopoly associated with a penal welfare state (Rose, 1993:296). The ideal role of the state is not as yet clearly defined in this process of realignment or 'recasting' of the government's power relationship with its citizens, but would see a more enabling, facilitating authority, working in partnership with the population rather than ruling by coercion (Rose, 2000:186).

The final part of the process is the responsabilisation of the individual, a process of normalisation where the individual freely and readily wishes to be a part of society and function 'normally' – parameters as defined by those in power, but that should be 'personally desirable' (Rose, 1999:73). It is about the individual understanding those parameters and freely assuming a mentality of conformity and choosing to be a model citizen because it is viewed as the best option that will give the best outcome, in the same way as somebody would choose to look after their health by eating healthily and exercising – taking responsibility. It becomes clear exactly what is the responsibility of the government and what is the responsibility of the individual (Garland, 1996:453). Rose likens the notion of responsabilisation with voluntarily going to the gym, realising that to be healthy is the best option to achieve a good quality of life and it is the individual's responsibility to keep fit (Rose, 1999:86). Similarly regarding crime, this could equate to the individual realising that crime is not normal in society and that desistance or abstinence

is the best option, rather than the traditional view of forced abstinence through coercion, deterrence and the threat of punishment.

Foucault's previous work, 'Discipline and Punish', although not directly about the prison as an institution had directly made the connection between power and discipline, invariably in an atmosphere of conflict and repression and had already made a huge impression on criminological theory (Foucault, 1977). In the governmentality literature, he argued that the preferred outcome of neo-liberalism, especially in the lower order of society, was docility – not a value that a classic liberal would readily subscribe to. Foucault continued work on this new theory of governmentality until his death in 1984. It focuses on two main areas of governance: how governments govern (what apparatus they employ) and how individuals find their place and 'work on themselves to shape their own subjectivity' (Garland, 1997:174). Foucault revised that definition, to look at societal structure and social engineering producing self-discipline, moving away from the idea that power is implicitly linked to discipline and this revision is based on a new perception of how power in a neo-liberalist or liberal society actually works in practice. The neo-liberal ideology does not withdraw governance; it simply reshapes it to strengthen the role of the individual in society.

At a time when criminology was fragmented and restructuring, it offered a powerful theoretical framework to analyse how governments deal with crime and offenders. It is a contemporary and relevant account and highlighted the fact that we must learn how governments 'manage' the population and assess precisely what the limits of governance are, in order to appreciate the impact on dealing with the problem of crime (Garland, 1997). In essence, governmentality replaces the more traditional, disciplinary model of power and translates it into a theory of 'government of the self', a consensus model, moving away from governing as a series of conflicts but towards understanding and responding to its population and trying to ensure the population conducts itself appropriately and is happy to do so (Lemke, 2001). Governing is no longer about ensuring people comply with rules, with sanctions for those who break the rules, rather a versatile mix of 'coercion and

processes through which the self is constructed or modified by himself' (Foucault, 1993:203-04). It represents a coming together, a rational and reciprocal partnership of a sovereign state and the individual.

Prisons are a representation of the state and how the state is governed has an impact on the way prisoners are treated. Before Foucault's theory, penal policy in England and Wales had already moved from barbaric punishments of the body to punishments of the mind and through to the treatment model and rehabilitation. But still, the concept of modern rehabilitation is still very much rooted in the idea that citizens should change, should conform, get a job and settle down to lead a law-abiding life – it does not instil an idea that this change in thinking and conformity is because the individual sees it as the best option, merely that it should be done. This would be the very 'essence' of Foucault's governmental theory pertaining to rehabilitation and does not appear to be one of the current policy aims.

Hannah-Moffat, using governmentality as a central theoretical theme to her research, looked at the emergence of neo-liberal strategies in Canada and the impact it has had on women's imprisonment. It looks at the changing nature of women's imprisonment since the report of the Task Force on Federally Sentenced Women (TFFSW) in 1990 (Hannah-Moffat, 2000). Historically, imprisonment for women has been steeped in struggle and repression, with several government commissions and other bodies looking at reform since the opening of Canada's only all-women institution in 1934. It seems that this Task Force was very much in accordance with the Canadian Government's apparently radical agenda of 'shared responsibility' and 'empowerment' (TFFSW, 1990, Hannah-Moffat, 2000:512). Whilst the governmentality literature includes extensive coverage of sharing governance and diffusing power, the idea of empowerment is one not addressed to this point, but would seem to fit neatly with the idea of responsabilisation of the individual.

Whilst the Task Force recommended strong partnerships between the government, the private sector and the voluntary sector, and extended this thinking to the offender and the community all who are needed to be involved

as part of the shared responsibility agenda. It talks about 'creating choices' and a women-centred approach to corrections, involving dignity and a supportive environment in addition to empowerment and shared responsibility (TFFSW, 1990:34). In this context, empowerment is the first component of responsabilisation, as to empower from a position of abject disempowerment, far more prevalent in female than in male offenders due to 'structural inequities' suffered by women is the first step to assuming control, raising self-esteem and becoming responsible (Hannah-Moffat, 2000:518). As with most well-meaning ideas, there are problems and although it allows the 'government-at-a-distance' approach, there is little benefit if the choice to be empowered is not taken by the individual.

Women prisoners who do not participate in programmes for example, are disciplined, which could lead to adverse reports, ultimately resulting in a longer sentence or delayed release and Hannah-Moffat argues that this could result in women being 'sent to prison and kept longer in prison to be empowered' (Hannah-Moffat, 2000:524) - a rather doubtful aim and unintended consequence that does not legitimise such a model. In a broader discussion, where the shared responsibility fails (and there could be many prisoners who do not wish to engage), the state simply reverts back to the disciplinary approach, which it legitimates in citing issues of risk and public safety. Whilst appearing non-conflicting and positive, empowerment simply reinforces the existing power relations between the state and the individual rather than challenging it in any normative sense, therefore the state really has nothing to lose by incorporating it into its penal strategy (Hannah-Moffat, 2000:526). Although narrowly-focused on women prisoners in Canada, this is one of the very few texts that places the idea of governmentality and neo-Liberal governance in a contemporary penal context.

Theoretically, if governmentality is to be relevant generally in penal policy, then the individualised and participating citizens would have a part to play in deciding how to introduce legislation and how to deal with offenders. The offenders themselves would be encouraged to be reintegrated into the community by a process of rehabilitation, culminating in self-improvement and

the 'responsibilisation' of the individual. Although some of these have been incorporated, particularly in youth justice policy, where community panels decide how young people should serve the community as part of behavioural contracts, the process as a whole would seem to be some way off. It is questionable if the British Government would see these actions as a suitable way to govern; such has been the traditional reliance on rule by coercion and subordination.

As described elsewhere, one of the main aims of modern prison regimes has been to make a prisoner's stay in prison constructive and useful, without neglecting issues of safety and security, described by Tony Blair, then only in post as Prime Minister for four months as 'compassion with a hard edge' (cited in Cavadino *et al*, 1999:53). The neo-liberalist approach should have been replaced with a change of government in 1997 but the incoming Labour administration did not abandon the plan to utilise and expand the private sector, a position thought ideologically untenable with a left of centre Labour Government. It is a plan that apparently fits in well with the New Labour 'third way' project of combining public and private provision and the newly-appointed ministers signed up to more private prisons within days of taking office. Jack Straw and David Blunkett had certainly campaigned vigorously against prison privatisation in opposition, declaring the whole idea 'morally repugnant', Tony Blair likewise, stating in 1993 as shadow Home Secretary, that those imprisoned should be held only by those accountable 'solely' to the state, but it appeared that New Labour eagerly embraced idea of managerialism on attaining power in 1997 (Cavadino & Dignan, 2007:278). In this post-Woolf report progressive era, prisoners' expectations had risen, but this was somewhat halted by the incoming New Labour Government.

The thread of relevance with the Foucauldian theory of governmentality is the approach that sees prisoners become actively involved and take more than a passing interest in their progress. Prisoners would now take a more active role in deciding the direction of their sentence and play a major part in sentence planning. This would include completing offending behaviour programmes, complying with the sentence plan and voluntary abstention from

substance abuse, often linked to earned privileges (Liebling, 2005). Although incentivised by a regime of extra 'earned' privileges, this participation could certainly be reflected in governmentality theory, an approach of promoting responsabilisation and active participation in wanting to become more of a 'normal' part of society, rather than seen as deviant, with the lifestyle, goals and aspirations that those in power wish to see in its citizens as part of a healthy, functioning community. So this theory is certainly closely allied to rehabilitation and the Victorian idea of reform being major characteristics of contemporary penal policy, the idea that learning the right skills and being put 'on the right track' will instil not just abject conformity by subordination but a willingness to be a good and responsible citizen - as it is perceived to be the best option. In another sense it is also making a positive move away from the 19th century reform agenda as it has come to be understood and looking for a difficult middle ground to enable citizens to become responsible through their own free will, without coercion (Pasquino, 2000:243).

The theory of governmentality could be described as abstract, an alternative theory that goes against the traditional idea of the coercive state and punishment by discipline, but it makes theorists and researchers look more deeply at the complexities of both the modern prison and the 'art' of governing modern, diverse populations from a distance. It must be said, that Foucault was not particularly in favour of the type of research to be undertaken in this thesis, philosophising that there have been numerous studies of individual prisons and despite this, ostensibly there has been little fundamental change within these institutions since the 19th century, producing the same poor results (Gordon, 1980; Foucault, 1991). Undeterred by this Foucauldian vote of no confidence, the thesis will examine the theory of governmentality and pose the question: is it relevant in contemporary penal policy? On initial analysis, when linked with prison life on a day-to-day level, the main problem would appear to be that the theory is just that, a theory, and does not appear to operate at a grounded level: i.e. on the prison wings, but it does have relevance in more general areas, such as privatisation, programme provision and rehabilitation.

We are unlikely to see the British Government governing in such a passive and nurturing manner in the current climate of increasing and ever-lengthening prison sentences, an expansive prison building programme and a willingness to regularly impose new and exemplary laws and some comparisons could certainly be drawn with the Thatcher government of the 1980s, which promoted the individual and 'rolled back' the welfare state to provide smaller government. The current New Labour Government is certainly a confusing conglomeration of political ideologies and would not at first glance fit neo-liberal ideological ideals, but in diffusing much of its authority to other bodies and drawing in the private, voluntary & community sectors there is some fit and this 'action at a distance' approach needs a 'whole variety of alliances' to help it run smoothly (Rose, 2000:185). Although, it could be argued that in greater utilisation of the voluntary sector and the private sector in the prison estate in particular, the aim may be simply to reduce cost rather than any implicit ideological or correctional aims. Conversely it could also be 'symptomatic of the prison's failure' (Hannah-Moffat, 2000:516).

In accelerating prison privatisation the Government is seen as a more than willing partner in sharing the responsibility of governance with its citizens in this key area of public provision. There is no doubt that governmentality is allied closely with the ideology of neo-Liberalism and it would be difficult to equate or seem as relevant in a social democracy or communist setting. The current involvement of the private sector in prison provision in England and Wales and conceivably expanding involvement to other areas of penal provision is the reason that this thesis looked so closely at governmentality theory and placed the discussion within a section on privatisation – the two not only coalesce effortlessly but would appear to be inextricably intertwined.

Prisoners and voting rights

As additional food for thought, if the proposed theory of governmentality is to have any relevance in contemporary penal debate, allowing prisoners to vote in should be seen as a positive contribution towards their responsabilisation.

This would clearly be a part of the 'government of the self' and certainly would aid the process of resettlement, change and responsabilisation in readiness for reintegration into society.

In England and Wales, the franchise is automatically lost on receiving a custodial sentence and is only regained on release. This is the case in several countries but is a situation under review in many European countries following recommendations from the European Union. To disenfranchise any citizen, especially prisoners does not sit well with either European Human Rights legislation or the ideal of rehabilitation, which is one of the stated aims of modern penal policy in England and Wales. Prisoners are therefore not only deprived of their liberty but of their political voice and it could be argued that this leads to a lack of interest by politicians in the plight of prisoners who claim poor treatment or conditions.

There is simply no incentive for politicians to become involved in an area that is not considered a 'vote winner' and as has been stated previously in this paper, public interest in prisoners rights or exactly what goes on behind the prison wall is indifferent. In some states of the USA the death penalty is still in use, in Siberia hard labour for convicts is still prevalent and it could be argued that a society is judged on how it treats its most vulnerable or isolated members and convicted criminals would fit into that category. In this country, although treatment is humane, disenfranchisement is seemingly a compound punishment in addition to loss of liberty. It means that convicted prisoners, whilst incarcerated, cannot take part in the political process, a process that makes important decisions about welfare, conditions and regimes. The franchise is a basic democratic right and a key component of the principles of citizenship.

Many would argue that this is the correct way to proceed but if an aim of custody is rehabilitation and resettlement on release, this temporary disengagement would seem to be at odds with this idea, indeed it would appear to be counter-productive and serve 'no useful purpose' (Ridley-Smith & Redman, 2002:285). In Australia, the 1978 Royal Commission stated that

the loss of franchise has no place in modern rehabilitative penal policy and was an 'archaic leftover' that causes 'alienation' from a system that hopes to successfully resettle the prisoner it has temporarily disenfranchised (cited in Ridley-Smith & Redman, 2003:299). The recommendation of the Royal Commission was that this outdated legislation be abolished and that prisoners should be able to vote in all forms of elections, although little political progress has been made since the report of this and several other bodies. Participation by all members in society is vital for democratic dialogue and:

'Restrictions on the franchise for prisoners, from legislative disqualifications to formal and informal barriers to effective participation in political discourse and the voting process undermine this dialogue and diminish our democracy'

(Ridley-Smith & Redman, 2002:303)

As previously stated, there is no significant political will to make any changes to legislation in this country. The Prime Minister, Tony Blair is at pains to point out that prisoners will not be re-enfranchised under any circumstances and confirmed this at Prime Minister's Questions on Wednesday 16th March 2005, when he stated in answering a question from Labour colleague Jonathan Shaw (member for Chatham & Aylesford) asking that we do not 'give killers the vote', that under his Government there would be no review of this legislation (*Hansard 16th March 2005*). For dramatic effect, any discussion invariably turns to 'killers', although life-sentenced murderers make up only a very small percentage of the prison population and would likely be excluded in any case.

Although there is no concerted political will, several Members of Parliament from across the ideological spectrum have expressed an interest in giving prisoners the vote. The 'Barred from Voting' campaign to repeal this ancient law, which was legislated in 1871, is being spearheaded by prisoner's charity 'Unlock' and supported by the Prison Reform Trust. It is believed by campaigners that to allow prisoners to vote could encourage responsibility

and usually ambivalent MPs would have to take notice of prisoners' welfare if given the vote. Conservative MP Peter Bottomley stated that 'voting in prison can be a useful first step to engaging in society' and the Bishop of HM Prisons, Peter Selby stated that 'denying convicted prisoners served no purpose of deterrence or reform' (*The Guardian* 2nd March 2005).

Ex-prisoner John Hirst personally took the case to the European Court of Human Rights on April 27th 2005, the European Courts having already ruled that not being able to vote breaches the human rights of prisoners. Hirst, who was convicted of manslaughter, is determined to enable prisoners currently held in England and Wales to vote. He believes it is the only way that prisoners can have a voice and to force the engagement of politicians who generally have little or no interest in prison issues or the welfare of prisoners (*Hull Daily Mail*, 11th March 2005).

The 20 lifers in HMP Wolds were very forthright in their views on this matter. Eighteen were adamant that they should not be disenfranchised and only two thought it was correct for the franchise to be withdrawn as an additional punishment and that this right should be forfeited. The prisoners firmly believed that the only way politicians will take an interest in prison issues and prisoner welfare is if the right to vote is reinstated. They believe if ministers and MPs had to rely on prisoners' votes in some areas, they would take much more than a passing interest. As the prisoners suggested, life goes on and eventually they will be resettled into society – they should be allowed to have a say in major decisions that affect them and their families during this enforced absence. Voting for at least some prisoners in England and Wales could very soon become a reality.

Part 3: The Fieldwork Phase

1) The Prison - HMP Wolds (including evaluations)

Boldly displayed on entering HMP Wolds, the following mission statement catches the visitor's eye:

'To be recognised as leaders in the Prison Agency, by providing a safe, secure, purposeful and cost effective custodial environment, which prepares offenders for reintegration into the community in a safe and constructive manner and makes a significant contribution to improving penal practice within the Criminal Justice System'

(Displayed Mission Statement on entering HMP Wolds)

This account was not included in the general literature review as all material is specific to HMP Wolds; therefore this is a more suitable juncture to evaluate the relevant literature. This section will give background to the prison and the proposed research, before briefly documenting several evaluations carried out by various agencies on the prison since it opened in 1992.

Historically, prisons were not in the hands of the state, so it could be argued that private prisons are not being introduced but, more accurately, reintroduced. Of course, prisons at that time were predominantly holding areas for the convicted before execution or transportation. The state retained sole control of the prison estate for over 200 years but pressure on the system caused by increasing numbers of sentenced prisoners and ever-lengthening sentences due to an ideologically tough stance on law and order caused the idea of private jails to be revisited. By the end of the 1980s, there was a right-wing political will to increase competition and promote 'economy, efficiency and effectiveness' in the prison system (Bottomley *et al*, 1997a:9). So, some 200 years since the last private prison closed its doors and following a protracted tendering process (the contract being awarded to Group 4 Remand Services), HMP Wolds opened in April 1992 as a purpose-built, dedicated

Remand Centre, ushering in a new era of prison privatisation in England and Wales.

With an initial capacity of 320 un-sentenced remand prisoners and built to a modern, functional design, the prison stands in rural East Yorkshire just a few metres from a former Borstal, now HMP Everthorpe. The prison is situated some ten miles from Hull but the main local prison serving the city of Hull itself remains HMP Hull, with a capacity of approximately 1100. The remand status of the establishment lasted little more than a year and in 1993 its role was changed to a local Category-B prison with a Certified Normal Accommodation (CNA) of 360 and an Operational Capacity of 405 with an expected average population of approximately 390 (HM Inspectorate of Prisons, 2001:9).

It must be remembered that the contracting out of HMP Wolds was experimental and was to not only to 'test the feasibility of private-sector involvement in prison management', but to see if conditions, especially remand conditions, could be improved. This followed disturbances in 1990 and the subsequent Woolf Report which aimed to address 'fundamental issues' in the effective provision of custody (Bottomley *et al*, 1997a:10; Woolf & Tumim, 1991). Group 4, previously better known for transporting cash and the security of buildings, had gained a foot in the custodial door by tendering for prison to court transportation. It has since become by far the biggest private company in the security sector since taking over Wackenhut Corporate Corrections in 2002, merging its other subsidiaries and re-branding as GSL. The company has also diversified into the detention sector, operating centres dealing with asylum seekers and refugees. The company also operates on a global scale in over 80 countries and in this country it operates three prisons, HMPs Altcourse, Ryehill and Wolds along with three detention centres at Yarl's Wood, Campsfield and Oakington.

In applying for a new 10-year contract in 2001, the bid was ambitious, having shifted its function over time from a Remand Centre, Category-B to a Category-C local and training prison, to incorporating a proposed Lifer Unit with a potential capacity of 100. At the time, there were no Lifer Units at any

other GSL prisons, although its establishment at Ryehill had housed lifers occasionally since 2000 (as this thesis was nearing completion, HMP Ryehill did open a dedicated Lifer Unit and as at October 2007 approximately 100 lifers were held there).

Despite a lack of experience in the field, the bid was successful and GSL was awarded a 10-year contract. Lifers would be transferred in at approximately six per month until the Unit was at its contracted capacity of 100. Concerns regarding the proposed Lifer Unit, raised by HM Chief Inspector of Prisons, then Sir David Ramsbotham, following a short, unannounced follow-up inspection in April 2001 will be discussed in this section along with other evaluations that have been conducted by various agencies over the last ten years. However, the Inspectorate and organisations such as the Prison Reform Trust have recognised that whatever the political or ethical issues involved with privatising prisons, continual assessment and evaluation is necessary to ensure standards are maintained and such establishments provide suitable treatment for prisoners and contracts are fulfilled.

At the time of the research commenced the prison had been operating for over a decade and the Lifer Unit, whilst not operating anywhere near capacity, for over a year. Therefore, this is a suitable juncture to investigate how the contractual changes, especially the introduction of lifers, have impacted on the prisoners, staff and indeed, the private sector as a whole as prison privatisation continues to expand and gather pace in England and Wales. Most importantly, has this establishment found a way of holding lifers that could improve the treatment of this particular prisoner across the whole prison estate? In 1993, the Director General HM Prison Service, Derek Lewis, stated that 'there is only one purpose in having private sector involvement in the management of prisons and that is to help us raise the overall standards of the prison system, that is both publicly managed and privately managed prisons' (*The Guardian*, 24th March 1993). Therefore, unless private prisons make a contribution to improving standards across the entire prison estate as well as providing value for money, the often-controversial exercise will have been pointless. Competition can help, HMP Hull admitted to making a

concerted effort to improve their regime as a direct result of the competition from nearby HMP Wolds (Twinn, 1994).

Evaluations of HMP Wolds since 1992

Several organisations have conducted evaluations at HMP Wolds, ranging from official inspection reports by HM Inspectorate of Prisons to academic research carried out by the Centre for Criminology & Criminal Justice at the University of Hull and also privately commissioned research by the Prison Reform Trust. At this juncture, it would be sensible to review these reports, both official and unofficial in an attempt to chart progress.

a) Prison Reform Trust

The initial evaluation was conducted by the Prison Reform Trust in 2003. This was an organisation that had already stated vehement opposition 'in principle' to any form of privately run prisons but also recognised that such evaluations were necessary to monitor progress, especially in the interests of prisoner welfare. The evaluation was conducted at a very early stage, only one year following the opening of the establishment, probably too early to have any real significance and the Trust admits that any new prison will have 'teething' problems (Prison Reform Trust, 1993:1).

Due to this well-known opposition to privatisation, the Trust could not secure a face-to-face meeting with the Director and much comment in the report is anonymous, with many of the staff unwilling to cooperate or be named due to possible repercussions. In fact the majority of content is drawn from indirect quotations from ex-prisoners and local and national press articles. Therefore, whilst the report is welcomed, the methodology and validity are open to serious question and the findings are speculative. However, the report does admit that there are aspects of the regime that work well and should be commended, although it expresses concern over other aspects and certainly believes that the Trust should 'continue its watching brief' (Prison Reform Trust, 1993:39).

The report was concerned with several aspects of the running of HMP Wolds, ranging from service provision to reported incidents of violence. There was anxiety, that agencies traditionally providing services to public prisons, including local authorities, would face a dilemma in opting to work with the private sector. These fears were unfounded and service provision, with the possible exception of library services, went smoothly, although due to client confidentiality the Trust was unable to establish exact details in many areas of provision. Library provision simply could not be agreed, despite protracted and detailed tendering and discussion with the then Humberside County Council, at an estimated cost to the local taxpayer of £3000 (Prison Reform Trust 1993:19). It was decided that the prison would provide its own library service.

A major criticism of the regime at HMP Wolds was that the Trust estimated that there were a high number of incidents, especially of violence, due to newly trained prison staff being 'tested' by experienced prisoners with experience of public sector regimes. It was also attributed to boredom caused by the number of hours per day that prisoners are allowed out of cells, which at 14 is significantly higher than they would have experienced in most public sector prisons. These reasons, it must be said, were not verified and the data were taken from press reports and statements by former inmates following release and could therefore be seen as unreliable. The issue was raised in Parliament but the both the Director of HMP Wolds and the Director General of the Prison Service played down the problem. All incidents were investigated, resolved and adjudicated and the Director General did not believe any further investigation to be necessary (Prison Reform Trust, 1993).

The report speculated on practical problems with drugs within the prison, poor health provision, lack of bail information and general information for prisoners, official visits, a lack of training for prisoner supervisors and a lack of support network for staff. The report also criticised many aspects of the contract itself, especially a lack of transparency in public accountability, particularly in the area of service provision and finances. It concluded that although there are

aspects to commend, there are also causes for concern. It must be reiterated however, that the Trust did not have full access to the establishment and most contributions were from third parties or the press. It must also be considered that the report was written at an embryonic stage of the prison's development by an organisation that had continued to voice opposition to prison privatisation. The watching brief continues.

b) Centre for Criminology and Criminal Justice (University of Hull)

There have been significant evaluations of HMP Wolds at various stages by either academic or official agencies and with unlimited access to prisoners and staff. These reports chart the progress made at the prison and could well allay many of the fears and criticisms contained in the earlier report from the Prison Reform Trust (1993). An academic or official report should have a sound methodology, a neutral approach and increased validity and reliability.

This academic study was carried out by the Centre for Criminology and Criminal Justice (University of Hull) on behalf of the Home Office and was published in 1997. The research team were accorded almost unlimited access to all areas of the prison between November 1992 and October 1993 enabling fieldwork, including interviews with prisoners and staff (including senior management) and observations to be made. Researchers were not allowed to observe the direct in-house training of prison supervisors but this was the only tangible restriction.

The tone of the report is generally positive throughout but does highlight problems when appropriate. Probably the most important finding was that almost 80% of prisoners interviewed 'regarded HMP Wolds as better than other prisons which they had experienced (84% had previous experience) and supported Group 4's aims for the prison' and despite perceived fears, incidents were described as 'relatively few' and never involved a loss of control (Bottomley *et al* 1997a:5). There are always two perspectives to be sought in any independent evaluation of a prison establishment or any public

service, namely the provider and the client and it would therefore be judicious to assess these perspectives separately.

Although it could be argued that the term 'client' is not appropriate when discussing prisoners, in private institutions in particular they are certainly recipients or 'end-users' of the service provided and the views of these clients are invaluable and should not be dismissed. The vast majority felt that the regime and conditions were better than at other prisons, in particular the quality of the staff and their relationship with prisoners was valued highly and accordingly, most prisoners believed that the contracting out of prisons is a good idea. It must be said that the privatisation issue is probably not at the forefront of how prisoners view a prison, it is the things that impact directly on inmates that form opinions, namely the fairness of the regime, staff-prisoner relationships, food and facilities.

Many admitted to experiencing a 'culture shock' on arrival, finding that time out of cells was remarkably high at 14-15 hours per day and that conditions, especially cells and communal areas, were clean and cells had integral sanitation. The majority felt that staff were better than at other prisons, showing 'respect' and compassion, although just over half felt that two (occasionally one) supervisors per 50 prisoners was probably too low a ratio to provide effective supervision or deal with any incidents, but few prisoners expressed any real concerns (Bottomley *et al*, 1997a)

In a radical approach, staff were deliberately recruited from outside the Prison Service and predominantly from the local area, encouraging local community ties. In fact, only five employees (one of whom was the Director) were identified as coming from the public sector. The lack of prison experience amongst the 153 supervisors and ancillary staff could have caused cause potential problems, especially as most prisoners have experience of the more disciplined approach of the public sector. There was no shortage of applications from an area high in unemployment at that time and the Director and senior management were able to be selective in recruiting suitable candidates (Bottomley *et al*, 1997a).

The report believes that the adoption of the American model of prisoner supervision was successful in many respects, although differences in prison design between the UK and USA caused slight implementation problems. There was a lack of effective methods of dealing with problem prisoners and disruptions within units, especially adjudicating and administering sanctions *via* the Home Office Controller. This caused communication problems between staff and senior management and a degree of frustration, lack of experience at all levels and inadequate staffing levels were believed to be significant factors. Inadequate staffing and the lack of career development and progression were perceived as major problems by staff themselves, thus potentially leading to low *morale* amongst personnel (Bottomley *et al*, 1997a).

The regime and its aims, based on the principles of fairness and civility and the provision of new and modern facilities were generally praised. Most problems were found to be minor and did not adversely affect the positive regime within the establishment. The main criticisms were in the provision of health care, which was provided by contract from AMI (now Partnerships in Care) although most problems were found to be communication between AMI staff and Group 4 staff. Initially, education was provided by Humberside County Council's Department of Adult Education, however staff were found to be inexperienced and uncertain of their role and some felt their personal safety was compromised due to low levels of supervisory staff. The provision of work-based programmes was not an initial contractual obligation and only one small building was available as a workshop. However, by May 1993 this additional training area was provided and some 120 prisoners were able to commence training.

A major aim of privatisation, according to the then Director General, is to raise standards and improve conditions across the entire estate. This report felt that this has certainly been achieved at HMP Wolds in several key areas but in other areas there was a degree of concern. It must be pointed out that this research was conducted after a very short period of operation and many areas of concern, especially the key areas of education and library services

were resolved in a relatively short space of time. This evaluation by Bottomley *et al* remains the most recent evaluation of a private prison by an academic or independent agency: surely it is now time for a repeat of the exercise; a robust, independent evaluation of a private prison?

c) HM Inspectorate of Prisons

Part one emphasised the need for constant, independent checks on quality and conditions in order to maintain legitimacy in the prison system. To date, there have been three full inspections of HMP Wolds (1993, 1998 and 2004) plus a short, unannounced follow-up inspection in 2001. The Inspectorate is an independent body set up in 1981, following the recommendations of the May committee of 1979, to ensure standards are met throughout the prison estate and is ultimately answerable to the Home Secretary (May, 1979). Reports from HM Inspectorate of Prisons are useful to both monitor standards and attempt to drive up standards by ensuring that problems are highlighted and attended to. It has often courted controversy with some very honest, candid and very critical reports, particularly under Sir David Ramsbotham. It conducts a mixture of full announced and unannounced inspections and shorter follow-up inspections. Approximately 20 full inspections take place each year and all prisons are liable to be inspected and must comply. The inspections cover many areas but the Inspectorate 'does not conduct a security audit', neither does it monitor contract compliance, the main focus is on the treatment and conditions of prisoners (HM Inspectorate of Prisons, 2001:5). Interviews are held with prisoners, staff and senior management and observations made. Discussions are usually held with senior managers before departure and reports are published relatively quickly, usually in a matter of weeks. A follow-up inspection is designed to assess implementation of recommendations made on a previous full inspection.

The Criminal Justice Act of 1982 (section 57) set out a charter giving the Inspectorate a working framework. The charter included morale of prisoners and staff, the condition of buildings, the quality of the prison regime, the treatment of prisoners, issues of humanity and value for money. Usually

restricted to inspecting regimes and establishments, more recently the Inspectorate appears to have been given the extra remit to examine the Prison Service itself, looking at issues of performance relating to service delivery and race relations, an indication of its increasing standing and responsibility (Liebling, 2005). They are a fact-finding exercise and are a good source of information and are believed to be 'well informed and detailed' (Liebling, 2005:79).

Such an inspection-orientated body, by its very nature, will undoubtedly produce some very hard hitting and critical reports and several have led to policy change (such as the end to the practice of 'slopping out' and the habitation of three inmates in cells designed for only one). The Inspectorate's independence is assumed but as with any government organisation, could be open to question and it has been accused on occasion of pursuing specific agendas, but it contributes positively to the information flow from prisons and gives an insight to progress made. The idea was to open up these closed and inaccessible institutions to public scrutiny and the Inspectorate has become the public face of the government's desire to drive up standards. In addition, following results from inspections, the Inspectorate publishes thematic reviews on issues of particular concern on an *ad hoc* basis.

HM Inspectorate of Prisons (1993)

The first official inspection at HMP Wolds was held over the period of 17-26th May 1993, only 13 months since the opening of this establishment, Europe's first private prison and the only dedicated Remand Centre in England and Wales at that time. It is important to remember these two points in the light of several changes to categories and status since this time. The full inspection report was published in July 1993 and was the first to be conducted in a private prison and overall, it was very positive. Many areas were praised, including the accommodation, recreational facilities, food, visits, out of cell time, education, sporting facilities and most importantly, the excellent staff/prisoner relationship that exists throughout. Problems were found with drug use within the prison and the uncertainty of the role of the Home Office

'Controller' and the lack of clarity with the details of the contract itself were causes for concern.

The purpose-built design of the building was found to be generally good and the accommodation was clean and serviceable with good sanitation and access to showers. Recreational facilities within the Units were excellent, with pool tables, comfortable chairs and televisions. Catering was contracted out and although there were initial problems with 'airline' type plastic trays, this was soon overcome and meals were described as 'good', served at 'sensible hours', either alone or in association in the Unit communal area (HM Chief Inspector of Prisons, 1993:1).

The area praised most highly in this report is the staff/prisoner relationship. In a private establishment, staffing is critical and often lower than the public sector for reasons of economics. The majority of the staff at the Wolds were recruited locally and training given within the prison. The initial training was described as 'adequate' but there were reservations that the establishment should attain the five days annual training recommended, a target that was not being reached. On the Units, there was a visible air of mutual, 'genuine respect', although it must be remembered at this point that the prison contained only remand prisoners (HM Chief Inspector of Prisons, 1993:1). No shouting of orders was heard and inmates were referred to either by Christian names or 'Mr', leading to less confrontation. Out of cell time was also praised but there was a realisation that a lack of constructive work programmes was problematic - this was not part of the original contract and motivation is difficult to achieve with remand (un-sentenced) prisoners.

Control was felt to be good, although the low staff-prisoner ratio (one supervisor to 50 inmates on some units) occasionally led to problems but few reported incidents of a serious nature were reported, in direct contradiction of press reports. Prisoners involved were dealt with 'in-house' by the Home Office Controller and the police had not been called to any incident. The Controller did have some criticism of the ability of the staff to deal with a major incident and also the lack of structure in place. The Inspector concurred with

this view and although the contractor's contingency plans were viewed as adequate, it was noticeable that a lack of contingency systems for mutual aid that exist in the traditional public system between prisons was decidedly lacking.

The Inspector's team also consulted with the Board of Visitors, who concurred with most of the findings and members were conscious that every new prison will have teething problems but were confident that the establishment was moving in the right direction and that there was 'little to criticise and much to praise'. Members of staff were willing to listen to prisoners rather than 'simply give them orders' and the prisoner's welfare came first. Staff morale was high despite the constant 'sniping' from the local press and some areas of the local community where staff resided (HM Chief Inspector of Prisons, 1993:17).

There were problems with drugs in the prison but no more than in a prison of equivalent size and steps were being taken to put this right and the problem was believed to be nowhere near as serious as the media has reported. The agreement between Group 4 and the Home Office was still felt to be unclear in several areas, especially the payment of utilities, which currently still falls with the Home Office and makes any evaluation of 'value for money' somewhat difficult. The 'purposeful' aspect of the regime was also somewhat hazy for remand prisoners and required clarification. As a consequence, many inmates spent most of their time in recreation or sleeping in their cells.

Most points were minor but perhaps the main problem was the role of the Home Office Controller, a public servant employed to oversee contract compliance and adjudicate in matters of grievances or discipline. Offices of the Controller and the Director were on separate sides of the administrative building and there appeared to be little cohesion. It was felt that much could be learned from practiced Prison Service expertise and guidance but this was not forthcoming, possibly due to the adversarial nature of the tendering process. Generally, it was also felt that the lack of involvement of the Prison Service at HMP Wolds had led to the prison developing in 'isolation' and that

the Director and staff had done well, despite some problems, to establish the prison in just one year (HM Chief Inspector of Prisons, 1993:19).

HM Inspectorate of Prisons (1998)

In November 1998, the Inspectorate conducted a full, announced inspection of HMP Wolds, lasting some five days. Previous evaluations by various organisations had been conducted little more than a year after the prison had opened. This was the first official inspection to take place at a time when teething problems would hopefully have been overcome.

The first striking comment in the report is to address the concerns previously noted by the Prison Service that privatisation could lead to large scale redundancies. The Chief Inspector believes that the 'undoubted success' of HMP Wolds is not so much a threat to jobs in the public sector but a threat to the negative 'culture' so embedded in the Prison Service regarding the treatment and conditions afforded to inmates. It praises the senior management and the deliberately relaxed but firm 'style' of the staff, which encourages a good relationship between custody officers and inmates leading to a visible 'absence of tension' (HM Inspectorate of Prisons, 1999:5).

In fact, the major criticism is not really aimed at HMP Wolds as an institution, but at the Prison Service, accusing it of a lack of support and a lack of strategic direction in not incorporating the private sector. One year after it opened, the remand status was changed to Category-B, although no more resources were afforded the prison, despite the extra provision required by sentenced prisoners. This was of concern to the Chief Inspector and in view of this, praised the management and staff for going beyond the terms of their contract and making the situation work by providing extra workshop places for employment training.

It is not the intention to look at the report in any great detail but a *précis* of the salient points from the Executive Summary will be noted. Education, previously provided by the local education authority is now provided by City

College, Manchester and was described as 'efficiently run' in areas of basic literacy and praised for the diversity of learning on offer, ranging from pottery to the arts (HM Inspectorate of Prisons, 1999:13). The range of rehabilitation courses and offender behaviour work (including the accredited R&R programme) was also praised. Through-care was praised and sentence plans were noted as being of a high standard, with personal plans and targets well monitored. Healthcare was found to be generally good with a few reservations.

Catering, provided by a private contractor (Aramark), was found to be of a high standard throughout the prison. Control was maintained mainly through the 'excellent staff/prisoner relationships' and much of what was found with regard to the treatment of prisoners was found to be of a high standard (HM Inspectorate of Prisons, 1999:15). Drugs policies were clear and three drug action teams (DAT) were created to address the key areas of security (stopping supply), mandatory drugs testing (MDT) and treatment of addicts (reducing harm). The whole estate, including residential units, was found to be well maintained and generally safe. Cells were found to be clean and sanitation and showers generally clean and serviceable, although, in line with government policy, it was recommended that the use of single cells to accommodate two prisoners should cease. One innovation noted was the introduction of a 'College' wing on 'A' Unit, which houses educational facilities, including an IT suite. Every inmate residing on this wing was engaged in full time education and this studious atmosphere optimised the inmates' use of time and kept them focussed on their educational studies.

Prisoners commented that the openness and freedom take some getting used to as do the excellent conditions, most liked the relaxed nature of the staff, the help and time afforded them, despite the relatively low staffing levels and appreciated the air of mutual respect and felt safe. Prisoners views of education and employment-based training were good but some felt that there were not enough workshop places, something the management were aware of and blamed largely on the re-categorisation. The Chief Inspector was lavish with praise in many areas but also had expressed concern that staff,

including senior management, were already worried that all their good work could be ruined by a change of contract in 2001, still some three years away at the time of this inspection. Allowing Group 4 an insight into how performance would be measured in the forthcoming re-tendering process may allay some of these fears and end the uncertainty (HM Inspectorate of Prisons, 1999).

The report is over 100 pages long, therefore this brief appraisal in no way does it justice but it does give a flavour of this full, announced inspection. Most comments were favourable and it was felt that many examples of good practice should be taken on board by the Prison Service in an attempt to improve the overall standards – a main aim of privatisation. Such positive inspection reports do private prisons no harm and it will be interesting to see if the recommendations will be implemented in the future. No prison will be perfect and there will always be recommendations made in the hope that prisons from both sectors will subsequently improve.

HM Inspectorate of Prisons (2001)

In 2001, a short, unannounced follow up inspection was conducted at HMP Wolds to assess the impact and implementation of recommendations made in 1998. Surprisingly, in the Chief Inspector's preface, the attention focussed on the future, not the past and centred on the perceived concerns about the imminent arrival of 100 lifers following the imminent contract tendering, which is extremely pertinent to this thesis. The Chief Inspector believes that there are concerns regarding staff training for handling lifers and 'insufficient activity places' for them, although this probably emanates from his wider concerns that some 60% of life-sentenced prisoners serve one year over their tariff, which 'represents a waste of public money' (HM Inspectorate of Prisons, 2001:3).

This more recent report may redress the balance of much negativity contained in evaluations written largely during the establishment's infancy. The Inspector's team was pleased to see that most of the good practices identified

in the full inspection report in 1998 were still in operation. It was also noted that the majority of the recommendations made in 1998 had been implemented, either fully or partially (HM Inspector of Prisons, 2001). Education, both staff and facilities were praised and the Inspector's team was 'impressed' with the commitment and enthusiasm of the education staff. The sentence plan was also praised, especially the evidence of personal officers becoming involved and the sentence management was regarded as 'thorough', indeed the team commented that the 'sentence management at the Wolds was one of the best we have seen' (HM Inspector of Prisons, 2001:18-19).

Several examples of good practice were noted, the good range of stock carried in the prison shop, the excellent environment and supervision provided in the Admission and Induction Units and incentive initiatives such as 'family meals', where prisoners cook and serve a meal to their family. The staff culture received particular praise and the treatment of prisoners at HMP Wolds was found to be of a 'high standard' and the Inspectorate believes that the staff-prisoner relationship was 'highly commendable' and 'lessons should be learned elsewhere in the Prison Service' (HM Inspectorate of Prisons, 2001:31). The Director and his staff were congratulated. Praise indeed from a notoriously critical Inspectorate.

HM Inspectorate of Prisons (2004)

This most recent report, published in 2005, following a full 'unannounced' inspection, which took place between 15-19th November 2004, demonstrates that HMP Wolds continues to perform well against most of the 'healthy prison' tests. It was the Inspector's belief however, that the change in role to a Category-C training prison with an expanded population had not been adequately supported by resources or facilities - the main criticism being the lack of purposeful work places. This has been remarked upon in previous reports but it must be pointed out that the physical design of this new-build prison was as a dedicated remand centre, where little or no such provision

was required. HMP Wolds has made good use of available space for this purpose.

It describes HMP Wolds as a 'reasonably well-performing training prison' in the majority of indicators. The main failing was found to be a lack of race-relations policy, procedures and training. Facilities were found to be good and clean but the food was found to be of 'extremely poor standard'. The main problem however, was the lack of resources, particular regarding work-based training, with the recommendation from the Chief Inspector that the prison should either be adequately resourced or revert back to its role as a local prison (HM Inspectorate of Prisons, 2005:5).

This concern was also raised in regard to the lifer population, which at the time of the inspection numbered 48. The report noted lifers were 'well-managed', that appropriate administrative systems were in place and prisoner's annual reports were of a good standard and produced on time. However, it was felt that due to the lack of purposeful activity available for these second stage lifers, a concern was expressed that the current contract allows for up to 100 lifers to be allocated to HMP Wolds (HM Inspectorate of Prisons, 2005:5).

Another concern of the Chief Inspector was the delay in accessing offending behaviour programmes. At this stage, risk factors should all have been identified and programmes made available. It was also noted that some lifers had been temporarily posted in to undergo a CALM programme were having to wait far too long for a programme to start, despite attempts by the lifer clerk to prioritise lifers close to tariff, although there were 'insufficient programmes available to meet these priorities' (HM Inspectorate of Prisons, 2005:64).

Concern was also expressed that lifers were initially forced to share cells on arrival, although such criticism contradicts the Home Office edict that lifers should not be treated differently to other prisoners. There was also concern that whilst lifers could heat up pre-cooked meals, there were no facilities for lifers to cook their own meals. Responses to these criticisms and possible

solutions offered can be found in the interview with the Lifer Manager in the previous chapter.

In conclusion, the Inspectorate's evaluations have progressed from showing many inadequacies, mainly caused by the type of teething problems that any new establishment would expect to experience, to gaining much praise from official agencies. Indeed, several newly opened private establishments have also suffered from many of the same problems, 'teething' problems faced by HMP Wolds in its early days. If the aim is to improve conditions and standards across the entire prison estate then it would appear that the progress made by Group 4 in many areas could certainly do so, if successful and innovative practices were to be adopted by the Prison Service.

d) Independent Monitoring Board

This report is on a more local level and looks at particular issues, mainly prisoner conditions and welfare. The Board is answerable to the Home Secretary and the report, published in 2003, covers the calendar year 2002. This was a difficult year of great uncertainty and change for staff and prisoners alike due to the protracted change of contract. The report acknowledged that staff *morale* was understandably low due to the ongoing uncertainty, including delays with the contract finalisation and several redundancies. In view of this, the Board congratulated the staff, in the face of these difficulties, for continuing to run the prison in a professional manner (Independent Monitoring Board, 2003).

Catering services were praised, including inmates gaining NVQ qualifications in this area. Staff were commended for the way visitors were handled and the prison was praised for the pleasant surroundings for visits, including the children's indoor play area. The grievance procedures and adjudications were found to be sensitively handled and fair. Education was also highlighted as a great success. The Department, run by City College, Manchester, achieved 'almost 900 passes in various examinations' (Independent Monitoring board, 2003:9). The universally acclaimed ICT qualification, the

European Computer Driving License (ECDL) is offered and is very popular. Parenting days, family learning, arts and crafts and ceramics are also offered. Concerns were expressed about the closure of the successful textile shop and metalwork shop although it was believed that would be compensated for with the introduction of a new computer suite, which will continue to provide ICT training linked to employment.

2) Methodology and the Research Project (December 2003 – July 2005)

a) From theory to research

Part 1 detailed how prison research is conducted and it is with this framework that the fieldwork was conducted. In the best traditions of qualitative research, the hypotheses in this qualitative study were not fixed and subsequently, during the research some searching questions arose. Prior to the commencement of the research however and based on the literature review, several themes had already been noted as requiring investigation. Further themes became apparent as the fieldwork progressed and this inductive process shifted the basic point of enquiry from prison conditions in this private prison and progress through it (although much of the research still centres on conditions and legitimacy) to prison programmes. The following questions also arose:

Firstly, with the private prison estate expanding in both size and responsibility, has the role of the private prison changed? Are the aims of privatisation still linked to efficiency and innovation and has the sector made real improvements to the service or is it now merely an additional way to expand the estate to provide more places. Secondly, is the Foucauldian theory of governmentality actually relevant in the delivery of contemporary criminal justice or is it merely an abstract or 'empty' theory that is in reality either impractical or imponderable? Thirdly, Does the idea of work-based programmes and the instilling of the work ethic generally, actually help in the desistance of criminal behaviour? Due to the menial nature of most work and the pitiful pay, is it merely to keep inmates occupied or is it more important to change the behaviour and decision-making processes of individuals to ensure they react differently if confronted by a similar situation in the future?

Which links in nicely to the fourth point: are expensive cognitive-behavioural programmes, which are usually fashioned around 'un-learning' criminal behaviour, self-analysis and reflection actually effective or merely *en-vogue*? In fact, are these contemporary and much-trumpeted programmes simply

reverting back to the treatment-based strategy abandoned in the 1980s or are they making a real impact in reducing crime by encouraging desistance? As Foucault observed, prisons are as much a function of government as hospitals and schools and have become 'a project for the transformation of individuals' (cited in Gordon, 1980:38).

Finally, will the introduction of the National Offender Management Service (NOMS) with its emphasis on 'contestability', provide the more integrated and coordinated approach to offender management that is intended or is it the start of the fragmentation of the Probation Service through privatisation? Theoretically, on a strategic level, the reinforcement of 'end-to-end' case management of offenders would appear to be a step in the right direction. In reality however, the competition between private and public institutions and the initial unwillingness of the Prison Service and the Probation Service to combine both effort and regionally managed resources were major hurdles to be overcome. Despite the competitive tendering system, without a degree of harmonisation there would appear to be little chance of the system improving effectiveness and outcomes.

Analysis of the research data and further analysis of the introductions of new and contested services should provide some answers to these questions. Theories exist but being able to access this prison, the staff and a sample group of prisoners should help to uncover the reality of the situation and outcomes are surely the key to successful policy making.

A tie up with the Centre for Criminology and Criminal Justice at the University of Hull enabled two researchers to make use of the facilities and enabled GSL to show that it offers more than the public perception of private prisons - a company that merely makes a profit from locking up prisoners. It was stressed at initial meetings that no bias would be evident and some findings may be negative as well as positive. As a researcher, this is a unique opportunity to have access to a closed and secure establishment and the intention is to produce some valid research on the treatment of lifers, an area

that has been under-researched - partly due to the problems of access and partly due to public apathy.

b) Background to research

To give background to the research, staff interviews with the Programmes Manager, Lifer Unit Manager and Education Manager, were carried out at various stages and interviews with lifers began in January 2004. The proposal was to conduct semi-structured interviews with a purposive sample of at least 20, preferably 30 lifers. This type of interview generates detailed, good quality data and gives the client a chance to give more in depth answers in an informal setting. Additional quantitative data was collated as necessary, from the Lifer Clerk, the Unit Manager or Programmes Manager as required. Due to the nature of the prison and its Category-C status, all lifers were 'Stage 2' lifers, and all have experienced a dedicated lifer centre and at least one other prison.

It became apparent as the commencement of the project drew closer, that the number of lifers expected to arrive in the first year of the new Lifer Unit would be not only far short of the capacity of 100, but nowhere near the number identified as a suitable sample for the research. As the project got underway and almost two years since the Unit opened, there were in fact only 16 lifers in the Unit, with a possibility of five more arriving in the very near future, so the number was revised to 20. The project had to be re-evaluated, but it was felt that if the revised target of 20 could be achieved, it would still be a suitable number for this mainly qualitative research study, but left little room for refusal or subsequent attrition. However, all 'Stage-2' lifers transferred in should, in theory, be expected to stay for a minimum of two years before consideration is given for progress to open conditions. The prisoners arrived at approximately the same time, were expected to stay for at least two years and were at the same stage of the sentence, hence the term 'cohort' rather than sample.

Initial contact as a researcher was by letter, an initial letter of introduction was written to the Lifer Manager and a very informal circular printed for each lifer, explaining the aims and process of the research, assuring anonymity and encouraging them to take part. A 'meet-and-greet' session was arranged to meet potential interviewees, give a short presentation and discuss the matter further. This had to be very positive, as it was now necessary to sign up virtually every lifer to meet the revised target of 20. Thankfully there was no negativity from the lifers and all agreed to take part in principle. The aim was to conduct semi-structured qualitative interviews with each lifer at three stages (initial, nine months and 18 months), which gives the research some depth.

Participants completed a simple consent form at the initial interview, which was placed on file and consent was re-negotiated at each stage, as a continuing acceptance of consent should never be assumed. Semi-structured interviews give the inmates a chance to open up and really talk about their experiences since coming to prison and their hopes and ambitions for the future. The views of inmates are central to the research and they should be made to feel a part of the process and respondents have been involved at all times by sharing information and consulting on any findings, commenting and holding group workshops on the progress of the research. The initial interview looked at the lifer's experience of the procedures since sentencing, reception at and experiences of the lifer centre, the initial sentence plan and how 'Stage-1' progressed. Additionally, how did they end up at HMP Wolds and what are their expectations and initial experiences of the prison?

This gives good background but the main focus of the study is to evaluate the treatment of lifers since they arrived and follow this group for 18 months. The study examines rehabilitative and cognitive-behavioural programmes as well as employment/skills based courses, of which several are currently offered at HMP Wolds. The majority of the cohort has served at least five years, some many more and the thesis examines the prisoners' experience of what is for some, their first engagement with the private sector. Experiences of the Lifer Unit generally are an important measure, especially considering most, due to their lifer 'status' will have received some privileges or assumed an 'elite'

status at other prisons. This is not the policy at HMP Wolds, an establishment that prides itself on 'fairness'. The intention however, is to examine other areas more closely.

Employment and skills-based programmes have been an integral part of the regime at HMP Wolds for several years and successful links to outside agencies and companies have been established. Prisoners have left with employable skills as diverse as IT/Web design, textile and wrought iron manufacture. The latest such tie-up is with a local double-glazing company, which has set up a workshop within the prison. Would lifers respond to this type of programme, would they be motivated to be involved and indeed would it be deemed suitable for lifers and would any places be offered? Education programmes, ranging from basic literacy and numeracy skills to more advanced ICT tuition, usually linked to certification, also play a major role in the rehabilitation process and the same questions need to be asked. Would lifers be accepted for such training, bearing in mind that places may be limited and often budget-driven?

With completing numbers being important, priorities could lie with those short-term offenders nearing release and lifers may not be able to compete for places with those prisoners who are deemed more suitable in terms of their closer proximity to release. The somewhat distant or indeterminate release date may be problematic for the lifers themselves and it may be deemed pointless by both client and provider and motivation to learn new skills may not fit in with a vision of how to utilise and optimise time on a long-term sentence. This is particularly relevant in contemporary debate following a recent report by the Prison Reform Trust which states that prisoners who do not partake in education programmes are three times more likely to re-offend on release (Braggins & Talbot, 2003). Whilst appreciating the research sample probably contained few lifers, if any, findings from initiatives that point towards crime reduction are invariably a source of great interest to the media and politicians and may affect future funding bids.

A major focus of contemporary penal policy is the use of cognitive-behavioural programmes. Which of those offered at HMP Wolds would be deemed suitable for lifers and how many places would be offered? Motivation is a key area, even if a lifer was to be offered a place, it would be interesting to ascertain his reasoning for undertaking yet another programme. It is difficult to assess if lifers would choose to take up a place on any type of programme. It may of course be mandatory, as a requirement to progress or it may be simply to pass time. It could be due to the lifer believing he has absolutely nothing to lose by doing it or some may believe it will actually be of benefit on release. The differential and uncertainty of sentence lengths is undoubtedly be a factor here as will the individual nature of the lifers themselves and motivation should be one of the most interesting areas of the research.

Group dynamics would be affected by physically observing sessions (the rooms are set up very specifically and an extra person would upset the balance) so direct observation was not an option, but examining detailed post-course reports should give an important insight. Particular attention will be paid to lifers who access any programme of this type and, with the confirmed assistance of the Programmes Manager, progress will be closely monitored.

Whilst initially looking at the selection procedure and eligibility criteria, the study looks at how lifers who start a programme compare with other prisoners. It examines how many start programmes, how many drop-out (and for what reason) and how many complete, an area that has been shown to be important in recent research. A Home Office report demonstrated that those who drop out of cognitive programmes of their own accord are not only more likely to reconvict than those that complete the programme, but also more prone to re-offending behaviour than those who do not undertake any programme at all (Cann *et al*, 2003). This was a quantitative study based on statistical evidence and lacked the qualitative depth to demonstrate that some parts of R&R were very successful, as other, more detailed studies have shown. Despite this, it led to the cessation of the R&R programme due to reasons of perceived financial savings. For similar reasons, the abridged version of R&R (Pathfinders FOR) delivered to short-term offenders was also

in doubt, despite a successful pilot in three prisons in England & Wales, although it eventually attained national accreditation in April 2006.

Second and final interviews were conducted at approximately the nine and 18-month stages, giving some longitudinal depth and the progress and experiences of the sentence measured. A 'Crime-Pics-II' crime attitude assessment was carried out at the initial stage to measure attitude to criminality against short-term offenders. As will be expanded upon elsewhere, it was decided not to take a follow up 'Crime-Pics-II' assessment, as none of the programmes to be undertaken by some of the cohort whilst at HMP Wolds would address 'attitude' to crime, which is the sole reason for using this tool.

The more quantitative data was entered onto a simple database (Excel) to facilitate basic analysis of the make up of the cohort, rather than to conduct any inferential analysis. Semi-structured interviews produced a mixture of quantitative and qualitative data and the number of respondents at the start numbered exactly the target of 20, making the database manageable.

3) The Research Process

a) Conducting the fieldwork

The research conditions were always favourable, due mainly to access being facilitated with ease due to having full key training with unlimited, unescorted access to the prison in its entirety with keys and radio carried. Although no notice was needed to access the prison or the Lifer Unit (C Unit), it was rare that the prison was accessed without a prior telephone call to the Unit as a matter of courtesy and to check if everything was in order and that there were no circumstances or problems that may prevent interviews being conducted on that day. Prisons can be volatile places and a simple incident, although not always preventing access, could mean that an area may be out of bounds for a limited period whilst an incident is dealt with. Interview conditions would not be optimal in those circumstances. An attempt to pre-arrange interviews was always made out of courtesy, although when arranged interviews fell through, other prisoners were approached and usually were happy to be interviewed at short notice.

The Unit Probation Office was procured for the first interviews for reasons of privacy. It was not the main Probation office and was only used when assessments were carried out on the Lifer Unit, therefore was usually vacant. It was a small room with just a table and two chairs but was adequate, comfortable and had no negative associations for the interviewees. It also had the advantage of being part of the main communal floor space, meaning that the inmates were not being 'taken away' for an interview, which made them more relaxed. From the second phase, the interviews were conducted more informally in the main communal area on the Unit. HMP Wolds is built to a modern design and the units consist of a central communal area made up of tables and fixed chairs with a small 'kitchen' area with a hot water supply for tea and coffee making. Cells are situated on the outer walls, along three sides with the staff offices on the fourth. On the upper floor of the two-storey building, more cells are situated on the outer walls, with a continuous balcony looking onto the communal area. Aesthetically, very different to the standard

'Victorian', multi-floored traditional prison design. Each cell has shower and toilet facilities and most are single occupancy.

After several visits, the inmates became used to my presence around the Unit and a good rapport was developed, although always keeping a professional distance. The communal area was a popular place for the inmates to congregate and out of cell time is very high at HMP Wolds and this was always a good opportunity to listen to informal chat and build rapport, anything important could always be included in field notes. Before meeting with the interviewee, a visit was always made to the 'C' Unit office to 'sign-in', a mandatory security requirement. This was also an excellent opportunity to discuss any problems or incidents that had occurred since the last visit, especially if any of the cohort had been involved or affected. Most incidents are minor but on one occasion, one of the cohort had been identified as a sex offender and a violent incident was narrowly averted. The inmate was segregated immediately and transferred to another prison within three days. Unfortunately, it was not possible to interview him before he left.

On first meeting a potential interviewee, the aims of the research and the impartiality of the University were clearly explained and consent was requested, confirmed by a signature on a simple consent form. It was also important to explain why a radio and keys were carried, to some a visible sign of authority and the 'establishment'. This notion was quickly dispelled, by explaining that this was merely for ease of access to the prison although the idea of a 'them and us' culture can never be totally alleviated and it can never truly be established if this has any effect on the responses of some of the prisoners. It is almost impossible to attain complete neutrality and to successfully balance affinity with inmates and staff, as both are slightly suspicious of motive and how any input may reflect on them, especially if offences are discussed in detail (Jewkes, 2002). It was explained that the research was academic and impartial and that as an academic researcher, there is no professional link with GSL, the Prison Service, the Police or the Home Office and no problems were subsequently encountered.

Two inmates refused to be interviewed prior to this stage. The first simply did not want to be involved in any research, as he did not want to speak with anyone who may be perceived to represent 'the system'. This prisoner was extremely distrusting of anyone other than fellow inmates for reasons he did not wish to elaborate on. The second was first admitted to prison in the late 1950s and, now in his 70s, was very bitter at being recalled following release on license in 2001 for a reason that he felt was extremely unfair. He allegedly failed to turn up for an appointment as part of his license conditions, having simply forgotten. As he pointed out, at his age, people do forget things and after facing a reprieve from the hangman almost 50 years ago, is now resigned to dying in prison. Another inmate, although initially happy to be interviewed, refused to sign the consent form and therefore the interview did not proceed. Ethically, it is imperative that consent is always given. The inmate was bitter at a system that he felt had treated him unfairly and was angry with the Home Office and everyone at each stage below. He did understand the neutrality of the research and was apologetic but had made a vow to sign absolutely nothing at all; such was his extreme distrust of the prison system and anyone he felt represented it.

Therefore the take up rate was 20 from a possible 23 potential interviewees, which was encouraging. These initial interviews were not recorded. From previous research in prisons, inmates are extremely wary of recording devices and there was no desire to inhibit the conversation. Although it is more difficult to conduct and write up the interviews, especially exact quotations, it is firmly believed that the decision can be justified. Interviews usually lasted between 45 and 90 minutes and were semi-structured with a flexible list of 25 questions (see Appendix B)

b) The cohort at the first interview

Interviews commenced: January 2004. The research seeks to assess the progress made at this stage of the life sentence and not to investigate the circumstances surrounding each case and therefore invitations by the prison authorities to view case files was refused. It is of interest however, whilst

deliberately not exploring cases in detail, to examine the cohort from their own perspective and look at the progress made prior to reaching this stage. At this juncture, it would be judicious to very briefly outline the make-up of the cohort, which is varied and it must always be remembered that although this group are categorised or labelled as 'lififers', they are individuals.

Sixteen had been convicted of murder (including one armed robbery and one contract killing). Two were convicted of wounding and two were convicted under the 'two-strikes' rule for serious sexual or violent offences (Section 18) and are also known as 'totted-up' lififers, regarded with some disdain by other lififers in the cohort as not really being 'lififers' in the true sense of the word and are usually on much lower tariffs (in this case two and a half and four years respectively). Age varied considerably, ranging from 23 to 65 and five of the cohort had been convicted as juveniles or young offenders (aged between 15 and 20 on conviction) and had begun their sentence at an appropriate establishment before transferring to an adult prison at age 21.

Murder	16
Wounding	2
Automatic ('2 strikes')	2
Total	20

Figure 1: The cohort of 'lififers' and offences

Six of the cohort considered themselves criminals due to prior offences or convictions (mainly for theft, burglary and drug-related offences) and a further four considered that their current offence had made them criminals. The remaining ten however, were adamant that they were not criminals and had committed a single offence due to impulse, pressure or poor decision-making, often out of character and with no previous convictions or self-reported crime. Criminals, according to these ten, are defined as habitual offenders, burglars or drug dealers and definitely did not place themselves in this category, although realised that the public perception would be somewhat different and

they would undoubtedly now be labelled as criminals due to their offence and subsequent prison sentence.

Of the 16 murderers, 12 believed the conviction and tariff to be fair. Of the four that did not, two firmly believed that there was absolutely no intent or pre-meditation to commit the offence (both implied self-defence) therefore the conviction should have been the lesser charge of manslaughter. One believed the whole trial, including the judge, was 'corrupt' and should be investigated. A further client believed that although the conviction was fair, the tariff was excessive, having been given a 20-year tariff for being 'associated' with a 'gangland' murder, the same tariff given to the actual killer, an unprecedented decision and one that is currently subject to appeal.

Two of the cohort, young offenders at the time of conviction had their tariff reduced from 14 years (set by the Home Secretary) to 12 following a ruling by the European Courts in 2000, which ruled that such tariff-setting by the Home Secretary was beyond his powers and was unlawful for young prisoners. However, all of the 16 murderers felt that a tariff length is difficult to set, that it is impossible to equate a number of years of incarceration to a particular murder in any meaningful sense. You cannot 'put a price' on a life and all 16 agreed that in that respect, fairness will never be judged the same by a convicted murderer and the relatives of a victim.

The number of years served does vary. The two 'two strike' lifers are serving very low tariffs as already stated but the remainder have served at least seven years, the longest serving inmate had already served 25 years at the start of this research period. Their experience of prisons is varied but all have served in at least one public prison, usually several, and seven have experience of other private prisons, most notably HMP Ryehill (GSL) or HMP Dovegate (Premier Prisons). Most have experience of 'lifer units' although not all prisons segregate lifers totally. All however, were subject to a number of privileges at other prisons due their 'lifer' status, especially the automatic right to a single cell and the allowance of personal and 'comfortable' household items not usually allowed to other prisoners, although the Lifer Manual frowns

upon such special treatment. Almost all the cohort believe that this provision of special privileges is in exchange for good behaviour from a group of prisoners who may feel that they have nothing to lose by causing disruption due to the length of time to release at higher category prisons. One prisoner observed: 'It gives the Governor and Wing staff a quiet life'.

All 20 of the cohort, even those that believed their conviction was not just or disagreed with the tariff, realised that there had to be an acceptance of the sentence given and that they had to engage with the system in order to progress. This seems to take longer in some cases than in others, although the majority came to this conclusion very early in their sentence, 18 within the first year whilst at the 'lifer centre' or alternative young prisoner establishment. One took a little longer to come to terms with this realisation of how things work and how you need to engage positively in order to move through the system, known as 'playing the game'.

One client, now some 10 years over a 15-year tariff imposed for armed robbery and murder in 1979 has still to achieve Category-D status, the final stage before release on license can be considered. He readily admits that although he felt the conviction and tariff were both fair and feels genuine remorse, it was this failure to initially accept the system and a reluctance to 'play the game' that caused him to remain in higher-category A and B prisons for many years. With a history of violence throughout his sentence, this inmate has only calmed down and accepted his situation over the last few years and has now attained Category-C status, somewhat belatedly following some 25 years in prison. There is no indication at present of how long the transition to Category-D will take for this prisoner but at least the process is now being engaged with, although minor bouts of poor and violent behaviour are in evidence, despite undergoing several cognitive-behavioural programmes to reduce this risk factor. Previous poor behaviour has resulted in frequent prison moves (with much time spent in solitary confinement) and fragmented progress and has meant that several identified programmes have not been completed or were completed late and sentence-planning targets have not been achieved. Although he concedes he has improved and must

improve still further, he is sceptical that the system will not allow him to progress quickly, as 'mud sticks', especially when violence against Prison Officers remains on your record.

In engaging with the system, inmates realise that they must behave to an acceptable level, gain good reports from the prison staff *via* the personal officer system and achieve the targets set at their annual sentence planning boards. At HMP Wolds, inmates are assigned a 'personal officer' to assist with these targets and preparation for boards. Each of the cohort has completed at least one cognitive behavioural programme, such as R&R or ETS at a previous establishment. In addition, most had completed other behavioural programmes to address a particular identified risk factor, such as alcohol, drug abuse, anger or domestic violence. Only two of the cohort volunteered to take courses out of interest of self-betterment, the vast majority merely see them as a means to an end and to progress through the system.

Only two clients believed that courses, especially the cognitive-behavioural programmes aimed at general offending behaviour, were a complete waste of time. The vast majority all admitted to learning useful skills on these courses to varying degrees, despite not always being keen to do them at first. All the cohort have completed educational or vocational training courses at some stage of their sentence, with diverse subjects ranging from industrial cleaning and painting and decorating NVQs to 'A'Level Business Studies and Web Design.

c) The cohort at the second interview

Interviews commenced: July 2004. The Prison had, thus far, not attained its lifer capacity of 100 or even come close to it. On commencing the second stage of interviewing, nine months into the fieldwork, the number held was only 33, the Lifer Unit was therefore still not exclusively habited by lifers, as 49 prisoners in total were held there as at 1st August 2004, the remaining places being filled by determinate-sentenced prisoners. Conditions on the unit had not changed visibly and staffing remained low key and critical, with rarely

more than three supervisors in evidence, often just two, although staff reported very few problems in the day-to-day running of the unit. It is invariably a relaxed, calm and informal atmosphere.

From the initial cohort of 20, two had been removed from the Unit for their own safety and had been subsequently transferred to other prisons, their status as sex offenders having been compromised. Two prisoners had transferred out to other prisons at their own request on application and a further two had made a similar application. This reduced the cohort to 16. Following successful boards, a further two were close to being progressed to open conditions and were currently awaiting confirmation of this move. The cohort therefore could reduce to 12 in a very short space of time. Despite assurances that this cohort of 20 would remain at HMP Wolds for at least twelve months, already more than one third had either moved or were due to move imminently, demonstrating the uncertain nature of prison movements. Some prison moves are anticipated and expected, such as progressive moves to lower category conditions, but some are just part of the often chaotic approach to end-to-end sentence management that pervades the system in England and Wales.

Of the 16 prisoners remaining, only one was reluctant to be re-interviewed, not because he no longer wanted to be a part of the process but that he just felt nothing had changed at all since we last spoke, neither in his personal circumstances or with life on the unit generally. He promised that he would partake in the final round of interviews in 6-9 months time. His wishes were respected. In all, 15 interviews took place during this eight-week period.

One notable structural change that had been made was the appointment of a dedicated Lifer Unit Manager, which should lead to increased availability and visibility on the unit, giving leadership and an identifiable authority, a figurehead. This should be viewed as an improvement, as it is something that the majority of the cohort felt needed to be addressed in the first interviews. In reality, the change has been broadly welcomed by the lifers but does not really appear to have provided the anticipated improvement to date.

According to the majority of the cohort, the reasons are apparently simple; firstly, the new manager is not lifer-trained or experienced and is having to deal with a group of prisoners who have extensive knowledge of the system, particularly how it pertains to lifers. This has caused a reluctance to answer some queries and has often seen the new manager having to consult with the former manager before coming to a decision. Some cases are still being dealt with directly by the former manager during this period of transition, giving the distinct impression that the change has not actually had any direct effect as the former manager still appears to make or influence important decisions. Secondly, the new system was brought in during the summer leave period, causing the new incumbent to be absent for allocated leave as well as having to stand in for other managers absent on periods of summer leave. When the appointment has become more settled, the situation should improve and will be reviewed in the final interviews.

As a group, food was the biggest talking point and the most cause for concern amongst the lifers. Every single lifer complained that the food, which had started to deteriorate at the beginning of the year, had become extremely poor. Ingredients and choice of meals had become intolerable for some, especially those on special diets; such as diabetic and Moslem, who complained that they were now no longer being adequately catered for. The Catering Manager allegedly refers these inmates to the prison doctor.

Preparation and quality of the food was described as very poor by almost all the cohort, ranging from raw to very overcooked and had often stood after cooking for up to two hours before being served. The combination of ingredients was also questioned, burger, new potatoes and peas are served together or more often sausages with rice, both viewed as unappetising and lacking in essential nutrients. Frequently noted was a lack of fruit, vegetables and meat, a deficiency that has been raised with the catering manager but to no effect. In true lifer tradition, prisoners were able to quote PSO 5000 quoting an entitlement to a daily meat ration and minimum dietary requirements. Some popular choices, such as hot soup at lunchtime were advertised and available for selection but often not delivered at all. Several

prisoners are having food sent in and some commented that the members of staff have also complained, as they often order from the same menu at lunchtime.

This is a marked difference to the first sweep in January when almost all the cohort commented on the high quality of the contracted-out catering. Indeed, all previous official reports have commented on the high standard of catering and the company, Aramark, generally has an excellent reputation. It is a problem that causes great disquiet and certainly needs to be addressed. Prisoners complain that the Catering Manager either ignores the complaints or an unsatisfactory response is received. The situation will be reviewed at the final interview stage. Although some prisoners see these interviews as a vehicle to complain, hoping action will be taken, it is definitely not the vehicle to do so. No representations were made to the Director or Lifer Unit Manager about this problem, although a written report was sent to both at the end of each *tranche* of interviews as a matter of courtesy.

Conditions were generally felt to be good, the Unit was quiet with the staff keeping good order without any significant problems and communal areas were usually clean and tidy. The only problem mentioned was the pettiness of not being allowed to play music at any volume during the day, although some of the older members of the cohort felt that was a good idea. Staff are generally held in high regard, with all but two rating the supervisors as 'good' or 'very good' and the relaxed, low-key attitude was welcomed. These remaining two preferred a more authoritarian approach to incarceration and their experiences of the disciplined approach and strictness, traditionally common to the public prison regime. It was still felt that staff generally (including the recently appointed Lifer Manager) are inadequately trained to handle lifers. This reflects the findings from the first phase.

Report writing was felt to be good and the personal officer system worked well. This was reflected in the high level of confidence in the annual Sentence Planning Boards and preparation for important Parole Boards. Reports compiled were of a high standard and importantly, produced in good time for

the Boards. All of those that were subjected to a sentence planning board in the previous six months felt that the boards had gone well and they had been able to give constructive input on the day.

Two prisoners however, complained that they were not given sight of the proposed plan before the Board and therefore found it difficult to comment. It was also pointed out that a requirement to give seven days notice of the proposed plan is published in Prison Service Orders (PSO), although the wording is certainly ambiguous. It is good practice to allow prisoners sight of the plan before the board, to enable them to be fully aware of any implications on the day and prepare any comments. Making representations without prior sight can be daunting and could cause behavioural problems as some inmates may not react particularly well to new targets or adverse comments being made without notice.

New, additional targets were set for at least three clients at annual planning boards. A further three admitted to doing extra courses voluntarily in order to impress the boards, realising the importance of such courses to progress. Therefore, progress through the system, which was identified as a major problem at the first series of interviews remained so and almost all the cohort still believed that progress could be slow, although no worse than anywhere else. In one case, coming to HMP Wolds has resulted in a delay in progress, but generally the cohort felt that they were progressing, but no quicker than they would anywhere else. All felt that there was little continuity in the system nationally and that any change of prison could adversely affect progress, even if the move was intended to do just the opposite!

The time taken to realise that there is a 'system' and a certain way of progressing through by means of planning boards and target setting varied between clients. Some realised straight away and others took until they left the Lifer Centre but those who were admitted to juvenile Secure Units and YOIs admitted that it took them anything up to four years before coming to terms with this phenomenon. Little was learned about the system that would have to be negotiated until transferring to an adult prison at age 21 and this

delay could have serious implications at a later stage, as the tariff does not start at 21 but on sentencing. The time taken to learn how to negotiate the system was considerably longer, no time frame was expressed but most estimated it at 'several years'. These differences in how long it took some prisoners to adapt, is illustrated by the following comments:

"I was young when I was sentenced, it took about 4 years to realise that I had to play the system and accept the situation. You can't beat the system - just get on with it. I matured with time and realised that this is what you have to do"

"I learned pretty quickly that there was a 'game' to play and I have always tried to keep on top of it, if you don't you can end up way over tariff"

"It was about 3 years until I realised that there was a 'system'. Nobody really mentioned it at my secure Unit but when I got to a YOI, I realised that I would have to do courses and satisfy Boards, it was never really explained to me until then".

"I think it took me 6 or 7 years to come to terms with the fact that there is a system and you need to do certain things to get through it. In that time, you could miss doing things that could eventually have an effect on getting through in time to be released within the tariff" (young offender at time of imprisonment).

"It was about 3 years before I realised that I would have to do things to get through the system. I was in a secure Unit at first and it is not geared for lifers and you don't really find these things out until you get to an adult jail"

Programmes will be discussed elsewhere in more detail but to date, six of the cohort had completed CALM successfully and interestingly, a further six have been deselected. This means that six did not meet the very exacting assessment criteria for CALM and would indicate that the risk factor of anger cannot be assumed purely due to the nature of the offence. According to the

Programmes Manager, all successful candidates fared well and continue to be welcome on the programme.

Those completing CALM all enjoyed it and believed that they had benefited from the programme in many ways, although all six had completed it merely to meet the target of the planning board. All six felt that having completed other courses at previous prisons, there was nothing really new on the programme, certainly nothing that they didn't already know or had not encountered before, but that the reinforcement was useful. 'Stop and think' was the most beneficial aspect according to five of the six and it was felt that this would be a useful strategy and one that they would use in real situations.

d) The cohort at the final interview

Interviews commenced: May 2005 (to be completed by July 2005). Not good news for the research but undoubtedly excellent for the individuals concerned, was the fact that at this point only 11 of the original cohort of 20 remain at HMP Wolds, with several due to be released to open conditions imminently. Ten of these 11 felt that they were making good progress and expected to be progressed to Category-D open conditions on time. Only one believed he was not making progress and was very worried that if an overdue town visit was not completed before the Board sat in August 2005, envisaged having to remain at a Category-C prison for an additional two years. The town visit was postponed due to lost paperwork and now may not be completed before the Board.

"Town visits are important, I have a Parole Board early next year and it is important to show the Board that you can handle them successfully and are not a danger in the community"

This lifer was also on a waiting list for CALM, despite having completed anger management and it not being included as a target until arrival at HMP Wolds. This lifer, already over tariff, was confused as to why this was the case, having displayed no risk factors that would suggest CALM being a target. The

programme will be undertaken reluctantly, as failure to complete will undoubtedly slow progress to open conditions.

“At that first planning board, there was no assessment of me but all my targets were reset to include CALM. I was not told until after the meeting, not during it! I had already done ‘Anger Management’. Why should I have new targets set, especially one that could affect my board? I have been told I am on the next one but if anything goes wrong, I will not have it done in time for the August board, which would be disastrous. How can a new target be set when I am already over tariff?”

A very good point succinctly put, as the only question asked of a lifer over tariff should be whether the offender would be a danger to the public on release. This whole question of being over tariff and the reasons for it could be brought into sharp focus due to a legal ruling in July 2007 (although currently subject to appeal by the Home Secretary). This ruling ordered the release of a prisoner detained under the indeterminate sentence for public protection (IPP), a sentence introduced by then Home Secretary Blunkett in 2003 and at the time of writing being served by over 3000 offenders. The prisoner in question was serving an 18 month sentence but could not get a place on a course needed to be able to lower his risk factor sufficiently to prove that he could be managed in the community (one of the requisite parts of the IPP). The offender therefore had no chance of being able to satisfy a board within 18 months and this was deemed not to be the offender’s fault, but the fault of the prison system for not providing enough rehabilitative programmes and therefore it would be unlawful to continue to imprison him solely for this reason (*Rozenburg, Daily Telegraph, 1st August 2007*).

One can immediately see the comparison with life-sentenced prisoners serving a recommended tariff period, although it may be significantly more difficult to prove that a specific course had directly led to a lifer serving over tariff. It does, however highlight not only the problem of programme provision in an overcrowded prison system, but also the problem of the lack of cohesion and direction of the lifer plan and how elements of the plan can change

significantly when arriving at a different prison, including a lifer being required to undertake a course that had previously not been considered necessary. This ruling would be particularly relevant to the two 'two-strikes' lifers in this cohort, both serving short tariffs (18 months) and both already over that tariff by some margin and with a belief that the system cannot be negotiated in anything less than four to five years.

Two of cohort are automatic ('two strikes') lifers on very low tariffs. Both firmly believe that the minimum length of time that the system can be negotiated is estimated at 5-6 years; therefore imposing a tariff of only two years is a pointless exercise. Logically, if an annual board is required for each staged progression through A-D, then four years would seem the absolute minimum, as one of the two-strikers commented:

"I have done everything but am still over tariff, I think such a short tariff is impossible to get through on time, I think the minimum is probably 5 years, you just have to accept the system is slow. All my reports say that I am no danger to the public and I have done all my courses, do they count for nothing? Why can I not be released, I am already over tariff?"

Five of the 11 remaining in this cohort were already over tariff, demonstrating that at least this stage of the sentence for the vast majority of lifers on this unit has been well managed and the time spent at HMP Wolds has been optimised and not unduly lengthy, although previous time lost at other institutions cannot be regained at this stage. Ten had no outstanding targets that would preclude progress to open conditions and all 11 were grateful for the efforts of the staff in ensuring that all paperwork was done and boards were well prepared and ran smoothly. There is a belief that whilst housed at HMP Wolds, as one lifer put it, that 'things are getting done'.

e) Conditions & staffing

The conditions continue to impress the inmates, with very few complaints. It is a very clean prison and the new-build, open-plan style of the wings lends

itself to a more relaxed atmosphere. It is quieter than a traditional Victorian high-rise prison and less claustrophobic. The regime remains very relaxed and the cohort view the staff as approachable. The entire cohort rated the staff as either good or excellent and the use of first names and the quiet assurance that the staff possess was appreciated. It must be said however, that staffing levels are often very low, with only two supervisors on duty to a ratio of 50 inmates at quiet times. The personal officer system continues to work very well and it is appreciated that paperwork for Boards remains fairly and accurately compiled and submitted on time.

A major problem with the lifers appears to be the quality of the Lifer Unit Manager. All believe that in theory, it was a good idea to make the post a dedicated position, as it gives them a visible, more accessible, full time manager, whereas previously the post was only a part of the manager's duties. In reality, however, they feel that the situation has not improved, although it seems to be more about personalities than the actual post. Comments from the cohort were nearly all negative, including:

"he is not trained, doesn't have a clue"

"he makes it clear that he doesn't like lifers, he has no time for us"

"he is never seen on the Unit, he never chats or mixes with us"

The perception is that although the management position of Lifer Manager is now dedicated, little has really changed. According to the cohort, it is more difficult now to see the Lifer Manager than it was before the post became dedicated, forms must be filled out and the Lifer Manager is not accessible or approachable. There is also a belief that the Manager has no time for lifers, doesn't understand their requirements and sees them as an inconvenience and whilst most appreciate the Director and the Wing staff, it is felt that the middle management tier is ineffective. Several of the cohort agreed that they would rather deal with the previous manager and two stated that they still did

so. These views are of course subjective and certainly did not reflect the views of fellow staff.

The cohort at the end of the 18-month fieldwork period (July 2005)

Of the original cohort of 20, just five remain at HMP Wolds

Progressed to Category-D 'Open' Conditions	10
Transferred out for own protection	2
Transferred out on application	3
Remain at HMP Wolds as at 31/08/2005	5

Figure 2: Disposals of the cohort at the end of the fieldwork period

Figure 2 indicates that 50% of the original cohort had progressed successfully through the system and had been recommended for open conditions. Importantly only one had been delayed, due to a requirement to undergo CALM training that had not been previously suggested. Two prisoners had been transferred out for their own protection due to other inmates discovering that they were sex offenders. Three had applied to move to a prison closer to their geographic area to enable more family visits. Of the five that remain, three are still some way from the final 18 months of their tariff and two have still to satisfy Sentence Planning Board conditions and targets. This is undoubtedly a success for the regime at HMP Wolds, whose Director and Lifer Manager believe that unhindered movement through this Unit is vital to the overall progress made by each lifer to enable release on license by the end of the minimum specified tariff period.

The number of lifers has remained low throughout for a variety of reasons and at August 2005 the numbers stood at only 31, with 25 housed on 'C Unit' (the dedicated lifer unit) and a further six voluntarily housed on other units. The number of prisoners housed on 'C Unit' was 46, the numbers being made up with fixed-sentenced prisoners. This mix has not proved problematic and the fact that six prisoners have chosen to reside on other units is not a reflection

on conditions on 'C Unit'. As previously noted, 50% of the cohort believed that lifers should not be segregated and these six have voluntarily taken the option to reside on other units – none have been moved for disciplinary reasons or for their own safety. So whilst 'C Unit' remains ostensibly a Lifer Unit, numbers of lifers remain low and in fact, only 50% of inmates housed at this time were lifers.

f) Interviews with the Lifer Unit Manager

December 2003. The manager admitted that it was surprising to see the new contract include a proposed a Lifer Unit. There was and still is some trepidation from a number of staff on 'C Unit' as regards dealing with lifers. Some simply did not want to be involved and either transferred or left and some are still apprehensive about having lifers on the wing as the numbers steadily grow. Only one other Group 4/GSL establishment has handled lifers, HMP Ryehill, where lifers have been located since 2000. The manager did accumulate some experience at HMP Ryehill once it was certain that lifers were to be a part of the scene at HMP Wolds. He also underwent a one-week training course in handling lifers at HMPs Hull and Frankland. He admits that the staff have no real experience of lifers and that the course undertaken, whilst informative is maybe insufficient and it certainly 'does not prepare you for lifers'. The manager certainly recommends further training for himself and his staff.

Staff in the newly-opened Lifer Unit strive for fairness, it is a focal point of the way GSL attempt to treat every prisoner at HMP Wolds. Each prisoner is an individual and is treated as such and privileges - except the official Home Office incentives and privilege scheme - are frowned upon. The manager admits this can be an initial problem when lifers are looking to come to HMP Wolds as most are used to having almost 'elite' status at previous prisons, probably completely segregated from non-lifers with extensive privileges. Single-cell occupancy is a major sticking point for lifers and something they are used to having as of right. At HMP Wolds however, they can certainly have single cells but not until one is available, certainly not at the expense of

a non-lifer who has waited dutifully on the waiting list. Initially, lifers are unhappy at being forced to 'double-up' until a single cell is available - no privileges and no special treatment.

This is one of the reasons that the manager believes that take up has been low. As at the time of the interview the Unit housed only 16 lifers, with at least five more due to arrive shortly and at the commencement of the research in December 2003, the total stood at only 23, way below the expected capacity of 100. The prison is new to the lifer 'scene' and most potential clients at other prisons are unaware of its existence and there is also a shortage of Category-C 'Stage 2' lifers in the system, which could also have contributed. Publicity is the key and numbers will surely rise in the future as information is disseminated. Publicity must be correct and some inmates have complained that details given about HMP Wolds, mainly that they would be totally segregated on a dedicated Lifer Unit and given single cells have complained vociferously when initially being asked to 'double-up' and having to share the Unit with short-term offenders with imminent release dates. This misinformation is probably not deliberate and is a position that appears to have been assumed by the holding prison, but is certainly something that needs addressing, as it is grossly unfair to give inaccurate information to inmates concerning an issue as basic as accommodation.

Those lifers that have arrived, after some teething problems, have settled quickly and despite the slight inconvenience to their normal patterns, seem eventually to appreciate the climate of tolerance and fairness and the majority have settled down to life at HMP Wolds. According to the manager, segregation is not a key issue and it is certainly smaller and more manageable than larger prisons. At capacity, the aim was to have a segregated unit of 50 lifers with the rest housed on other units, 10 per unit. With the low numbers this has not been implemented and most lifers, whilst currently living on 'C Unit' are integrated in many other areas. Again, due to the low numbers of lifers, it has not been possible to keep 'C Unit' solely for lifers and to optimise use of the prison's accommodation, a number of fixed-term prisoners are also currently housed on the Unit. HMP Wolds invites

integration by encouraging inter-unit mixing during daylight hours with inter-connecting gates unlocked and open, which would be expected at a Category-C prison. During this time, inmates are relatively free to move around most internal areas of the establishment unescorted (although must 'book out' on exiting the Unit), including education, library, healthcare, the gymnasium and places of work.

A follow up and final interview with the Lifer Unit Manager was held on 2nd June 2006. The management of the Lifer Unit had changed since the initial interview and was part of an internal staff movement. One criticism of the first set of interviews was that the Lifer Manager was not a dedicated post; it was previously a post shared with the Security Officer. The new post is now dedicated and this should theoretically improve the relationship between lifers and management. A Lifer Clerk had also been introduced, based in the Administration Block, which should also improve the administration of lifers, especially with the recent re-organisation of the central Lifer Centre following the setting up of the National Offender Management Service (NOMS) in the summer of 2005.

This interview took place some ten months after the fieldwork had finished and the Lifer Manager had been in post for almost two years by this point. The post was not advertised and the manager did not apply for a post, which was an internal middle-management move and in common with almost all the supervisors and middle management at HMP Wolds, the manager had no Prison Service background but had dealt with the initial batch of eleven lifers that arrived during late 2002. The only training received regarding lifers was the undertaking of a short course entitled 'Lifers in the 21st Century', presented at HMP Wolds by Home Office representatives. It seems there is no requirement for private institutions to undergo mandatory training in this area and the lifer training received by the supervisors was generally the same. The Lifer Unit Manager believed this training to be 'sufficient'.

The GSL-owned HMP Ryehill is a similar size prison, now with a Lifer Unit of similar capacity, but despite this operational similarity, little or no contact is

made on a day-to-day basis. Exchanging or pooling information by these two prisons (both new to handling lifers) would be useful. The lifer numbers at HMP Wolds remain remarkably low, at the date of this interview, June 2nd 2006, there were only 23 lifers and numbers had never risen above 50% of the suggested capacity of 100. It must also be stated that there is also usually some flexibility in the number of lifer places on offer in the system generally, usually more places than there are lifers, spread throughout the system. This extra capacity enables lifers, who do have some input in where they serve as they move down the system, to serve their sentence in a geographically preferred location where possible.

According to the manager, the primary role of the Lifer Unit is to progress lifers to the next stage by ensuring all reports are completed correctly and in a timely fashion and ensuring that all targets suggested by previous boards, such as cognitive-behavioural programmes, are met expediently so as not to slow progress. The manager admits that no prioritisation is given to lifers already over tariff, the aim is to progress all the lifers. There remains a problem in national coordination of the movement of lifers and the manager concedes that the introduction of NOMS has further complicated the issue, at least temporarily.

The Inspectorate's unannounced inspection in November 2004 had commended the Lifer Unit in many areas, particularly the staff-prisoner relations. However, it had concerns in several areas, although none were seen to be a major problem. These were put to the manager to see if any progress had been made or is likely to be made in the near future. Firstly, the lack of purposeful activities: it was not felt that this had improved due to the lack of facilities. Secondly, too few lifers on education: it was explained that education provision had recently transferred from Manchester College to GSL and it is unclear if that will encourage more lifers to take up education. In any event, many lifers were particularly well qualified and not always motivated to take up new educational courses, but those who wished to do so were well provided for. Finally, that there should be cooking facilities for the lifers to enable them to cook proper meals: the manager said that this continued to be

a problem, there is only a 'servery', where food could be reheated but not cooked. A survey was recently carried out to establish if lifers wanted this facility, if the results were positive then some provision may be made in the future.

An informal interview with the Lifer Clerk was held on 5th August 2005. At the time of interview, this was only a part time position and was adequate, as the numbers of lifers had remained low, with a capacity of never more than 40%. This was therefore manageable, although the lifer clerk concedes that if full capacity was ever reached, it may need to be a full time position. Although having no previous prison experience, the clerk saw the role as assisting the throughput of lifers to the next stage and was fully aware of the need for all paperwork to be timely and correct.

Strong liaisons must be maintained between the Lifer Unit Manager and the Lifer Management Centre (currently transitioning to NOMS). It was unclear at this time just how NOMS was going to deal with private prisons, if it was to look at all lifers, or all private prisons. This transitional period was proving slightly problematic, as the department at NOMS was not totally sure of its function and its future structure regarding lifers in private prisons.

"We are not sure at this stage, just how NOMS are going to deal with lifers, they do not seem to have decided themselves, whether lifers will remain as lifers or whether they will be split by public/private sector. At present we ring a desk dependent on which letter of the alphabet the lifer's name begins with"

Dealing with different officers depending on the alphabetical surname of the lifer did not seem an ideal solution, however, the clerk reported that generally liaison was good, although information was sometimes slow to arrive, causing some preparations for Boards or moves to be somewhat rushed. This could be to do with the fact that private prisons are still not fully integrated into the penal system and at this time, did not have complete access to the Prison Service Intranet (Quantum), there remain sensitive areas that information

could not be accessed. The OASYS system of risk assessment was still not on-line in private prisons at this time.

Liaison between the Lifer Unit Manager and staff was reported as excellent by the clerk, which is vital for the smooth running of the lifer unit. As has already been stated, it is interesting to note that no formal ties in the area of lifers have been made with another GSL prison, HMP Ryehill. This prison now holds over 100 lifers (consistently more than HMP Wolds) in Category-B conditions and it would surely be beneficial to the company to compare the two regimes and experiences to ensure the continuing development of the Lifer Unit at HMP Wolds.

4) HMP Wolds: Lifer case studies

This thesis aims to look at the process of the life sentence from the perspective of the lived experience of the prisoner, allowing the subjects to 'tell the story' and extensive use is made of interview excerpts, as a legitimate presentation of qualitative data. This can be extremely insightful and there is a real honesty and 'richness' in the qualitative data collected during 18 months of fieldwork. It was logical to produce a case study to present this data although there were two problems; firstly how many case studies from the cohort would give a representation of a typical passage through this Lifer Unit and secondly, which of the cohort would best typify the experience?

The first was a difficult decision as there are so many diverse experiences of the prison system encountered by this cohort and their personalities and characters differ greatly. There is a range of variables, such as age, ethnic minority and offence that all 20 could in fact present completely different case studies, in fact practically the only thing this group has in common is that they are male and at the same stage of serving a life sentence.

There are so many different stories to tell from the data collected. One elderly inmate suffered a stroke between interviews but was not moved to hospital. In fact, after walking to the medical centre unaccompanied, the episode was initially diagnosed as influenza and only diagnosed as a slight stroke one week later. This inmate has difficulty with mobility and eyesight and regularly falls and injures himself on the metal staircases. Despite this the care afforded to him is periodic nursing care on 'C Unit' and he is still kept in the same conditions. After one year, this lifer was being considered for release due to ill health. He has never posed any problem to staff throughout the ten years already served and he would pose no physical threat to the public if early release were to be granted.

Another lifer had been returned to Category-D after failing a mandatory drugs test (MDT) at a Category-D prison. He insists that the drug was taken on a day out rather than within the prison, but the Board took no chances and at

HMP Wolds he was working back towards open conditions by exemplary behaviour and repeated further testing, all of which so far had been negative. Two prisoners were on very short tariffs following the 'two strikes' automatic life sentence and their progress was different, as attempts were made to speed it up with varying degrees of success. Several lifers in the cohort were over tariff for various reasons and several had problems negotiating the system and especially target setting and completion of programmes. Most of these particular problems are detailed elsewhere, with qualitative data presented in the relevant chapters.

So to find a 'typical' lifer was not really possible but the decision was made to select two very contrasting individuals. The first, who for the purpose of this study will be called David, was only 15 years old when convicted of a very high profile murder and will look at the way the system can be negotiated successfully, on tariff, despite serious setbacks along the way. The second case study will be George, a lifer in his late 50s, who has been in the system for more than 25 years, mainly due to behavioural problems and a failure to engage with the system. The case studies are intended to look at the process of serving the life sentence, the lived experience and the problems encountered and importantly, the part HMP Wolds played in trying to make this passage from Category-C to open conditions, as expeditious and smooth as possible. These studies are individual and are intended to reflect the diversity of inmate and are recorded chronologically to reflect the staged process of serving a life sentence.

a) David: a positive journey

This lifer is of ethnic minority origin and born outside the UK to parents of different nationalities. David came to public prominence in a very public murder trial and was sentenced to life at the age of only 15 and at the time of this study was eight years into his life sentence (serving a revised 12-year tariff) and had been housed in the Lifer Unit at HMP Wolds only three weeks at the time of the first interview in February 2004. Throughout, David's comments are in italics.

David believed his conviction and sentence was fair and showed a great deal of remorse:

“It was fair, to take a life is deserving of 12 years. I know how upset the family would have been. I totally regret it, it was not done out of anger and I have no problem with anger. I was very young and did it out of loyalty. I feel very sorry and am paying the price.”

“I don’t really consider myself a criminal. I had been in trouble with the police but never been convicted of anything.”

This proved to be a quite a normal attitude from this cohort. Crime Pics II scores, detailed in the previous chapter, demonstrate that the majority of lifers have a ‘healthy’ attitude to crime generally. They know right from wrong, have an awareness of the victim’s predicament and few have had criminal ‘careers’, in fact the majority had no previous convictions. At the time of arrest, David had not been attending school and suffered from poor and lax parental supervision. He admitted to me that he could barely read and write at that time. At sentencing, David was sent to a Youth Training Centre rather than one of the five specialist lifer centres, a course commensurate for an offender of that age and he hails those two years spent at the Youth Training Centre as a turning point in his thinking about crime, his actions and his lifestyle:

“It was invaluable, they taught me to read and write. The staff were excellent and it was important to go there first before an adult prison or a YOI.”

David was moved to a YOI at age 17. He felt it was a ‘good place’ but that the power of the Prison Service staff was too much, especially with such a high profile prisoner and describes some as ‘proper bastards’. He was there for three years and made good progress in this time at his first YOI, making his way towards an adult prison. David was pleased with his Planning Boards and felt he had good input and was satisfied with the programmes designated

as necessary to complete to progress. These programmes were ETS and Offending Behaviour:

“I did both of these. ETS was good, most of it common sense: How to weigh up situations and look at positives and negatives”

After three years, at the age of 20, David was transferred to an adult Category-B prison incorporating a YOI. He felt that this prison was generally ok, conditions were good, although there were lots of drugs in the prison, openly bought and sold. But the process was good:

“The Planning Board was good, I had good input and good targets were set, although they were not all achieved. My personal officer took eight months to write a report, so despite the Board recommending a move to Category ‘C’ prison, the report was received too late, the deadline was missed.”

This was the first realisation that the system could be slow and although almost a year late David was transferred to an adult prison on attaining the age of 21. The first Category-C prison refused to take David, due to his high profile offence, although as he points out:

“The Governor there decided I was too much of a risk, although I have never been in a single spot of trouble since I came to prison. When I arrived, I was taken down the block I complained because I had done absolutely nothing wrong. I have never caused any problems so I agreed to go to the secure block voluntarily and asked to be shipped out”

So the first experience of the adult prison system was not positive. One Governor refused to take David, merely on reputation from his offence, with a total disregard for progress made thus far. The second felt the need to take firm action on his arrival, again a totally disproportionate response. In fact, David believes that he was then allowed to come to HMP Wolds only because it is a Category-C prison internally, but is physically surrounded by a

Category-B style exterior security fence, although he has never made an escape attempt or thought about doing so.

David's first experience of the Lifer Unit at HMP Wolds was very positive. Physically the conditions are good, with an aesthetically pleasing open plan unit and mostly single cells with integral toilets and sinks – quite a contrast to a Category-B state prison. David was not pleased at having to share a cell on arrival and believes that lifers have particular problems that mean a single cell is a necessity. He assumed that one would be available but on arrival discovered that this was not the case at all and privileges need to be earned. He believes that is one of the reasons why lifers were not coming to HMP Wolds and numbers were so low.

Opinions on total segregation (the traditional configuration of a dedicated and separate Lifer Unit) were divided equally in the cohort - ten for and ten against. David was one of those that believed dispersal would not be problem, despite the popular theory that it produces a 'toxic mix' of prisoners:

“Lifer Units are ok but it wouldn't be a problem to be dispersed. It can be a bit depressing to see people in for only a few months and then released but it would be worse to share a cell with someone about to be released.”

“Staff here are pretty good, they are different to Prison Officers, more relaxed. I like the first name terms, it is not difficult to do that kind of thing. I don't mind having my surname screamed out but this is better. In HMPs you see people 'cut up', beaten up and pushed around by staff. There is no respect. Here, relations are excellent, there is very little trouble on the Wing because of this. There are often only two supervisors on the Wing - that would be difficult in a HMP. My personal officer is good.”

Personal officers are extremely important, it is their job to compile reports for sentence planning boards and Parole Boards and it is vital that these reports accurately reflect the situation and are completed on time. Late or inaccurate reports can lead to major problems and can even lead to board being

cancelled, which in turn could lead to progress being delayed. The personal officers in this Lifer Unit all have an excellent rapport with the lifers they support and apart from the very occasional problem, the system works really well. This system has been heavily criticised in official reports from the Prison Inspectorate in several prisons and it is encouraging to see it work so well here.

Although David thought his previous prisons, especially the Secure Unit were basically good, he soon realised that the high level of respect and basic civility at this private prison was integral to the way staff are trained to handle prisoners. This is of course not a reflection of every private prison but it is a very important part of GSL's policy of treating prisoners fairly and with 'respect'. The reason why David was shipped into HMP Wolds became clearer, although he himself was not totally aware of the circumstances:

"Apparently, I have come here to do CALM, although it has never been mentioned at any sentence-planning meeting at my previous prison. I was supposed to do 'Anger Management' but CALM has appeared on my documents. I was happy to do 'Anger Management' but suddenly CALM appeared on my docs! I am hoping to be assessed soon and if I have to do it, I will - but I have no problem with anger, I never have. If it is not an identified risk, I don't see why I should have to do it and I can go back to London, closer to my family. Anger has never been an identified risk factor before, so why now?"

This is an interesting point and one that is expanded upon in the section looking at prison programmes. David was not only given the target of CALM without it being presented at his annual sentence planning board, but was forced to make the physical move from a prison in the south of England to HMP Wolds, specifically to do a programme that he may not be assessed as suitable to undertake. The original target was 'Anger Management', rather than CALM and this may have been more suitable, why the programme was changed, especially without the knowledge of the client, is unknown.

“It makes me wonder if I shouldn’t deliberately ‘fail’ the assessment and do the programme. It seems the more courses you do, the better it looks. Psychologists have never assessed me as anger prone. Just because I have committed murder does not automatically mean I have a problem with anger.”

This is a common approach, getting the ‘ticks in boxes’ to impress the Boards is somewhat of a preoccupation for many lifers, known as ‘playing the game’. David’s approach is typical, and sadly his case was typical, as he made the long move north for no real reason. He could have stayed nearer his family home, as when he was assessed for suitability for CALM, it was found that he had no problem with the specific type of anger that CALM is designed to address. Details of these assessment tests and exactly what the CALM programme addresses are contained in detail in Part 4.

The Programmes Manager has since taken steps to ensure that this movement into HMP Wolds to undertake CALM does not happen unless an assessment is undertaken ‘in situ’, by a trained CALM assessor. To this end, the Programmes Manager has helped to train officers at other prisons in conducting the assessment and has also travelled to other prisons to conduct them. This should lessen the frequency of prisoners being physically moved some distance from their home geographical area for no reason. Strangely, this did not mean that David now defaulted to the original programme of ‘Anger Management’, which looks at the problems more general anger.

Although he personally believed he had no problem with anger and it had never been an identified target, at some stage a decision was made that David should undertake anger management training. This highlights the way programmes and sentence planning boards can be fragmented, targets can change on moving between prisons - there is nothing more frustrating to the prisoner. It is unclear who made the original decision and why it was made and there appears to be no reason for the requirement to have been changed to CALM. The result was an unnecessary physical move of some 250 miles, making visiting difficult and resulting in the client not having to undertake any

anger management training at all, which confirms that there probably never was a target of anger to address.

“The risk factors should be reviewed at the very beginning (of the sentence), even if it looks a lot, and only changed if anything causes them to be reviewed. It is depressing to see new targets added, especially if it slows your progress. It is so incoherent, I do not want to be over my 12-year tariff, but I could see how it could go that way.”

David however, stayed voluntarily at HMP Wolds as he believed it gave him the best chance of progressing to open conditions on time and valued the positive regime. He is willing to some more education, but thinks that cognitive-behavioural programmes are more impressive and valuable when Boards have to be negotiated to progress.

Passing time is difficult with no definite release date and at least four or five years left at this stage. Work could be a way to relieve boredom and learn new skills. David did have some motivation:

“It is important to keep up with news and current events, I do watch TV. I don’t use the internet. I don’t know anything about it and have never used it and I don’t think there are any facilities here. I am motivated to learn new skills, I have NVQs in catering and health and social care, but wouldn’t do the Vulcan Windows project. Usually you learn a skill but get no certification and therefore it is just a low paid job. I would do some education but I am not sure what but I think you need to do the cognitive type courses to make you look good.”

“I have decided to stay as this prison has a good reputation for getting through the system. I like the look of the family meals, I would take advantage of that. You have to be at a prison a year to get a really good report, people get to know you and this prison has a good reputation for getting you through the system and to a Category-D on time.”

The family meals are an innovative way of having families to visit in an informal setting. Meals are prepared and served by other inmates. Even at this early stage David realised that his chances of making open conditions on time would be enhanced by staying, even though he did not choose to come to HMP Wolds initially.

The next time that David was interviewed was six months later in August 2004. He was in good spirits, smiled as he greeted me and was very gregarious throughout. His answers were always thoughtful, intelligent and measured and gave a god insight into his experience after six months at HMP Wolds. At the first interview, David had just arrived and was settling in to the Lifer Unit but first impressions were favourable, despite having to share a cell until a single cell became available. He was already very aware of what was needed to progress but at that time had not had a sentence planning meeting. The interview was conducted in the communal area of the Wing, a comfortable (by prison standards) open-plan designed area with tables and chairs.

“Things here have been ok and I am ok in myself. There are worse places to be. I have a single cell now, which makes a great difference”

David was much happier in a single cell and had earned the right to move into one following a combination of earned privileges and having to wait on a list. This is in line with the Lifer Unit's policy on fairness and that no prisoner should be a special case, whatever sentence length or reputation. The comment about conditions was slightly 'tongue in cheek', as David admitted that physical conditions and the staff were excellent, although the food had deteriorated somewhat.

Since the initial phase of interviews, the Director had installed a dedicated Lifer Manager to give the Unit a more visible and accessible figurehead. The results were mixed, although David believed it had made a slight improvement, he was not totally convinced:

“The dedicated LUM seems to be better although you still have to go through the previous manager to do some things, maybe the new manager does not have the experience? My personal officer is ok and I hope my reports will be good. I have my Parole Board in January 05. I can’t see why I should not get my Cat-D recommendation. I always behave and I get on with my courses.”

David is very aware of what is expected of him, but also realises that the system is fragmented and that sometimes the cogs move very slowly. Everything that delays a lifer’s progress is magnified to the lifer himself, a small problem seems huge due the psychological effect of long-term and seemingly indeterminate incarceration. False hope is something most lifers try to discourage and David was cautiously optimistic that his forthcoming Parole Board would be successfully negotiated. He had confidence in his personal officer, who he believed will deliver a timely, favourable and accurate report, which is a vital component in negotiating a Parole Board.

The Category-D recommendation would be paramount, even though the move could not take place until at least mid-2005 (three years to end of tariff), if it was not granted at this hearing, it would probably be a year before the next, with a very real chance of David being over tariff. Parole Boards occupy the mind of long-sentenced prisoners, they can be difficult, unpredictable and a very nervous time for the lifer, but are stepping stones to release, slowly but surely.

Some lifers have a degree of notoriety, we have a history of glorifying murderers of infamous reputation and David is one of those very high-profile offenders, whose every move through the system as it nears release is scrutinised, particularly by the media. He has always believed that this ‘fame’

had held him back on more than one occasion and believed that it could be the same at HMP Wolds. The escorted town visit schedule, which David was now due (in fact overdue) to undertake, had no sign of being arranged. The town visit is a very important factor at Parole Board hearings, as it proves the prisoner is responsible enough to be allowed in a public place without fear of absconding, a vital ingredient for open conditions, where day-release for education or work (unescorted) is an integral part of the regime. It was overdue partly because of the Victim's Charter and the victim's family exerting its right to be consulted on proceedings.

“One thing that could hold me back is my high profile offence, it always has done. We should all be equal. Some here are double murderers but because I was 15 and in the papers, it seems to hold me back. I remain hopeful. It has had an effect on my town visit I believe, the Wing is still waiting for a ruling on the ‘victims charter’ from probation as to whether I can have my visit. I have been waiting ages and it is not fair.”

It is difficult to assess the impact of such a high profile prisoner on staff, particularly Governors/Directors and Parole Board members. History as taught us that Home Secretaries seem to be influenced by high profile and public opinion when tariff setting was left to politicians. David believes it should make no difference and rightly points out that ostensibly, all murderers have high profiles. It certainly should not influence decisions on making progress between categories if the lifer has made good progress, behaved well and achieved all the targets set and this lifer certainly fulfils these exacting criteria.

“I need my town visit really badly, I have been in prison since I was 15 and I need it to show the Parole Board that I can cope outside. The high-profile nature of my case should not make any difference, it should be on merit, on what I have done and achieved since imprisonment.”

David showed some anxiety about spending the day in a strange town, even though the visit would be escorted but was very keen to have one scheduled

as he appreciated the importance of getting these visits done successfully with an upcoming Parole Board. Anxiety would be quite normal, considering he has been in the penal system since age 15 and the only journeys made in the last eight years have been between prisons, handcuffed in secure vehicles.

“I don’t know what to expect on the outside, even on a town visit. I am sure I will be ok but everyone is different. I don’t really know what to expect but I need one. Time passes ok, you get used to it and I don’t really think I will think about release until I get my Cat-D. I am looking forward to release and I do think about it positively.”

Most of the cohort agreed that passing time is not too much of a problem at this stage, much less than at earlier times in the sentence. There is an acceptance, almost a resigned submission, that there is simply nothing that can be done about it. The priority is not to spend any time over tariff, that is time that the lifer does not anticipate spending in prison and gears his mental approach to meeting the criteria to get through the stages on time, to get to Category-D is a very important stage psychologically. As David points out, when you reach open conditions, you can begin to think about release on license, it is close to becoming reality. Until that stage is reached, it is merely a distant date in the future.

“It was about three years until I realised that there was a ‘system’. Nobody really mentioned it at my secure Unit but when I got to a YOI, I realised that I would have to do courses and satisfy Boards, it was never really explained to me until then. The system does seem so slow sometimes, almost impossible to get through.”

The length of time served before a lifer realises that there is a system to negotiate and he must play an active role within it, varied greatly, from a few months to several years. The younger offenders seem shielded from this realisation but the adult offenders seem to appreciate it as soon as they reach the Lifer Centre. For David it was about three years, but now he was well into

being proactive and progressing by completing courses and programmes and he was trying to stay positive, despite new targets being set at his annual sentence planning meeting. As has been mentioned elsewhere, nothing frustrates clients more than completing targets only to find new ones added, with no increase in risk factor.

The CALM programme has already been discussed and in fact, after being subjected to the rigorous assessment, David was deselected, indicating that he does not have a problem with the type of anger addressed by CALM. So, the journey north to HMP Wolds, away from his family, was to all intents and purposes, completely unnecessary.

“My high profile is always mentioned, at boards, on course reports, even where it is not relevant. I need a Cat-D to keep on track with my tariff, there is no reason why I cannot get it. They tried to recommend me for three more courses and new targets were set on my planning board. All psychological reports on me show that I do not have a problem with anger. I was deselected for CALM, proving I do not have a problem. I did the ETS Booster because that is fair enough, you have to redo it now and again, every two years I think. The rest – no, I don’t need them.”

“ETS Booster was good, I think you always learn something. Stop and think, weigh up the situation and think of consequences, always good advice and very helpful.”

Like most prisoners, David was not keen to do the programme, apart from getting the ‘tick in the box’, but found a lot of it useful. This seems to be the usual outcome.

Along with the family meals, the ‘Lifer Day’ was another innovation brought in by the Director to give the families some access and knowledge about where their family member was spending this part of the sentence. Although not a totally new innovation, none of the cohort had experienced one before and

were given a small budget and some autonomy in how the day progresses, decided democratically by a 'Lifer Day Committee', on which several lifers sat.

"Lifer Day was excellent, my family came up and It was great to spend the whole day with them. They were left in visits for a while but it generally went well. The food was excellent! A tour of the prison would have been good but it was still a great day."

One week after this interview, whilst on the Wing to interview another inmate, David told me that he had indeed been knocked back for a town visit and it had made clear that it was due to the 'high profile' nature of the crime and due to 'sensitive victim issues'. As David argued, are not all murders high profile and have victim issues? He has met with the Director, who promised to look into the matter. If a town visit continues to be denied due to 'high profile', then David will never get one, meaning his chances of progress is limited until the decision is reversed. He should be entitled to the same treatment as other serious offenders.

The final interview with David was held seven months later in March 2005 and again he was in good spirits. He confirmed that he felt the conditions here were still excellent and that the food had improved slightly. David was pleased with his personal officer but disappointed that his very important Parole Board hearing had been postponed from January to April. A backlog of Boards is simply no excuse as this delay can impact on progress to open conditions and potentially therefore, the time a lifer serves over tariff.

"My personal officer is ok, approachable and all my reports were done ok and just about on time, although the last Parole Board has been delayed because reports were not ready and apparently there is a backlog of Boards to do."

"Yes I have made progress here, I have had good reports and I have got on with my targets. It is sometimes a bit slow but everyone tries hard for you. It has taken me slightly longer to get through than I had hoped but it is generally good. If I get Cat-D at this board, I should be released within my tariff."

"I was due a Parole Board in January but it keeps getting put back, it is now scheduled for April 4th. Everything is ready and all my reports are good and nobody is against me getting Cat-D, so I am confident. My solicitor thinks the Home Office may bring petty things up from when I was at a YOI (I was once in a room where alcohol was being served at a 'party') but it should not be brought up."

It was encouraging to see that David was cautiously optimistic. There is no apparent reason why Category-D should not be awarded, but the comment from the solicitor reminds us that the Parole Board is a legal process, a court in effect. The negative problems that may be brought up are undoubtedly correlated with the high profile nature of David's offence, but even the solicitor appeared optimistic.

"Town visits were a real problem due to my high profile and I had to complain officially to the Director and to his credit, he came to see me personally and although he said he was not going to let me have a town visit, after we had discussed it he changed his mind. He could see that I was full of remorse. He was worried about me absconding but I assured him there was no problem there, there is no benefit to me to run off."

It is extremely encouraging to see a Director becoming personally involved and making a visit to a prisoner who has a genuine complaint. This happened because David dealt with the problem maturely and calmly, and used the appropriate complaint's mechanism. Following this discussion, the visit was granted and went ahead without a problem.

"I have now been to Beverley and Hull and had no problems at all. I really liked Beverley! Town visits are essential for the boards, as it shows you can be trusted. So it helped me with progress and also it was good for me. I had not been outside for nine years and I was only 15 years old! It really helped me personally. It gave me confidence."

This hurdle now negotiated, David could look back positively on his 15 months at HMP Wolds, despite the reason for his transfer in being unnecessary. Many constructive things had happened during this time and despite the Parole Board being delayed by three months, when it did finally sit, it recommended transfer to open conditions. In August 2005, David left for an open prison, just in time to be able to apply for release on license at the end of his tariff around August 2008.

“This is a good jail. It has been a positive experience. There is no drug culture and the least violence of any prison I have been in. That has really helped me to progress.”

David caused no problem on the unit, despite his high profile and the prison tried to treat him fairly, although some decisions are out of the Director’s hands and made at a higher level. The Director did intervene personally on this occasion and has been known to do the same for other prisoners with a genuine grievance, which is refreshing and underlines the good staff-prisoner relationship at HMP Wolds, built on trust, civility and fairness.

The proposed system for assessing prisoners given CALM as a target before transferring in, is now in place, instigated by the Programmes Manager and designed to minimise unnecessary disruption for prisoners, who may have been given the target at a planning board without the board having sufficient knowledge of exactly what the CALM programme is trying to address.

In conclusion, David has progressed this stage on time and feels that his experience here was positive and helped his progress. Any problems or potential problems encountered were sorted out with the minimum of fuss, with the Unit Manager or the Director personally involved if necessary. A client can ask for no more than to be held in safe, clean conditions, treated appropriately and progress on time. David was transferred to open conditions shortly after this interview took place.

b) George: stuck in the 'system'

In contrast, George was one of only five of the original cohort still at HMP Wolds at the end of the fieldwork period and is likely to remain for some considerable time, despite already being several years over tariff. On arriving in early 2003, he had started his 25th year in prison on the same sentence. He was convicted of murder and armed robbery and sentenced to a mandatory life sentence with a 15-year tariff in 1979. The immediate question comes to mind is to enquire why George remains in prison when his tariff expired in 1994. The best person to explain that is George himself. Interviewed initially in January 2004, the interview took place in the probation office and lasted almost two hours (much longer than the other interviewees). George was a gregarious, articulate and demonstrative interviewee, very keen to get his forthright points across, sometimes quite forcefully. Although described as 'stuck in the system', it is not solely the fault of the system, as George explains:

"Much is my own fault, I have been violent in prison and have not progressed as I might have done. I have genuine remorse for my crime and for my violence in prison. It has led to me being moved around a lot and I think I have served in almost all the HMPs and a few private ones. Moving around simply exacerbates the problem, it made me unsettled, more frustrated and more violent."

Lack of space precludes detailed accounts of George's progress since leaving his lifer centre, HMP Wormwood Scrubs, in 1982, save to say the reviews are very mixed. Although admitting that most of the delays are squarely down to his poor and violent behaviour, George also believes that the complexity of the system does not make it easy to progress and points out the difficulty of putting together a coherent and achievable sentence plan for a prisoner such as himself, who is badly behaved and as a consequence, subjected to frequent moves. He also realises that with a series of moves caused by his violent behaviour, he has built up a reputation of being a troublesome and disruptive inmate and whatever he achieves by passing courses and

completing cognitive-behavioural programmes, sentence planning and Parole Boards will take some convincing that any positive change will be demonstrable by improved and calmer behaviour and could continue to be a barrier to progress.

“Sentence plans are difficult. Courses are recommended but not all prisons offer courses, which could mean falling behind on your targets, which could mean serving over tariff. I am aiming for Category-D in 2-3 years”

George had already attended several programmes before arriving at HMP Wolds, where he had been transferred in specifically to undergo CALM training, despite having already completed ‘Anger Management’. In fact he had already successfully completed: ‘Relationship Skills’, ‘Alcohol Awareness’, ‘Drug Abuse’, ‘Assertiveness’ and ‘ETS’. In fact, George had compiled quite a list of such programmes and yet this still had not been sufficient to reduce the risk factor of ‘anger’ adequately, therefore CALM had been recommended at his previous prison and a physical move had been made to accommodate this target. Interestingly, on the Crime Pics II attitude scoring, George scored very low, and identified his problem with anger as ‘slight’, ever since completing ‘Anger Management’ at HMP Dartmoor.

“Anger Management’ changed my life. It made me realise where I was going wrong. All courses were good and had a positive effect.”

George’s CALM programme is detailed in a later chapter, but it seems George is receptive to the programmes and believes they are useful, but this learned behaviour has rarely transferred from the classroom to the prison corridors. He was impressed with the conditions on arrival, especially the excellent relationships between the staff and inmates:

“Conditions (at Wormwood Scrubs) were poor and harsh, but I was moved due to my violence. Facilities here are excellent and conditions and the regime are very good. The food here is the best of all the prisons I have been

in. To compare the harshness and poor conditions of Dartmoor with (HMP) Wolds would be graphic and somewhat laughable.”

“Staff are excellent, vastly different from HMPs. They explain things to you and help you with problems. Mutual respect, manners and having a good working relationship with the staff are vital. Here the staff are relaxed, good attitude, it is so positive, so different. Staff ask you to do things and use first names, no shouting or orders.”

When asked about prison privatisation generally, George was the only one of the twenty in the cohort that actually understood and was interested in the political and moral debate and held a view (such ambivalence in the cohort was surprising, as privatisation affects them all personally). He saw it as a very positive move by the Government and certainly has plenty of experience of both sectors:

“It was good, introduced competition. The POA was becoming almost paramilitary. I have witnessed some terrible treatment, very violent. In HMPs some officers, especially ex-servicemen, seem to relish the containment aspect, the violence. It made them change their ways to a degree, as they could lose a prison to a private company. It has improved prisons by making the public sector improve accordingly.”

George liked the innovations at HMP Wolds, the family meal in particular but sees the greatest innovation as the relaxed but supportive attitude of the staff. The interview was terminated after two hours due to time constraints, although George still had plenty to say but communal meal times are set and that time had been reached.

The second interview took place in the communal area of the Lifer Unit in August of the same year. George was, as always, very keen to speak to me at length about important issues and some that would be considered trivial outside the prison environment. George is a trained chef and his main problem was food, this is the type of problem that is magnified in prison, food

and the serving of food is a communal activity and the opportunities to purchase additional items of food is minimal due to expense and availability.

“Main problem is the food - poor preparation and poor quality. Cooked food often heated for over two hours until it is served. Also, there is no diabetic food for me, no sweeteners, diabetic jam etc. The manageress says it a doctor’s problem, not for her to deal with but she is wrong. It is national policy, as it is a special diet. She simply will not listen. I have tried through my personal officer but although he tries, nothing happens.”

Directions for the administration of medical, religious or ethnic diets are clearly laid out in a PSO and the reason for non-compliance was not clear and the matter was to be passed to the Lifer Unit Manager for his attention. Food aside, George continued to be impressed by the staff and the conditions, which is high praise from a client of the system of so many years standing.

“Conditions are still very good, the staff, day-to-day, are fantastic.”

“In myself I am very positive, I am doing CALM at the moment and I think it is really good. I have a sentence planning board in August but I am not ready for Cat-D yet, I will tell them but I do think I will be ready the following year. I am not confident enough and I still have issues to address, I want to voluntarily complete ‘victim awareness’.”

“It took me eight months to realise that there was a system to play but it took me several years to learn how to get through it. It is often slow and very uncoordinated.”

Despite being in the penal system for almost 26 years at this point (some ten years over tariff), George had finally realised that he must behave and complete courses, something he admits it took him several years to come to terms with. When most prisoners are pre-occupied with getting through the system on time, George is ready to inform the Parole Board that he believes himself that he is still not ready to cope with open conditions and that it would

be another year before he feels that will be the case. This is the first time that I have encountered this scenario and it was totally unexpected, especially due to the fact that ostensibly nothing would change at a Category-D unless the prisoner specified it, there would seem no reason not to progress. The Parole Board may also be surprised at such a statement and it would be fascinating to see how it responds to this unusual request.

It is interesting that George still feels, after so many years in the system, that he still has issues to address but encouraging that he now recognises the fact and is planning to do 'victim awareness' voluntarily, an action that may not be possible as places are usually taken up with inmates with the programme as a target. The volunteering may sit well with a Parole Board, but as already stated, George is intending to inform the Board that he is not ready to progress. This proposed action was discussed at length but he was adamant this course of action was in his best long-term interests.

George claimed that it took him only eight months to realise that there was a progressive system. This is quite a short time in comparison to other members of the cohort and somewhat surprising, considering his lack of engagement with the system to this point and very slow progress made. George is a student of the system and is very knowledgeable of Prison Service Orders (PSO), directives, standing orders, the Lifer Manual, his rights and what should be happening to him, this is typical of most lifers and comes with experience and institutionalisation.

As described elsewhere, the system can be slow, fragmented and uncoordinated and experienced prisoners do notice this and find it frustrating. Although George's recent proclamation would see him voluntarily extending his time in prison, which is slightly contradictory and difficult to understand. Obviously after such a lengthy period of imprisonment, it would be natural to worry about an escorted town visit, his first such *sojourn* in public for some years. George was understandably anxious:

"I have a town visit coming up in September. I am looking forward to it but I also have some trepidation. It will have changed so much, cars and stuff and the way people deal with you. I haven't been out for 25 years! I don't really think about release yet, I just take each stage at a time. Passing time is no real problem. I have done so much education, I couldn't do much more, I have a massive CV. I would like to do Open University but I can't afford it"

George has gone down the route of education for interest in an effort to pass time, rather than collecting qualifications for post-release employment opportunities. He doesn't have a problem passing time, again this is common among long-term prisoners, who accept and adapt to the institutionalised lifestyle over time.

Innovation is one of the areas that privatisation was looking to identify and although not a totally new concept, the Lifer Day was seen as a real success. The thanks to be passed on to the Director is indicative of the high regard the Director is personally held by inmates, being approachable and willing to become involved in personal cases.

"Lifer Day was superb and I cannot thank the director enough for allowing us to have it. It was so well organised by our own committee and was one of my best days in prison. I would love to pass on my thanks to the director."

I left George anxious about his town visits but also believing that he was making some progress, despite the length of time he was already over tariff. The next interview should see the response of the planning board and establish how successful his town visit would be.

This final interview took place in April 2005, again in the relaxed atmosphere of Wing communal area. As always, George was very amenable to being interviewed and again stressed that although the staff and conditions were very much as before, the standard of food, especially the need for diabetic food was still cause for concern:

“The food has got even worse. My diabetic diet is still not being adhered to, I have been told to buy my own diabetic jam etc. Although it is £1.88 a week and I only have an income of £7! The problem is apparently cost. Usually you get a diabetic pack with sweeteners, jam etc. but not here, you get sugar! The budget for the catering is still the same but it has got worse. The stir-fry is just full of grease. I am a trained chef and I could do better on 50p per meal! Food is not provided as per the PSOs. Neither are other things, such as roll-on deodorants.”

George was asked about the staff relations and the newly appointed dedicated Lifer Unit Manager. As always, he refused to sit on the fence and had some candid and opinionated views.

“I have no problem with the ‘rank and file’ staff, they are all good but the problem here is middle management, they are ineffective. The Director probably gets a different story from them but nothing gets done. They are not supportive. They have no time for you and are only interested in security. You cannot get anything organised. The Unit really needs an experienced manager, one that is accessible and knows what he is doing.”

“The new Lifer Unit Manager is a complete waste of time. He is full of shit. I think the idea is good but the person in the job is wrong. He has no time for us, he says that lifers demand so much and he doesn’t listen anyway. He thinks he knows a lot but he actually does not. He is absolutely useless, he is not trained and you never see him at all.”

This is almost universally echoed by the cohort and contradicts the positive attitude that came across when interviewing the Lifer Manager and other members of the prison staff. It is very difficult to assess this situation and such a wide discrepancy, as the experience of the lifers’ shows that in theory this appointment was a very good idea, but in practice they did not feel that the right calibre of person was appointed. Whilst this certainly does not reflect the view of other staff members or the researcher, this is the view of almost all the lifers in this cohort and George in particular has great experience of such

matters. If nothing else, it shows how such problems are conceived differently by staff and inmates and are magnified due to the psychological problems of incarceration.

“Lifer meetings are rare these days, just lip service. Nothing gets done and at the next meeting, you just ask why nothing has been done!”

From observation, the Lifer meeting was a very useful forum and it was at such a forum in December 2002 that the research was ‘advertised’ to the lifers. Although such meetings have the potential to turn into a vehicle for complaining and little else, it was usually a very fair and open forum with good, productive discussion and frank exchanges of views. If they have deteriorated since the last observation, that would be a retrograde step and the situation needs addressing. This gives one chance per month for the lifers, as a group, to discuss matters of importance with their immediate manager and receive feedback.

George was asked if he believed he had made progress and if his time here had been a positive experience:

“Yes, I have definitely made progress here. It is a calming environment, there is not much hassle on the Unit, it is relaxed. My own behaviour has improved. I did CALM in December and it has helped a lot, I haven’t kicked off for a while. I can just go to my room and relax, take a ‘Time Out’. The course was really good. I realise now that you do not need everything on the course, but just some of the tools when you need them.”

George’s full CALM Course report is detailed in part four of this thesis, but he did respond well in the classroom. According to the course report, he worked very hard, was ‘very motivated’ and made good contributions to the sessions. George did appreciate the fact that he had major problem with anger and had a very short temper and the team noted throughout that his calm behaviour in the classroom contradicted his poor behaviour on the Unit. He worked through the sessions and seemed to understand the benefits of all of them

and could pinpoint exactly where he was going wrong. He could recognise his anger triggers and potentially difficult situations, such as being asked to do something he didn't want to and managed, with the tutors, to draw up a theoretically effective 'relapse prevention plan'.

Sadly, it was not to be the end of 'kicking off' as George so eloquently puts it. Staff did notice an improvement immediately following the programme and saw a better and calmer response to the type of potentially difficult situations that had caused George to receive three entries on his personal file (2052) regarding heated outbursts, shouting and 'loss of control'. This happened again shortly following this interview, despite a good anger prevention strategy being put in place during his CALM training. To George, it seems theory and practice are very different animals.

"I have 'victim awareness' as a target and hopefully I can get that done soon. It is a target but I want to do it anyway. (Parole) Board is August 2005. I am way over tariff but my own behaviour has improved and I am handling things better: no outbursts. Hopefully, my reports are good, I have made a marked improvement. I should have hit all my targets by the next board and I believe I should get my Cat-D. I wasn't ready for it before but now, especially since I did CALM, I feel I would be fine."

"I need my town visit, which should happen very soon. I have a town visit to Beverley scheduled for 28th April. I am going with my Personal Officer and it should be ok. I should have done two by the time the Board sits in August (2005). Hopefully they will give me Cat-D and recommend one final town visit."

The town visits were not deferred for any particular reason, it had just taken some time to set up, they are not easy to organise and are dependent on correct paperwork and suitable staff availability - it cannot be any member of staff, it really does need to be somebody that the prisoner is comfortable with. George realised that he must negotiate these town visits successfully before his forthcoming Parole Board, but believed he would be recommended for

Category-D and a somewhat prolonged progression through the system to open conditions taking almost 30 years. There was now no hint of George wishing to defer his potential move to open conditions and he did appear more confident in his ability to progress.

“It has definitely been a positive experience here and I have made good progress after more than 28 years!”

It was encouraging to note that George felt he had made progress at HMP Wolds, mainly due to the calm environment. He always praised staff, particular the Director and the supervisors who staffed the unit on a day to day basis. His only concern was the Lifer Unit Manager, who he feels was not ‘hands on’ enough and did not appear to be too concerned with lifers.

These two studies were designed to show two very contrasting cases. The first showed a young lifer progressing successfully through the system on time and overcoming the problem of his high-profile persona. The second study highlighted the particular problems of inappropriate and sometimes violent behaviour of an older lifer who had not negotiated the system particularly well. Both noted the fragmented nature of the progressive system and its lack of continuity and dealt with it in their own way.

The common strand of this qualitative data was in their praise for HMP Wolds was the helpful and polite staff and their willingness to engage with inmates and help them progress, always ensuring that reports are completed in an accurate and timely manner. Both appreciate the calm atmosphere, the aesthetically pleasing environment and the lack of drugs and violence.

They had found the experience to be positive and both hoped to move through to Category-D open conditions on time, or in the case of George, on time relative to the time already spent in the prison system, i.e. spending the minimum time at HMP Wolds before progressing. This Unit has established a very good record for lifers achieving progress to Category-D expeditiously, despite being very new to this area.

These case studies present a sample of the qualitative data chronologically, in an attempt to build a picture of how the eighteen-month period of the fieldwork was experienced by two of the cohort of 20 lifers. The value of their inclusion is to provide a continuous, chronological series of events, to chart the progress and experience of these two lifers whilst at HMP Wolds. Whilst not totally representative of the cohort, these two case studies demonstrate the progress made during this time, the good staff relations and the positive environment encountered. It gives an insight into everyday life of two inmates that have different attitudes and different personalities but both have a single main aim: to progress to open conditions and it charts their efforts and the prison's efforts to ensure that this is done on time, and at least in one case, 'on tariff'.

Part 4: Rehabilitation Programmes, Education and Work

This part covers these three topics, but the majority of time is devoted to cognitive-behavioural programmes deemed suitable for and made available to lifers, particularly CALM. This is not to belittle the positive effect of education, work or employment-based courses on progressing through the system and possibly encouraging desistance following release (although as will be explained later in the piece, the effect on desistance is questionable), but in prioritising these themes, it was believed that the most influential effect on this particular cohort of lifers are the cognitive-behavioural programmes available to these prisoner whilst at HMP Wolds.

1) Cognitive-behavioural programmes

In 1997, the US Justice Department published a report examining the latest evidence as to the effectiveness of programmes and interventions with offenders entitled 'Preventing Crime: What Works, What Doesn't, What's Promising' (Sherman *et al*, 1997). 'What works' includes programmes that are 'reasonably' likely to be effective in the context in which they are devised and where results can be generalised, 'what's promising' includes interventions where the level of certainty from evidence is too low for the findings to be generalised, but where further research may support favourable conclusions and 'what doesn't' includes programmes that had either failed or the researchers believed would fail. A fourth category of 'what's unknown' could be added due to the number of programmes that have yet to undergo rigorous evaluation in this country. England and Wales had already embodied the 'what works' approach regarding interventions with offenders, with cognitive-behavioural programmes in particular being viewed as somewhat of a panacea for the rehabilitation ideal to produce a reduction in re-offending. This research by Sherman *et al*, combined with research by McGuire (2002) was influential in the introduction of a three-year 'Crime Reduction Programme' in 1999 in England and Wales at a cost of some £250million, which incorporated a wide range of initiatives, including offender interventions via cognitive-behavioural programmes (Harper & Chitty, 2005).

However, as McGuire points out, 20 years ago there would have been little point in publishing books on such a topic as it was generally agreed that this course of action had been tried and had ostensibly failed. In 1974, Martinson had already declared that in the area of rehabilitative programmes with the aim of reducing re-offending, quite simply 'nothing works' (cited in McGuire, 1995:preface). Unfortunately this has been a much quoted and probably misquoted statement that did the cause of cognitive-rehabilitation programmes no favours at all for some considerable time. It can be concluded that insufficient research has been conducted in this area and that this type of cognitive treatment or correction is not regarded as a professional area and there is very little grounded evidence about what such programmes have taught us about the ability to change basic behaviours.

Ross & Fabiano believed that at that time, such rehabilitation programmes had been operating in a 'conceptual vacuum' (Ross & Fabiano, 1983:2) and could almost be described as 'applied mythology' (Maruna, 2000:111). They certainly should not be seen as a panacea to 'cure' offending behaviour and encourage subsequent desistance. With the political landscape of the time moving towards harsher, more punitive sanctions against offenders, the demise of the rehabilitative philosophy fitted in well. Indeed, it almost became a totally polarised theoretical debate, with those against rehabilitation labelled 'realists' and those for the rehabilitative ideal labelled 'do-gooders', often described as well meaning but 'ultimately deluded' (McGuire, 1995:preface). Towards the very end of the 20th century, the Government's focus in this area had definitely repositioned once again to a 'what works' agenda, with a clear focus on reducing crime by reducing re-offending. Recidivism rates approaching 70% and rising for younger offenders were clearly both politically and socially unacceptable.

Although not single-handedly responsible for the demise of the rehabilitative ideal, Martinson's criticism remains a controversial subject of contemporary penal debate. The response of how we justify punishment and how we deal with those convicted is certainly conceptually confusing and is subject to

conflicting ideas. It can be irrational and often illogical, relying on stereotypical thinking about the background and profile of the offender. One of the main criticisms is that 'do-gooders' do not consider the needs of victim, although it could be argued that cognitive-behavioural programmes are seeking to reduce repeat behaviour and subsequently reduce re-offending. If successful, they would appear to do just that by sparing potential victims and there is an obvious and logical correlation between such programmes and reducing re-offending and as a corollary, reducing the number of victims – a correlation rarely identified by policy makers. The argument is not simply about punishment or indulgence, no longer about the 'soft-hard' approach but about applying practical solutions to problems (McGuire, 1995:preface).

The 'what works' agenda has been in place for some time and there has been a resurgence of the rehabilitative ideal since 1990. There has also been criticism of Martinson's original statement, with a review of the studies and research conducted at the time. Much concluded that in fact, contrary to Martinson's published work, there were improvements in many areas due to programmes and that re-offending had been reduced in some areas, even if the improvement was not spectacular. Research studies in the early 1970s were not methodologically sound and the programmes themselves were of poor integrity. However, during the 1990s, subsequent research has often reported positive outcomes and there is now a large body of evidence to suggest that certain interventions 'can reduce offender recidivism' (McGuire, 2002:10). Despite these claims, several dissenting voices have continued to support Martinson in believing that interventions are ineffective in reducing crime and as recently as 1992, Pitts declared that 'rehabilitative methods tend, by and large, not to rehabilitate' (Pitts, 1992:144).

A Liberal thinker, it was probably Martinson's belief that to declare that 'nothing works' would lead to a reduction in the use of custody as a suitable punishment although in reality, conservative opponents used it to support longer and harsher sentences and there was a directional policy change towards a greater use of punishment (McGuire, 2002). By 1980, some even proposed that if it rehabilitation did not work then maybe the reintroduction of

capital punishment was the answer to the problem of reducing crime. The most important turnaround had come from Martinson himself, who admitted in 1979 that there had been errors in earlier reviews and revised his views on rehabilitative programmes, stating that from recent surveys the evidence that they could be beneficial was now 'too overwhelming to ignore' (Martinson, 1979:252). According to journalist David Rose, this change of mind was possibly a reaction at the expropriation and misinterpretation of his original declaration that nothing works. As a possible consequence of being unable to recapture his original Liberal audience Martinson took his own life by jumping to his death from his New York apartment in 1980 (*The Observer*, 5th May 2002).

It is often the case that those sentenced to custodial sentences have suffered from a number of social problems (including several recognised social exclusion indicators), psychological factors or an identifiable and diagnosable mental illness. There have been a plethora of sociological, psychological, economic and even clinical theories proposed that have sought to identify what causes crime and criminal behaviour. It is not the intention to review them all in this text, save to say that if any theories have led to a greater understanding of how criminals behave and how they think; logically this could be applied to rehabilitation. Prisoners are often released with the same physical or social problems they suffered before incarceration, problems such as homelessness, unemployment, poverty, relationship problems and drug and alcohol abuse. Such problems are not difficult to identify and could be addressed with sufficient resources and in some areas provision is improving, with closer contact with benefits, housing and employment agencies towards the end of a prisoner's sentence, resettlement and reintegration can be smoothed.

In 2003, HMP Hull introduced a 'one-stop shop' to give continuity to resettling prisoners in dealing with such problems, especially with short-term offenders, giving those about to be released a coordinated approach to tackling a raft of problems that may inhibit successful resettlement (Clancy *et al*, 2006). It could be argued that the word resettlement itself is not a suitable word to use

in the case of prisoners as it suggests they were at one time 'settled'. With the wealth of problems the majority of inmates have been found to suffer from prior to conviction, this would seem to be an inaccurate description of their lifestyle prior to conviction.

Such action is helpful, although not rehabilitative as such, as most areas of provision are available to the general public and it is a straightforward solution to anticipated practical deficits. This is how the cognitive-behavioural approach differs, it looks specifically at behaviour, holding the belief that if behaviour is learned, it can be 'unlearned', modified or adapted. Solving practical problems by seeking assistance is one approach, getting prisoners to identify their own problems and giving them the skills to be able to solve these problems themselves is quite another. If prisoners can identify what course of action led to them being incarcerated and what went wrong with their thought process and decision making, the theory is that they would make a better decision if faced with those circumstances in the future. Logically, this should lead to less repetition of offending behaviour. It cannot be assumed that every individual innately or instinctively possesses the skills to identify problems, prioritise problems and subsequently use skill and rational judgement to solve those problems.

If the rehabilitative ideal is to have any credence at all then surely a multi-modal approach which addresses not only offending behaviour but resettlement problems and cognitive deficits is the key ingredient, in the hope that prisoners will be released with better thinking and social skills, enabling them to cope better in certain problematic situations and also aware of the practical help available. Every inmate is different and the reasons for offending and the offender's background, whilst often showing some similarity, are often diverse, therefore a multi-faceted approach recognises this complexity (Palmer, 2003). This diversity is also responsible for the fact that not all programmes will work with all clients and therefore it is inconceivable that a 'universal' programme to address general offending behaviour will ever be established. Opponents will always point out that this is a valid reason not to invest heavily in such programmes, as the results will always be mixed and

a relatively poor success rate could see the programme labelled a failure and certainly not viewed as cost effective. The overall aim of any such initiative is to reduce re-offending, thereby reducing the prison population and as a corollary, reduce the number of potential victims.

Specific types of offenders, such as serious sex offenders and extremely violent offenders need offence-focussed rehabilitative treatment to address specific problems and risk factors. It could be argued however, that whatever their offence, most inmates should derive some benefit from a general cognitive-behavioural offender programme that looks at problem solving, thinking and social skills. The cohort in this survey are long-term, serious offenders, all serving a life sentence and the majority have committed murder and re-offending is probably less likely to occur than with less serious offender types. In fact, all 20 of the cohort are adamant that they will not re-offend under any circumstances, indicative of the impulsive and often untypical nature of the offence, 16 of the 20 did not label themselves as 'criminal' offenders prior to this conviction. Even the OGRS (Offender Group Reconviction Scale) or the revised OGRS-2, a 'statistical risk' scoring system to estimate re-offending would yield few clues. It is largely based on previous convictions for standard list offences only, of which only four (20%) of this cohort possess at least one criminal conviction and only two of those were for violent offences. It is also a system that bases its calculations on offenders grouped by offence and is therefore not designed to predict the individual risk of re-offending (Taylor, 1999:1). OGRS was not available at HMP Wolds.

The variables considered are numerous, including gender, the offender's age at first conviction and at the time of the current conviction, the number of youth custodial sentences and current offence group (standard list offences only). OGRS-2 also asks additional questions, such as number of violent offences and whether the offender has a history of burglary. The data is input by prison or probation staff and a score is predicted based on which group the offender is most closely aligned with. Importantly, as has already been explained, it does not provide an individual score. Reconviction rates for violent offenders are difficult to assess over the usual two-year period as

relatively, they have 'a low reconviction rate' (Taylor, 1999:3). The risk scores are now categorised into: 'some risk, moderate risk, raised risk and high risk', making it easier to interpret the level of risk. The lowest risk therefore is not 'low' but 'some' and the actual reconviction rate in 1995 for 'some' risk was 6% and for 'high' risk was 34%, compared to statistics such as car theft, which stood at over 70% (Taylor, 1999:4).

In the case of this cohort, it would not prove a very accurate predictor of re-offending or reconviction, considering the crime of murder or serious violent offences had not been previously committed by any one of them prior to the current conviction, but the rehabilitation model and sentence plans would be constructed on the basis of these very serious crimes and the OGRS scores estimated accordingly. There is no separate category for murder or manslaughter, so the group would also share the prediction with violent and sex offenders generally.

Although murder does not automatically assume problems with decision-making or problem solving, general offending programmes could still be beneficial, as could programmes looking specifically at addressing anger and violence if appropriate to the individual's assessed risk factors. As always, it is impossible to generalise and the needs and deficits of each individual must be identified and addressed, although this does not always appear to be the case at sentence planning boards, where many assumptions are made with a minimum of supporting evidence. Labelling offenders by offence type, length of sentence or risk is somewhat limiting and often inaccurate. It cannot simply be assumed that a convicted murderer suffers with problems of anger merely because of the conviction. This automatic assumption is endemic of many seemingly obvious criminological links, some labelled 'causal', between crime and social or behavioural aspects, such as drugs or alcohol and crime. These links, whilst trumpeted as obvious, are not always so and certainly may not be causal and great care must be taken not to make assumptions. This compartmentalisation takes the focus away from the individual, to label life-sentenced prisoners as 'lifers' may be convenient for administrators and has

become accepted parlance, but each is an individual, coming from different backgrounds and with different needs.

An important aspect of such cognitive-behavioural programmes is the current popularity with the major source of funding - the Home Office. With crime reduction a major target of the present Government, there are several programmes in operation, conducted by the Prison Service or the Probation Service, often with competing priorities. Many of the current programmes originated in Canada and an authority on such programmes is Paul Gendreau of the New Brunswick University, who stated that such programmes take 10-15 years to become recognised as being effective. With this in mind, he expressed surprised at the sudden influx of Canadian programmes in the UK and believes it could be somewhat risky if they eventually prove to be less effective than first thought (*The Guardian*, 5th May 2002). If reconviction studies are to be the recognised method of measuring crime reduction, then this takes time, as the appropriate evaluation period to enable such a study to take place is two years (although interim measures are often taken at the one-year point), therefore there are no short cuts and certainly no quick evaluative processes. Several researchers have attempted to predict the reconviction rate at the 12 and 24-month points, although admitting that there is no established method to do so and the results are merely an estimate. No such estimate has been made with this cohort, mainly due to the nature of the offences, the distance to potential release and the desire, as a researcher, not to wander aimlessly into the realms of speculation - lifers are not a 'typical' group of prisoners. Probably for these very reasons, there appears to be no published research indicating projected reconviction rates for murderers.

Over the year 2003/04, over 7300 offender programmes were completed in prisons in England & Wales, with almost a further 8,000 completed in the community (Blunkett, 2004:6). Despite this, a quantitative research study on accredited programmes conducted by the Home Office (2003) gave disappointing results and probably contributed to the withdrawal of the R&R programme in April 2004. In this follow up survey, results were mixed and certainly not as conclusive as the first wave study, which showed a reduction

in recidivism for those clients undertaking a cognitive-behavioural programme. It shows that some categories of offenders that completed either ETS or R&R demonstrated slight reductions in recidivism at the one-year point but less at the two-year point (Cann *et al*, 2003), suggesting that the programmes may have a limited effect that erodes over time. This broadly mirrors a study conducted by Raynor & Vanstone in 1996, when actual reconviction rates after one year were 37% (against a prediction of 42%) although the figures at the two year point were less encouraging, indicating no difference in rates between the predicted and actual and between the programme completers and a normal probation sample (cited in Palmer, 2003:163).

One of the most important factors in Cann's study was the completion of the programme. Non-completers had the highest re-conviction rate (even poorer than the matched comparison group of clients who had not undertaken any programmes) and the completers had the lowest. Whilst this is encouraging, the overall reconviction rates for both adult males and young offenders in this study of some 2000 adults and 1500 young prisoners showed little difference in recidivism between those starting a programme and the comparison group (Cann *et al*, 2003). This rudimentary quantitative analysis was taken mainly from the Offenders Index and a lack of detailed, qualitative research to date does not help our understanding of why these results are not as proponents would like them to be.

McGuire offers a more detailed examination of offender programme evaluation, indicating the practical difficulties of conducting such evaluative research including the limits of design, sampling, publication bias and validity (McGuire, 2002). Although not an excuse to simply amass and evaluate any type of evaluative research on any programme, regardless of size, validity or reliability, the preferred approach of 'meta-analysis' at least allows different types of research to be considered, albeit with caution. An extensive list is compiled, with a brief outline of research projects to date, enabling a good integrative overview to be assimilated by the reader (McGuire, 2002:14-19). It is encouraging that on average, results of treatment programmes with various types of offender is positive, although the degrees vary enormously from

showing virtually no change in reconviction rates to an upper figure, on average 9-10%, best described as 'modest' (McGuire, 2002:20). This might appear initially disappointing, but it covers a full range of programmes and in a variety of countries. The best measure of effectiveness has yet to be accurately defined, if it is to be purely recidivism, then to say that the reduction was 'modest', would be an accurate description. Indeed, whether a rise or fall in reconviction rates is achieved or not may not be the key issue, such factors as positive behavioural change and improved thinking skills could be labelled as a success but measurement is difficult and would be brushed aside if reconviction rates did not fall. It is a very important point to make and although no formula seems to be applied, the degree of reduction in reconviction rates, either actual or projected, with all its pitfalls, seems to be the crucial factor in labelling programmes as a success or failure.

One must consider the fact that even a small reduction in reconvictions results in fewer victims in reality, remembering that cognitive-behavioural programmes are supposed to be premised on crime reduction being the main aim. Just how many victims saved against the cost of such programmes may be the key equation that fund-holders may employ to assess viability and cost-effectiveness. To reduce recidivism by 10% would have a significant effect on victims, the prison population and levels of crime but even with reconviction rates as high as 70% in young offenders, to reduce it to 60% or even 50% may demonstrate insufficient change to convince policy-makers and fund-holders that the programmes are a success. Paradoxically, the overall crime reduction target of the newly formed NOMS is a very modest 5%, a lower target than has already been achieved by programmes that have since been withdrawn due to an apparent lack of success (NOMS, 2005). The degree of success varies widely and some programmes undertaken by young offenders have shown success rates of 30-40% reduction, although evaluation is always difficult and can be slow, especially if the full recommended two-year reconviction study is conducted. McGuire also points out the many difficulties of evaluating programmes, despite many attempts by a variety of agencies and also points towards further research in this area. Further research is necessary and a differential should be made between

offence-specific and general offending behaviour programmes, between custodial and community-based delivery and also more individual-centred research on clients who have undertaken group-work programmes, rather than a group evaluation (McGuire, 2002).

a) Evaluating and measuring the effectiveness of programmes

As they have passed through the development or 'piloting' phase, most programmes have been subjected to several evaluations although these have been mixed in quality. A lack of thorough and accurate evaluative research to measure the impact of programmes caused Martinson to come to his original conclusion that 'nothing works' and this clouded the thinking of policy makers and became the dominant discourse for over a decade. The only way to promote programmes is to prove their efficacy by accurate, independent evaluation and this has not always been achieved successfully. Although the Probation Service has predominantly been responsible for the development of cognitive-behavioural programmes in England and Wales, it has paid little attention to 'establishing its effectiveness' (Ellis & Winstone, 2002:334). A lack of independent, objective and qualitative research could certainly have influenced the decision to withdraw the R&R programme in April 2004.

Checking the programme 'integrity', that is the quality and competency of session delivery, is central to understanding the positive effects and successes of the programmes. This could be measured in a variety of ways, but as the programmes are linked to crime reduction, the most commonly used measure is reconviction rates. Cognitive-behavioural programmes need to gain accreditation, which is awarded by the Offender Behaviour Programmes Unit (OBPU) following intensive research and testing, checking the programme integrity by observing delivery and measuring predictive and actual reconviction rates. As will be argued later, it is vitally important to test programme integrity regularly (although this is often not the case due to time and expense) as re-offending or reconviction rates alone may not be an accurate measure of success.

As already stated, it would not be sensible or accurate to measure programmes purely on the basis of reconviction rates over a certain period of time, for a number of reasons. Firstly, an offender may be arrested for an old offence, committed prior to the original offence, secondly the offender may be arrested for a much lesser offence, which would show a degree of improvement and finally the offender may be arrested for an offence that a programme was not designed to address. To a hard-line politician with a tough stance on crime and punishment, these factors may seem irrelevant and it could also be argued that a reconviction study is not a re-offending study and the offender may indeed have committed crime but not been detected or arrested. These factors are important if an accurate evaluation of the effect of the programme is to be measured and recent studies have attempted to follow the clients post-release and instigate a self-report questionnaire on offending behaviour since release (Clancy *et al*, 2006).

Having to wait the recognised period of two years before a reconviction study can take place also increases the overall time taken to complete evaluative research and could reduce its impact. There has historically been very little standard evaluation of evaluating reconviction rates for programme completers, although the OGRS was introduced by the Home Office in as an 'assessment and research tool' in 1996 and has since been superseded by the 'Offender Assessment Tool', known as OASYS, which is currently being rolled out (Ellis & Winstone, 2003:342). This is a combined assessment tool that examines risk and need and should be computerised and 'on-line' by 2004-5, enabling universal, instant access to risk assessments across the Probation and the Prison Service (Clancy *et al*, 2004) - at the time of writing, neither had been made available to the private sector.

Exactly what to measure can be both inconsistent and often open to interpretation, largely based on the funding initiative, that is to say, if funds are directed specifically towards reducing crime, then however unsuitable as a sole measure, a reconviction study is often identified as the most appropriate method of evaluating programme effectiveness. Although a summary of

studies undertaken in England and Wales indicated that the best evaluations contain the following categories (Ellis & Winstone, 2002:345):

- Descriptive information on the offenders and the programmes covered
- Completion and compliance data
- Repeated use, where appropriate, of attitudinal and problem measures
- Adequate reconviction studies, which use predictive scores and control groups
- Qualitative information and offenders'/professionals' views on the adequacy of the programme design

Also added to the more recent surveys are in depth checks of the programme delivery and integrity, often consisting of numerous hours of evaluative video recordings of programme sessions and staff meetings, where integrity and delivery are discussed and checked. Interim outcome measures are difficult to measure and the impact of individual programmes on offending behaviour can vary greatly. One of the main outcome measures is 'changing attitudes towards offending' (Ellis & Winstone, 2002:343) and although some early studies employed 'in-house' or 'home-made' methods to measure this, a more reliable, standardised 'Crime-Pics II' questionnaire (Frude *et al*, 1994) has been developed to measure general attitudes to crime and is best used before and after a programme to measure changes in attitude. This tool has now been widely used and has been found in previous studies to be linked to reconviction. It consists of five scales, 'G' scale = general attitudes to crime, 'A' scale = anticipation of re-offending, 'V' scale = victim hurt denial and 'E' scale = evaluation of crime as worthwhile. It also has a problem perception 'P' scale, which is essentially a problem inventory that can identify the perceived social or practical issues of the prisoner. The expectation is that these numeric value indicators (lower numeric score equals lower problems) will decrease significantly after completion of a cognitive-behavioural

programme, although the degree of change would depend on the exact nature of the programme and the risk factor it was addressing. The most recently published evaluative study that saw the use of this survey was the evaluation of the second phase 'Pathfinder' short-term offender resettlement programme in 2002-03 (Clancy *et al*, 2006).

This programme is a general offender programme lasting only 2-4 weeks and is aimed specifically at those offenders serving less than 12 months and within three months of release and was devised by Porporino & Fabiano of T3 Associates, Ontario, the Canadian creators of R&R. 'Crime Pics II' had been used on the first phase 'Pathfinder' in 1997 and it was sensible to repeat the same procedure. The results were positive, all categories were reduced after the programme had been completed and reduced even further in those clients re-surveyed after release. The clients were tested immediately prior to starting the programme (stage 1) and then post programme but pre-release (stage 2). The average scales of the 241 participants show reductions of between 5-10% between stage 1 and stage 2. This survey also followed the majority of clients post release and a high percentage were interviewed three months following release, enabling further progress or to be measured and the usefulness of this post release contact was shown by the continuing reduction of the scores, indicating that the programme was continuing to have an effect at this early, but often problematic resettlement stage (Clancy *et al*, 2006:59-61).

It was decided that the cohort of lifers at HMP Wolds would be subjected to this questionnaire and the results were certainly interesting. Of course, the first effective stage to take a Crime-Pics II score would be before any offending behaviour work is done, but in this case that was not possible. Even if any were to subsequently complete a programme such as CALM, it would not be the first cognitive-behavioural programme to be completed and therefore little change, if any, would be anticipated. None of the cohort reported ever having completing a Crime-Pics II survey, so no results are available from earlier stages of the life sentence and encouragingly, 15 (75%) agreed to complete the short survey. The expectation was that as each

respondent in the cohort had completed at least one programme, particularly ETS or R&R, the scores in each scale would be significantly lower than those in the Pathfinder survey conducted in 2003. The results however, were startling as they were a great deal lower, lower even than the scores given after the post release phase of the Pathfinder sample (although it must be pointed out that not all the Pathfinder clients were interviewed post release, some declined, could not be located or had already re-offended and been returned to prison).

It could be argued that this comparison is not ideal but the aim was to show that lifers are not a 'typical' group of prisoners and that most do not suffer from the problems usually associated with shorter-term, more habitual offenders. In that respect it was a useful exercise. The 'V' scale in particular shows that although almost all of the 15 lifers completing the survey have committed murder, the victim awareness was extremely high and the group had a much 'healthier' attitude to crime generally, demonstrated by the very low readings in the 'E' scale. This again demonstrates that lifers have committed a solitary, isolated act, often not in keeping with their general behaviour pattern or temperament. The lifers in this cohort did not generally plan the incident and involvement in previous criminal activity was either non-existent or minimal. They had far fewer problems with thinking skills, problem solving or decision-making, areas usually deficient in short-term prisoners and repeat offenders.

The following table (figure 3) is adapted from Clancy *et al* to allow comparison of the scale readings of the lifer cohort at HMP Wolds, indicating that values are significantly lower in every category, even compared to the post release measurements of the Pathfinder group (Clancy *et al*, 2006:61). A further measurement could have been taken at a point when the prisoners in the lifer cohort would have completed yet another programme, such as ETS (booster) or CALM, but as this cohort has already undertaken one or more such programmes and the Crime Pics II testing measures only attitudes to crime rather than specific risk reduction factors, it was felt that it would show little change and serve little purpose. The approximate equivalent stage of the

Pathfinder (immediately before release) and the HMP Wolds' lifer cohort (immediately prior to Category-D, open conditions) is emboldened:

Scale	Pathfinder Stage 1	Pathfinder Stage 2	Pathfinder Stage 3	HMP Wolds Lifer Cohort
G	45.9	40.5	38.2	31.3
A	15.6	13.8	13.2	10.3
V	7.0	6.4	5.9	3.93
E	11.9	10.4	10.7	6.87
P	32.1	29.0	25.1	17.3

(Figure 3: Pathfinder Crime-Pics II scores)

Treatment programmes, either medically or psychologically based, have a somewhat chequered history in the area of prisoner rehabilitation. The new breed of cognitive-behavioural programme with roots in offence and victim recognition, changing thinking and solving problems is little more than 15 years old. Much has come from other countries, Canada (where Martinson did not extinguish all faith in the rehabilitative ideal) and the USA in particular, and some have been adapted from local initiatives from either the Probation Service or academics. The latter was certainly the case with the STOP (Straight Thinking on Probation) programme, established by the mid-Glamorgan Probation Service in 1991 (Knott, 1995). The aim was effective supervision but it was not clear how this could be achieved in an area spread widely and therefore making any probation supervision extremely difficult. The service looked at research and found the R&R programme in Ontario, Canada, designed by Ross and Fabiano. This programme focussed on a lack of both identifying problems and the skills to problem solve as being a major factor in both initial offending and re-offending (Ross & Fabiano, 1985). Results during the early 1990s had been encouraging in Canada, although it is inherently difficult to anticipate how such a programme would impact in a different penal system.

Despite such potential problems, this programme was introduced in Mid-Glamorgan in 1991, with encouraging results. It was incorporated into the larger 'Straight Thinking on Probation' (STOP) programme, which looked to use a building-block approach to teaching such skills as 'self-control; social and thinking skills; values enhancement; critical reasoning and emotional management' and the basic aims are consistent with most of this new breed of general cognitive-behavioural offender programmes (Ellis & Winstone, 2002:345):

- Stop and think before acting
- Consider the consequences of their behaviour
- Develop alternative ways of responding to personal problems
- To consider the impact of their actions on others (especially victims)

Recidivism had reduced in every category, but by varying degrees in certain offence categories (Knott, 1995), but this important point is often lost when critics review this type of result. If the yardstick of success is that re-offending or re-convictions should be reduced to almost zero (a potentially unachievable target) - then all programmes will be inevitably declared failures. However, if any reduction, however small, is seen to reduce the amount of re-offending or the severity of persistence of the offending and therefore as a corollary reduce the number of potential victims, surely that is some measure of success. A smoker does not have to give up the habit completely to achieve a degree of success, but a reduction in 40 per day to only five per day would be seen as beneficial. This, it could be argued, is where Martinson's 'nothing works' statement is flawed, as it was certainly not stating that literally nothing works and that the idea was inappropriate, but that programmes developed at that time had not shown the kind of reduction in recidivism that would have led to policy makers declaring such programmes to be an unqualified success. Rather than nothing working at all, it is becoming clear that the argument has moved beyond this narrow debate and is becoming increasingly complex.

The pressing need, with such a large number of diverse programmes competing for funding priorities is to find out not only which programmes work best but with which type of offender, in what setting (prison or community) and at what stage the intervention is best delivered and importantly, which combination of these factors leads to the optimum effectiveness of each programme (McGuire, 2002).

b) Programmes and progress

It should not be the case that individuals be subjected to these programmes because of their popularity and the need to be seen to be delivering the programmes to as many inmates as possible in order to attract funding streams. It is imperative that any programmes must be suited to known risk factors of the individual and each inmate suitably assessed. It is also important that new programmes or pilots are not suddenly introduced at planning boards, particularly programmes that have never been suggested at previous boards and do not address a particularly pressing risk factor of the individual client. It is also important that successful completion of any programme should be annotated and the risk factor either reduced or removed from the inmate's documents. If there is to be no benefit to the individual, then there is no incentive for the client to complete the programme and neither does it sit comfortably with the idea of rehabilitation. It is unacceptable that different programmes are suddenly introduced at successive planning boards or panels despite not previously being identified as appropriate. A long-term rehabilitative plan, including any programmes to be completed, should be made at the Lifer Centre, appropriate to the tariff awarded and only altered or amended if individual risk factors change or a new programme is accredited that deals specifically with a known risk factor. There is a worrying lack of cohesion in the process and it benefits neither the inmate, who endures extra incarceration, nor the taxpayer, who pays over £30,000 per year for the privilege of each year served over tariff. A prisoner should not have to serve over the minimum tariff because the system has not functioned correctly – it serves no practical purpose.

The majority of this cohort have been imprisoned for some years and on their way 'down' the system, having satisfied criteria at various stages of their sentence to enable them to progressively move to a less restrictive Category-C prison. The next step is to progress to a Category-D open prison (the prisoner must be within three years of the end of the tariff) and to subsequent release on license. Therefore every one of this cohort of 20 lifers will have completed at least one cognitive programme at other prisons as part of their sentence plan. A number had CALM identified as a target at a sentence planning board at a previous prison and have therefore been transferred into HMP Wolds, to be assessed for and hopefully to complete the CALM programme if appropriate. Subsequent results will be discussed later.

c) Prisoners' experiences of programmes

There are so many nationally accredited programmes in existence, some addressing very specific behavioural offending problems, such as Sex Offender Treatment Programme (SOTP), Substance Misuse, Alcohol and Drug Awareness, Anger Management, CALM, Aggression Replacement Training (ART), Drink Impaired Drivers Programme, Racially Motivated Offenders Programme and the Domestic Violence Programme. These specific problems should address assessed risk factors with the aim of reducing those factors. Not all prisons conduct all courses however, and problems of coordinating this process between prisons and physically obtaining a place on a programme will be discussed at a later stage. In addition, there are now several accredited programmes addressing general offending behaviour in the cognitive-behavioural mould, although some are specifically aimed at certain prisoners by sentence length. These are R&R, ETS, ETS Booster (to be completed every two years), Think First and One-to-one Offending Behaviour. Accreditation is given after rigorous independent evaluation that shows the programmes are effective in reducing recidivism. This ensures integrity of delivery and consistency, and maintains funding streams. In addition, there are several unaccredited, locally implemented schemes at various prisons, run or coordinated by the Prison Service, Probation Service and local agencies (www.crimereduction.gov.uk).

At HMP Wolds, the main programmes delivered are CALM and the ETS booster programme, although the main ETS programme itself is not delivered. R&R was one of the programmes delivered at HMP Wolds at the time this research commenced but was withdrawn completely by the OBPU. The overall re-alignment of offending programmes (England and Wales deliver significantly more than other European countries) is looking to be more flexible and responsive. As previously mentioned, not all prisons deliver all programmes and HMP Wolds is the only prison in the north of England to deliver CALM, with a maximum of eight places per programme. With only four to five programmes each year, places therefore are often at a premium and applicants prioritised. This is problematic not only for the staff, who have to carry out a detailed suitability assessment but also for applicants, who may have to transfer in to the Wolds to complete or even be assessed for the suitability. Worse still, they may not be able to obtain a place on the course within the time-scale demanded by a planning or Parole Board, which could slow their progress through the system and possibly lead to a lifer serving over tariff.

Although the tariff is a minimum requirement, it would be logical for the Lifer Management Unit in coordination with annual planning boards to ensure that progress through the system is made in time to be eligible for release when the tariff is due to expire. Not to take this action is not only to the detriment of the client but also the taxpayer, although in the case of lifers, especially high profile murderers, the political will to contain potentially dangerous offenders for reasons of electoral anxiety, would seem to overshadow the desire for fairness and integrity in the process.

Following the first round of qualitative interviews, this was a recurring theme. It is not something that was expected to provoke prominent discussion, but in the true tradition of qualitative research, it developed into a main focal point. The cohort felt that the process is difficult to negotiate expediently and that there is little cohesion or continuity between prisons. There would appear to be no central database of programmes undertaken by individuals, some of

who have been asked for their completion certificates as proof! This may be a communication problem between the public and private sectors but is not the main worry. On moving prisons, for a variety of reasons, the main problem seems to be the initial sentence planning board held at the new prison. There is little continuity and understandably, some prisons are more aware of certain programmes than others and appear, for a variety of reasons, to recommend certain programmes above others, especially if that prison administers a programme that is not considered mainstream. According to the Programmes Manager at HMP Wolds, this situation is unavoidable due to the widespread geographical locations of programme provision and a lack of universal knowledge of both the delivery and effectiveness certain programmes.

It would be only natural to promote 'your own' programmes, a phenomenon that may be more prevalent following contestability in this area. Nothing appears to frustrate a prisoner more than completing the targets set at an annual board only to attend the next board and seeing more courses suggested and new targets set, a situation that is frequently exacerbated by moving prisons. The receiving prison may have different ideas and make new recommendations and sadly, there often appears to be little continuity from the previous holding prison and this can impact on the time taken to get through the system. In the case of lifers, this could mean a delay in moving through the categories and therefore potentially serving over tariff or further over tariff. The inmates in this cohort were unanimous in decrying this inconsistency:

"They keep moving the goalposts"

"When I got here, I was told I had to do CALM although it has never been mentioned anywhere else"

"They make you jump through hoops and when you have negotiated the last one, they not only put another one in front of you – they set fire to it!"

“With planning boards, I feel like a donkey with a carrot tied to its head, it will chase it for so long before realising it is not getting anywhere, it will then give up and become bitter”

“I have come here specifically to do CALM. When I have completed it that is all my targets done, I will be very upset if any other course is suggested next year as I will be due to go to a Cat-D”

“The psychologist has recommended that I stay at Cat-C, which has serious implications for the next few years. She has also recommended I do a new programme ‘Health and Sexual Function’. It is a pilot programme and I have been told that there are no places available for possibly up to two years. I have done loads of similar courses, are they saying I have learned nothing? It is a new obstacle, a new target at this late stage, after I had to travel miles away from home to do CALM”

It would be possible to fill almost an entire chapter with similar adverse, but very relevant comments from prisoners about their dissatisfaction with this dislocated part of the system. Hopefully, this selection served to highlight the point sufficiently.

Lack of places on programmes need not always slow progress, as some courses can be done at Category-D open prisons and even in the community, but nonetheless, the potential for delay exists. The insightful and graphic ‘donkey’ analogy demonstrates another problem; that of motivation to complete programmes. Although inmates admitted learning something on every programme they had completed, 75% admitted that the sole aim of completing programmes was to satisfy the boards and to make progress, with the other 25% stating that although not the sole aim, it was certainly an important factor. Inmates presenting for intense cognitive-behavioural programmes with low motivation could seriously affect the dynamics of the group and negatively impact on other members. It was also felt by many inmates in the cohort that courses are popular with the establishment and that putting prisoners on programmes looks good for them, regardless of the fact

that a particular programme does not address an assessed risk factor. Risk factors can be reduced but not eradicated by correctional programmes, meaning the risk factor will always exist on a client's documentation and could always render him liable to further programme recommendations. In the case of lifers, some of whom were very young at the time of conviction, maturity is rarely taken into account and the risk factors are seldom reduced.

"I have never taken drugs or have any intention of doing so but I had to do 'Drug Awareness', what was the point?"

"We do courses for the sake of courses, I was told I had to do 'Alcohol Awareness' here, just to make up the numbers. It is not a risk factor"

"It is blackmail, we are told that if we don't complete our targets, if we agree with them or not, we will not progress"

"One of my risk factors was that I am 'easily influenced', that was over 10 years ago. I was only 20"

A further problem is making applications. It appears that if a client is recommended for a programme at a sentence planning board, there is not always an automatic application made. Approximately half the cohort also stated that at previous prisons, staff had been keen to set targets but not keen to implement them, not keeping inmates informed of availability or making it easy to apply for designated courses, in this area the 'personal officer' system seems to have broken down in some cases.

"At my previous prison, the staff set targets but made absolutely no effort to help me achieve them, my Personal Officer just wanted to drink coffee and read the papers"

"At one board, I was told that I hadn't completed one of my targets (anger management) and I said I hadn't been given a place. I was told that I hadn't applied, I wasn't aware I had to make a personal application!"

The main programmes now delivered at HMP Wolds are CALM and the ETS booster programme. This study will now briefly look at the ETS booster and also the withdrawn R&R programme, before focussing on CALM, looking at this relatively new programme in more detail. It is unclear if the popular and fairly successful R&R programme will be replaced at HMP Wolds. Prisoners from the cohort that undergo any of these programmes will be followed from assessment to completion and the results discussed.

The Programmes Manager saw the introduction of lifers to HMP Wolds as an interesting development and views lifers as the same as any other prisoners, although recognises that they may have different needs. General offending programmes for example, have the overall aim of crime reduction and re-offending is often not a problem with the majority of lifers, usually much lower than short or determinate-sentenced offenders (confirmed by Crime-Pics II assessments already mentioned from the Pathfinder evaluation). There is an assurance that if certain programmes are appropriate, places will be made available for them with HMP Wolds' usual caveat of fairness and consistency. Eligibility criteria are no different to those of non-lifers.

d) Reasoning & Rehabilitation (R&R)

Initially imported from Canada, where it had been used with some success, this programme ran for over ten years in England and Wales before being surprisingly withdrawn in April 2004. As already stated, the decision to withdraw the programme appears to be based solely for reasons of budget savings, an estimated saving of £1.5 million needed to be made by the Probation Service. Independent research has been somewhat sketchy and not particularly detailed, culminating in a Home Office study that indicated neither ETS nor R&R had any significant effect on recidivism in general and there was little difference between the two programmes regarding crime reduction or re-offending. With this in mind, ETS is only half as long as the R&R programme, needs half the resources and puts through over three times as many clients (Cann *et al*, 2003), therefore analysing the overall situation, it

would have been a reasonably logical decision based on the limited evidence available.

If the results demonstrate that the success rate is to be measured solely by reconvictions, and no difference is identified then it is logical that the most expensive programme would be withdrawn and replaced by the less expensive programme purely on grounds of cost-effectiveness. In fact, it could be argued that only the popularity of cognitive-behavioural programmes has kept either programme in business, as current research could easily have influenced policy makers that neither programme was particularly effective in reducing crime. The research by Cann *et al* is not detailed and mainly quantitative however and does not examine the differences and expected outcomes of the two programmes, which have similarities but certainly do not address the same risk factors overall.

The R&R programme was designed by Canadians Porporino & Fabiano of T3 Associates (Ontario) and is designed to progressively improve thinking, impart 'cognitive' skills and to encourage self-change. It addresses the sequence of identifying problems, decision making and problem solving, making choices, taking appropriate action and maintaining this new behaviour. For the first time, such cognitive-behavioural programmes are not merely looking at change but importantly on motivation to change. Fabiano & Porporino believe that in order to change behaviour, clients must be motivated to make that change and see the benefits of such actions (Fabiano & Porporino 2002). Even commentators who do not always believe in the integrity of such programmes admit that when looking at desistance studies, motivation is certainly a key factor to successful outcomes (Maruna, 2000).

As part of the programme, relapse prevention is taught through instilling the ability to self-monitor and to assess potentially problematic situations and to self correct in new situations. It is an accredited programme and is suitable for male and female offenders in the medium to high-risk categories and is delivered in 38 x 2-2.5 hour sessions over a period of 9-18 weeks in a prison setting or in the community. A national training programme was conducted for

the Probation Service in 2001. The emphasis is on the way offenders think and the way they approach problems rather than their depth of knowledge. It looks to address common cognitive deficits believed to be inherent in certain types of offenders, such as egocentricity, rigid thinking, selfishness, impulsivity and thinking in the here and now (www.crimereduction.gov.uk).

The Treatment Manager at HMP Wolds for this programme and the ETS booster programme programmes at the time was a very experienced tutor in such programmes and did not see lifers presenting any problem at all. In fact, it was thought highly unlikely that any life-sentenced prisoners would undergo R&R. As the Unit was to house 'Stage 2' lifers, it is almost certain that prisoners would have already completed R&R or a similar programme prior to arrival and would be unlikely to be recommended for such a programme at this stage of their sentence. In theory, it is unlikely that by this stage lifers would still have any risk factors to reduce. However, coordination is a problem and a lack of national database to record a prisoner's record of programmes makes it difficult to ascertain exactly what courses have been completed at other establishments. Since the commencement of this research, no lifer has started R&R and none has been recommended. If any were selected, the Treatment Manager saw no reason to change any of the course content and believes it would work well, although following the withdrawal of the programme further discussion is not required on this matter.

e) Enhanced Thinking Skills (ETS)

Rather than R&R, far more likely for lifers is the completion of a 'Booster' programme to consolidate the ETS programme. Indeed, it could be mandatory to do so if this type of programme is part of the overall sentence plan and it is recommended that the ETS booster be taken every two years and completion is looked upon favourably when prisoners look to make progress, especially towards parole and release on license. This may be motivation enough but a higher degree of enthusiasm is needed to complete the programme, as it is largely participatory. It involves role-play and motivation is a key ingredient, as a client attending without the motivation to

do well and participate could destabilise the group dynamic. The lengthy and often indeterminate distance to end of sentence is potentially problematic and could be a de-motivating factor, although it should always be remembered that however much we compartmentalise prisoners into categories, they are individuals and lifers will not all have the same expectations, aspirations or behave in the same way.

Tutors would certainly find it a problem if potential clients showed a lack of motivation and it could affect selection. This could be further compounded by an anticipated Prison Service Order that could see a 'quota' system imposed on lifers undertaking such programmes, although at the point of starting the research in January 2003, no such order had been issued. This could mean that the Manager would have to take on clients that otherwise would not have been selected and it could affect the quality of the programme for the remainder and indeed reduce the number of places available to fixed-term prisoners identified for completion. Progress on this issue will be closely monitored. Each case is meticulously managed and written up in a detailed personal record. This should prove a useful tool and the Treatment Manager agreed to meet with me after each programme that has contained at least one lifer, in order that issues may be discussed and progress monitored.

This programme was developed by the Prison Service and gained accreditation in 2001. It is a cognitive-behavioural programme designed to change offending behaviour by a series of sessions focussing on 'inter-personal problem solving skills'. The programme is delivered over a 4-10 week period and consists of 20 sequential sessions. It is suitable for both male and female offenders assessed as having a medium or high risk of re-offending. Although the core programme is not delivered at the Wolds, the follow up booster programme is available, and should be completed every two years, a target that may well be included on a client's sentence planning board and would have to be completed if progress is to be made. During the period to be reviewed there will be four Booster programmes, containing either 8 or 10 clients, although at this early stage it is uncertain how many lifers will undergo the programme. To give some perspective and to

demonstrate the growth of this programme, some 5568 ETS completions were scheduled for the year 2003-2004 in England and Wales, as opposed to 2837 (R&R and ETS combined) completions in 1998-99 and 746 in 1995-96 (Cann *et al*, 2003:5). Although R&R consists of many more sessions over a much longer period, it is viewed as almost interchangeable with ETS and many recent evaluations have combined the two programmes when analysing effectiveness (Palmer, 2003).

2) CALM at HMP Wolds (including programme case studies)

At the time of the fieldwork, the Programmes Manager's personal area of expertise was the CALM programme, which is a cognitive-behavioural programme looking at the specific problem of controlling anger. It is run over 24 two-hour sessions with groups of between four and ten clients. It is a programme aimed at offenders whose offending behaviour is linked to poor emotional control, these could include anger, jealousy or anxiety. The premise, according to the Treatment Manager, is that anger is a natural emotion but can become problematic if experienced too often, too intensely and for too long and if expressed in an antisocial or aggressive manner. It is about being aware of the 'triggers' that precede incidents of expressive anger and how to reduce the time and intensity of the anger that follows. The type of anger is 'expressive' rather than 'instrumental'; that is a pre-meditated and motivating factor in the violence, with a particular emphasis on intent to cause harm and suffering to the victim. It explores the participant's experience of anger and aims to address the problem through a series of group exercises, looking at self-regulation and develops awareness of how to recognise arousal and the level of arousal and how triggers can relate to anger.

It teaches strategies to address these problems through stress management and techniques of arousal reduction. It explores techniques of rational thinking and how to use thinking skills in order to problem solve and develops a logical approach to problem solving and strategies to control emotions. It also looks at improving social skills, including, communication, assertiveness and skills to deal with anger-provoking situations. A relapse prevention strategy and individual action plan is developed, which identify high-risk situations and skills to maintain progress. A role-play of a specific anticipated problem may be used, for example a forthcoming Sentence Planning Board or Parole Board, which is a very useful exercise if the client is anxious about a specific situation.

As the fieldwork commenced in January 2004, four CALM programmes were completed at HMP Wolds each year, with 8-10 clients on each. Although it is common knowledge that not all prisons deliver every programme, it was surprising to discover that HMP Wolds is the only prison in the north of England that delivers this accredited programme. Therefore occasionally clients from other prisons, who have requested or need to complete this programme as part of their sentence plan, can be housed temporarily at HMP Wolds in order to undergo this programme and each case is always considered. Several lifers have transferred in specifically to undergo CALM, usually following a sentence planning board or recommendation at the holding prison. Pre-course checks, documentation and an assessment are usually completed before the move to ensure that the temporary transfer is suitable for both parties. The CALM assessment can be carried out in several ways: the holding prison may have the expertise, the Programmes Manager from HMP Wolds may visit to carry out the assessment or in exceptional circumstances it can be done by phone. The Programmes Manager prefers to conduct assessments personally as the quality of assessments at other prisons can be 'poor' and lacking in detail, as they are sometimes carried out by untrained staff or staff unfamiliar with the programme delivery. Often a re-assessment is conducted on arrival at HMP Wolds as the previous assessment has not been placed on file and is therefore does not appear on the prisoner's transfer documentation. Occasionally, a prisoner has been deemed unsuitable following an assessment elsewhere due to low motivation, although according to the Programmes Manager: 'this is not an OBPU de-selection criterion'.

Several clients who have transferred in have since opted to make the move permanent, something the programmes manager believes is due to the regime and favourable conditions at this establishment. At the time of starting the research (January 2004) there were 11 lifers (almost half the total number of lifers at HMP Wolds) awaiting the CALM assessment. In February 2004, the treatment manager therefore decided to allocate half of the places on the next three groups to lifers. This is an important decision and would appear to be a sensible one, as many of these clients have been transferred in

specifically to do this programme and should not be delayed unnecessarily. A delayed assessment or loss of place due to prioritisation can cause delay, a corollary of which could be a missed board target and progress slowed through the system. This could eventually culminate in serving over tariff at no fault of the client, a situation that is unacceptable. Some clients are working towards personal goals and targets on their sentence plan, whilst others just want to do something that might help. Take up is good and nobody so far has refused to do the programme if offered. Motivation is not normally considered a problem but the manager does admit that there is a potential a problem with lifers due to the time to release, which could be some years away or indeterminate and mixing with shorter-term offenders who are due out shortly. However, no major problem is envisaged with lifers undergoing CALM and the manager believes it to be an appropriate programme and that this accredited programme will not be amended or altered in any way. Any potential problems could be as a result of the individuality rather than the fact the client is a life-sentenced prisoner; lifers are individuals. The success of lifers will be interesting to observe as they undergo this particular programme and a detailed case study of one lifer successfully completing CALM is included later in this thesis.

At this time, there was no intended 'quota' for lifers on each programme and each case would be assessed on merit, although this may be applied if a number of prisoners are transferred in specifically to complete CALM. If this proves to be an increasing number, the Treatment Manager has stated that up to 50% of the places available could be offered to lifers. The manager insists that there will be no special cases and if lifers fit the eligibility criteria for a programme they will be offered it as with any other clients, strictly subject to limited places and prioritisation criteria. One noticeable feature lacking is the existence of a national database of programmes completed by prisoners, resulting in little cohesion. Clients are often requested to produce a certificate of completion or attendance, this certificate often being the only proof of a programme or an assessment taken at another prison. This is certainly a problem of communication, either in general between the OBPU, the lifer centre and private prisons or due to the fact that although in existence for

several years, private establishments are still not party to certain information held on the Prison Service's 'Quantum' intranet. There is still not a full flow of information and this will always create a 'them and us' situation, inhibiting a more coordinated approach.

a) Controlling Anger and Learning to Manage it (CALM)

The administration of the CALM programme at HMP Wolds has been briefly discussed in the previous section and the programme itself will be discussed in greater detail here, followed by a detailed case study of one successful candidate and a word about progress made by other lifers in the cohort. This analysis did not include observing individual sessions of the programme and was not an attempt to measure the quality of programme delivery, usually referred to as 'programme integrity'. General programme feedback in Canada has been mainly positive and limited research from Correctional Services Canada has suggested that it does reduce the effects of anger in higher-risk offenders and a decrease in recidivism has been noted in Canada, possibly attributed to CALM, but there is no such research in England & Wales. No reconviction studies have taken place as yet and no test of programme integrity, both requirements of maintaining accreditation status. It is hoped, according to the OBPU, that research may be forthcoming following discussions with the Home Office Research & Development Unit (RDS) at the end of 2006.

CALM is an anger intervention programme designed and pioneered in Canada. It gained accreditation in England & Wales in September 2000 and subsequently was also accredited by the Probation Service in 2004. It is delivered at 24 prison establishments in England & Wales (including four Young Offender Institutes) and can also be delivered in 14 probation areas. Currently, HMP Wolds is the only prison in northern England to deliver this programme, although by the end of 2006 it is envisaged that several other prisons will be able to deliver the programme. According to the head of the General Offending Behaviour Programmes Team, Janet Creighton, over the year 2006-07, some 550 clients were expected to undertake this increasingly

popular anger management programme (quoted in *Prison Service News*, April 2006).

As things stood at the commencement of the fieldwork, there were two potential problems: Firstly, the programme is well known to the Programmes Manager, who is a trained CALM tutor, and potentially, it could become a new and previously unidentified target for prisoners arriving at HMP Wolds to serve the Category-C phase of their sentence, even if similar programmes, such as anger management, have been completed elsewhere. Other prisons may not have been aware of the programme or feel their clients would benefit from it. Secondly, other prisons without the expertise needed to correctly identify CALM as a suitable programme to address a specific risk factor, may include the programme as a target on an annual board. This would necessitate an assessment and a temporary move to HMP Wolds. A suitably qualified assessor may not be available at these other prisons, which would complicate matters as either the HMP Wolds Programmes Manager would have to travel to conduct the assessment or rely on untrained assessors and then re-assess once the client has been transferred in.

CALM is undertaken in response to a very specific type of anger and the assessment, whilst not foolproof, is a reliable indicator of the client's need to undertake the programme. It deals specifically with expressive anger as opposed to instrumental anger (expressive anger is where the problematic aggression is due to poor emotional control, whereas instrumental anger is more deliberate and sees the use of aggression as a means to obtain or achieve something), although it is possible that some offenders may have a problem with both types. By this stage of the life sentence, lifers will undoubtedly have completed programmes either addressing anger management issues or that partly contain such content as part of a general offending behaviour programme, such as ETS. In some cases, it may not be beneficial to undergo further such courses and with places at a premium, the assessment is all-important. For example, CALM does not address 'instrumental' anger, which may be a particular risk assessment annotated for the prisoner, although the general risk factor of 'anger' will remain on file

whatever programmes are successfully completed, as the factors are only reduced and not eradicated by completion of cognitive-behavioural programmes.

A successful negative assessment would prevent the upheaval of an unnecessary move and leave a valuable place free. A pre-assessment checklist has been introduced to filter out those prisoners who have been given CALM as a target but may not be suitable to even be assessed for the programme. Prior to the introduction of this checklist, seven lifers had been transferred in specifically to undertake CALM without being assessed or indeed, any communication with the Programmes Manager at HMP Wolds, despite being 'promised' a place by the previous establishment. The Lifer Management Unit (LMU) was approached by the Programmes Manager to ask if all lifers given CALM as a target be assessed prior to any move. This was apparently deemed not possible due to the extra funding required in conducting these specialist assessments.

The Programmes Manager ensured that these seven lifers were prioritised for both assessment and subsequent programmes if required. If the assessment proved negative, then the transferring in would have been an unnecessary upheaval for the prisoner and therefore the checklist is potentially a great time saver and an effective use of resources. The fact that a prisoner could make an unnecessary move, only to be returned to the original prison following a negative assessment is indicative of the lack of coordination in the system between the LMU and prisons. It remains to be seen if the implementation of NOMS as part of the restructuring programme and with the desired effect of improved end-to-end case management will improve matters.

The pre-assessment 'checklist' consists of a series of questions:

- a) *Does the prisoner have an index or previous offence for violence, criminal damage, public order, threats?*

- b) *Does the prisoner have an index or previous offence for robbery, where they acted responsively not instrumentally?*
- c) *Was a motivating factor in the offence anger/frustration, feeling provoked, or based on emotional experiences around the time of the offence?*
- d) *Was the aim of the offence to make the victim suffer or to deliberately harm/punish them?*
- e) *Are there offence characteristics such as intense anger, hurt, frustration, resentment, desire for revenge, feelings of hopelessness/isolation, jealousy, depression and anxiety?*
- f) *Has the prisoner been described as having a low tolerance threshold, short fuse, bad temper, deals with problems emotionally without thinking of consequences?*
- g) *Has the prisoner used drink/drugs to block out problems?*
- h) *Has the prisoner committed the offence because they were angry at their 'lot' in life and therefore feel justified?*
- i) *Does the prisoner have a record of disruptive behaviour in prison, hostels or the community?*
- j) *Do OGRS/OASYS risk predictors indicate at least 'some' risk of violent offending, reconviction, re-imprisonment or sexual offending?*
- k) *Do risk predictors indicate a risk of harm to self or others?*
- l) *Has anger management/emotional control been highlighted as a target in previous assessments?*

According to the Programmes Manager 'all of the above indicate suitability for a formal assessment for the CALM programme'. Understandably, several lifers would be filtered out at this early stage, which should cut waiting lists. The lengthy formal assessment, which is time consuming, especially if involving travel, can then be undertaken. It is a thorough assessment and of the twelve lifers at HMP Wolds given the target of CALM, only six were deemed suitable to do the programme. The remaining six may have problems with anger, but not the specific anger targeted by CALM.

Even following a positive assessment, obtaining a place on the CALM programme is not easy. There is a waiting list and at HMP Wolds, in line with policy at most prisons, prisoners are prioritised, usually by the most imminent release dates, therefore logically lifers at Category-C would not be high on the list and may wait a considerable time. This in turn could slow progress, although CALM could theoretically be undertaken at a Category-D prison. To alleviate this potential problem, the Programmes Manager sensibly made 50% of the available places on each course to lifers if required - far higher than the contractual obligation.

The Programmes Manager feels that HMP Wolds is a 'victim of its own success' as it is seen as an excellent deliverer of CALM. As awareness of the programme has increased, there has been a significant demand nationally and CALM is frequently being added as a target for all offenders whose index and previous offences include acts of violence or poor emotional control. This puts pressure on HMP Wolds to accept prisoners. It is also believed that some of the older 'anger management' programmes were not linked to evidence-based research and therefore were not looked upon favourably as part of the 'what works' package. This saw many of the older programmes replaced, with programmes such as CALM having been researched and tested for integrity and quality. This could explain many of the cohort believing that new targets are unnecessary and that they are repeating programmes. It is actually the case that due to their length of sentence, they have successfully negotiated programmes that have been replaced with

newer and more effective ones and in some cases are required to take the new programmes.

Unfortunately, many of the CALM referrals are being made without the opportunity to conduct the proper assessment criteria for suitability. Although the LMU would not assist in the referral and assessment process of potential CALM candidates, the Programmes Manager put several additional strategies in place to try and prevent unnecessary CALM referrals:

- a) The Programmes Manager has delivered semi-structured assessment training across the Yorkshire and Humberside area to enable staff to conduct assessments with the Programmes Manager acting as coordinator.
- b) The Programmes Manager liaises with the Lifer Manager to ensure lifers identified for CALM get the earliest referral for assessment. All to be assessed within six weeks of arrival
- c) All lifers transferred in for CALM without an assessment will only be transferred in temporarily, the move not to be made permanent until positive assessment.

This, in addition to providing extra places for lifers normally further down the prioritised order and trying to stop lifers being transferred in unnecessarily, should help those that do need to undergo CALM to be accepted into the prison, processed, assessed and put on a programme in the shortest time possible. This is a sensible strategy and shows that in this area, HMP Wolds is attempting to make an often uncoordinated and chaotic system more effective.

Of the cohort of 20, 12 had been given CALM as a target at an annual review board and one was given the target on a Discretionary Lifer Panel. Of these 13, only six were selected and deemed suitable for CALM and all completed the programme. Of the remaining seven, six were deselected and one had

insufficient data available for the team to make a decision and therefore did not undertake the programme. Two however, were transferred out before the programme could be undertaken, again showing the fragmented nature of the system. Fortuitously, those who had been transferred in specifically to undertake the CALM programme, were selected as suitable following assessment and successfully undertook the programme.

b) CALM : a case study

This case study is designed to give an insight of a lifer's experiences of the CALM programme and how it addresses the specific nature of the life sentence. It questions the reasons why lifers, with a significantly lower risk of re-offending on release and having usually completed other, similar courses addressing analogous risk factors are made to undertake this programme as a mandatory target at such an advanced stage of their sentence. It is compiled from a course report of a lifer undergoing the CALM programme at HMP Wolds and contains excerpts from the report and post-programme data collected from interviews with the prisoner and the programmes manager, who in this case tutored on this particular programme. To protect his identity, the prisoner will be referred to as 'Andrew'.

Andrew is 24 years old and was sentenced to a mandatory life sentence for wounding with intent in 1997. He admits responsibility and believes the sentence to be fair and following sentencing spent 18 months at the Lifer Centre at HMP Brixton. He has experienced several other prisons before CALM was identified as a programme that could address problems with anger that had been identified as a risk factor. CALM had been added to the targets to be achieved, so it is now mandatory for Andrew to complete this programme in order to progress. Not undertaking this programme at this Category-C stage may not necessarily prevent progress to Category-D, as CALM is one of the programmes that could be taken at the next stage. Successful completion however, could significantly improve his chances of progressing to Category-D on time, as the Parole Board should look upon this favourably.

Having been assigned CALM as a target without assessment, and having already undertaken previous courses over the previous eight years, Andrew was 'shipped out' of his previous prison (where he was settled and undertaking a course in Business Studies) to HMP Wolds. This move, to an area geographically much further away from his hometown, was made specifically to undertake the CALM programme. This could cause difficulties for family and legal visits, along with the upheaval of the move and having to settle in a new prison.

His initial impressions of HMP Wolds were favourable, the informal and low-key regime suited him and he settled in quickly. Andrew was assessed on arrival and was found suitable for CALM and was placed on the next available programme with a vacant place. Andrew had already successfully completed R&R and ETS but had not been referred to any anger management programmes in the previous seven years, despite anger being a recognised risk factor.

Course Summary

CALM is an anger and emotional management programme run over 24 two-hour sessions for groups of 4-10 participants. The premise of the programme is that anger is natural but can be problematic when experienced too often, too intensely and for too long, and when it is expressed in aggressive or anti-social ways. The course examines the participant's own experience of anger and aims to improve emotional self-management and communication skills through exercises designed to impact on the following areas:

1. **Self-regulation:** developing awareness of how arousal levels and internal/external triggers relate to anger. Encouragement of a more reflective style with emphasis on practical application of strategies to reduce arousal, including relaxation and stress inoculation.

2. **Rational Thinking:** development of skills to identify and challenge thinking, which creates and sustains anger. Practical application of strategies, restructures of dysfunctional thinking and apply problem-solving strategies to deal effectively with conflict. Using thinking skills as part of a problem solving strategy in order to resolve conflict.
3. **Social Skills:** developing skills for effective communication, including assertiveness skills and skills to deal with anger provoking situations.
4. **Problem Solving:** developing a planned approach to problem solving, which is logical and incorporates strategies to control emotions and express them positively. Practical application of problem to anger provoking situations.
5. **Relapse Prevention:** developing specific individual plans which take account of high risk situations and identify skills necessary for maintenance of progress achieved. Self-assessment of the practicality of the plan by rehearsal (role-play). Understanding is developed regarding monitoring and reviewing of plans.

Overall Attendance and Participation

Andrew attended 23 of the required sessions, missing only one session at the beginning due to his participation in the Lifer induction process. Andrew could be relied upon to attend the sessions promptly and would arrive prepared and ready to participate in all sessions. Programme reports indicate that his participation within the sessions was to a good standard with numerous contributions to session-based discussions, skills practices, reviews and the presentation of homework were witnessed. He would also be seen to review the sessions taught and read ahead in his programme workbook to prepare himself for forthcoming sessions, this was done in a sensitive way that saw him ask appropriate questions rather than an impulsive pre-empting of material.

Andrew was the only lifer on this programme and had arrived only two weeks prior to the course commencing, thus his participation was perhaps at a higher level than may have been expected at the early stages of the programme when it coincided with his assimilation into a new prison. At times his level of participation could fluctuate, but tutors feel this was due in part to other members of the group being focused on their forthcoming releases and Parole reviews at a time when Andrew was still awaiting confirmation of when his next DLP would be.

When discussing these matters with Andrew on a one-to-one basis it was verified that his lifer status had had an effect on his involvement at times, for example when others were able to identify previous risk situations of controlling emotions outside or when looking at difficult times ahead Andrew responded: 'I became a lifer just after coming out of YOIs and I don't know what is happening with my future so sometimes it is difficult to think about specific situations and how I might feel'. Once this was aired, tutors attempted to respond to Andrew's needs on a more individual basis both within and outside sessions in order to alleviate these concerns.

In the final review session Andrew stated that he felt he had learnt a lot from the programme and following his discussions with tutors felt more able to participate in the programme. Other group members commended him for 'bearing with them' when they had their individual gripes about their own re-categorisations/Parole Boards *etc.* and that they realised this must be difficult for him in his current status. They also applauded him for his bravery of opening up inside the group and challenging his own thoughts on what is expected of lifers *etc.* 'in the system,' saying that he had used the group well to discuss his frustrations and anxiety about his forthcoming reviews.

Motivation levels

As previously mentioned, Andrew was referred for the CALM programme whilst at a previous prison. He was initially interviewed by a member of the psychology department and then agreed to a further interview with the

programmes manager at HMP Wolds by telephone to clarify some of the offence details. He should be commended for his behaviour and openness during this interview as telephone assessments are never easy and this also coincided with undertaking numerous interviews about the offence at the same time for the completion of this lifer review paperwork.

His responses indicated that he had a good sense of victim empathy and was aware of the consequences of his behaviour for the victim and their family, his own family and the wider community. Initially when discussing the offence he stated that he felt the main triggers to the offending had been his drug/alcohol use and an impulsive use of instrumental violence. However, as the interview progressed he was able to identify how his poor emotional control, ability to deal with frustration and response to the victim through escalating thoughts had all contributed to the offence.

Andrew went on to discuss the previous cognitive work he had completed and identified some of his goals for release and his current coping strategies. The programme's manager assessed that he could be described as being between contemplation and action phases in the stages of change model. This view was validated in the initial sessions when looking at the definitions and cost benefit exercises of anger and aggression. He was able to identify examples of when it was possible to be angry without being aggressive (for example when being sentenced) and aggressive without anger ('road rage', video games and sport). Within this session he was also able to identify the short-term nature of positives of expressing anger but that the long-term consequences of loss of control were more damaging for him and others.

In a further session he furthered these ideas when presented with a story of someone who responded to a conflict situation with aggression and one that did not. During this exercise he discussed that to a degree the character faced a dilemma and that he would lose whether he remained in control or not. He eloquently discussed that as a lifer losing face inside could have long-term consequences but that in the end these consequences would not outbalance the positives of staying in control in the longer term. These contributions set

the tone for future work where he would make efforts to uncover 'hidden costs' of aggression and look at appropriate coping strategies to deal with conflict in the longer term.

In a later session Andrew commented that had he completed courses like CALM at school he would have avoided making some of his mistakes and that he would have been more equipped to deal with his emotions. By the end of the programme he was assessed as having made great efforts in analysing his past and assessing future risk. He worked hard at developing coping strategies for the future via his skills practices and relapse prevention plan. The Programmes Manager believed that he had now moved to the 'maintenance' phase in the stages of change, that is he is taking steps to manage his emotions more effectively and is providing evidence of self control on a daily basis, as will be outlined below:

Self-regulation: comprehension of the learning points, appreciation of their value and application of skills in reducing arousal in practice and out of sessions.

Andrew demonstrated a good understanding of the cues that precede aggression. He identified his own personal cues to include rapid heartbeat, sweating, dry mouth and knots in his stomach. Problem records and completed homework illustrated that he became more adept at identifying physical cues at lower levels of arousal and could be relied upon to identify these in personal examples.

He was quick to make the link that our arousal level is affected by the way we view situations based on what we see and interpretation. He was able to identify the differences between external and internal triggers and accepted that it was the internal trigger that precipitated an emotional response. With regards his own personal triggers, Andrew identified that external triggers could often come under the headings 'when someone says/does something I disagree with', 'when others make decisions about me without me having any control in that decision' and when I feel I am being unfairly treated'. His

internal triggers were identified under the headings: 'someone doing something that was unfair', 'somebody doing things on purpose to get at me'. This early acknowledgment of internal thoughts escalating the seriousness of external situations provided a good basis for future work on rational thinking.

During a later session Andrew made the link between thought stopping and the positive 'self-talk' he had previously learnt on ETS. He stated that he felt this was a really useful skill for him to cope at times when he knew he was becoming more aroused and annoyed. In following sessions and the Relapse Prevention Plans, he brought examples to the group when he had used the skill to good effect to reduce the level of his arousal, saying 'you need to think about your thinking and stop the rot before it sets in'.

He also understood and was able to apply the skills of 'time out', which he thought would be useful to give yourself time to think through a situation and use your problem solving rather than acting impulsively. He discussed openly concern about whether he could use this skill at times of high anxiety and within prison, but his relapse prevention plan included the skill as a way of reducing his anxiety during his DLP if he didn't understand the questions asked by the panel or when he began to suffer high arousal and confused thinking because of his fears about the process:

"I need to listen carefully to what they say, if I'm not sure I need to ask using asking for clarification, then do a reality check if my thoughts are unhelpful. If the worst happens and I start to notice my arousal go up I could use Time Out – explain to the panel that I am starting to feel confused/ too anxious to answer the question or whatever and then ask if I can have time out to speak to my legal team outside, go outside calm myself down talk things through and then call 'time in'"

He said although he would find this hard to do he thought it would be an effective way to deal with the situation as in the past he was aware that he had become flustered and instead of reducing his arousal he would withdraw or appear dismissive as he became more and more frustrated with the

process and his anxiety. This behaviour had not done him any favours on previous Parole boards.

Rational Thinking: comprehension of the learning points, appreciation of their value and application of skills in practice and out of sessions.

The group was introduced the Ellis ABC model, that assesses our internal interpretation of external events that leads to emotions and behaviour rather than the event itself. Andrew was able to identify the differences between helpful and unhelpful thinking in given scenarios and how this led to different responses. When others challenges the idea that to a degree your thoughts would be influenced by what you expected from a situation, he said that even in these circumstances you could either build yourself up with anger creating thoughts or calm yourself down. In subsequent homework, he demonstrated the ability to identify thoughts that occurred in his daily problem records and challenge any unhelpful thinking.

The group is introduced to the common cognitive distortions that affect the way we see and interpret information around us. He worked well within these sessions and was able to define, give examples and challenge the different types of distortions:

Blinding - not looking at all the facts or ignoring something that you don't want to think about because it shows you might not be right, you need to take a hard look at if this is helping you or making more problems.

Black & White - thinking that because someone isn't one thing they must be another, seeing things in extremes 'like in a relationship, my partner said that because I wasn't jealous this must mean that I didn't care for her, you need to look at the grey areas or the ground in between just because one thing happens doesn't mean that another is written in stone.'

Shrinking - simplifying things and not really facing the problem, trying to brush things off or play them down 'like when you know you need to deal with a

problem but you think it's too hard or you don't want to deal with it so you just hope it will go away – but it's still there and you could make things worse'

Magnifying - Not blowing things out of proportion: 'You need to use thought, stop and think is this really worth it? If you've worked hard to change is this situation so bad that it's worth losing everything for'

Can't-stand-it – not liking other people's attitudes to your actions, 'you need to ask yourself if this is really the end of the world'

Awfulising – 'when things happen to me, it is awful, an absolute disaster'

Mustation – is needing to get ones own way, I *must* get what I want: 'if you demand that things should/shouldn't be a certain way you're not considering others, you need to try and see things from other people's points of view'

People Damning – Because you do not like somebody's response or actions, you believe that they are terrible person

In session discussions and personal assignments Andrew's personal pattern of recurrent cognitive distortions were those of magnifying, taking things personally and 'mustation'. He made some good progress challenging these beliefs and replacing them with more helpful thinking. He reported that he felt he had started to use the skills with regards contact with staff and other prisoners. He specifically said that thought stopping combined with counter-arguing his distortions had helped him to avoid being impulsive and reduced the range of negative emotions that he had previously experienced. Previous reports have indicated that this has been a key problem area, as in the past he has become more easily frustrated leading to flashes of temper alongside mood swings and periods of depression.

Social Skills: comprehension of the skill steps and recognition of their value, performance in skills practice and application of skills out of sessions.

Previous reports in the lifer dossier indicate that this was an area that needed further intervention. Although performing well on his ETS programme both probation and psychology report writers have indicated the need for Andrew to have further intervention to improve communication skills when interacting with others and to raise self esteem.

In a session titled 'Broken Record', Andrew, during role-play, identified that the character's thoughts had led to an escalation of problem thinking and arousal, which led to a loss of control. In the effective model using the skills steps he identified that using the skill had helped to restate the character's reasons why he didn't want to be persuaded. He expanded that providing reasons could help stop a problem becoming worse and that you needed to consider the possible consequences of giving/not giving reasons for yourself and the other person involved. His own example surrounded the example of being asked to work weekends by an employer; he followed the steps well and provided appropriate reasons why he didn't want to do the additional work as he felt this was in his best interests. He also went on to comment that when using broken record it was important to know when to stop and use another skill such as persuasion, negotiation or coping with criticism. He summarised the skill as:

"Broken Record can you give you confidence because it makes you look at whether its going to be helpful in the long term to give reasons but that sometimes giving reasons can drag you into sidetracks. If you use the skill it can help you stay focused and in control of your emotions"

In Negative Assertion (accepting mistakes) he contributed that 'not acknowledging mistakes would bring more problems, but accepting mistakes could diffuse a situation and help to solve problems', and summarised this section of the programme saying: 'if you don't respond to criticism in the right way it can be a sign of low self esteem, especially if you feel you have to always respond with criticism back'.

Problem solving: comprehension of learning points

Andrew had already previously completed the ETS programme with good reports. Lifer reports also make reference to his ability to apply problem-solving skills with staff on a daily basis and within his role as a listener at HMP Acklington.

Throughout the CALM programme he demonstrated a heightened ability to use alternative and consequential thinking often relating back to the creative thinking tools taught in ETS. In the exercise 'Assess the Outcome', he recapped that if things had not gone to plan it was important to go back and reassess and/or redefine your problem statement. He made good comments such as:

"Sometimes there can be a conflict between what you think is the best solution in a situation and what your goals are, like when you put a complaint in the answer may be to go and speak to a member of staff if you don't reduce your arousal you won't think things through, your assertiveness won't be the best and you might not meet your goal of staying calm and not making things worse"

Relapse Prevention

Andrew defined relapse prevention as 'skills you use when you are likely to lose control and act aggressively', relapse as 'being aggressive or bottling things up, getting depressed or shrinking situations. Like if you think things are getting too much and you just say to yourself stuff it and bugger the consequences'.

During previous interventions and interviews some high risk areas had already been identified, such as peer pressure, associating with old acquaintances that had certain expectations of him, drug/alcohol misuse and negative emotions especially depression and low self esteem. Within CALM, he also identified further risk areas of coping with panels and sentence

planning reviews, potential problems within his relationships and rebuilding his life back in the community when he is eventually released. He used sessions appropriately to explore these risk areas and how he might apply his skills to reduce the risk with appropriate coping strategies.

He developed a relapse prevention plan for coping with the high-risk area of facing his forthcoming DLP hearing. His plan was as follows;

1. Situation - Feeling anxious about the DLP, in the past he had become agitated at the nature of the review, his arousal had increased making it difficult for him to listen to the questions, had then felt aggrieved at some of the questions and had unhelpful thinking in terms of 'they're moving the goal posts again.....they're trying to make things difficult and provoke a reaction'
2. Risk Category - Interpersonal conflict, negative emotions, urges and temptations and perceived provocation
3. 'In the past I would have' - He highlighted that in the past he didn't reduce his arousal so he would become more anxious, he would then start distorting things so that he became angry, he would appear disinterested or surly and wouldn't answer questions before becoming dismissive of the process and verbalise his discontent about feeling that the goal posts were being moved. His thoughts included 'they're trying to catch me out, confuse me with different questions, I get flustered my defences go up then I start to feel let down, feel trapped and then start to bite and say stupid things'.
4. Goals - Try and stay calm, reduce arousal. If unsure of a question or felt flustered to ask them to repeat it and try and answer the questions in a controlled and thought out way.
5. Skills to achieve goals - Monitor arousal cues, reduce arousal using breathing, positive self-talk, thought stopping, and 'Time Out'. To use

assertive communication especially asking for clarification and reality checks/counter-arguing distorted thinking.

6. My Strategy:

(a) 'I'll tell myself to stay calm, don't get agitated, I need to concentrate, I can handle this and it is really important to stay calm'.

(b) 'I'll use more positive self-talk to reduce any unhelpful thinking. I'll reduce my arousal with some deep breaths, thought stopping and if needed ask for a time out'.

(c) 'I could use other skills like responding to criticism, negative assertion to accept my mistakes, negative inquiry to clarify the criticism and get more information but definitely time out – if I feel things aren't going well ask for some time with my legal team to go through the questions, then go out calm down think about what they have asked, what I need to answer and then go back in and do it in a more rational, controlled way'

7. Support/help – 'I can plan some of the questions before hand and what I need to answer with probation and my QC, talk to my family to help cope with the anxiety'.

8. Emergency plan – 'if I feel like things are getting too much I will use Time Out to get myself out of the situation so that I talk to my QC and calm down so I don't make things worse like before'.

During role-play, he coped well with a range of questions from one of the tutors acting as the judge. He demonstrated he was able to follow the plan by discussing his self-talk, thought stopping and counter arguing his self-talk.

Overall Progress

Overall, tutors felt that Andrew had made considerable progress during the programme. He participated to a high level throughout the course and maintained his motivation throughout even at times when he was feeling anxious about his sentence planning reviews and forthcoming DLP. As the sole lifer on the group he appropriately sought out tutors support when he found it difficult to consider current problem scenarios.

At the beginning of the programme Andrew stated that his objectives for the programme were to meet the required target for sentence planning, look at improving and applying his skills for the future and to become more confident with dealing with anger and other emotions. At the end of the programme he said that he felt he had met these objectives, had enjoyed the programme and felt that it had been useful to him.

c) Prisoner experiences of CALM

When discussing the progress made a short time after this programme was completed, Andrew was positive about his participation. There is no doubt that the programme was not done voluntarily, the necessity to complete the course to progress through the next Parole Board was always the overriding factor, as with virtually all participation in such programmes. The fact that participants enjoy the programmes and feel they have taken something positive from the experience despite initially not wishing to take part was a recurring theme of the prisoner interviews.

This prisoner had already successfully completed programmes that aimed to improve social and thinking skills and enabled degree of self-analysis. ETS and R&R contain elements also present in CALM. As he explained to me:

“CALM was good, I didn’t really learn anything new but it is useful. I use a few things, especially ‘stop and think’. I hope I can use it after release, although it is different to being in prison”

This shows the difficulty of lifers undertaking such programmes, especially in a group of mixed-sentenced prisoners. This can adversely affect the group dynamics but can also enhance the group if the lifer is willing to use his experiences positively. The two main problems highlighted in this case study in particular, is firstly that this prisoner has little experience of life outside prison as an adult, being admitted into a Youth Offender Institute at aged 16 and secondly that motivation is difficult to measure due to the distance to release, which in this case would be at least four years, if targets are all hit on time and progress is sanctioned on Parole Boards.

He admitted that this mixed group was sometimes a problem, especially as some members of the group were due for almost immediate release and were obviously very happy about that. As the only lifer on the programme, no other participant could relate to the long sentence he was currently serving. He also understandably struggled to see the reality of some of the role-play scenarios, as his experience of such situations, as an adult, were limited. To help the situation, a lifer 'mentor' was assigned to assist. This was a lifer who was known to him and had recently completed the CALM course. This mentor appeared to have the desired effect and the two became close friends. In fact, when the mentor encountered a problem on the lifer wing when having an altercation with another prisoner, it was Andrew who helped him, reminding him of the skills learned on CALM, which shows that he was gaining an understanding of the skills and when and how to put them into practice in real situations. Subsequently Andrew has offered his services as a mentor to other lifers in a similar situation on future programmes.

It must be said that it is one thing to use these skills in a prison setting, but four years later and with no reinforcement or refresher, it is difficult to assess if these skills will be put to use after release. I have not found any research that has followed up lifers or long-term prisoners post-release to ascertain the usefulness of such courses taken whilst in prison. It is understandably difficult to achieve, due to the distance to release at the time of taking the courses, some could be 15 years away from release. Other recent research projects,

focussing on short-term offenders taking courses immediately prior to release have produced mixed results, but the two cannot be realistically compared due to the differing needs of the long-term prisoner on release and the nature of specific risk factors.

As previously stated the official rationale for such programmes is crime reduction. This prisoner had already served almost eight years and had successfully undertaken general cognitive-behavioural programmes to address offending behaviour before CALM was even suggested to him. It is questionable if a place on this very expensive programme was necessary for this lifer at this stage. Andrew was due to be transferred to a Category-D prison at his previous prison when CALM was unexpectedly included as a new target to be achieved. Although he could still have moved to a Category-D prison, the Board took the decision to put the move on hold until CALM had been successfully completed. This takes time to organise a place, organise a move to HMP Wolds and has added almost one year to Andrew's sentence.

He has a low risk of re-offending and a positive attitude to crime, as reflected on his 'Crime-Pics II' attitudinal scaling score, where Andrew had one of the lowest scores recorded in the cohort. He understands crime and the consequences of his actions. Although Andrew did benefit from the programme, it was probably more from reinforcing ideas and techniques learned on previous courses, rather than learning anything new:

"I have done ETS and R&R and now CALM. I learn a bit more every time I do a course. They make you think better, more rationally and to stop and think, how to deal with everyday life and solve problems. CALM has been excellent here, a good atmosphere and very good staff. Very enjoyable"

So, whilst appearing to be successful, the overall outcome is mixed. Andrew was already 'well-qualified' in such programmes and it remains questionable if this programme did anything more than to reinforce behaviours learned on previous courses. The decision of the Parole Board to recommend such a

course as a new target at this stage could also be described as dubious. A settled prisoner was forced to move to a new prison and had his scheduled progress to Category-D conditions delayed indefinitely dependent on successful completion of CALM. Lifers refer to this setting of new goals and targets as 'moving the goalposts' and find it extremely frustrating. The whole time spent at HMP Wolds, some eight months, was described by Andrew as merely: 'a means to an end, I just need to behave and pass my CALM course to get to Cat D'

Andrew was therefore pleased and relieved to have achieved the 'tick in the box', as he was beginning to become slightly frustrated at seeing his contemporaries progress to Category-D conditions. He is already over tariff and is becoming further over tariff as more courses are required to be taken. Positively, much role-play on the programme was based on a rehearsal for the Parole Board, on which he had encountered problems previously. This was successfully negotiated by holding a full 'dress rehearsal' using role-play and skills learned on CALM. The Board was suitably impressed. A successful result on this occasion and progress to Category-D followed shortly afterwards, but overall the outcome, including another delay to progress, remains somewhat uncertain and could not really be described as a success.

Additional CALM case studies

Apart from the illuminating case study, which has been covered in some detail, the course reports from the other five successful CALM completers from the cohort should make a brief but useful addition to the analysis. All six required to complete CALM did so successfully.

As regards motivation, it certainly was an eclectic mix. None signed up to the programme voluntarily, all were targets required to progress. Despite this, three were highly motivated and wanted to do well on the programme, conceding that they probably did need to undergo such a programme, hoping they would gain some useful and practical skills in coping with anger. One in

particular had really enjoyed other similar courses, such as ETS and wanted to do more. The other two were resigned to having to do the programme as a target but were not particularly motivated to achieve, but felt that they may learn something anyway, seeing it more as a refresher for other courses they had already taken elsewhere. There was a general belief that you will always learn something new that may be of benefit. This split was evident throughout and the three motivated prisoners invariably took an active part, whereas the two with lesser motivation took a back seat and only responded when directly challenged.

The first prisoner however, did improve the attitude to group work as the course progressed and the overall assessment was that from a starting point of reluctance, that 'tremendous progress' had been made on the programme. The programme has given this prisoner a better understanding of how to recognise and control anger, given a coping strategy for managing his emotions, but seems also to have the unintended consequence of inducing better behaviour generally. According to the Unit supervisors, he is now far more open and relaxed about dealing with them and will be calm and helpful if anything is required of him. He says he has noticed himself that his attitude has changed towards others. He is now able to discuss a problem and if the solution offered is not acceptable, he will try and think of an alternative. Where he would previously refuse help or even the offer of a hot drink, as he didn't wish to 'put others out' he will now engage and either take up the offer or refuse. This has resulted in a vast improvement in social skills.

He did however believe that the skills learned on the programme are difficult to put into practice in the somewhat false environment of a prison, although could see the value of them in a non-prison environment. As observed elsewhere in this thesis, this was borne out in an incident within the lifer Unit at the start of the fieldwork. The discovery of a child sex offender on the Unit caused a violent reaction from almost all the inmates on the Unit at the time. Most of them were lifers and all of them will have done at least one cognitive-behavioural programme, some will have done CALM, anger management or ETS. It appears that any relapse prevention, coping strategies or other

mechanisms instilled into prisoners simply did not manifest themselves in this situation. As the Programme's Manager said, on hearing the details of the incident, it was 'as though they had learned nothing'. One could only put it down to the fact that the prison is an unnatural, manufactured and strained environment and that this is traditionally what inmates tend to do on these occasions, such is their combined hatred of such offenders. The observation made by this prisoner is interesting and may indeed have some validity.

The second prisoner is George, named here because this assessment of CALM can be tied in with his general case study detailed earlier in this thesis. He has a long history of very poor behaviour and is excessively over tariff by some ten years, largely due to his poor and often violent behaviour towards both inmates and officers at previous prisons. Naturally gregarious and often very opinionated, this prisoner did try to take over the sessions, as lifers can tend to do, according to the Programme Manager. During the programmes however, this prisoner continued to act impulsively and to subsequently have outbursts of temper, both on the programme sessions and back on the Unit.

George did accept he had a problem and hoped the programme would help him notice his anger triggers and be able to deal with them. He was also very aware of his 'anger triggers' and his physical cues, including 'tension, knot in stomach, clenched fists and trembling hands'. His problem was not recognising the cues, but acting on them to reduce levels of arousal. In fact George usually understood and took on board all the key learning points, but was usually unable to put them into action in a real situation, despite working well in classroom based scenarios.

He recognised his main problem was impulsive behaviour, but felt that this programme had taught him new skills to be able to deal with this problem. With that in mind, a relapse prevention plan was put in place and in a rehearsal worked well with some guidance from staff. George felt confident that he could do this without assistance or prompting in a real situation. The skills he had learned previously on ETS had certainly helped his understanding of what this particular programme is trying to achieve and the

staff believed that this combination could be useful and that George should be commended for the enthusiasm and effort that he put into all the sessions.

Unfortunately, shortly after the end of the programme, staff on the Lifer Unit made three log entries about this prisoner's problematic behaviour, stating that he had made 'agitated outbursts, shouting' and was involved in 'a heated argument in which he totally lost control'. Staff believed that despite initially showing some improved and calmer behaviour immediately following the programme George remains impulsive, often unable to control his anger and refuses to listen to staff explanations. If he has learnt anything theoretical on this programme, he has not yet been able to implement any of the coping strategies practically, in a real situation. The programme tutor's assessment is that only the 'first steps' have been made and although the prisoner was enthusiastic, he needs to transfer that enthusiasm to being able to put the skills into practice.

The third prisoner was highly motivated and keen to learn. He had done well on previous cognitive-behavioural programmes, always receiving excellent reports. Despite being the sole lifer in the group with a very long time still to release, he did not let this inhibit his participation and was always very positive. He feels he has not only achieved a required target, but also improved his ability to handle outbursts of anger, communication skills and to stay calm in difficult situations by using the skills of 'time out' and 'negative assertion'. The programme tutors were certainly very impressed with his performance and the Lifer Unit supervisors also recognised this positive change.

The fourth prisoner, although being required to take the programme as a target, also realised that he did need to make some progress in the area of anger management. This prisoner was very young when sentenced and found some of the scenarios difficult and somewhat alien – such as being in a pub. In all other respects, participation was excellent. Although not initially keen to do the programme, he admitted that it had been of benefit and was confident that he would 'be able to use the skills, especially 'time out'.

The final prisoner was transferred in to HMP Wolds to specifically undertake the programme, having been included as a target at another Category C prison and had been assessed prior to the move. He had previously completed the Sex Offender Treatment Programme (SOTP) and the recommendation had come from the assessment of that programme's completion. Progress was needed in the areas of conflict and attitudes to women. It was encouraging that this prisoner could lucidly recall previous programmes and some of the strategies that had been learned. This was useful and shows that with some prisoners, the programmes can be effective in at least instilling the theoretical side of the behaviour, if not always the practical side. As previously mentioned, occasions to put into practice what has been learned on the programmes do arise in the prison, but may not be equate to actual situations that may arise in life outside the prison, i.e. post release.

Again from a start of being reluctant to take the programme and having a degree of motivation, it was assessed that this prisoner did make some progress, especially in the area of looking at alternative views, improving communication and challenging negative thinking. The main problem with this prisoner has been the bureaucracy of the prison and being subjected to delays and cancellations of boards, one of which was due to the prisoner having to do CALM. It was felt that unless he could get over this negative perception of the system, it could inhibit his progress and the strategies learned may reduce in effectiveness.

As well as these six prisoners, a further six were assessed but not deemed as needing to undergo the type of training identified by CALM. This is an interesting scenario as anger may have been assumed in these situations due to the offence and a decision was made that the prisoner should undertake CALM. In many instances, the people responsible for making that key decision may not have been qualified to do so. They may have not have possessed sufficient knowledge of the very precise aims of CALM.

Thankfully, the rigorous assessment criteria do sift out the clients that will benefit from the programme from those that will not.

The fact that all six required to do CALM did so successfully during 2004-05 and as at April 2006 all six subsequently progressed to Category-D conditions speaks volumes for the organisation and competency of the Programmes Department at HMP Wolds. Only one of these prisoners had been delayed due to CALM, but this was mainly due to time taken to set up a prison transfer and the delays in documentation that seem to accompany any prison move and not due to the programme administration or lack of available places.

In a final interview with the Programme's Manager on 9th June 2006, it was interesting to see how things had moved on with CALM provision. Indeed, the Programme's Manager herself had moved on and her replacement had now been in post for two years, having previously worked on programme delivery at HMP Wolds. The programme was now offered three times per year, with usually eight places available on each. There was no longer a quota for lifers, mainly due to the very low numbers of lifers held in the prison. As CALM has become more established and well known, more people were being put forward for the programme, especially since the demise of R&R. HMP Wolds is now not the only prison to provide CALM in the north of England, but there are none in the immediate locality. Trained staff are now in place to act as assessors at other prisons and the Programme Manager will only allow a transfer in to undertake CALM if an assessment has taken place. This is a sensible condition, as it saves an unnecessary move for the prisoner. With only 24 places per year being offered, places should be at a premium, although the current manager believes it is able to handle the numbers being put forward at the present time. She agreed, however, that should the number of lifers reach the suggested target of 100, this could become a problem and the quota system introduced by the previous manager (that 50% of the places be made available to lifers) could be reinstated if necessary.

As regards lifers, the manager is content that the assessment process is thorough and accurate and is an excellent guide as to the need and suitability

of the offender to undergo CALM. In fact, CALM should not be set as a target on an annual board until this assessment has been completed. It is important to stress this point, as the violent nature of the offences, murder in particular, would suggest that the risk factor of anger would be very high - but this cannot be assumed. Motives and circumstances for offences are very different, everyone reacts differently and each lifer is an individual. This sifting process, with a stringent assessment at its heart, ensures that only those needing to undergo CALM to further reduce the risk of anger actually do the programme; this is a good use of resources.

The manager acknowledged that lifers would have already done at least one cognitive-behavioural programme before arriving at HMP Wolds, but believed that further programmes, such as CALM, if deemed suitable, would be beneficial. It is believed that lifers do well on the programme and rarely have problems with the group dynamics, including mixed groups with some determinate-sentenced prisoners, some of whom are close to release. As the case study shows, the only problem encountered so far was when only a single lifer was included as part of a group of eight. He was assigned a 'mentor', a lifer who had already completed the programme, but in order to alleviate such a potential problem, it has been decided that the structure of CALM groups would now not contain a solitary lifer; there are now usually at least two per group.

Although none did the programme voluntarily, lifers do very well on this particular programme. This could be due to the fact that they are already conditioned to having to achieve targets to progress and they have already undergone this type of programme before. The manager observed that lifers are usually well focussed and have a positive attitude. The indeterminate and often lengthy time until release can be a slight problem, especially when looking at prevention and relapse strategies, but no real problems had been encountered thus far. She did concede that lifers could tend to dominate or 'take over' the group on occasions, but did not feel that this adversely affected the general dynamic of the group.

In conclusion, although the programme integrity has not been checked as part of this research project and so far as the Programmes Manager is aware, has not been checked independently by any other agency, CALM appears to be very much a success at HMP Wolds if judged by successful completions. Assessing programme integrity checks the quality and competency of delivery and is a requirement to maintain accreditation status and will certainly need to be checked at HMP Wolds and other prisons delivering CALM in the not too distant future if the programme is to retain its accredited status. It is not feasible to check reconviction rates due to the time to release, but predicted reconviction rates could give a basic assessment of effectiveness, although these are not believed to be a particularly accurate predictor of future criminal behaviour and for lifers would serve little purpose, apart from adding to the already muddy waters of speculation.

The research with the lifer cohort has suggested that the chance of re-offending in the same offence category is extremely small and it is doubtful as to whether undergoing CALM will have made a great deal of difference to this assessment. As previously stated, the risk factor to be addressed is anger, but not instrumental anger, i.e. using anger to gain benefit in a calculated or premeditated way. The majority of this cohort has committed murder, which by its very nature would suggest a problem with anger in a given situation (although not a general anger management problem) and a degree of premeditation or *malice aforethought*. Actual reconviction rates (as opposed to predictive), when able to be measured, are extremely low for lifers, therefore the whole concept of lifers undergoing CALM at all is open to question.

A recent newspaper article suggested that CALM could actually help make some prisoners more dangerous and that the programme may be axed. This is not the case and the article was severely flawed in its accuracy and understanding of what the programme is about and considering the quote was allegedly from 'a Home Office spokesman' shows the inadequate knowledge of such programmes within the system (*Guardian, April 24th 2006*). The allegation suggests that if a prisoner suffers from both instrumental and

expressive anger, whilst one may be helped (expressive), the other (instrumental) will not only not be addressed but the programme may equip those who use premeditated anger in their offending with better methods to use controlled anger to conduct such violent crimes.

The broadsheet press or the general public do not normally show any interest in such programmes, despite their expense and mixed results, but the news story came about as the murderer of city financier John Monckton was found to have completed CALM but that he still had issues with instrumental anger on release. That is not a problem due to taking CALM, but a problem for the Parole Board, who should clearly have understood that CALM does not address this type of anger and would not have helped this offender or reduced the risk. It certainly does not inspire confidence in the Parole system and if a planning board had set the target and the programme was successfully passed, it would have been looked upon favourably. However, the Parole Board should have assessed the risk indicator of both types of violence, preferably by a pre-psychological assessment, and made its decision accordingly.

The newspaper's allegation that CALM may have contributed to this murder is somewhat wild and based on a lack of understanding of both the programme and the individual case. This allegation in this article was rebutted by two people heavily involved in the CALM programme, firstly the head of the OBPU (Janet Creighton) and secondly, one of the programme's co-authors, psychologist Doctor William Winogron of Correctional Services Canada. The head of the OBPU described the article as 'disappointing' and stated that the programme would not be 'axed' and believed that it does have some use for offenders who suffer from both instrumental and expressive anger, although it would never address the problem of instrumental anger as it is absolutely not designed to do so (*Prison Service News, June 2006*). Doctor Winogron was equally as dismissive of the article, confirming that the newspaper had been misinformed and that CALM was never designed to address instrumental anger or violence. He firmly believes that this programme has been an unqualified success and that it is 'scientifically proven' that cognitive-

behavioural rehabilitation programmes are 'the best tools society has for reducing offending behaviours' (*Guardian, May 2nd 2006*). It must be remembered that Doctor Winogron's evaluative research has taken place mainly in Canada and he certainly has a vested interest in its promotion, but it certainly balances the view of the original article. There is little to be gained by misrepresenting such a programme in the national press and causing anxiety in a public who show little or no interest in such programmes generally.

It does however highlight the necessity for all those involved in sentence planning to be aware of exactly what this programme is trying to achieve and also its limitations. It has a very specific focus and only those offenders who suffer from expressive anger should undertake the programme. The programme should certainly not be undertaken by offenders identified as suffering solely from instrumental or purposeful anger, as they will gain no benefit. As described earlier, there is a thorough selection and assessment procedure that should be able to separate these types of anger and decide if the offender is suitable for the programme. This is certainly the case at HMP Wolds but it cannot be established if procedures are as rigorous elsewhere and the details of this individual case are not known. What it does highlight is that annual planning boards can certainly make CALM a target without knowing the precise type of anger that needs to be addressed. This is left to the assessment process but could be done at an earlier stage with this information and knowledge. Of the 12 offenders in the cohort at HMP Wolds who were designated CALM as a target either on planning or Parole Boards, only six were deemed suitable for the programme. This indicates that targeting does happen but at HMP Wolds at least, the assessment is rigorous enough to sift out unsuitable offenders, at other establishment this may not be the case.

The cohort is experienced in undertaking such programmes - it is just another obstacle to overcome. Only two of the cohort believed they suffered from a problem with anger generally, and anger cannot be automatically assumed merely due to the nature of the offence, which in 16 out of the 20 cases was

murder, and for all twenty saw direct or indirect involvement with acts of violence. All the lifers in the cohort had completed at least R&R, ETS (sometimes also at least one booster programme), anger management or other specialist programmes in order to reduce specific risk factors and address and change problem behaviours. There was a perception from these completers that nothing new had really been learned on CALM but that some benefit had been accrued by way of reinforcing and refreshing ideas learnt on other programmes. This would fit in with the belief that no single programme alone will reduce or eradicate a risk factor, but each will help in part and must be taken in context within the overall sentence plan.

The benefits to the six completers were manifested by better behaviour on the Unit from five of the six, although the real test of the programme's effect will not be known for several years. There is a booster for CALM, known as 'CALM-er', but this is not currently offered at HMP Wolds and is not usually set as a repeat target for CALM completers in the same way as for other cognitive-behavioural programmes (i.e. it is not time limited). ETS, for example, is boosted every two years, the belief of the OBPU and the programme designers is that the skills learnt on the programme will diminish in two years and will need refreshing and reinforcing to maintain effectiveness.

The programmes team is aiming for excellence and have reduced the numbers on each programme and only 24 places per year are now offered at HMP Wolds, as opposed to 40 when the fieldwork took place in 2003-04, a reduction of 16 places per year on a programme that is gaining more and more recognition nationally. With the introduction of contestability of programme delivery following the Carter Report, HMP Wolds could take up the gauntlet and open up CALM as an area of expertise, delivering more CALM programmes at a profit, both at HMP Wolds or at other prisons on an *ad hoc* basis, as there are insufficient CALM places locally and nationally. The current Programme Manager was initially not too keen on the idea but as a private sector company, this is within the spirit of the recommendations from Lord Carter as the private sector and the idea of competition becomes ever

more involved in all almost areas of the penal system. At the end of the fieldwork period, the Director had in fact targeted the possible expansion of specialist programme provision as certainly an area that needs to be investigated and could be potentially lucrative, if HMP Wolds could establish a 'centre of excellence' approach to the programmes it delivers, particularly CALM.

3) Education, work and employment-based courses

It is important to briefly review the education provision and employment based courses made available to lifers at HMP Wolds. As stated in the literature review, the Home Office views the instilling of the work ethic and the provision of education as pivotal to offender rehabilitation and future desistance from re-offending. Currently, there is no evidence to suggest that a lack of basic skills (i.e. level 1 is a basic level of competence in reading, writing and speaking in English or Welsh and a basic ability to use mathematics at an equivalent of GCSE grades D-E) is in itself predictive of re-offending. It is more likely linked to a plethora of associated social problems, such as poor school attendance, unemployment or social exclusion. A study by McMahon using OASYs risk assessment data, indicated a lower than average level of literacy, it indicated that almost one quarter of 18-20 year-olds on community sentences had basic academic skills deficits (cited in Harper & Chitty, 2005).

Education is a focal point of the regime at HMP Wolds and throughout the fieldwork period was contracted out to City College Manchester. It was described as 'impressive' in the Inspector's 2001 unannounced report HM Inspectorate of Prisons, 2001:13) and it is certainly one of the most innovative areas of delivery. The Education Manager was extremely enthusiastic and insisted that there are no barriers to education at this prison and was very happy for lifers to access any aspect of educational training that they may desire and is deemed appropriate for their development and was particularly keen to provide education in conjunction with the prisoner's sentence plan and resettlement requirements.

The Education building contains various rooms for study and tuition ranging from IT to pottery and a small but well-stocked library. On individual units, education is also provided in the 'College' on 'A Unit' and on 'C Unit', which boasts a well-furnished IT suite where tuition can be formal or one-to-one on a range of subjects and levels. Many modular-based IT courses can be undertaken and assessed on the Unit. Almost 50 courses are on offer plus a summer school with regular speakers. 'Life and Social Skills' is a popular

course, as is 'Parenting'. Family learning is an innovative project, run at HMP Wolds and recently received the Prison Service's prestigious Butler Trust award.

There are so many opportunities for prisoners to undertake education, ranging from basic literacy to 'A' levels and degrees in various subjects. The diversity on offer is vast and as well as academic and IT qualifications, including RSA (Stage 1 & 2) and the very useful European Driving License. Qualifications may be gained in arts and crafts, ceramics and pottery – all free of charge. In the field of pottery in particular, HMP Wolds is considered a centre of excellence and regularly exhibits at galleries in the north of England. At this early stage, it is uncertain as to how many lifers would decide to take up an educational course, bearing in mind that lifers are usually well qualified educationally at this stage, due to already having engaged with education at previous prisons, but this will obviously develop over the research period. Staff agreed to keep the research informed if any lifers do particularly well on any education course or if any applications are rejected or courses terminated for any reason.

The Education Manager recommended that the residential college should be available to lifers if appropriate. Presently lifers undergoing education training must reside on the Lifer Unit and this causes problems, especially being able to study and do coursework in peaceful, conducive surroundings. Following the disclosure of the first interim findings to the Director, it was found that this restriction did not actually exist and the fact that lifers could reside on the educational or 'college' was made clear to the Unit managers. From January 2005, lifers were free to engage in education and may take up residence on the Education or 'College' wing if requested.

As a footnote, education provision always appeared to be excellent during visits and staff and students always appeared enthusiastic. The low numbers of lifers engaged in education was criticised by the Prisons Inspectorate in November 2004, although the quality of provision was praised and results appeared impressive. Some time after the fieldwork finished however, in

early 2006, Manchester College ceased to provide education at HMP Wolds and GSL has since taken over the provision of education.

Work or employment-based programmes are seen as an essential part of the rehabilitative ideal, and the theoretical and historical framework for prison labour is described in some detail in the earlier literature review. The instilling of the work ethic remains the bedrock of offender resettlement programmes, with the firm belief that it will help offenders desist from crime on release. The fieldwork must question this premise and has highlighted the fact that most prison work is menial and would not lead to meaningful employment on release. There is undoubtedly a link between unemployment and offending, although in the case of convicted murderers, not a causal link to offending behaviour as such. As with many other links to crime (for example alcohol and drugs), the link is not as straightforward as criminologists would have us believe. It is certainly not a direct or causal link in the vast majority of cases and could be an indirect link, interacting with a prevailing social or economic conditions. According to the 2001 Resettlement Survey, the majority of prisoners are unemployed on entering custody, approximately two thirds and of those aged over 17, 12% had never held a paid job (Harper & Chitty, 2005:15; Farrington, 2007). Conversely, this suggests that one third of prisoners were employed on imprisonment and the vast majority have worked at some stage, dispelling the myth that prisoners do not have or have never held a work ethic. A major problem for those that were employed at the time of conviction and are imprisoned on remand or short sentences of six months or less, is that the job will almost always be lost, meaning that employment will now be another problem to attend to on release.

There have been several work-based, employment programmes at HMP Wolds over the last ten years, most run as commercial enterprises and they have proved to be a great success. Textiles, metalwork, Web-design and catering to name but four, all designed to give employable skills on release in the hope that employment can be obtained – often a major barrier to successful resettlement. Part of the mission statement at HMP Wolds is to address such issues by instilling a work ethic and giving the necessary

training and experience of a work or industrial environment. Resettlement is not merely about having a work ethic, it is also linked to a multitude of problems, such as housing, relationships, substance abuse etc. Having a skill is all well and good, but an offender also has a criminal record, which decreases the likelihood of obtaining legitimate work. It is also about how the offender perceives work, if it is good quality and stable employment and if it will deliver positive benefits. In Farrington's Cambridge study (1989) there was a clear link between unemployment and offending, in that if a secure job had not been obtained by age 18, the propensity to offend increased. Interestingly, it also discovered that the employment status of fathers was predictive of delinquency and offending in their children (cited in Harper & Chitty, 2005:21). The literature review described how Borstals were set up to instil both discipline and the work ethic in the early 20th century. There are links between employment and crime but they are complicated and for rehabilitation to have the work ethic at its heart and provide skills-based training may appear somewhat disingenuous, as the benefits are unclear, indeed if it gives a work-based family-orientated lifestyle, this may prove more effective on future lifers than the present.

Currently, the industrial training is provided by Vulcan Windows in the prison workshop, where prisoners are taught how to manufacture UPVC window units, certainly an employable skill. The workshop is run as a business, which gives the prisoners experience of commerce and a work environment, instilling responsibility and reinforcing the work ethic. It must be stated however, that the pay is extremely low, although this seems to be in line with work schemes in prisons of the same category. Approximately £1.70 per day is paid with a bonus of £1 per completed window (shared between a team of six or eight) but despite putting off some inmates, the project is popular and running at full capacity. Disregarding the poor pay and minimal opportunity of work post release, it does double a prisoner's weekly income and maybe instil a work ethic and some see it as being better than nothing. A second commercial venture is currently provided by Summit Media, providing online marketing services and producing and designing websites to companies doing business on the net. To date, some 25 prisoners have undergone a very high

level of training and are now highly skilled and have certainly obtained skills that should be extremely valuable in gaining employment on release.

Five of the cohort either work or have worked for Vulcan Windows, a company that already has a high profile locally. Although wages are low and the inmates do appreciate that there is little chance of employment post release, four said that they enjoy the experience, they like going to work and it is the best of a limited choice of jobs available at HMP Wolds. One said that if he stopped it would be 'cutting off my nose to spite my face', as at least it gives some limited additional income, doubling the weekly pay from £8 to £17 and jobs are very thin on the ground. Only one of the cohort works for Summit Media, indeed he transferred in from HMP Ryehill, another Group 4 prison that has a Summit Media workshop, although the wages there appeared considerably higher. This lifer, a contract killer, believes that the qualifications and experience he has gained are invaluable and it is definitely a route into work he intends to explore after release. Of the remainder, two have said they would never work for Summit Media due to the low wages, which they consider to be exploitative and the other 17 simply have no interest in the internet. This is probably due to the lack of on-line facilities at HMP Wolds and prisons generally. There is no casual Internet access, not even Play Station consoles are allowed on the Units.

On some educational courses there is limited IT access but otherwise there is none and considering almost all the cohort have been incarcerated for at least five years it is not surprising that there is generally little knowledge or appetite of world wide web. Although, as pointed out in an earlier chapter, this would be an invaluable tool for the lifer to stay connected to the outside world, complementing television and newspapers, media that every single member of the cohort utilises and perceives to be extremely important in keeping up to date with life outside the institution and current events.

Work in prisons is somewhat taken for granted and it is rarely geared to obtaining a job on release, it is predominantly a means of earning a little extra cash and that is certainly missed when an individual cannot work, either due

to illness or lack of opportunity. This happened in the case of one of the cohort, who was close to retirement age but would still have worked merely for the income. This individual had a slight stroke whilst at HMP Wolds. He was not moved to a hospital but treated at HMP Wolds on the Unit and continues to reside there, despite medical problems, especially spatial awareness, balance and failing eyesight. As he said:

“My main problem is my sight, I have been walking into things as they are not well painted and it is getting slowly worse. My main problem is that I cannot work any more, I would like to but I can’t. Because I can’t read very well I have to use the phone more to call my daughter but I have only £4 per week as I can no longer work. That is not fair.”

Another of the cohort was 58 and would be over retirement age on release, but he kept working to earn the extra income and to relieve boredom, but had no desire to learn anything new or gain employment on release. Prisons would have to employ a great number of extra staff at considerable expense to cover the cleaning, maintenance and housekeeping chores that prisoners carry out.

The whole notion of work in prisons needs evaluating, its utility and the ethos behind either paltry payment for menial tasks (such as cleaning), the use of prisoners gaining work experience in prison ‘for profit’ workshops or the more educationally-based or skills-based employment courses, needs to be properly researched, as the initial aims may have changed significantly. Should private prisons be allowed to make a profit, should prisoners be paid a proper rate and should it be used to partly pay towards their board or sent to family members?

Prisoners pay continues to mark time or reduce in real terms - it has not changed since 1992 and a recent proposal was made to increase the basic weekly pay for prisoners choosing to work where work is available from £4 to £5.50. This rise had been recommended by the Prison Service Management Board and already published as an instruction, but it was turned down at the

final stage due to the personal intervention of the Prime Minister, Gordon Brown. Whilst the amount of money was small and long overdue, the statistic of a 37.5% pay rise for prisoners was probably a headline the Government would not choose to put into the public domain in the current volatile atmosphere (*The Times*, 30th April 2008). There are many unanswered questions about labour and prisons, unfortunately this thesis did not have the space to do the discussion justice.

Conclusion

The two most basic questions posed at the very beginning of this thesis asked if this private prison provider (GSL) would firstly achieve the minimum standard required by the state in its treatment of lifers at HMP Wolds and secondly, would demonstrate that it could contribute to driving up standards universally by finding any innovative practices in dealing with this particular type of prisoner? Following 18 months of fieldwork on the lifer unit in the prison, the basic answer is most definitely yes to the first question and a slightly more qualified yes to the second. This has been a unique experience to look at a group of life-sentenced prisoners at a stage where much hard work has already been done and progress made to enable them to achieve Category-C status and also to look at how HMP Wolds (the first private prison in Europe to hold a dedicated group of such prisoners) has fared. It would be remiss of the research not to take the opportunity of looking at both aspects.

In reading inspection reports from various bodies, the prison as a whole fares extremely well in virtually every category, with even most adverse comments relatively minor nature and usually addressed in time for subsequent inspections. Generally, comments made by the Inspector of Prisons have been very positive. As regards the Lifer Unit, despite Sir David Ramsbotham having serious reservations about the prison holding life-sentenced prisoners, the Unit was praised, again with only a few minor criticisms or observations in the most recent report. The view of the lifers in the cohort generally mirrors these findings and most criticisms were about minor issues, such as the quality of food or the lack of internet provision. In the more important categories, such as prison safety, quality, administration, fairness and staff-prisoner relationships, almost all this experienced cohort were either satisfied or very satisfied with the prison.

Due to its original design as a remand centre, HMP Wolds is more 'open-plan' than most Category-C prisons, especially the layout within the accommodation blocks and these aesthetically pleasing surroundings contribute to the relaxed atmosphere. It does mean however, that the prison

is now immediately adjacent (literally just a few metres at one point) from HMP Everthorpe, a public prison and former Borstal. Although these prisons have had vastly different functions in the past, they are both now Category-C training prisons and it seems extraordinary to have two prisons, one public and one private, with the same function so close to each other. Surely at some point in the future HMP Everthorpe would be market tested, which could result in the privatisation of the prison or possibly an amalgamation of these neighbouring establishments.

As the statistics demonstrated, progress through the system has been good at this establishment. This was no doubt a worry for lifers when deciding which Category-C trainer to move to (a choice is given if places are available); although in practice it has been good at progressing prisoners on to Category-D. Poor coordination between the Lifer Management Centre and prisons remains a hindrance, as is the number of delayed or postponed Parole Boards. The majority of lifers serve more than the set tariff in prison before release on license, at the expense to the tax payer and not freeing up places at a time of relative scarcity. In July 2007, a judge ordered the release of a violent offender, over tariff on an indeterminate sentence (IPP). The reason for the delay in release was that the prison holding this offender had not done enough to provide him with rehabilitative courses to enable him to prove that he is no danger to the public (*Rozenburg, Daily Telegraph, 1st August 2007*). Lifers need to be risk assessed to allow progress and the similarities can be immediately drawn with a lack of courses, postponed Parole Boards and often poor report writing contributing to a delay in release on license that should not be attributed to the prisoner.

It must be reiterated however, that the rate of progress through HMP Wolds was extremely good, but throughout the prison system generally the problem of lifers being over tariff may be brought into sharp focus when (not if) the first lifer addresses the European Courts, because such problems have slowed progress to such a degree that he cannot prove he is fit for open conditions and subsequent release on license by the time the tariff is due to expire. The time to act is now and the system needs to iron out these problems to ensure

smoother transitions with greater continuity. There is no point suddenly insisting that a lifer with 12 years served, must complete yet another anger management course, when there are no places available for over 12 months. Most courses can be completed at open prisons or in the community and it is very likely, that as with the recent ruling with the indeterminate sentenced prisoner, that such delays will not be seen as sufficient reason to detain a lifer over tariff.

The Aims of Privatisation

HMP Wolds has provided a safe and positive regime for the lifers in its care and that the Lifer Manual has certainly been adhered to, the prison conforming to at least the minimum standard required and honouring its contractual obligations. Put very simply, HMP Wolds is at least as good as a public prison at providing for a lifer community at this category of operation. For those that oppose the privatisation of prisons in principle, this finding must be a blow, because the hope must have been that the private prison experiment would fail. After some 15 years of privatisation and significant expansion of the private prison estate, it can now surely assume the mantle of permanence, rather than experimentation. If private prisons are able to provide a service that is at least no worse and more cost effective than an equivalent public prison, then moral judgements aside, it must be labelled a success (although the cost effectiveness debate is difficult to explore due to a lack of information generally and particularly the confidential nature of private contracts).

If a private prison can drive up standards in its own institutions by doing things differently then that is an excellent result for that prison and if, subsequently, the procedures are proved beneficial and are adopted across the entire prison estate, thereby driving up standards, then that is a bonus. There is little evidence that this has been the case and it remains uncertain if this would actually happen as there still remains, by necessity, an atmosphere of competition. This is not limited to public versus private prisons, but all prisons, as all can be thrust against each other in tendering competition

following market testing or contract renewal. It is doubtful as to whether the ideology of the Prison Service or the sometimes intransigent POA for example, would take kindly to being advised as to how to treat prisoners better by a private company. Although an initial aim, this desire to drive up standards universally may take many more years to come to fruition.

The modernisation agenda embarked upon in the mid 1990s instilled an atmosphere of managerialism, including a desire to improve efficiency, optimising organisation and increasing efficiency. Close attention was to be paid to 'budgets, target setting, strategic plans, competition, best practice, performance measurement and the concept of value for money' (Nellis cited in Liebling, 2005:23). There is a concern that the onset of this new managerialism throughout the 1990s and the striving for efficiency and cost effectiveness has deflected attention and priorities away from the real problems in the prison system, not all of which could be solved by managerial change alone. It represented a culture change from the traditional, 'old way of life', a compromise between the socialist welfare state and the capitalist free market economy (Liebling, 2005:22).

Little heed was paid to the ethics of the penal system in introducing privatised services and it was probably an inappropriate and somewhat weak solution to the problems that had snowballed to almost crisis point throughout the 1980s. It was part of the Conservative Government's radical agenda of reform that had now spread to prisons, in the hope of significant cost savings and innovation (Sparks, 1994). The aims may have changed slightly but the populist approach continues to dominate penal debate. Private innovation driving up standards universally may no longer be attainable and the prime objective now is probably limited to the provision of extra places across the entire estate. Private and public prisons would need to be more integrated, more able and willing to share information, but the ethos of competition will always make this difficult, if not impossible.

It should now be accepted that private prisons have become an integral part of the penal system (Harding, 1997) and their responsibility and number is

going to increase further as the Government searches for answers to prison overcrowding, having seemingly put the idea of a more suitable and robust sentencing framework to the bottom of the ideas pile. The response seems to be reactive rather than proactive and the contestability of other forms of correctional services, such as prison work, education and programmes, will obviously involve bids from the public sector but also private sector companies, some new to prisons, but most already established in England & Wales or elsewhere.

As was reported in the section on governmentality, the Home Office has certainly not allowed the reins to loosen and private prisons are very closely monitored. Private companies are quite correctly not involved in, neither can they directly influence, sentencing. No discipline can be decided upon or carried out in a private prison by a representative of the company, not even the Director, and a Home Office Controller oversees all such issues as well as contract compliance. In practice, there is little autonomy and from a day-to-day running perspective, there is probably more accountability and regulation in the private sector. As has already been stated, a sensible, overall judgement would be that if private prisons are no worse and no more costly than their public counterparts, then they should be hailed a success. They provide extra places to at least partially address the problem of an ever-increasing and over-crowded prison population that continues to rise at a rate that seems unlikely to diminish according to the latest projected population figures.

The idea that public prisons are the 'public face' of state punishment is becoming an outdated concept due to the private sector's incessant march forwards, private companies are becoming more powerful and pervading the penal system with increasing levels of responsibility. Deterrence and public denunciation through custody now largely rests with the judiciary, although it could be argued that this has always been the case with the allocation of punishment. In reality, apart from the visibility, through architecture and location, prisons were never really the 'public face' of punishment at all, as

once given a custodial sentence the prisoner becomes an inmate of a 'closed' establishment with a historic lack of accountability.

As a House of Commons Committee stated in 2002: 'a public service ethos is only as good as the service it delivers' (cited in Liebling 2005:122) and this delivery has to provide the quality and standard of service that the public view as acceptable. The idea of the state as the sole administrator of punishment is slowly being consigned to the history books. The state monopoly has disappeared, and even though careful consideration was given to the awarding of contracts to ensure that such a monopoly did not reappear in a different form, several companies have since merged to form two or three 'super companies' that enjoy an inordinately large share of the market. This increases stake-holding power and could possibly lead to political or governmental influence, from issues of contracting out to lobbying for tougher sentencing.

The goals of the private sector will always primarily be expansion and profit and it is possible that an increasingly involved private company or amalgamation of companies could exert undue political pressure to expand the prison estate. The state is the purchaser of these privatised services and goals should also include efficiency and quality, by achieving a set of targets or key performance indicators (KPI). It has been explained in this thesis however, that in reality, quality in this environment is difficult to define and even more difficult to measure and any research must also cut across the public-private separation to measure and ensure quality across the whole prison estate (Liebling, 2005).

Staff-Prisoner Relations

Staff-prisoner relations appear generally better in private prisons, almost every official report concurs with this and not just at HMP Wolds. By better, that is more productive. There are fewer incidents, encouraged by more polite and civil regimes (although opponents of privatisation could argue that this 'civility' is not what prison treatment is about). Private prison staff are

generally recruited from the local community and undergo supervision training from the company that employs them, steering away from the Prison Service ethos engrained in the majority of Prison Officers with coordinated and centralised training. It must be said that one reason for this 'better' treatment could be due to the fact that private staff are in fact relatively powerless to act in problematic situations and are much more reliant on social skills to diffuse them.

The perception of better or more humane treatment of prisoners must not be confused with respect, which is largely the limit of the improvement made in the private sector work practices in day-to-day dealings with prisoners (Liebling, 2005). It looks to provide a positive experience for the inmates, based on an atmosphere of fairness and basic civility. It is a system that the inmates can relate to and in all the tests carried out using Liebling's AI, the Lifer Unit works best when staff-prisoner relationships are more relaxed and mutual 'respect' is shown.

The Inspectorate's reports have invariably commented on this aspect of everyday life at HMP Wolds and have often indicated that other prisons should adopt this practice, although falls short of issuing any specific guidance. This is unquestionably one area where private prisons could influence work practices across the prison estate and drive up standards, although there is probably little desire to do so. There has been no real suggestion that public prisons should do this, neither has GSL been approached to conduct staff-prisoner relations training for Prison Officers. It may be worth repeating: Driving up standards universally may take some time or may be unachievable.

Cognitive-Behavioural Programmes

One area examined more closely than originally planned has been the use of cognitive-behavioural programmes, particularly CALM, which is the main programme administered at HMP Wolds. The idea that lifers should undergo CALM training at all is questionable. The Home Office *rationale* for such

programmes is solely with the aim of crime reduction. All 20 of the cohort stated that they would never commit the crime of murder or serious violent crime on release and 15 stated they would definitely have no involvement in crime whatsoever. The Crime-Pics II attitudinal psychometric testing scores were remarkably low for this cohort, indicating a healthy attitude to crime, understanding that crime and involvement in crime is against societal norms. As has been explained, a lifer (whilst not wishing to fall into the trap of labelling or stereotyping) does not generally fall into the category of the stereotypical prisoner, with low levels of intelligence, poor decision making skills and a raft of social problems, such as drug abuse, unemployment or homelessness.

By this stage of the process, the entire cohort had already completed a variety of cognitive-behavioural programmes before arriving at HMP Wolds. It is questionable however, as to whether completing a programme such as CALM would make any difference to their offending behaviour or further decrease the possibility of re-offending, apart from those few diagnosed with the specific problem of expressive anger. It simply cannot be assumed that violent offenders suffer from this type of anger due to the nature of their offence and sentence planning boards need to understand this before deciding to make CALM a new target. In 12 lifer referrals made, six (50%) were found to be unsuitable for CALM training, i.e. they did not suffer from expressive anger but more likely instrumental anger, which CALM specifically does not address. Boards need to have a better understanding of exactly what CALM is designed to address. Alternatively any assessment should be carried out before the Board rather than post-Board, i.e. before the decision is made.

It is impossible to assess the long-term impact of CALM in lifers, due to the length of time to release; indeed it is almost impossible to assess the specific impact of any cognitive-behavioural programme. So far, the only research project to make an accurate assessment is the Pathfinder Programme (Clancy *et al*, 2006), where due to the short sentences and imminent release of the prisoner control group, a post release follow up survey was enabled in

the community after three months and a one-year and two-year reconviction study was subsequently conducted. Results from the Pathfinder completers were encouraging, indicating that an actual drop in reconviction rates had occurred, but every other programme evaluation so far has relied on predictive reconvictions and any findings are therefore far more sceptical. In the Pathfinder survey, the follow-up interviews also established if any individual parts of the programme had actually had most effect on release, which would help correlate the impact of the programme on re-offending, otherwise it is difficult to ascertain if the programmes themselves are the actual reason for the reduction in crime.

Although policy makers assume this link and policy is often driven by the degree of reduction in actual or predicted reconviction rates. For example, official quantitative research showing little or no reduction in reconviction rates for R&R completers probably led to the withdrawal of the programme in 2005 (Cann *et al*, 2005). It cannot be proved that the programme as a whole, or any particular aspect of the programme was responsible for any change in behaviour that subsequently resulted in reduced re-offending. In fact, the Pathfinder project discovered that attention to practical resettlement issues, such as housing, welfare benefits, unemployment and healthcare had a very significant impact on reducing re-offending (Clancy *et al*, 2006).

Very few surveys have the ability to follow up respondents as in the Pathfinder research project as offenders usually have several years left to serve, resulting in reconviction predictors being utilised. When such predictors are used (mainly OGRS) it is not a particularly accurate indicator of future levels of offending, it is merely an estimate. Firstly, it relies on commonalities in offending groups, such as age, offence and previous convictions and assumes all such offenders within these designated groups will display the same or very similar characteristics. It does not, nor is designed to, give a prediction for an individual offender. Secondly, it relies heavily on previous offending behaviour and the computed score cannot be lowered by successfully completing cognitive-behavioural programmes. In fact, successful completion leads only to a partial reduction in a specific risk factor

and it cannot eradicate it. So predictors can have their uses if analysed with caution, but are surely too inaccurate and sceptical to be of use to policy makers. As previously noted, neither OGRS, nor the OASYS on-line risk assessment system are not available at HMP Wolds, one of the many disparities in information sharing between the public and private sector.

In any event, the whole concept of using reconviction rates to judge success of programmes is flawed and too simplistic, as there is no proven correlation between reduced re-offending and behavioural changes effected by programmes. Without follow up interviews it is impossible to ascertain exactly what part of the programme could be attributed to this reduction, if any. Research is at best patchy and inconclusive and the proposed evaluation of the effectiveness of CALM in a UK setting would help our understanding of the longer term effects and if there are benefits post release. The main worry is that if reconviction rates remain the sole judge of success and do not indicate a fall of at least the 5% target of NOMS, despite its measured success within the prison environment, even a successful programme such as CALM could be withdrawn.

Programmes, the CALM programme in particular, became a focal point in this research and the Programmes Manager has ensured that prisoners have access to required programmes and that the programme quality and integrity is high. Innovation has seen a much smoother process of target setting for CALM and subsequent assessment and delivery, this is over and above the contract requirement. Programme provision could certainly be expanded and see HMP Wolds become 'centre of excellence'.

Work & Education

As stated in the relevant chapter, the idea that improving education and/or instilling the work ethic as a precursor to desistance or to reducing re-offending rates is an area that needs much more research. Policy makers still believe that work is a vital part of the prison experience and that employment is a preferred lifestyle on release, therefore to instil the often-missing 'work

ethic' and train accordingly will produce a productive and non-criminal member of society on release – but the correlation is not that simple. Many more factors need to be addressed, such as the type of work learned and availability of such work on release in the area of resettlement. The added factor of stigma would appear to make this progress extremely difficult, if not impossible.

For lifers, this idea is quite ridiculous. Most already have the work ethic and had little problem with employment prior to conviction. Lack of skills and employment are not the reasons the vast majority of lifers committed the very serious offences that saw them receive a life sentence, indeed it is doubtful if they contributed at all. Work in prisons, including employment and skills based programmes is exactly that – just work. Prisoners work for the money, for the slightly elevated status and to relieve boredom. Mopping and sweeping corridors does not produce a readily employable person on release and neither do the majority expect employment-based courses to provide them with a job on the outside post release. For lifers, release will be on license, which does not make one particularly employable plus the time to release may be some time in the future and the employable skill may be lost or outdated. The whole idea of work in prisons needs rethinking and the traditional concept that it will help reduce re-offending and therefore aid the 'crime reduction' initiative is severely flawed.

This idea that prison work may not be all it seems has been constantly investigated by Andrew Coyle at the Howard League for Penal Reform, whose ongoing research would appear to support this view. The study found that the majority of jobs available in prison were low-skilled, menial jobs and is indeed more about keeping prisoners occupied during out of cell time than instilling a work ethic or developing employable skills. In a public prison, the major employer is the Prison Service but the report cited private prisons in particular using prisoners as cheap labour and only a small number of prison workshops have paid over the average £7-12 weekly prison wage (Coyle, 2000).

Education is also an area that is promoted and it is certainly true that many prisoners have a problem with basic educational skills and help with these skills is usually accepted and the prisoner benefits from that tuition. However the correlation with the official aim of crime reduction is once again questionable. The education at HMP Wolds was always commented upon favourably in the Inspectorate's reports and several lifers did partake, whether for interest or self-betterment but not a single one because they felt it would increase their chances of employment on release. Education and work in prisons provide a diversion from mundane everyday existence, especially on a very long sentence, but they are limited in what they are trying to achieve and it is certainly time to re-evaluate their *raison d'être*.

Undoubtedly, private prisons have moral and ethical problems and people and organisations will continue to campaign to see them replaced with public prisons for these reasons. Moral grievances aside, the private estate generally and HMP Wolds in particular, has been a success in its delivery of care and issues of safety and security. It has most certainly made the public sector sit up and take notice and addressed complacency, due to contestability and competition for tendering. Understandably, those who have a moral or political objection to privatisation will probably never be in favour, despite any report showing the efficacy of even one private prison, but prisoner's charitable organisations need to consider their position and conserve their energies, directing valuable resources into ensuring that standards are maintained within both private and public prisons instead of pursuing the somewhat sterile anti-privatisation stance.

HMP Wolds has proved itself to be a competent establishment to hold prisoners at Category-C level and to contain and progress a Unit of life-sentenced prisoners. The Inspectorate's reports confirm this. In its administration of lifers, it excels and in its day-to-day treatment it treats these serious offenders with civility and dignity, ensuring a safe and productive atmosphere for both staff and prisoners. Progress to open conditions is made in good time and a lifer can only ask to be treated well and to see progress made promptly. From the user's perspective, the verdict on HMP Wolds is

that it is better than the average prison, which surely demonstrates that this establishment is a success.

Governmentality

This Foucauldian theory, lucidly expounded and often critiqued by Garland, Rose and Lemke amongst others, certainly has a degree of relevance in contemporary penal debate. The fact that prisoners undergo regimes based on rehabilitation, with a view to responsabilisation is consistent with this theory. However, as regarding private prisons as a tool to help diffuse responsibility for punishing offenders away from the state, this is not so conclusive. For prison privatisation to fit neatly into the governmentality theory, private prisons would have to be given not only more prison places and increased responsibility but also a greater degree of autonomy. The type of prisoners now being handled by the private sector, which has moved up the scale from remand, Category-D and now up to Categories B and C and now life-sentenced prisoners demonstrates that the aspect of responsibility is certainly increasing.

The opening of the Peterborough 'super prison' in 2006 and the plans for more 'super-max' prisons to help meet the demand of an ever increasing prison population also demonstrates the current government's belief in private sector expansion, but it is in the area of autonomy that the argument fails. Private prisons are ostensibly no more autonomous than when HMP Wolds first opened as a remand prison over 15 years ago. Contract compliance is exacted by the Home Office controller, as are disciplinary adjudications following incidents involving prisoners. The private sector prisons act as custodians but more accurately they are supervisors, they do not become involved in disciplinary issues – ostensibly they have no real power. The moral purists would argue that this is a good thing, but it must be remembered that as privatisation expands in both number and responsibility, any decision-making regarding the prisoner's sentence is certainly not being devolved from the statutory process.

Progress through the system, including the impact of NOMS

This was an experienced cohort and data from the interviews proved overwhelmingly that there is dissatisfaction with the lifer system. It has been described as uncoordinated, fragmented and painfully slow, with unnecessary prison moves and ill-advisedly redefined targets. In the area of Parole Boards or internal Sentence Planning Boards, there is little cohesion and frequently both paperwork and individuals are inadequately or poorly prepared. The LMU is not proactive and much is left to individual prison Governors and Directors and the mix of private and public prisons also seems to confuse the issue, although it should not. Information is not fully shared and due to the number of moves a lifer makes a workable, coordinated and centralised system must be put in place to administer lifers.

The idea of NOMS is to expand the idea of 'end-to-end' management of offenders and blur the lines of separation between services and it is far too early to reach any sensible conclusion as to its ability to do so. Theoretically, lifers already have a fairly structured passage through the penal system, although in reality, as this thesis has noted, this progress can be difficult to negotiate. At the time of writing, there was still no real cohesion or consistency in the administration of lifers by NOMS. The centralised handling of lifers needs to be dramatically improved if this model of 'end-to-end' management is to be successfully implemented.

HMP Wolds 'Lifer' Case Studies

This has been a unique opportunity to access a private prison and examine the regime from both observation and the perspective of a group of life-sentenced prisoners. None of the cohort interviewed over the 18 months of fieldwork fitted into the public perception or image of the 'stereotypical' traditional prison inmate, the 'petty' repeat offender or the 'career criminal'. All had committed serious offences but each one gave a very candid and vivid account of both previous prisons and the time spent at HMP Wolds. Lifers proved excellent sources of information, as they possess great experience of incarceration and they are very knowledgeable of how the system works and

their entitlements. The two case studies demonstrate this and it makes this a useful piece of observational research from the inside of a usually very closed institution that has both answered the questions posed at the beginning of the piece and in the true nature of qualitative research, discovered and answered more questions that arose along the journey. It has also left some questions unanswered (particularly regarding NOMS and the role of work in prisons) and in need of further investigation.

The Final Word

There is little doubt that HMP Wolds has done more than simply contain lifers. The Lifer Unit, although never reaching its full capacity of 100 by the end of the fieldwork (as a late footnote, the Lifer Unit did reach its full capacity in 2007). It has ensured that reports are written, Planning Boards are reliable and fair and prisoners are well prepared for Parole Boards and kept informed of progress. It is testament to the staff that almost all individual prisoner targets have been hit and almost all the cohort has progressed (or will progress) to open conditions or release on time. There is also little doubt that as regards 'legitimacy', the lifers have been held in clean conditions and treated with civility, leading to a calm and productive environment.

In researching this private prison, the idea that public prisons are the only legitimate form of incarceration should be dispelled. Without a direct comparison, this prison achieves results, holds its inmates in clean, humane conditions and treats them with civility. It must be at least as good, if not better, than many prisons in the public estate and official reports confirm this. This observational study will not legitimise private prisons to the abolitionists and to those who believe that the moral argument solely defines privatisation; this thesis will not appease that view. If, however, private prisons are judged at least as good in performance and financially no more expensive, then prisons as high in quality as HMP Wolds have a positive role to play within the prison system.

Appendix A: The effect of the National Offender Management Service (NOMS)

This brief report on the setting up of NOMS in 2005 is included as an appendix, due to the fact that its implementation came too late for the fieldwork to enable any serious evaluative work to be done, but the change will have an effect on the cohort as they progress through Category-C to open conditions and begin the transition to release under supervision. It is an area that will be the subject of much debate and review over the coming years, but to include any more than a brief word here would have been to merely enter the world of speculation. As at May 2006, almost one year following implementation of this service, the department handling lifers was still unsure as to the administration of this group of some 6,000 life-sentenced prisoners, whether they would be administered under the auspices of their sentence, or whether they would be divided into those held at public and private prisons. Much confusion abounded at that time, which hopefully will be resolved sooner rather than later.

The service was introduced in June 2005, following recommendations in the Carter Report, 'Managing Offenders, Reducing Crime' (Carter, 2003), in a climate of tougher and longer sentences, reduced use of fines and a prison population that continues to rise steadily. NOMS has twin aims: to punish offenders and to reduce re-offending (Harper & Chitty, 2005). Two of the key recommendations of the report were firstly, to devise a new approach to managing offenders and secondly, to improve provision of services available by introducing competition in the corrections sector (the preferred government term for this is 'contestability').

Although the timing of the implementation of NOMS is too late to have any effect on the fieldwork, it is important at this juncture, to attempt to appraise whether this newly-created organisation will be able to provide this improved service, particularly in the area of life-sentenced prisoners. Even if it does not directly affect the life sentence *per se*, the change in provision will undoubtedly have a direct effect on the treatment of lifers. Educational or

correctional programmes could now be subject to private (or more likely voluntary sector) provision under the premise of contestability. Lifers are also heavily involved with the probation service at the final stage of the sentence and subsequently under supervision in the community.

On reading the Carter report, the most prominent feature is that this is further increasing responsibility in the privatisation of services within the prison and associated correctional and ancillary services. Current penal policy is driven by two major themes: firstly the ever escalating numbers crisis and secondly the need for the public to be persuaded that actual levels of crime are being reduced. Therefore in response to the first, the expansion of privatisation is appealing as a short-term and possibly a longer-term fix and to extend this process to ancillary services would seem a logical step to policy makers seeking a solution to this immediate crisis. The second theme is about making the prison experience more positive, using the period of incarceration wisely by instilling a work ethic, giving basic skills training and changing attitudes by administering cognitive-behavioural programmes where necessary, in theory, reconviction rates should be reduced and public confidence restored. This is a bold proposition, confirmed by the first Chief Executive of NOMS, Martin Narey, who stated: 'I believe passionately that we can help change offenders' lives for the better and by so doing, reduce re-offending and the burden that it places on society' and the Home Secretary believed that it was 'a once in a lifetime opportunity' (cited in Harper & Chitty, 2005:foreword).

The original idea of privatising prisons was not driven solely by economics but with a desire to improve provision, to drive up standards across the entire estate by implementing new and innovative ideas from a competitive and business conscious private sector. In theory, the expansion would appear to be a logical direction to progress and would mirror increasing areas of contestability and competition in other key social policy areas of health and education. These 'modernising' changes are certainly radical and the creation of this service would not prove to be straightforward and the transition to contestability not particularly smooth.

The NOMS model is offence-focussed, built on teamwork and is a fully integrated 'whole system approach' (NOMS, 2005:4). It aims to provide individually tailored, 'end-to-end' management of the sentence, starting from sentencing and progressing through all stages until release into the community. There is no doubt that prison remains the correct place for serious and violent offenders, but the NOMS model looks to provide a coherent and consistent framework to ensure that offenders receive the maximum benefit from their time in prison, although it is repeatedly stressed that punishment is a key part of the process, as set out in the Criminal Justice Act of 2003. NOMS has a combined workforce of over 70,000 with a total budget in excess of £4 billion, devolved into 10 regions (NOMS, 2005).

The relatively swift creation and implementation of this integrated service of less than one year from recommendation of the National Offender Management Model (NOMM) to implementation has been criticised by the main practitioner bodies, namely the Prison Officers Association and the Probation Service. Traditionally, the Prison Service and the Probation Service have shared many goals but have been administered as totally separate entities and this 'amalgamation' has not proved popular with practitioners.

It must be stated that much of the model builds on work already in progress prior to the Carter report (Maguire & Raynor, 2005). The trade union 'Unison', which represents a large proportion of Probation Officers was particularly scathing and was most worried by the idea that probation services were to be regionally managed by ten regional managers (replacing 42 independent Probation Boards), responsible ultimately to the Home Secretary. These managers are fund holders and will decide how provision is to be provided locally, most probably by market testing if they feel it appropriate. Potentially, private services could be used in whole or part if a private company gained the contract from competitive tendering (*Unison Probation News, January 2005*).

Working towards a 'seamless' management model is indeed the least contentious part of the Carter report and whilst the Probation Service agrees with the need for teamwork, the holistic approach and the aim of 'end-to-end' management of offenders, it disagrees with the method of delivery and to practitioners, this re-organisation does not appear to promote cohesion or job security (Hough, 2005:4) and it is difficult to maintain staff morale in periods of such uncertainty. The fundamental change for practitioners is in providing a cohesive 'through the gate' service; that is the need to coordinate services between prison and beyond - into the community. This has been alluded to in previous research (see for example Clancy *et al*, 2006) but has never been an integral part of resettlement policy. In order to deliver this type of 'throughcare', organisations used to working independently will have to become part of the much bigger resettlement picture, in order to ensure best value from this continuity.

A move away from the fragmented approach of a few practitioners delivering specific programmes is needed and towards building a broader skills base. There is however, a risk of secondary fragmentation if services are to be provided by a public-private-voluntary mix and possibly on time-specific contracts and this will probably not instil organisational stability or confidence. It will require some uneasy partnerships between public, private and voluntary sector service providers to provide coordinated provision once the corrections 'market' is opened up to contestability and amongst academics, there has been a degree of scepticism and caution. Whilst the key principles are undoubtedly sound, it is arguable that such a sweeping organisational change was necessary to implement the changes. Managers must ensure that the aim of 'relational continuity, through the 'four C's of consistency, continuity, commitment and consolidation' must not be compromised or clouded by a possible 5th C – contestability' (Maguire & Raynor, 2005:32).

It is also doubtful that the re-organisation will lower re-offending rates and even the modest initial target of 5% may be difficult to achieve. Sentencers need to be more aware of their role in the process and the impact their decisions have and the setting up of a Sentencing Guidelines Council (SGC)

should be of benefit in promoting consistency. The judiciary needs to understand that offenders lead 'chaotic' lives and merely sending them to prison for not being able to immediately cope with the demands of a Community Order is not the answer and the over-use of prison as a punishment diminishes its effectiveness (Hedderman, 2005:46), indeed Lord Carter pointed out that there must be a balance between capacity and successful delivery (Carter, 2003). The regions need to have continuity and disparate organisations need to blend in order to provide a cohesive service, but in an attempt to seek 'seamless' offender management, the possibility of fragmentation looms large.

The effect on lifers, as with all offenders, should in theory be beneficial. If the system works, 'throughcare' should be enhanced with better decisions made at the outset of the sentence, rather than leaving the lifer to serve a good portion of the tariff before the need to do any real work is realised. It is too early to evaluate any real effects or benefits to the sample at HMP Wolds, as NOMS was in its infancy (and in some disarray regarding the lifer population) during the fieldwork period.

Appendix B: Interview schedules

Initial Interview – commenced January 2004

1. I don't want to know the details of your offence but do you feel the tariff and conviction were fair?
2. Are you a mandatory or discretionary lifer?
3. What was your conviction/offence
4. Do you consider yourself a 'criminal' in the generic sense, i.e. before this offence?
5. Sentence length and potential release date?
6. When were you sentenced, what is your tariff?
7. What Lifer Centre did you attend and what was your experience of it?
8. How long did you spend there?
9. What did you think to your initial sentence plan?
10. Did you have a personal officer? How much contact did you have?
11. Tell me about other establishments since the Lifer Centre
12. Tell me about any sentence plans/personal officers/facilities/conditions *etc*
13. Why did you decide to come to HMP Wolds?
14. What about the privileges/fairness here?
15. Tell me about the conditions/regime
16. What has been the reality, what has it been like since you arrived. What are your initial impressions?
17. Tell me about the Staff, the Lifer Unit, any sentence plans *etc*
18. What about segregation for lifers and single cells?
19. What is family contact/visits like?
20. How do you keep up to date with current events (TV/Newspaper/internet *etc.*)?
21. What education have you done?

22. What work-based courses have you done? How do you rate them?
23. Have you undertaken any cognitive-behavioural or offender programmes?
24. What innovations have you noticed at HMP Wolds?
25. Should prisoners be able to vote?

Second Interview: commenced July 2004

1. How have things been on the Unit/in the prison since we last met?
staff/conditions/visits etc.
LU manager/report writing/personal officer etc.
2. Boards (Parole/Planning): Any held recently?
3. If yes: How did they go?
4. How far away does release feel? Is it in your sights? If no: When?
5. Are you mentally preparing for release? Or do you try not to think about it?
6. Time – when did you accept the ‘system’ and realise that you have to progress in certain ways? Months/Years? Was it explained to you?
7. Lack of engagement with the outside world, how do you feel. Do town visits help?
8. Have you ever sought medical help/counselling? Been diagnosed with depression? Felt suicidal?
9. Has it ever felt that it is impossible or difficult to get through the system?
10. If yes: What do you believe has held you up?
11. How do you see the LMU’s role. Is it effective?
12. Any programmes completed here?
 - How did it go?
 - What did you learn? Was it useful?
13. How do you relate to these programmes if there is an incident? Do you use the skills that have been learned?
14. Innovations

- Lifer Day?
 - Family meals?
15. Dealt with Probation? What about the merger with the Prison Service?
16. Anything else?

Final Interview: commenced April 2005 (to be completed by July 2005)

1. How have things been on the Unit/in the prison since we last met?
 - Staff
 - Conditions
 - Food
 - LU manager
 - Report writing/personal officer
2. Have you made progress here? Compare with other prisons
3. Has being here helped your progress through the system? Still on tariff?
4. Boards (Parole/Planning): Any held recently?
 - If yes: How did they go?
5. Town visits – any completed. If yes, how it go?
6. Programmes completed here since we last met?
 - How did it go?
 - What did you learn?
 - Was it useful?
 - Was it to satisfy a target?
7. Do you see your sentence as rehabilitative or just as a punishment?
In your opinion, how does the public view it?
8. Are you happy to stay here until Category-D or are you looking to move?
9. How do you rate this prison, do you think it has helped you get through your sentence, has it been a positive experience?

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On-line Resources

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www.hmpwolds.co.uk The website of HMP Wolds (Group 4)

www.prisonreformtrust.org.uk The official website of the Prison Reform Trust UK

www.howardleague.org.uk The official website of the Howard League for Penal Reform

