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THE ABOLITIONIST

The magazine of Radical Alternatives to Prison
Incorporating *Prison Briefing*

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LIFERS

Woodcut by James Grashow

AND LONG-TERM PRISONERS

BRITTAN'S HYPOCRISY   BRITISH PRISONS IN IRELAND
THE HANGING DEBATE

PLUS: WOMEN IN PRISON; 'INQUEST'

80p

RAP

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

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

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

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

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

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

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

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

In addition to PROP's regular *Prison Briefing*, this issue of *The Abolitionist* includes special sections contributed by Women in Prison and INQUEST. We hope that these, too, will become a regular feature.

Each of the four organizations which have contributed to this issue has completely independent control over its own distinct section of the magazine, and none is in any way responsible for material published by the others.

RAP's contributions to this issue are mainly concerned with the plight of 'lifers' and other prisoners serving long sentences, and form RAP's submission to the working party on life sentence prisoners set up by the Parliamentary All-Party Penal Affairs Group.

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The Abolitionist is published three times a year, and is sent to all members of RAP and PROP.

EDITORIAL

HYPOCRISY WE SHOULD EXPOSE

> [O]ur opponents' approach ... is to desire the end, but refuse the means. It is a form of hypocrisy which we should expose – not for political reasons – we don't need to do that – but in order to be able to give the ordinary citizen the protection that he needs, and deserves.
>
> Leon Brittan, speech to the Conservative Party Conference, 11.10.83

Readers of *The Abolitionist* will not need to be reminded that Mr Brittan's speech outlined a number of measures ostensibly directed to curbing violent crime, the most significant being that prisoners sentenced for certain categories of murder would not be released for at least twenty years, and that parole would be drastically curtailed for long-term prisoners sentenced for offences involving violence or drugs. How much will these measures really do to protect 'the ordinary citizen'?

The first thing to be noticed, particularly about the changes affecting life sentences, is that they are largely directed towards protecting, not the 'ordinary citizen', but the state and its servants. Police and prison officers are singled out for special 'protection' on the ground that they 'are in the front line of the battle against crime'. 'Terrorist murderers' must serve at least 20 years for the same reason that Mr Brittan recently argued that they should be killed: they not only take life, they attack the state. Those people on Mr Brittan's list whose activities do affect 'ordinary citizens' seem to have been chosen because they offend against a conservative conception of 'moral order': it is deemed 'peculiarly repellent' to murder for sexual motives rather than for financial ones, to traffic in drugs rather than in guns.

The assumption that the lives of authority figures are especially at risk is (outside Northern Ireland) a very questionable one. There has not been a single prison officer murdered in the adult prison system for over a hundred years. Since the abolition of the death penalty, 16 people have been sentenced for the murder of police officers: none has been released.

In any case, it is very unclear how the proposals are supposed to protect anyone at all. The Home Secretary's speech contained a few vague references to notions of containment and deterrence, but the main justification he offered for his proposals was as follows:

> The police and the courts can only be effective, and law and order can only be upheld, if public confidence in the system is strong. Sentences which fail to reflect society's deep abhorrence of violent crime undermine that confidence and so weaken the whole criminal justice system.

There is no more evidence for this assertion than there is for the deterrent efficacy of long sentences. Is Mr Brittan seriously suggesting that if harsher sentences are not imposed the victims of crime will resort to lynchings and vendettas? Or that those sections of the community which really have lost confidence in the system to the point where its effectiveness is threatened – in Stoke Newington and Toxteth, for example – have done so because it is not repressive enough? His view draws little support from the published results of the British Crime Survey (Home Office Research Study no.76):

> Certainly the findings are at odds with the impression which opinion polls tend to give of a thoroughly punitive public. If people were asked at a general level whether court sentences are adequate, a great majority answer that they are not. But if they are asked – as in the BCS – about a specific incident involving themselves, and thus have a concrete example upon which to base their judgements, they are less punitive. In other words, the survey did not support calls for 'a real crack-down' in those cases it uncovered.

What Mr Brittan might have deduced from those findings is that it would be wise politically to concentrate on offences of which few people have any direct experience.

It is, of course, understandable that Mr Brittan should wish to promote the belief that the criminal justice system is able to cope effectively with crime. It is a belief which helps to channel discontent at the 'street crime' which present economic policies actively promote into demands for 'more law and order' instead of more meaningful demands which might challenge the status quo. But Mr Brittan is unable to come up with any explanation of the 'effectiveness' of imprisonment, except that it is effective if people think it is. It is he, not his opponents, who hypocritically wills the end while refusing the means.

RAPE AND THE TARIFF

One offence where the criminal justice system often leaves the victim dissatisfied is rape. The Home Secretary seeks to turn this dissatisfaction to advantage by using it to justify a new procedure by which the Attorney-General will be able to refer 'over-lenient' sentences to the Court of Appeal. The Court will not be able to set aside the specific sentence but will have the opportunity to make a pronouncement 'to reinforce the tough tariff that it has rightly laid down for serious crimes'.

This measure will do nothing to protect women against rape and nothing to meet the legitimate criticisms which feminists have made of the sentencing of rapists.[1] The main criticism of present sentencing practice is that judgements about the relative seriousness of different offences of rape are often based on judgements about the character or conduct of the victim rather than the offender; and that defect is embedded in the very tariff that the Home Secretary is seeking to reinforce. For example, the infamous concept of 'contributory negligence' in relation to rape was not invented by Judge Richards: it comes from the standard text-book on the tariff, David Thomas' *Principles of Sentencing*, where it is put forward to explain the pattern of decisions in the Court of Appeal.[2]

However, the proposal will have effects which extend far beyond cases of rape. It is clearly intended to act as a deterrent for any judge who might be tempted to pass a sentence for any offence lighter than that indicated in the tariff: judges presumably do not enjoy being publicly ticked off by the Court of Appeal. But the tariff, as we have repeatedly pointed out, is barbarous: it is the main source of all the horrors of the prison system. It sets prison terms which by European standards are extremely long, and it defines prison sentences as 'unavoidable' in cases where no reasonable argument would suggest that they are either just or useful. In the great majority of cases, any judge who deviates from the tariff in the direction of leniency is taking a humane and sensible course. It is those deviations into humanity and good sense that the Home Secretary wants to stop.

1. See 'RAP on Rape', *Abolitionist* no.10 (1982) p.5; Jill Box-Grainger, *Sentencing Rapists* (RAP, 1982).

2. D.A.Thomas, *Principles of Sentencing* (2nd edn.) London: Heinemann, 1979: p.111 (cited in Box-Grainger, *op. cit.*).

PAROLE

Of all the measures announced by the Home Secretary, the one that is likely to have the most serious implications for the prison system is the following:

> What I intend – and the precise way of achieving this will be worked out with the Parole Board – is that no-one sentenced to more than five years' imprisonment for an offence of violence to the person shall be released on parole, except where release under supervision for just a few months immediately before the end of the sentence is likely to reduce the long-term risk to the public, or in circumstances which are genuinely wholly exceptional.
>
> Similarly . . . drug traffickers sentenced to more than five years' imprisonment . . . must be treated with regard to parole in exactly the same way as serious violent offenders – they should not get it.

It is interesting that the Home Secretary stated bluntly that remission for good behaviour is 'an essential element of control'; and much of the debate on the question of parole, especially within the prison service, will undoubtedly centre on its control implications. There can, of course, be no question of RAP's defending the parole system on this ground, or any ground at all.[3] What penal reformers should concentrate on – as the Director of the Prison Reform Trust did in a recent letter to *The Times* – is the monstrous injustice entailed by exercising administrative discretion in this way.

The Home Secretary has effectively taken it upon himself to pass retrospective prison sentences upon hundreds of people at a stroke. This is a gross and arbitrary interference with decisions already made by the judiciary. Suppose that a judge has sentenced two people involved in a single offence: the less culpable of the two to 4½ years, the other to 6. As a result of the Home Secretary's pronouncement, the former can still be released after 18 months, while the latter must serve at least 4 years. Moreover, it is the 'good' prisoners, who have behaved co-operatively in the hope of getting parole, whom the Home Secretary has kicked in the teeth. This will obviously cause great, and entirely justified, resentment among long-term prisoners.

THE PRISON POPULATION

Mr Brittan acknowledges that his proposals 'will inevitably have an impact on our prisons. They will increase the number of violent criminals in custody and dim their prospects for release.' Of course, he does not care a fig for the misery this will cause for the prisoners and their families, but he has to make a show of concern for 'the brave men and women who staff our prisons'. He proposes to ease the burden on them in three ways: (1) by 'the acceleration of a review of ways to improve our control over long-term prisoners'; (2) by taking steps to reduce the number of short-term prisoners and (3) by an 'acceleration and extension' of the prison building programme.

Given the present structure of the prison system, the effect of the new measures will be to increase the number of long-term prisoners in the training prisons. Even if, as the Home Office predicts, the extension of parole and other as yet unannounced measures will reduce the prison population by 2,300 or more, and the number of long-termers will increase by 'only' 500, it is not obvious how reducing the short-term population in the local prisons will help. It looks as if the 'accelerated' review of means of control may involve blurring the distinction between local and training prisons, or moving towards a policy of 'concentration', or both. As noted in the two previous issues of *Prison Briefing*, there have already been indications that the Home Office is thinking along those lines.

3. See *Parole Reviewed* (RAP, 1981). That the Home Secretary's power to veto a prisoner's release might be abused in order to appease the law-and-order lobby was anticipated in the editorial ('Dangerous Justice') in *Abolitionist* no.10.

Whatever the Home Office's precise strategy may turn out to be, it is clear that the measures to reduce the prison population at one end of the sentencing scale, and those to increase it at the other, form a single package. There is nothing humane about sparing one group of people in order to hurt another – especially not on the basis of a calculation as to which form of cruelty will yield the more votes. There should be no question of welcoming parts of the package and deploring others. One part of the package is a 'major reassessment' of probation and community service to ensure that they are 'firmly administered' and not 'simply a soft option'. We trust that probation officers will not be so naive as to co-operate on the ground that this will 'reduce the prison population'.

It is typical of Brittan's unprincipled approach that at the same time as he virtually abolishes parole for long-term prisoners, he proposes to reduce the qualifying period for parole from a year to six months. This flies in the face of the Home Office's own research, which suggests that parole supervision may temporarily reduce the risk of reconviction for long-term prisoners, but has little if any value for short-term ones.[4]

OPPOSITION

Mr Brittan has cleverly devised a policy which is extremely difficult to challenge. Its victims are possibly the most unpopular people in the country, and it depends almost entirely on the exercise of the Home Secretary's own discretion. Only a relatively unimportant measure – raising from 14 years to life the maximum penalty for carrying firearms in the furtherance of crime – requires legislation. (Since the life sentence is already available both for possession of firearms with intent to endanger life, and for robbery, it is difficult to see how this can make very much difference.)

This issue of *The Abolitionist* is largely devoted to showing the human consequences of long terms of imprisonment. It must never be forgotten that penal policy is about the deliberate infliction of suffering on human beings; but neither should we imagine that this Government, or more than a handful of its supporters, is likely to be deflected from its intentions by humanitarian considerations. However, on the issue of law and order the Tories are very far from invulnerable.

In his speech to the party conference, Mr Brittan declared:

> In our first term of office the fight against the evil of inflation was the Government's most fundamental task. I believe that in our second term the fight against crime is the key task for us all.

If that is a genuine statement of political strategy and not mere rhetoric, it represents an astonishing gamble. There is evidence that the issue of 'law and order' played a major part in the Tories' election victory in 1979; but in this year's elections they kept noticeably quiet about it, because they knew very well that if the statistics were to be believed, the crime rate had risen by 10% per annum throughout their period in office. Now they hope to fool the electorate with a set of measures which, as Mr Brittan surely knows, are likely to have about as much effect on 'the wanton violence which disfigures our society' as the human hearts ripped out by Aztec priests had on the sun. It is that brazen, cynical fraud which must be exposed – partly for political reasons, but also for the sakes both of prisoners and their families and of the victims of crime. The opposition parties and the penal lobby will be guilty of a grave dereliction of duty if they fail to rise to the challenge.

4. See *Parole Reviewed* and the *Prison Statistics 1978*.

One Man's Life Sentence

X was convicted of rape and served 13 years of a life sentence. He was released from prison three years ago on life licence, and talks to Jill Box-Grainger about his experience of imprisonment.

X found the interview more distressing than he had anticipated – Our sincere thanks for his agreement to be interviewed.

Could you say how you felt when the court sentenced you to life imprisonment?

Well, the trial lasted three days and I had already been on remand for six month previously. That six months came at the end of an era in my life when everything had gone very drastically wrong. My business had gone bust, I was unable to sell the the business and I was unable to find alternative employment. My wife had recently had a baby and I had family responsibilities. I felt I was letting them down and consequently a year before my offence my mental condition probably deteriorated month by month. By the time it came to the trial I felt that really I was looking at something happening to someone else. A kind of charade put on for the public which had very little to do with me and the problems that led to my offence. Certainly I didn't take in at the time it was a sentence of life imprisonment. I suppose I was in a state of shock for some considerable time and it probably wasn't until I actually arrived at C prison a few months later that I began to think about the sentence and about how I was going to survive.

Could you describe the nature of your existence during that early part of the sentence, when you were suffering from shock?

I had spent quite a large part of remand in the prison hospital and for a large part of the time I was given drugs of various kinds. After the offence I was kept in the hospital for 2 to 3 weeks. I lived a vegetable existence, just getting through the day.

When you came to the stage when you were able to think about the time you had to serve, was your thinking affected by the fact that the life sentence was indeterminate?

Well, of course various people, prison staff, probation, etc said that a life sentence was an indeterminate thing and in theory that the Home Secretary could release somebody at any time. This, of course, is something held out to people who are clutching at straws at the time. Once you actually got some time inside prison and you met people, you realised that the number of people serving indeterminate sentences who *do* get out after short periods of time are very few indeed: probably decreasing as time goes by and in those days there were very few and possibly more of them were women lifers than men. Later on in the sentence, and I'm probably jumping ahead here, thinking about the system of release and assessment – the 'parole hope'. Everyone hopes to be released early and get parole the first time. But the assessment process is very imperfect to put it mildly. It certainly favours people who are good at putting on a front but who are not necessarily sincere about their views, attitudes and intentions.

How did you try and survive when you realised that you would be in prison for a long time?

In the first year it was simply a question of going through the prison routine in a zombie like state. Working in the workshops in C prison, sewing mail bags and working in the heavy fabric shop. It was quite interesting at the time to see the Home Secretary of the day call at the prison and he was shown just about every part of the prison except the heavy fabric shop and the mail bag shop. There was an article printed in a local paper a couple of days after the visit saying that the Home Secretary was proud of the fact that mail bag sewing was a thing of the past in British prisons. . . . .Of course, I learnt to look after myself during this first year. Because of the nature of my offence I wasn't looked upon very favourably by other prisoners. When they heard of one's offence you tended to be thought of as 'that kind of person' and an awful lot of people would offer violence at any opportunity. But I survived that period by not showing that I was frightened. I think I was frightened but just didn't show it and I think that gradually they accepted me and realised that my offence was a one-off thing. Still, the odd, unpredictable person would make a lunge at me from time to time. After the first year or so I began to realise that I'd have to try to do something positive to survive more than a few years inside and so I then became interested in education. There's many reasons for that. My parents had moved to England when I was 14 and my education was disrupted. I couldn't settle in an English Grammar school and I left school at 15 without any qualifications. I'd always regretted this so I decided I would try and put that right. It would also be spending my time in a positive way and it would hopefully be helpful to employment if I survived the prison experience. . . . .some prison staff were for the idea of prisoners doing further education but many of them were against it, particularly when they realised the inmates were making good progress and getting qualifications they tended to resent them. Quite a few of the staff weren't above taking their resentment out on you in various ways. I think that education certainly was a lifeline for me. It was something solid to get my teeth into; a lot of reading, many essays to write, and tutorials. I could feel that I was developing and thinking in a new way – more systematic. It was a very interesting experience and being very deeply involved many hours a day means that not only is the mind alert, sharpening up and absorbing knowledge but the awful reality of the prison environment can be blocked out. Had it not been for that I think I probably would have gone through my time in C prison suffering far greater damage. . . thinking about the effects of imprisonment I can only speculate what kind of person I would have been had I never seen the inside of a prison. But I think I can say that if it hadn't been for the education department I would have suffered greater damage and probably have been on the scrap heap somewhere or other by now. . .

When you realised your release was coming up, how did you feel? Relieved? Optimistic?

I hadn't been in prison before and I hadn't ever had the experience of trying to re-adapt to 'normal' life. I didn't know what to expect; the fact that I'd been in prison for a long time and I didn't know how people would react to my offence. I knew I was going to have to play that one by ear. I think that at the end of the sentence I was in a pretty shell-shocked condition because I had by then been through the parole procedure three times with a two year knock-back between each one. . . the whole parole procedure towards lifers is itself a damaging thing. People get keyed up for the parole board. They've probably been operating at nine tenths whilst they've been in prison. Their faculties have been switched off and suddenly they've got to arouse themselves and switch themselves on for the parole board. . . to act in a way that'll impress the parole board. . . it's all a very false situation. Some people are much better at presenting themselves than others and then of course there's a very long wait after the parole interviews, the months drag by. . . People are very much on edge, very short tempered just waiting for the result which the first time is nearly always a rejection. . . having got over

the let down of the first rejection and having to gear oneself up and get in the right frame of mind to do it all again. . .

Would you have any idea why you would have had two parole knock-backs? I know that this information isn't officially given.

I don't know. At the time of my offence there had been an awful lot of serious sex offences and a lot of public feeling about them. . . this may have contributed towards it: probably I contributed towards it myself. I didn't feel that I could ingratiate myself with prison staff. This seemed to me to be a very important part of the parole process – to project a good picture of yourself to influential people on the prison staff. . . on the staff side they would probably accept this as a useful indicator for assessment but looking at it from the inmate side it amounted to grovelling and I didn't feel that I wanted to grovel. . .

What were the hardest things to deal with on release? Practical and/or emotional things?

Relationships were obviously difficult. Living in a free environment takes a great amount of adaption. I found that I was apprehensive of people's reactions and I just didn't know what people would think – I still feel that way sometimes. After a few years, when I meet people who met me before the offence or knew about the offence or even who I think might know about the offence, I don't know how they'll react to me and I find that I'm very wary until I establish how they feel about me. . .

Of the people you know mix with socially, how many of them have you yourself told about your offence, as opposed to them already knowing?

Ah, one – yes, so far I've only told one person. . .

When you look back how do you think your prison experience has changed you?

I don't know really whether I've changed as a person very much because of my imprisonment. I think I'm basically the same sort of person as before I went to prison. I'm fairly quiet and easy going. I don't enjoy hurting people at all in any way. I was very deeply distressed by my offence and what it did to the girl concerned, to my family and my wife and the consequences for all these people. That's the way I'll always feel about it. Actually going to prison makes no difference at all. None whatsoever as far as I'm concerned. The uselessness of locking many people away for very long periods of time – I don't really see what they are trying to prove. They certainly didn't need to do that for me to prove that I had done something wrong, because I have a conscience. The offence occurred as a climax to a time when things were very bad for me and really long before that happened I should have been receiving some help. That's not an excuse – it's what I know to be the case. I should've had some help quite a long time before that. . . at the time my offence occurred I didn't know how I was going to survive another day yet alone a week. No threat of imprisonment or any kind of punishment would have had an effect – if someone had said I would be boiled in oil. . . I certainly was thinking about suicide quite a few months before my offence. I couldn't see any way out of my situation and on quite a few occasions I looked long and hard at the river. . . the point I'm making is that because things had got to such a serious stage, no threat of any kind of punishment whatsoever would've made any difference. Because when control goes one's gone completely beyond any normal bounds of behaviour and no threat of any kind of punishment at all is going to affect that.

ZERO OPTION

Ian Cameron

Frank Marritt completed his eighteenth year of continuous imprisonment in July. His offence of murder, committed in 1965, wasn't a capital offence, nor one of those that Home Secretary Brittan has now singled out as deserving a 20 year minimum. In May 1982, for the fifth time, Marritt was refused parole. Both the Home Secretary (Whitelaw) and the Parole Board had before them the customary reports drawn up by those inside the prison system and my own lengthy report on his case.[1] These authorities obviously faced a situation of some embarrassment.

Marritt's parole refusal was couched in terms clearly intended to make that decision appear less disgraceful than it actually was. As the Home Secretary put it, he couldn't let Marritt out because the Parole Board had not recommended that he should but he (Whitelaw) had accepted the Board recommendation that pending Marritt's continued good behaviour he should be transferred from the dispersal system to an open prison in September with a further review beginning nine months after transfer. That review would take six months to produce a decision. Lifers mostly get a review decision every two years so the HO was hardly falling over itself. Those who had pressed the HO/Board for a more favourable decision received letters stressing: 'We think you will agree that the decision made in Mr Marritt's case gives him every opportunity to respond positively and prove his suitability for eventual release on licence'. Marritt was eventually transferred to Leyhill in November and the HO, on informing the Prison Reform Trust of the move asserted: 'We are confident that every effort will be made to support and assist him'.

By the end of September 1982 there had been no sign of marritt being moved to an open prison. His sudden transfer to Leyhill on November 17 was immediately preceded by a *Guardian* feature (October 18th) about his predicament by Nick Davies. The prison Reform Trust had by them written to the HO and had also drawn attention to our report on Marritt's case in a press release specifically calling for a southern initiative along the lines of Scotland's Barlinnie Unit. In the event Marritt spent only 11 weeks at Leyhill. It was quite clear, given the serious health care and treatment problems at the heart of the Marritt case, that every effort to support and assist him had not been made.

Prior to Leyhill Marritt had spent very long periods in solitary confinement – most often as punishment, at other times in protest and sometimes because of agoraphobic inhibitions. He had not been used at all to hard physical work and he really felt in need of medical support and attention. It is very clear from his letters, especially those he has written during the past 18 months or so, that he does feel very much in need of support and attention. It is very clear from his letters, especially those he has written during the past 18 months or so, that he does feel very much in need of support and feels better when that support is forthcoming. Instead of the Prison Department moving Marritt to Leyhill in midsummer when work and weather conditions for fieldwork (topping carrots) were more favourable to an inmate in Marritt's physical condition, he found himself there in the muddy very cold conditions of winter. He also found himself after 17 years in single cell accommodation, in a dormitory with about 25 other prisoners whose habit was to play cards and make noise well into the small hours. When I spoke this May to a welfare officer at Long Lartin about Marritt's time at Leyhill he suggested that Marritt ought probably to have been afforded much more individualised attention because of the whole background to his case, but he stressed that in any case the system simply wasn't geared to that level of care.

1 *An Account Paid in Full: The Frank Marritt Dossier*

It was Marritt's understanding that had he remained at Leyhill for about 6 months he would have been allocated a single cell. Be that as it may it seems ridiculous and irresponsible of the Prison Dept. not to make adequate provision for the very small minority of prisoners who, like Marritt, are well known to have health care and treatment problems. There is no reason why, as these small numbers of prisoners approach the time of their likely release, they cannot be identified and made especial provision for. Quite obviously the numbers must be small and I am sure that if it were explained to other prisoners that a minority need that much more support because of their long years inside, then prisoners would appreciate and tolerate the more selective use of resources. The crux of the matter, in a case such as Marritt's is how active and supportive a role the Prison Dept. is willing to play in assisting prisoners to gain their release. From the Marritt case (and from other impressions one forms) it seems pretty obvious that the Prison Dept. isn't very active at all and tends to leave it almost wholly up to the prisoners to fend for themselves. As recounted in my earlier report on the Marritt case, a Parkhurst welfare officer in the period 1979/80 (when Marritt was being refused visits, proper medical attention and *was* being kept in solitary for 12 months) said that Marritt was a man 'on a precipice' who they were watching 'to see which way he will go'. So somebody like Marritt, greatly undermined by his prison treatment and experiences, is simply supposed to get himself out of prison while the system sits back and fills in the paperwork as it were.

Frank Marritt on the roof of Maidstone Prison

It is ironical that while the Prison Dept. claims that Marritt has a constitutional inability to come to terms with his imprisonment the PD itself does not acknowledge or deal with the inabilities on its own side to deal with the difficulties presented by the Marritt case.

So why was Marritt moved from Leyhill after 11 weeks, what then happened to him and how does the future appear now from Long Lartin?

Shortly after arriving at Leyhill Marritt brushed into another prisoner in the dinner queue. While Marritt was eating his lunch this prisoner (a far younger man doing a short sentence) came to his tableand warned him to be much more careful in future and threatened him in no uncertain terms. Marritt told him that if things had to come to a fight it was better they should go outside. Things never came to that but that night four friends of this prisoner came to Marritt's dormitory. Marritt wasn't there, they spoke with one or two other lifers in Marritt's dormitory and it was suggested to them to forget the matter and bear in mind how long Marritt had been inside. This was the first time *throughout his sentence* that Marritt had become embroiled in a situation involving other prisoners that was potentially violent and from what he told me I'm convinced he was very frightened by this 'visit'. He sought advice from an assistant governor and was told (he says) not to worry too much about it.

Marritt says that from time to time he and the other prisoner saw one another and the prisoner glared at him. In early December Marritt passed out to me on a visit a large envelope containing numerous documents and newsclips about his case, explaining that there was no privacy in his dormitory and his things were likely to be tampered with. He told me he had been threatened by some other prisoners. Marritt says that had his antagonists been long termers or lifers things would have blown over because long termers are more tolerant and able to settle their differences.

Unfortunately at the end of January when Marritt and the other prisoner came across one another in an open area they came to blows. Marritt says there were no witnesses but that he was struck first. The other prisoner suffered a black eye and Marritt had part of one of his ears bitten off. Both men were immediately shipped off to Bristol Prison – Marritt via a local hospital. The police were called in, they took statements and Marritt was told that his attacker was likely to be charged with a criminal offence and brought to court. Until mid-April Marritt remained in Bristol. He wasn't punished or charged with any offence connected to the Leyhill incident and he pressed the prison authorities for some reassurance of a move to a prison that would assist his forthcoming parole review. No such assurance was forthcoming, the situation deteriorated and Marritt ended up in solitary and finally he was ghosted to Long Lartin on April 13th. Back in the dispersal system he knew the prospects were bleak again and until about the third week in July he remained in solitary there on Rule 43 'Good order and discipline'. While there he was informed his attacker was not being charged with any offence by the police and that he himself was not being disciplined by the prison authorities for the Leyhill incident. When I visited Long Lartin in May I was given to clearly understand by the welfare officer there dealing with Marritt's affairs that his August parole review was still going ahead.

Towards the end of July Marritt asked an assistant governor at Long Lartin what was happening about his parole review. He was told that consultations of some kind were going on with the HO. A few days later he was informed that his review was not going ahead until June 1985. Marritt informed me that he had had a 'physical reaction' to this news. I later asked him what he had meant and he explained that he had felt physically sick and that it had been like being brought news of a family bereavement – the latter experience well known to him as both his parents had died during his imprisonment, the month of May 1982 having brought him news not only of his parole refusal but also the death of his mother.

If Marritt's June 1985 parole review goes ahead it'll mean that he will have waited over 3 years between reviews. The prospects look bleak indeed, especially given that he does not feel he can even rely on being cared for adequately. The fact of the matter is that the decisions made by the Prison Department represent a zero option. The urgent priority ought to rest on the premis that Marritt has got to be got out of the prison system and that therefore everything possible must be done to produce that end result. It is quite obvious that the Prison Dept. hasn't got this committment. Having reallocated Marritt back into the maximum security system once again they are in effect doing precisely nothing at all to prepare Marritt for release. The present situation is a thoroughly disgraceful one and that Marritt should have been sentenced to at least a further two years for the Leyhill incident cannot really be justified. There are certainly no grounds at all for anyone not to continue to press the authorities to make every possible endeavour to get Marritt back into the community.

'Like Living in a Submarine'

LIFE ON 'H' WING DURHAM –
FEMALE MAXIMUM SECURITY WING

Jenny Hicks & Sarah Boyle

'Not one, not two, but three sets of bars at my bullet-proof window. Looking onto the fences, the walls, the cameras, the scanner lights, barbed wire, dogs . . .
All of this to contain eight and a half stones of frightened female. Is there some subtle message here?'
Extract from 'Killers', play by Jacki Holborough

The female maximum security wing in Durham Prison was opened for its most recent use in October 1974. It contains 39 single cells and at the present moment in time houses approximately 32 women. These women have been inmates on 'H' wing for varying lengths of time, but 4 Category A prisoners have been there for 3 years or more, and at least one of these women has been there since the wing opened and is therefore in her ninth year.

The wing is in many ways a forgotten backwater in the prison system. Although it has a notorious history, it has attracted little comment or criticism over recent years, and its existence is largely unknown of amongst the vast majority of people. However, within other women's prisons it has a fearsome reputation and is referred to as a 'living tomb' because it is seen as a place of no hope where inmates are removed from all but the most fleeting contact with the outside world.

'H' wing is basically a prison within a prison. Its story begins back in 1961 when it was used as a special security and punishment block for male escapees. In 1965 it was made even more secure in readiness to receive three of the notorious train robbers, who it was felt were extremely dangerous and likely to resort to the most extravagant lengths to break out of any prison they were confined in. The new security measures included the installation of electronic surveillance, dog runs and armed guards. Durham wasn't the only maximum secure unit as there were others in existence at Parkhurst and Leicester, but Durham became the most controversial, largely because of the reputation of the prisoners who were sent there and the outbreaks of trouble which occurred subsequently over the next few years.

Throughout the latter half of the sixties, the wing was seldom out of the news. There were hunger strikes, escape bids, and at least two severe internal disturbances when prisoners put up barricades and protested about their conditions of confinment.

Their complaints were about exercise, overcrowding, visiting facilities, working conditions (most men had done nothing but sew mailbags for 18 months on end), limited association, the atttitude of the staff and the rigid discipline. These complaints were not ill-founded. Two successive government reports criticised the effects of keeping long term prisoners in such small and claustrophobic units. At the end of 1966 a phrase in the Mountbatten Report condemned the conditions in all the secure wings as being 'such that no country with a record for civilised behaviour ought to tolerate any longer than is absolutely necessary as a stop-gap measure.' This observation was repeated two years later in 1968 in the Radzinowicz Report, entitled *The Regime for Long-term Prisoners in Conditions of Maximum Security*.

Para 19: 'Despite all that the staff have done and are doing, the regime of the units is unsatisfactory for men who have to be in them for very long periods, and the risk of further disturbances inside the units is a very real one.'

Para 200: 'The containment of prisoners in such small confined units can be no more than a temporary and most undesirable expedient.'

Finally, after a further three years when some minor improvements in the conditions were introduced, the recommendations of the above reports were carried out and the notorious 'E' wing (as it was called then) at Durham was closed.

There followed another three year gap. Then, towards the end of 1974, without a murmur of protest, the wing was re-opened as a maximum security for *female* offenders. The logic of this is obscure given the fact that these units were considered unsuitable for the long term confinement of male inmates. The only possible rationale for re-opening this wing in Durham seems to be that there were no other facilities considered suitable for housing female Category A inmates, but having said this Durham was particularly unsuitable for two reasons – (1) its distant location and (2) the fact that the rest of the prison contains male prisoners. £100,000 was spent on converting the wing, but rather predictably the conversions added more security (eg – extra coils of barbed wire, floodlighting for the outer walls and a crash barrier at the front gate) rather than comforts.

My first contact with the Durham wing was in early 1977 when a long term female prisoner who I had been visiting in Holloway was suddenly transferred there. At that moment in time, Durham was an unknown quanity to me, but the first letter from my friend left me in no doubt as to the reality of the conditions which she was experiencing having just arrived on 'H' wing (as it was re-named).

'When I came here, I both hated and feared the place. Three weeks have passed, which seem like 3 years . . . I really feel as though the clock has been switched back 11 years and that I've started my sentence all over again . . . my pay has been reduced by almost half to 70p which I was earning years and years ago . . .'

Through visits and through further letters which I received over the next few years, I was gradually able to build up a pretty complete picture of what life on wing is like.

Firstly Durham is not a particularly easy place to get to. Many of the women on the wing find that visits from their families are severely restricted because of the distance they have to travel and the high costs of fares. When I arrived for the first time I waited in a queue which was lining up outside the gate. Men, women and children were shivering and stamping their feet as they tried to ward off the cold from the bitter wind which was blowing. Once we were ushered to the gate we waited on benches in a sordid and claustrophobic visitors room where the air became progressively heavy with cigarette smoke. 'H' wing visitors were called separately by a female prison officer. We were then escorted through a locked gate into the main body of the prison and across a compound to a high fence which surrounds the three storied 'H' wing. Here we stopped at another gate, where we were asked to look up at a closed circuit TV camera while its electronic eye scrutinised our faces. Once through this gate we were led along the side of the wing – the windows do indeed have 3 sets of bars! – to a small steel door which was also electronically operated. Inside the wing we were led down a narrow corridor, where to the left the wing could be seen through a grilled door – blue lino on the floor, three tiers of cells, cream coloured walls (this was all I had time to see before I was told not to look any more!). Finally we entered the visiting room which was smll and brightly lit. It contained three tables where women were waiting to receive their visits, and close by another table where a prison officer was sitting. A second prison officer scrutinised the visits from the opposite side. There was very little opportunity for any privacy and it was difficult to say things which couldn't be overheard. I found the whole experience quite nerve-wracking and a great deal more restrictive and unpleasant than my previous visits to Holloway. On our way out we passed a male prison officer patrolling the prison grounds with a ferocious looking dog on a leash . . . quite a sinister sight.

What about conditions on the wing itself? In general it seems that little has changed since the men were there. Closed circuit television cameras keep the women under constant surveillance and the maximum security conditions result in a number of other petty restrictions and controls being imposed. Association is limited (only three inmates in a cell at any one time, and the door must remain open), and all the women are subjected to regular cell and body searches. The daily routine is rigidly unvarying and the hours of work tend to be longer than in other women's prisons. The work involves making overalls, which I'm told is not much improvement on sewing mailbags and despite lip-service being given to rehabilitation, the educational facilities on 'H' wing are very poor.

The cells are smaller than at Holloway and the slopping out system remains (remand centres apart, Durham is the only women's prison where slopping out is still a feature of prison life). However, one of the most oppressive features of the wing is that it is extremely claustrophobic. The women contained there never leave the wing to walk about the rest of the prison, as would be possible at Holloway for instance. The workroom and visiting room are both on the wing and the small exercise yard just off it – there are no gardens or grass, just an expanse of concrete, wire and barbed wire. In other words (quoting my friend), 'the wing is as physically restrictive as it is mentally and psychologically oppressive'. Or as she also expresses it – 'one spends one's existence within a small enclosed space, like battery hens only less productive!'

What are the effects on women of living in these repressive and taxing conditions? There is a high incidence of depression and frequent outbreaks of bitchiness amongst the inmates – and in 1978 one woman tragically hung herself. Despite the desperation felt by many women on the wing there haven't been any organised protests or even outbreaks of violence, as there were when men were on the wing. The conditions haven't changed much and the level of dissatisfaction with them is just as high, but women it seems turn their frustration inwards rather than expressing it outwardly. This is important because it means that they are doubly helpless and therefore totally vulnerable to their circumstances. When there are riots the attention of the outside world is at least temporarily focussed on the situation – whereas the women in Durham who have for 9 years submitted passively and silently to these conditions have quite simply been forgotten about.

One group who did try to do something to bring more public awareness to the problems of women in prison (particularly in Durham Prison) was the Clean Break Theatre Company. The majority of the women who formed this group had served sentences themselves and were concerned about the plight of the women they were leaving behind them. Along with them, I too have made approaches to MPs in the attempt to get questions asked and to prick the consciences of those in authority. The responses which I've received to date though have been for the most part disappointing. For example, the following reply from Lord Elton to questions put to him on my behalf by Robert Kilroy-Silk MP:

'I have looked very carefully into the various points you have made and am pleased to say that I have been unable to find any real justification for the criticisms levelled at 'H' wing by your correspondent. I wish to point out firstly that the 'H' wing at Durham is a top security wing. There are currently 33 prisoners held there, eighteen of them on murder charges, one on a manslaughter charge and two for conspiracy to murder. 17 of these women are serving life sentences and 4 are graded Category A prisoners. I think that you will agree that with such a population, security has to be the main priority as indeed is the case with similar types of male inmate.

This reflects the official justification for the use of 'H' wing which is cited in the recent Chief Inspector of Prisons report on Durham Prison (Aug 1981):

'"H" wing is the only outlet in the women's prison system for Category A prisoners; it is also available nationally for life sentence and long term prisoners at the beginning of their sentences, or for women who have proved a control problem in other establishments.'

Interestingly enough this particular report recognised the fact that 'reconciling these various requirements is not an easy task'. However, almost as if to excuse this fact, the report then goes on to say – 'nevertheless, the 'H' wing staff have succeeded in establishing an extremely relaxed regime within the restraints imposed . . .' This comment simply doesn't match with the accounts given by the women confined there, who say that it is *not* a relaxed regime, that everyone is suppressed and if there is any loud noise (eg laughter or talking), then the staff will immediately arrive and stop this. Nor does the inspectorate's impression bear any parallels with the earlier Mountbatten or Radzinowicz reports – despite the atmosphere on the wing being little different than it was when men were there.

As it is a particularly extreme step to place any prisoner in conditions of maximum security, the decision to do this must be made carefully and with due consideration to the severity of punishment implied. The worrying feature about 'H' wing is that there are *only 2 Category A prisoners* there at present (prisoners who supposedly do pose a security risk, although this may well be debateable as these women haven't posed the system any particular problems). The question which must therefore be asked is why such a massive concentration of security should be needed to guard women who by and large are neither dangerous nor troublesome? Many it seems are transferred to 'H' wing because the system doesn't know what else to do with them. For instance, the *majority* are mentally disturbed women who are more in need of treatment than close security confinement and some of these women quite simply shouldn't be in prison in the first place. The other anomaly with 'H' wing is that despite all the emphasis on top security, when the inspectorate visited there was only a junior grade IV Governor in charge, which does not suggest that this is a particularly taxing post. Finally it seems significant that the inspectorate recommended that the 'Prison Department should provide an alternative outlet for female Category A prisoners' at the end of this 1981 report. This is a move which seems imperative given that one of the Category A women has been in Durham for a full 9 years, a fact which clearly contravenes previous recommendations that confinement in maximum secure units of this kind should be a short, *not* a long term expedient.

Meanwhile, in Holloway prison, a wing which has been built to house female Category A prisoners in the future has been completed, but is standing empty because of minor problems which remain to be resolved with the staff. It is encouraging that more than lip-service may soon be paid to providing female long term prisoners with humane and reasonable conditions of confinement, but there are still three unanswered questions which sould concern us:

- Why has a maximum secure unit which was thought too inhumane to house the most dangerous men been used for past 9 years to confine women?
- How much longer must the women on 'H' wing wait before they can be transferred elsewhere?
- What plans do the authorities have for 'H' wing's future?

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Parted for 'Life'

Y is currently serving a life sentence for manslaughter with diminished responsibility, having previously spent most of his adult years in prison. JILL BOX-GRAINGER talks to his wife, Mrs Y, about the personal consequenes of being married to someone serving 'life'.

What did you feel when the court announced that Y would serve a life sentence?

Very sick, because right up until the last moment a bed had been found for him in hospital and we were truly expecting him to go to hospital. And the Judge changed his mind and said life imprisonment. They didn't say any time, they just set a straight life sentence. It just upset everything I'd been looking forward to: we thought he'd go to hospital, everyone thought he'd go to hospital. The court accepted his plea and the doctors all said, bar one, that he was sick and needed treatment and the judge just passed the buck. He really passed the buck to the Appeal Court. I felt really sick, Jill. Really, really sick. It took a long time for it to sink in.

The fact that it was a life sentence – in other words you had no set release date – did that make a difference?

Yes, it made it worse. It leaves you with a feeling, a constant pain, an ache. It's there all the time and it doesn't leave you. You just don't know what to do for the best and how to conduct your life. You've got nothing to look forward to. If you had a definite date you would be able to work towards that date and have something to look forward to. But this way it's not just the prisoner doing a life sentence, but the family does a life sentence as well. There's no doubt about that. Absolutely no doubt at all.

Since Y started his sentence, what kind of practical changes have occurred in your lifestyle?

I'm having to live quite a way from my family, although I do see them regularly. I've not been able to get back fully into my area of work – I've had to accept second best. At the moment we are in the throes of waiting for some sort of change, i.e. hospital, which should happen in the next few weeks, hopefully. Then there will be some big changes in my life because I'll move from where I'm living now and even though we still won't have any sort of definite date at least I know that something is being done to help him and it's a much more positive way of thinking . . . He can only deteriorate in prison. There's no way he can get better in there. He himself has changed in prison and a lot of people have noticed it. Mainly because he's got someone on the outside which he's never had before. He's been in and out of prison all his life and he's never had anyone, any visitors or family who care about him. He's changed as a person, he definitely has. I've changed as well.

In what sort of ways have you changed?

I used to get on my soap-box easily but I'm now much calmer. Little things used to aggravate me but they don't any more. I'm a much calmer person and changed in myself . . . I've had to deal with something really big and now I can see the insignificance of the small things that used to really aggravate me.

How do you, on a daily basis, make the waiting and separation bearable?

By keeping myself busy. Not sitting around moping. I read a lot, I've done a lot of household things, a lot of handicraft. I just keep myself really busy, that's the only way. If I sit down and start thinking that's the worst thing you can do. Your mind just keeps going over and over it again and you go backwards instead of forwards. I've suffered in the past from depression. I no longer suffer from depression. It may be surprising but I don't. I've got something to be depressed about and I don't suffer from depression anymore! I've learnt to cope with it through this. My going down isn't going to do him any good.

But where do you get your support from? Where do you get your strength from?

I don't know, I can't answer that question. I've got a lot of good friends who have stuck by me and a good probation officer who is one hundred per cent; by Y co-operating totally I've got faith in him now which was something I wasn't sure of at first . . . I have a helluva lot of faith in him. I don't think I'll ever change in the way I feel about him – ever.

How do you think Y's imprisonment has changed your relationship with him?

We're much, much closer. We communicate daily and we're so close it's unbelievable. You just wouldn't credit it. We write as if we were writing a daily diary, so everything I do he knows and everything he does I know. One of the doctors said that we've got a better relationship than most married couples who live together! We're very, very close.

When you said before that you think Y has changed since he's been in prison this time, in what ways do you think he's changed?

Going from what I've been told by others, and what Y had told me about his past, he is now a calmer person. He can still be wound up but he can now recognise when he is being wound up and he can cope with it. Basically he's a decent person. He is a very generous person. He won't sit down and eat a meal in front of anyone. If someone hasn't got something he'll share with them fifty-fifty. He's got some very good attributes. He's just basically a decent person deep down.

Do you think it's the prison sentence that has changed him and that it could be argued that the prison sentence has done him some good? Or do you think he's changed because of his relationship with you or for other reasons?

He's changed through his relationship with me, *not* because of the prison sentence. That is crucifying him deep down, it's really crucifying him. But as long as I stay on an even keel and I'm reasonably comfortable and not suffering, physically suffering, he's OK. But he feels that anything that goes wrong with me is his fault, which invariably it isn't. I do hide a lot of things from him. I have to hide a lot because a man in his position has got no way of doing anything about it. If anything goes wrong, what the hell can he do? He's locked up. He can't go about and try and get things put right. They haven't got the outlets there in prison.

From what you've been saying, it sounds as though you're responsible for keeping Y afloat whilst he's in prison; you're the one that's got to be strong?

I feel as if I've got a lot of burden on me, yes. But it's something I accept and don't complain about. It's something I know now that I can cope with and I'm coping with it. Yes, I'm his mainstay . . .

When you look to the future, what do you see and feel?

When I'm at my lowest, I think of about 20 years hence when I'll be in my sixties. I don't know why. Probably mainly because of the recent suggestion by Leon Brittan that he may make life sentences a minimum of 20 years which, when I read it, really turned my stomach. It turned my stomach just to think of waiting until I'm in my sixties before we can be together again. Somehow I can't think that people involved in the system are going to agree with that, although there is always a fifty-fifty chance that it will go through. In that case I feel sorry for anyone in prison or in my position, families . . . I'd say that the majority of lifers, if that happens, would vote for hanging to come back. I don't think that anyone could cope with doing twenty years. They'd rather be topped than do it. And if the minimum sentence is twenty years, some judges are going to hand out sentences of thirty, forty and fifty years according to the severity of the offence . . .

In Y's case, his 'future' is really tied up with his receipt of treatment. Isn't it the case that although it was acknowledged that he was ill at the time of his offence, you've had to battle to get him the treatment to which he's entitled?

We've been fighting for over two years. It's now coming to a head and I'm very hopeful in the next few weeks that his papers for hospital will be signed. That won't be the end of it because he'll still be serving a life sentence according to the section under which he's being put in hospital. But at least he'll be getting treatment and good treatment. It's a special hospital that specialises in his disorder. I can only see good coming out of it. I'll be able to relax one hundred per cent. The years will probably go much quicker knowing he's having treatment . . .

Is it possible for you to sum up your key sensations of the period of Y's imprisonment. Looking back over it all, what's the overriding feeling?

I feel I'm being tested. I'm an atheist but I feel that there is something somewhere and that I'm being tested. I think so far I've got through the test reasonably well. It's very hard to put things into words in a situation like this. I don't think the pain will ever go away . . . it's a constant ache and I don't think that ache will ever go away. It will be there until he comes home. Because it will still be an indefinite period. I think I can cope with it. I have got through the last two years which have been hell and if I can get through those I can get through the next twenty years if need be.

24 YEARS

In 1972 Matt Lygate was convicted of a series of bank robberies and received a 24 year sentence. A committed Scottish Republican Socialist, Matt served 12 years in Perth, Peterhead, Craiginches and Saughton prisons. Although not strictly a 'lifer' Matt served a longer time inside than many of those sentenced to 'life' and for that reason this interview by Sandy Mathers is included here.

SM: What was your feeling when the court sentenced you to twenty-four years, one of the harshest sentences ever handed out in Scotland?'

ML: To be honest I was aware that I would get at least twenty years, and had mentioned this to my family. The reason I thought this was because I had a very good idea of the nature of the state, because although the crime I was ostensibly charged with was bank robberies, in fact, the whole move against me was directed against the political overtones involved in these robberies. This was the reason why the Special Branch was highly involved in the case.

The background to this was that in 1968 the developments in Ireland, Civil Rights etc, which I had been involved in, the Paris riots with the alliance of peasants, students and workers and alongside this developments in Scotland and England in industrial fields such as sit-ins, work-ins, takeovers etc. There was a great deal of talk at the time about the democratic procedure within the country and the weaknesses involved in democracy itself. Many hard right wingers were of the view that parliamentary democracy itself would have to be suspended. This was borne out at a later date when Lady Falkender disclosed the fact that an attempted coup had been planned, with the late Mountbatten as the titular head of state with certain Press Barons taking a leading role. Brigadier Kitson at that time was preparing his book *Low Intensity Operations* which dealt with urban guerrilla warfare. Col. Stirling was forming his own private army of strike-breakers. All this led to a feeling of insecurity for the ruling class and the need for hard measures to be adopted at this time. The reason I felt no great reaction of surprise or dejection was that I was thoroughly prepared for the vindictiveness of the state.

SM: What kind of strategies did you use to try to cope with what was obviously going to be a very long term?

ML: To retain sanity I tried to maintain as much of my own independent way of thinking as possible. I am a good-natured person and found that I could mix freely with most prisoners and yet at the same time maintain my own balanced view. I was not going in with my eyes closed, I had a long experience of mixing with many different types of people. One of the main strategies I used was never to consider myself as a long-term prisoner because this would have mentally segregated me from the normal short-term prisoner, who in actual fact became my life-line to the outside world.

My political beliefs also helped me to cope with what I knew was going to be a long term. I set myself the task of becoming useful to other prisoners while inside, in the sense of assisting them in drafting of petitions, helping with appeals, pleas of mitigation and various court procedures. I also spent a great deal of time discussing day to day matters which affected prisoners and their relatives. In that way I was still working on behalf of the working class which constitutes at least 90% of the prison population.

The fact that a twenty-four year sentences is so long, it can be likened to a life sentence in as much that it could be viewed that there is no light to be seen at the end of the tunnel. This would of course have been subjective thinking.

The course that I therefore set myself was to be objective and run a course which would assist me in being liberated at my Earliest Date of Release (EDR) which would have fallen in 1988, after two thirds of my sentence. The fact that I was released at an earlier date than this was due to the fact that I had not allowed the authorities to push me onto a path of direct confrontation and also, to a greater extent, to the work done on my behalf by those outside who gave me maximum support in their struggle to have my case reviewed.

SM: How has prison changed you as a person?

ML: I would say prison has only consolidated my political views and in no way has fundamentally changed me. It has not disillusioned me and has certainly not given me any idea that I can now relax from the struggle on the pretext that I have done my stint and all that that entailed. My struggle goes on, whether inside or outside of the prison. If anything I now have a greater awareness of the need for a movement in Scotland to assist those in prison.

Having entered prison as a mature and politically developed person, the world for me had changed very little, unlike a person who had entered prison as a young man and spent his youth inside. He has now got to contend with a world which he has never known as an adult. Another advantage I had was that I had a basic family unit to return to and to whom I could turn for assistance. For many prisoners it is not so easy, they may come from broken families or be divorced in their period of incarceration and their only friends are those they may have met in prison which in some instances could lead them back there.

SM: For the last five months of your sentence you were on the 'Training For Freedom' (TFF) programme at Saughton prison. Have you any comment to make on that?

ML: 'Training For Freedom' in the first place must be related to the time which a person has done in prison. Obviously a person who has been placed on TFF after a relatively short period of imprisonment would require a great deal less readjustment to normal society and yet no real effort is made to ascertain the extent to which each prisoner requires this training, so that a man may have served a period of three or four years and be placed on TFF alongside men who have completed ten and more years and his readjustment evaluated exactly as theirs. TFF is a sort of limbo, in regard to the fact that one is neither totally free or incarcerated, so many petty restrictions are placed upon you and one lives with the constant threat of being returned to the prison regime for such a simple act as having entered a licensed premise for one pint of beer, which he is debarred from having under the conditions of his licence. The fact that a man has to re-enter society in which pubs and bars play an important part in the social activities of the people makes such a ruling absurd. TFF should take cognisance of the realities of the situation of unemployment, housing etc. It is all very well for them to say that a man going out on parole should maintain himself and work when in fact it is extremely difficult for those already outside to find work and secure accommodation. The whole question of TFF, which purports to attempt to integrate the prisoner back into society, seems to be used by the authorities, and in particular the screws, to make life that bit more difficult for men in the last stage of their sentence Unlike myself, who had a release date when I went on TFF, lifers do not. TFF seems to be a way of squeezing the last drop of blood out of a prisoner, so to speak. At any time he can be put back to the prison regime if he does not conform to regulations.

SM: Have you any last points to make about your experience in prison?

ML: Crime is a social disorder, in a bourgeois society the main crimes are those against property but as Proudhon said, 'property itself is theft', so in actual fact young people born into a society which produced so many goods find themselves unable, through lack of education, professional ability or work itself, to secure the very goods which are an expected part of everyday living. They are obliged to use other measures to obtain these goods, in many instances this involves theft. Prisons which are purportedly built to house the 'criminal element' are in fact nothing other than an outward show of strength of the state, much the same as the priest may rant of hell to his flock in an attempt to keep them on the straight and narrow path, but in the words of Robert Burns:

The fear o' hell's the hangman's whip,
Tae keep the wretch in order,
But where ye feel yer honour grip,
Let that aye be yer border.

Ben Wilson

Tony Ward[1]

Ben Wilson, a 'lifer' whose case was taken up by RAP and who was released late last year, is now trying to challenge the Home Secretary's decision to recall him to prison.

Ben Wilson was sentenced to life imprisonment in 1972, having been convicted of buggery and indecent assault. He has a record of homosexual offences involving boys stretching back to 1935, but maintains that he acted with the boys' consent.

In arguing for Mr Wilson's release, RAP pointed out that his sentence was based on unrealistic assumptions about the ability of prison to 'treat' a person's sexual inclinations, and put him in a far worse position than if he had received determinate, retributive sentences for his specific offences (see *Abolitionist* no.7,p.7.).

On his release, Mr Wilson was required to live in a probation hostel in Muswell Hill, North London. His accommodation consisted of a room measuring 10' by 6'. The only window – which leaked – was in the sloping roof, which in places was only 4' from the floor. He was so upset at being made to live in these conditions that he wrote: 'I decided that I would sooner be back in prison than live in the sub-human place that was being forced on me and to be rid of the megalomaniac (his probation officer) who was gloating in her power over me.'

Mr Wilson tried without success to persuade the Probation Service to allow him to leave the hostel, and to give him a more congenial supervisor. At one point he demonstrated his frustration by returning his licence papers to the Home Office.

On 14th February 1983, Ben Wilson's licence was revoked. As required by s.62(3) of the Criminal Justice Act 1967, after he was recalled to prison he was given a statement of the reasons for revocation. The reasons given were: '(a) your conduct was giving cause for concern and (b) you had failed to co-operate with your Supervising Officer.' The statement does not indicate what 'cause for concern' his conduct had given, but so far as he or his lawyers are aware this could only refer to his attitude to the hostel and probation officer (and possibly to a psychiatric report of which they do not know the contents), and not to any criminal or sexual behaviour.

The NCCL has taken up Ben Wilson's case and he is applying for legal aid to challenge the decision to recall him, on the grounds that the Home Secretary did not have sufficient reason to recall him to prison, and that the statement he was given did not adequately inform him of the reasons for his recall. The NCCL is also helping another prisoner, John Gunnell, to appeal against the High Court's dismissal of his application for judicial review of the decision to revoke his licence.

1. With thanks to Marie Staunton of NCCL.

REPORTS FROM THE PRISONS

HOLLOWAY

FIRE IN THE CELLS: Who runs Holloway?
P.O.A., Governor, or Home Office?
Three women were knocked unconscious in August from mattress fumes. No serious injury resulted *this time*.
Mr Porter of the Home Office remarked that one of the three women in the cell 'has been involved in this kind of thing before'. WIP asks why, if a woman is known to set mattresses alight she is unsupervised *and* in a cell with two other inmates? *Women in Prison* demand that this Home Office complacency be shaken before more women are injured.

A 49 year old woman was taken to The Royal Northern Hospital in August suffering from high blood pressure, *her complaints going unheeded for up to three days*.

An unnamed woman was also taken to The Royal Northern on August 22nd. We have no more information on this.

Women on remand wing are complaining bitterly about the food and lack of association. The food is filthy, as are the kitchens and slugs in food have been found. The women on remand wing are locked up for 16 hours a day, with 2–4 hours association over the weekend. A report has reached us that on Wing C3 prisoners cut themselves, smashed out a window, broke furniture and barricaded. The wing was given association the next day, *for one day*. Officers are concerned about the tense atmosphere and are asking the women what is wrong. Many officers in Holloway have elected to be 'optants' and do no overtime, they then recruit the old argument that the lack of association is due to 'understaffing'. They can't have it both ways!

FROM THE VISITING ROOM
A mother visiting Holloway was told she could not see her daughter on remand because she was 'on punishment'. After threatening to go to the Press the officers capitulated and the visit took place.

In September on one visiting afternoon there were 26 Black visitors and 6 White. The 'unofficial' figure for ethnic minority prisoners in Holloway is *34% of the prison population*.

ACTION BY WIP

A piece of Holloway mattress is at present being tested by a Fire Research Station, we will publish their findings in the next issue and we press for the immediate issue of fire-retarded polyurethane.

We have written to Holloway Governor Joy Kinsley regarding her refusal to follow standing orders and permit lighters in Holloway. Lighters would go some way towards safer conditions because the women would no longer have to split their matches, with all the attendant dangers from flying pieces of sulphur. Ms. Kinsley replies stating she will give the matter we raise her consideration. We will be monitoring the situation.

18 women attended the solidarity meet at Holloway on September 1st. The women inside know we are there and the screws do too. Naming the women who have died in there should keep the night officers awake which is what we hope to achieve. The meets are from 6–7pm on the first day of every month . . . *please come.*

BULLWOOD HALL

Una McCollam takes over the governorship of Bullwood Hall this month. Una McCollam is well known and respected throughout the prisoner fraternity for her progressive views on prison-keeping. She moves from East Sutton Park an easy, open boarding school of a prison to one of the hardest women's prisons in the country. How long it will take for her influence to change Bullwood we don't know. All we can do is wish her luck . . . she'll need it!

COOKHAM WOOD

The reports in the hate-rags regarding Myra Hindley being given a hard time by other inmates are rubbish. Whether these reports are brought to Fleet Street by ex-prisoners or whether they are imaginary fictions of these predatory hacks is anyone's guess.

Cookham is still second only to Holloway in the drug league, chloral being the usual night medication. Has anyone a MIMMS we could have, we know what it is to take the stuff, but little knowledge of the side effects. We need the information to pass on to prisoners.

STYAL

No information on this prison yet. If any reader is visiting, has any information we would be pleased to receive it. Likewise from all the other women's prisons/borstals.

Ex-prisoners are already coming to our temporary office bringing information and, from some, a commitment to the women still inside. We *need* information. Don't let the Home Office and the Media have it all their own way.

DURHAM

Jenny Hicks 'Clean Break/W.I.P.' is preparing a programme for BBC2 on 'H' Wing Durham. Jenny would like to speak to any woman who has served time there, staff and anyone who has information. Please contact Jenny at 119 Avondale Road, London SW14. Telephone 01-878 1906.

KNOWN DEATHS IN WOMEN'S PRISONS 1974–82

1974	Cummings, P.	Holloway	Fire
1975/76/77	No names – 5 women		
1978	Young	Styal	Natural Causes
1978	Haqikramul	Styal	Natural Causes
1978	Zsigmond, M.	Durham	Suicide
1980	Poole	Low Newton	Natural Causes
1981	LaPas, Y.	Holloway	Heart failure/ Asthma
1981	Julie Potter	Holloway	Fire
1982	Scott, C.	Holloway	Suicide/Accidental Death

Cause for concern

Patricia Cummings (1974): Calls for help unheard and unheeded. Emergency bell bent back. Prisoners report night officers do not answer bells and sleep overnight. Emergencies go unattended. This situation continues particularly at Holloway. It must change. Officers must treat emergency bells as emergencies and answer them *immediately*.

Young & Haqikramul (1978) may be the two prisoners who we have been informed died from a mysterious virus they contracted whilst in Holloway. From the report we have received the two women were transferred to Styal whilst very ill. We need more information on these cases.

Yvonne Lapas suffered from a weak heart aggravated by a severe asthma condition. She was refused permission to contact her GP to prove she needed the heart medicine also refused by the prison doctor. Her asthma spray was not permitted in her cell overnight although sprays are permitted in other prisons. A consular official of the Belgian Embassy writes that Yvonne LaPas was transferred from Pucklechurch Prison to Holloway 'for better medical treatment'.

Julie Potter was left burning in a cell for up to eight minutes whilst two officers went to ask the regulating officer what to do! She was placed in the segregation unit where matches aren't allowed after threats that she would set herself alight *for 24 hours*. The next day she was returned to the normal routine. Given the means to carry out her threat she did so within hours of her return. Julie Potter was 21; she had an IQ of 68.
Ms. Joy Kingsley denies that she does not permit lighters in her prison and in so doing would halt the match splitting which is still a feature of Holloway. Women coming to Holloway from Styal where lighters are permitted have them taken away at reception.

Christine Scott died unattended from throwing herself around her cell, the final fatal blow received by throwing herself from radiator to floor. Christine had repeatedly threatened to take her life, yet surveillance was minimal and she wasn't found until the following morning.
The case of Christine Scott is particularly worrying as women in Holloway continue to 'headbash' around their cells and on the hatches in the door. The old Holloway had padded cells, the New Holloway does not. The reason given by a doctor at the inquest on Christine Scott was that padded cells are no longer considered suitable treatment for psychiatric patients. We agree with this, but padded cells must be installed in Holloway and all prisons for the protection of those disturbed women who should never be in prison at all. Christine Scott need not have died if there was a padded cell at Holloway. More women will die if they are not installed *immediately*.

Marie Zsigmond committed suicide on her fortieth birthday in Durham. To save the officers witnessing her face she covered her mouth with a scarf and her eyes with a cloth. Marie Zsigmond had repeatedly requested psychiatric help for her depression which was refused. Serving a life sentence for the murder of her son when she also tried unsuccessfully to take her own life. Marie was from ex-prisoners' accounts, much liked and a real force for good within the prison. 'H' Wing Durham where she was housed holds Category A prisoners subject to hourly surveillance by the officers. Marie was not found until the following morning.

ACCOUNTABLE TO NO-ONE

Parliamentary Question, Thursday 28th July 1983
Written No.30

Miss Jo Richardson (Barking): To ask the Secretary of State for the Home Department, whether he will make available his Department's report of the inquiry into the death of Christine Scott in Holloway Prison.

Mr Douglas Hurd: We have received reports from the governor of Holloway about this case but it is not the practice to make such reports available. Mrs Scott's death was the subject of an inquest held on 12th October 1982, which returned a verdict of death by misadventure.

CATCH 77

Parliamentary Question, Friday 29th July 1983
Written No.113 (27.7.83)

Miss Jo Richardson (Barking): To ask the Secretary of State for the Home Department, what powers are available to prison governors to restrict contact between prison lay staff and ex-prisoners.

Mr Douglas Hurd: Under Rule 81 of the Prison Rules prison staff are required to make the Governor aware of any contacts with ex-inmates. Rule 77(1) requires staff to obey the lawful instructions of the Governor.
Any member of staff disobeying such instructions may risk disciplinary action.

CONTACTS

WIP members have spoken to Jo Richardson MP and Harriet Harman MP. Both were concerned and made a commitment to do all they could for the women inside.

JO RICHARDSON MP tabled three questions to the Home Secretary for WIP.

Annie Toy of Camden Recycling has been helpful and amongst other useful things suggested that WIP sets up a project on similar lines. This could mean employment for women ex-prisoners coming from borstals and prisons, but it is obviously a long-term project. We are making an application to Islington Women's Committee to fund an ex-prisoner worker to develop the scheme, attend a course at South London Poly and set it up. Two ex-prisoners have expressed an interest in the job, the grant application will be in by October 17th . . . it's then all up to Islington.

WIP does not, nor intends to speak to the popular press. Women journalists intending to produce serious issue-based articles are welcome to contact us. To date we have spoken to *The Sunday Times, The Guardian*, and *Islington Focus*.

WIP was extremely disappointed that the trusted 'Broadside' team did not cover the issues they said they would when they set up the interviews. It is not easy to 'come out' as an ex-prisoner and maybe involves hurting one's family and friends. The media must treat this exposure seriously. We wouldn't do it if we didn't think it would help the women inside. If it doesn't we have exposed ourselves and our families unnecessarily.

WIP members have spoken at meetings with: Islington Women's Council, Ealing Labour Party and Women in Media. Future speaks: Keele University. 'Speaks' raise money for WIP . . . academics please note!

INDIVIDUAL MEMBERSHIP

I wish to join the Campaign for Women in Prison

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

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

Name (block caps). . . . .
ADDRESS . . . .
. . . .
Signature . . . .

AFFILIATION OF ORGANISATION

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

I enclose £10 affiliation fee.

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

NAME (block caps) . . . .
POSITION HELD . . . .
ADDRESS . . . .
. . . .
Signature . . . .

W.I.P. holds a 'solidarity meet' outside Holloway Prison, Parkhurst Road, London N7 on the FIRST day of every month from 6pm–7pm. This show of solidarity is important to the women inside and is also intended to remind the prison officers of the women who have died in the prison from mistreatment and/or neglect. We name the women on the prison fence and also distribute leaflets to passers by. **PLEASE COME.**

PRIESTS DE-FROCKED
BY McCARTHY!!

Why 'Women in Prison'?

During the last decade the number of British women prisoners has increased by 65%. The average daily populations of women in British prisons in 1981 were 1,407 in England and Wales and 135 in Scotland. In 1980 the average daily population of women in prison in Northern Ireland was 69. As prisoners, women suffer the same deprivations, indignities and violation of civil rights as male prisoners. Additionally as *women* in prison they suffer from sexist and racist discriminatory practices which result, for instance, in them receiving fewer leisure, work and educational opportunities, closer surveillance and much greater control by drugs than male prisoners. Yet women prisoners have been largely ignored by prison campaigners, prison writers and by officials in the penal and judicial systems. 'Women in Prison' therefore seeks to unite women of all classes, ethnic backgrounds and sexual orientation in a campaign which whilst highlighting, and attempting to redress, the injustices presently suffered by Britain's hitherto neglected women prisoners, will also contribute to the wider campaigns for democratic control of the criminal justice and penal systems.

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

1. Improved safety conditions, particularly in Holloway Prison where women have been burned to death in their cells.
2. The introduction of a range of facilities (e.g. more visits, including family and conjugal visits in relaxed surroundings, more association with other prisoners, fewer petty rules) aimed both at reducing tension and, subsequently, the number of drugs prescribed for behaviour and mood control rather than the benefit of prisoners.
3. Improved, non-discriminatory and non-paternalistic education, job-related training, leisure and work facilities.
4. Improved training and supervision of prison officers, aimed at reducing their present discriminatory practices against women from ethnic minorities and lesbian, disabled or mentally or emotionally disturbed women.
5. A mandatory and non-discriminatory income-entitlement to meet the basic needs of women prisoners.
6. Improvement of the existing child-care facilities in prisons together with the introduction of a whole new range of child-care facilities for mothers receiving a custodial sentence (e.g. new centres specially for mothers and children contacts with local nurseries and parents' groups).
7. Improved medical facilities in general and specialised facilities for women during pregnancy, childbirth and menstruation.
8. Dismantling of the punitive disciplinary structure coupled with the development of official recognition of prisoner participation in the organisation of the prison.
9. Non-discriminatory sentencing of women.
10. Unrestricted access to the Boards of Visitors for representatives from women's organisations, community, ethnic minority and other minority (e.g. lesbian) organisations.

Campaign for Women in Prison

June Battye (N.A.P.O.)
Melissa Benn (Inquest)
Jill Box-Grainger (R.A.P.)
Pat Carlen (Author of *Women's Imprisonment*)
Orna Fiegel (Community Graphics)
Jenny Hicks (Clean Break/ex-prisoner)
Moira Honnan (Stockdale House)
Christina Kennedy (ex-prisoner)
Patti Lampard (Women's City)
Josie O'Dwyer (ex-prisoner)
Chris Ryder/Tchaikovsky (ex-prisoner)

Nov. 1983

Deadline

PADDED CELLS

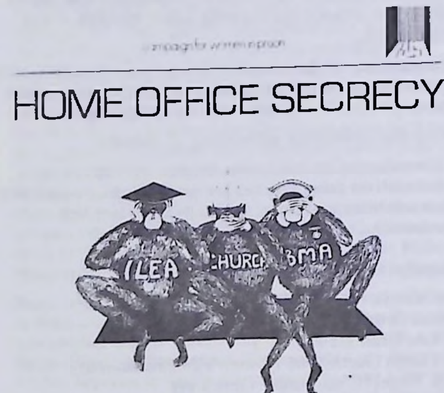
A woman recently released from Holloway brings us a disturbing report of yet another prisoner banging her head on the cell door. Reminded of Christine Scott we asked why such an obviously disturbed prisoner wasn t transferred to a padded cell. But the new Holloway has no padded cells. On checking we find the reason given for this surprising lack by a doctor at the inquest on Christine Scott is that padded cells are no longer considered suitable treatment for psychiatric patients. We agree with this. But padded cells are essential for the *protection* of disturbed women who should never be in prison in the first place. W I P advocate the installation of padded cells in Holloway with the proviso that the Board of Visitors are informed if they are in use. We have written to the Director General regarding this matter. but we are not hopeful that the Home Office will listen to us.
Is Holloway going to wait until another woman dies from self-inflicted head injuries before they realise that padded cells must be installed?

'DISTRESSING VISIT'

Jeremy Corbyn M P for Islington has visited Holloway along with Liz Philipson his political assistant. Their visit to C1 (psychiatric wing) was accompanied by continuous screams from a woman banging her head on the brick and plaster walls of her cell. Liz reports the visit as distressing. A member of W I P will be meeting Liz and Jeremy to discuss the problems in Holloway and future action.

HOME OFFICE SECRECY POSTER

Available from WIP, 25 Horsell Road. London N5 1XL
01-609 3198.
80p each inc postage/packing.
60p each orders five and over.



HEAR NO EVIL | SPEAK NO EVIL | SEE NO EVIL

Please buy our poster and calendar and help WIP

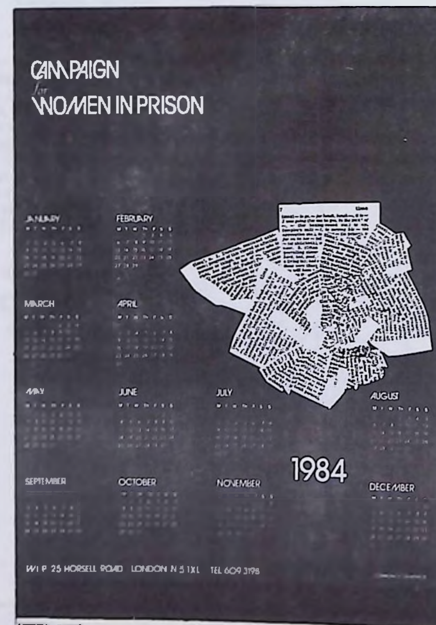
PAUL BOATENG/ GLC POLICE COMMITTEE

A meeting with Paul Boateng (GLC Councillor Walthamstow/ Police Committee Chair) was fruitful. Although a prison accountability programme running alongside police accountability isn't possible under the Police Committee's terms of reference, Paul suggested joint meetings with local councils that have prisons in their boroughs. Louise Christian from the police committee is arranging meetings with local councillors from Islington, Wandsworth and Lambeth where we can discuss the powers (or lack) of local councils over prisons in their districts.
The question of rates and services is interesting. It seems that the Home Office pay Islington some £91,000 per annum as a rate 'donation'. For this sum Islington collect the refuse, (a profitable arrangement for Islington which we hope they will note when considering our grant application for an ex-prisoner employment scheme), but have no say on any prison matter. In a recent conversation with Mr Squires the Islington Fire Officer regarding his lack of authority over Holloway and Pentonville prisons he remarked that: 'Fire inspections should be carried out by independent bodies not the Home Office. This would make sure no-one could accuse them of cover-ups'.

RESOLVE

After a lively speak with Addiscombe Labour Party Women's Section they agreed the resolution: 'Medical services for prisoners to be brought under the control of the National Health Service' (W I P Campaign demand 6) and will take it to conference early next year.
We are aware that tabling questions to the Home Secretary and penning resolutions isn't going to change prison conditions in the short term. But we do think it important to sustain the message and keep on pushing!

Thanks this issue to:
Ealing Labour Party; Addiscombe Labour Party Women's Section.



'TIME'

Black/White High Gloss 1984 Calendar
£1.50 each inc. postage/packing.
£1.20 each unwaged/broke.

PRISON BRIEFING (No. 6)
prop the national prisoners' movement

☼ BRITTAN
☼ ALBANY
A THREE-PART SPECIAL REPORT

1. POLITICS IN CONTROL

One thing at least should have resulted from the Home Secretary's recently announced measures (at the Tory Party Conference) for parole - and that is the belated recognition by all of us that it is ultimately politics, and not the actions of prison officers or governors or the Home Office or even judges, that decide what happens in our prisons.

THE MYTH OF PRISON OFFICER POWER

Over the years two particular myths have permeated most critical analyses of the UK prison system. The most common - and one that strikes a natural chord of support amongst prisoners - is that the prison officer is responsible for all that is bad and repressive in the system, and that many reforms which the Home Office would dearly like to introduce are being frustrated by the bloody mindedness of the POA.

Of course there is some truth in this. Prison officers are concerned with maintaining a whole set of restrictive practices which they see as either bettering their conditions, improving their status, or - most crudely - asserting their power. They are interested in retaining their bargaining position vis a vis their employer - the Home Office. In many other fields of activity this would be seen, especially by their most outspoken critics, as a natural, understandable and even laudable reaction to a management structure which is distant and bureaucratic, a wage system which demands overtime to make any sense at all, and a continual chopping and changing of the supposed purpose of their jobs, as the underlying philosophy of imprisonment shifts to and fro between punishment, deterrence, rehabilitation, containment and the rest.

THE GOVERNMENT AND ITS ARMY TAKE ON THE POA

But in fact prison officers are not the masters of anything - as was made very clear during the 1980/1 POA dispute when they took on their employers in a principled dispute, not over mealbreaks as the media usually stated, but over their fundamental right to arbitration over a disputed wage claim.

There was then no question of the Government being constrained in its reaction to prison officers power - the excuse which is so often made whenever issues directly affecting prisoners' welfare have been involved. What was at stake was no longer censorship or telephones for prisoners or visitors' centres or education classes, or any of the other matters where the Home Office allows prison officers to impede reforms. The struggle in 1980/1 was over something that the Government, and especially this Government, really does worry about - trade union power. The POA took on its employer, the Home Office, and thereby confronted, no longer prisoners, but the state.
Producing nothing and economically irrelevant, the prison officers found that they had no bargaining cards to play with and were rapidly subdued. The May inquiry - the official inquiry into the United Kingdom prison service set up by the previous Labour Government - had kept the prison officers quiescent during the twelve months of its deliberations. From the start PROP saw this as a governmental tactic to buy time so that the army could be prepared for a strike breaking role. We produced evidence of special training and stockpiling of equipment to back up our claims.

When the dispute began Home Office ministers did their utmost to present it as a prison officers versus prisoners confrontation and the press were quick to respond with cataclysmic forecasts of riots and escapes. In fact the prisons were more lacking in tensions during the POA dispute than at any time in recent years. But with the prison officers presented as wreckers who were prepared to gamble with public safety, the POA found itself even more isolated than usual and the army were moved in as strike breakers without arousing any protest from the trade union movement. (See PROP article in THE ABOLITIONIST No. 7 and the chapter on prison officers and the Home Office in the Fontana book FRIGHTENED FOR MY LIFE.)

TIMIDITY OF THE LEFT

Newspapers like the NEW STATESMAN, which previously had shown some interest in prison issues and might have been expected to present an analysis of this very significant industrial dispute, ignored it completely. The left as a whole was unprepared to think its way through a situation in which prison officers rather than other state employees were involved and where there was no longer an easy and politically safe issue like the MUFTI squads or secrecy to be militant about. Ironically the only groups of people who were prepared to look at the prison officers' role in the dispute with any sort of objectivity were PROP, who over the years have probably done more than anyone else to expose prison officers' brutality and abuse, and sections of NAPO, the probation officers' organisation, who urged the blacking of army manned prisons. And the only newspapers to move beyond a "who guards the guards" mentality and to recognise that this was a trial of strength over trade union rights, and not prisoners' rights, were the WRP paper NEWS LINE, which is by far the most consistently outspoken newspaper on the brutalities and degradation of the prison system, and, to a lesser extent, MILITANT. Everyone else either ignored the issues or acted as sounding boards for the pronouncements of Home Office ministers.

Despite the prison officers' defeat in the 1980/1 dispute, the myth of their power over the system remains, precisely because of the failure of the image makers - MPs, journalists and academics - to critically analyse, from a

political standpoint, what had happened. The Home Office has continued to be projected as more sinned against than sinning, and as a progressive institution thwarted in its liberal endeavours by staff attitudes.

THE MYTH OF CIVIL SERVICE POWER

The second myth, propagated with particular zeal by some on the Labour left, concerns the powerlessness of governments in the face of civil service bureaucracy - in this case the Home Office. It is, for them, a more comfortable explanation for the non-achievement of successive Labour governments than the real one of lack of political will. Where the first myth passed the buck from the Home Office to prison officers, this second one moved the politicians a further stage of remoteness from the brutal, repressive and secretive realities of prison life.

In describing the Home Office bureaucratic power as a myth we don't overlook the scenario, which is one that must be taken seriously, in which the strong arm of the state takes power into its own hands to forestall parliamentary developments which are not to its liking. Then the Home Office, with its control of the police, prisons, special branch and telecommunications, would, with the armed services, be the tool for the powerful forces which constitute the higher echelons of these bodies and all the other great institutions of the state - including of course the press.

But at no time in recent history has there been any such threat to the established order. The non-achievement of Labour Home Secretaries refers to matters at a wholly undramatic and unexceptional level and to measures which could have been introduced within the existing framework of legislation and administration.

TORY POLITICS IN CONTROL

It is this myth of powerlessness in the face of the civil servants which the present Tory Home Secretary has so effectively exploded. Far from being a captive of his department, Leon Brittan is thrusting upon them measures which, by removing the carrot of parole from the established "stick and carrot" method of controlling the prisons, will force the Home Office into directions which only a minority of hardliners amongst them will welcome. It is the Home Office which now must face the management of the unmanageable and governors the ungovernable, and it is prison officers who will be left to pick up the pieces - with prisoners themselves forming the pieces.

The Governors' Association and the Secretary of the POA have both expressed alarm at the newly announced measures and it is our own understanding that they have aroused widespread concern amongst prison staff generally. This is not a question of a Tory Home Secretary backing up prison management and staff but of forcing unwelcome policies upon them (or rather of trying to force unwelcome policies - because he may yet find he has run into trouble with the courts or the European Court).

PRETEND IT ISN'T HAPPENING AND PERHAPS IT WILL GO AWAY

What the Tories have done, with the backing of most of the press and all of the popular press, is to take over, in the most crudely populist fashion, the leadership on the highly emotive issues of 'law and order'. The public is alarmed at the crime rate, and the left, or at any rate the academic left, can think of no better response than to try and convince the public that they are wrong and that it is all a delusion. There is nothing new, say the sociologists, about present day fears of violence, and especially violence of the young. Similar fears, they point out, were expressed thirty years ago or a hundred years ago.

So no doubt they were, but that in no way contradicts the public perception of a worsening situation, and it is difficult to understand why self-professed socialists who accept that we live in an increasingly defective society should be so loathe to admit the worsening antisocial behaviour which is one of its inevitable byproducts. After all, they have only to extend their gaze across the Atlantic to see just how much worse it is going to get. Not might get, but will get.

THE COMMONSENSE APPEAL OF 'LAW AND ORDER'

The Tories have no answer for it because they are lined up, foursquare, behind the system which breeds it. But they have to be seen to have an answer, hence their overemphasis on policing, prisons and punishment - despite the proven irrelevance of all three to the actual problem of crime. Stripped of any analysis of causes, and buttressed by a media barrage of lurid headlines which taint all offences with the horror of the worst, the Tory answer of locking people away and keeping them locked up has a certain commonsense sound to it.

IRRELEVANCE OF IMPRISONMENT

Yet all the evidence, from every country, makes it quite clear that neither the lengths of sentences nor the numbers of those imprisoned have any impact whatsoever on the problems with which they are supposedly intended to deal. We could have twice as many people in prison, or half as many, without making any significant difference to the crime rate, one way or the other.

Only a minority of crimes are reported and only a minority of those result in prosecutions. At the end of the day those actually convicted and imprisoned make up no more than a token number who are then thrust into a squalid, futile and destructive prison system. The public as a whole is kidded into believing that something is being done about 'law and order' whereas in fact it is only the laws that are proliferating. Or, as George Jackson put it in 1972, "the ultimate expression of law is not order - it's prison. We have hundreds of prisons and thousands upon thousands of laws, yet there is no social order, no social peace."

The use of the word 'epidemic' to describe the rising crime rate, not just in this country but across the western world, is especially apt because of the parallels it raises with the struggle against disease. Most of the diseases which were epidemic in the 19th century have been defeated, not by hospitals but by the environmental changes in sanitation which attacked the breeding grounds of disease. For all the advances in medicine, the diseases which are epidemic today, like lung cancer or coronary thrombosis, likewise await a sustained assault on the causes before they too are defeated. That they don't get it is not due to ignorance of the causes but to pressures of the market.

THE MOTORS OF CRIME

A serious fight against crime will be even more elusive because of the central role of greed, selfishness and exploitation as the motive power which drives the wheels of our economy. Without those intrinsically antisocial motivations the economy as we know it would not merely grind to a halt, which it is doing anyway, but would collapse abruptly.

Much sooner than later, if mankind is to survive, we shall have to order our lives in ways which do not involve ripping off each other and regarding most of the world's surface and most of the world's people as expendable items. Yet without such exploitation, made more and more difficult as newly developing countries try to get in on the act and the world's banking system runs towards an insurmountable crisis, our internal social problems would rapidly spiral out of control. The traditional tactic of buying off unrest by doling out welfare benefits to those who are inevitably left behind in any 'grab' economy becomes increasingly impossible to maintain.

The Labour Party's answer - of getting people in this country back to work, at whatever cost, so that there will be a bigger productive base to pay for the old and the sick and the then somewhat reduced numbers of unemployed - overlooks the reality that our prosperity, of rich and poor alike, rests less on our own efforts than on the provision of basic raw materials, mined, grown or harvested under conditions of grinding poverty throughout the Third World. That is why our non-workers and those on social security, for all their relative deprivation, are wealthy by comparison with those who dig our bauxite and tungsten, cut our cane or pick our tea.

A system which rests on theft and pillage, sees profit as the justification for tearing out and wasting the irreplaceable guts of the world and sets man against man is inevitably going to be consumed more and more by its own deformities and demoralisation. Glue sniffing, heroin addiction, video nasties, football violence - all have attracted the attentions of this most blatantly 'law and order' government, just as has the increasing crime rate in other directions.* Yet they cannot be legislated away because it is beyond the powers of the genii which raises them up, as direct responses to the life we lead, to order them down again.

LABOUR FALLS IN BEHIND TORY LEADERSHIP

The 'law and order' approach, that is to say the pretence that the symptoms can be cured (so let's not bother ourselves about the causes) is now firmly in the leadership of the Tory Party. There is no alternative leadership from any of the other parties. The Labour Party in its new preoccupation with its own internal 'unity' is making its bid for the same support which was instrumental in returning Thatcher at the last election. Instead of trying to appeal to people across the gulfs - of lifestyles, expectations, purpose and meaning - which increasingly separate them, it has lined up firmly behind a conservative consensus which sees deviations from idealised and largely imaginary 'normal' standards of behaviour as curable by punitive measures.

That is why Brittan's new measures on parole, retrospectively wiping out any hope of early release for thousands of prisoners, has still, six weeks after their announcement, roused no parliamentary protest from Labour members. Instead they have focussed on the other end of Brittan's package and its emphasis on experiments with weekend prisons and other means by which it is hoped to reduce sentences or substitute non-custodial ones for petty offenders.

*(Alcoholism has been excluded from this list, not because it is any less antisocial but because, like the carnage which results from motoring offences, grossly exceeding deaths or injuries from all other forms of violent crime, it has been assimilated as a natural part of our existence.)

Such measures are close to the hearts of MPs like Robert Kilroy-Silk (Labour, Ormskirk), one of the most persistent campaigners for penal reform. Undoubtedly Mr Kilroy-Silk, in his promotion of weekend prisons, is a great deal more humane than was Mr Brittan six months ago when he supported the return of capital punishment. But, really, he is no more relevant. A penal reformer who does not start by emphasising the irrelevance of imprisonment, of whatever sort, to the problems in society with which it is supposed to deal, is never going to move beyond the stage of juggling with alternative punitive measures and taking up the latest fads on offer.

ABJECT SURRENDER

On November 20th the Home Secretary faced his first television interview on the subject, at the end of a programme in the WEEK IN POLITICS series on Channel 4. In the first half hour various experts were quizzed on their reactions to the Home Secretary's proposals. Vivien Stern of NACRO made some good points, Lord Hunt, past chairman of the Parole Board, made some even better ones, but the politicians were nowhere. Mr Kilroy-Silk even conceded that Brittan was really "something of a liberal in disguise" and his criticisms generally were so muted and cautious that the presenter was able to start his closing interview with the Home Secretary by remarking that "from our report anyway, you seem to have received a plaudit for your political savvy across a very wide spectrum of the political parties." Mr Brittan was duly "gratified" - as he should have been.

USING THE COURTS

None of which should surprise prisoners with memories of the records of past Labour Home Secretaries. What it does all mean is that with the 'law and order' leadership of Thatcher unchallenged, parliamentary intervention on the subject of prisoners' rights is going to be even more irrelevant than usual. Such impact as is made in Westminster will be by those who, like Lord Avebury - by far the most principled and consistent parliamentary critic of this country's penal policies - are prepared to use other institutions such as the European Court of Human Rights.

PROP has recently been very active in assisting prisoners to initiate actions, both in the European Court and in the Divisional and High Courts of this country. As detailed in the following article we have done this in relation to the disciplinary hearings which followed last May's Albany riots and we also have cases pending which will challenge the legality of Brittan's measures on parole.

This does not mean that PROP has in any way changed its views on the limitations of the law in dealing with fundamentally political issues. But what the Thatcher government is currently doing is moving ahead of the law, just as it is moving contrary to informed opinion in the Home Office, the Parole Board, the Probation Service and the Prison Service itself.

REALISM AS TO WHAT CAN BE ACHIEVED

That is why meaningful opposition to the new measures, can be sought from such institutions. A successful court action backed by such opinions could rule Brittan's retrospective measures as illegal and thereby force the government to change the law if it still wants to proceed on those lines. With its present parliamentary majority this would certainly be within its power, though

it might be wary of introducing legislation which could then run foul of the European Court.

POLITICAL CHANGE

Prisoners are of course in no position to give the political leadership needed to turn this country towards a new meaning and morality in public life and personal relations. But all of us can act to influence what is happening - just as the women at Greenham Common are doing in a struggle which affects our very survival. Whether through direct action or by recourse to the courts, an important consideration, always, is to avoid unnecessarily alienating those people who are half way or even a small part of the way towards being on the same side in the struggle. Eventually they will all be needed.

The political leadership which is so urgent for this country, and of which there is still no sign, will be one which has the self-confidence to move away from sterile formulae and recognise the breadth of support crying out for a new way forward. Our disintegrating system is working in the interests of fewer and fewer people year by year. The need now is to unite all who can be united in order to change it.

2. PRISONERS AND THE LAW

The Home Office has recently taken quite a legal battering, with maybe more to come from the European Court of Human Rights. While applauding the skilful and dedicated work of the handful of lawyers who have sustained this pressure and while taking some quiet satisfaction at the part which PROP has taken in facilitating these moves, we must not forget nor allow others to forget that they all rest on prisoners' actions and prisoners' persistence. A comparatively small number of prisoners have been involved but their singlemindedness in not being prepared to let the system trample all over them has benefitted every prisoner in every type of prison.

HULL 1976

The present long-running and ongoing campaign to establish the right of prisoners to legal advice and representation and some semblance of natural justice to internal disciplinary hearings stemmed directly from the Hull riot of 1976 - still the most dramatic and public of all prison disturbances. 180 prisoners were subsequently charged with disciplinary offences. Very severe penalties were imposed with losses of remission of up to 720 days - equivalent to a court sentence of 3 years (because the latter qualifies for remission whereas a loss of remission clearly does not).

These massive sentences were handed down by "courts" following procedures which would not be countenanced for one moment in a public arena, with the accused having no right to call or question witnesses or to be legally advised or represented.

Against the background of a persistent campaign, spearheaded by PROP, to keep the issues of the Hull riot in the public mind, applications were made to the High Court by seven Hull prisoners seeking a judicial review of the conduct of the Board of Visitors hearings and a quashing of the sentences imposed.

This test case of the initial applications was not immediately successful in establishing that prisoners are entitled to the protection of the rules of natural justice, and the Court would not concede that prison disciplinary hearings should be subject to judicial review. However, on appeal (the St. Germain case), the Court of Appeal ruled that prisoners lose only those liberties expressly denied to them by Parliament and that in all other respects they retain their rights and the protection of the law:

> "The rights of the citizen ..... however circumscribed by penal sentence or otherwise, must always be the concern of the courts unless their jurisdiction is clearly excluded by some statutory provision."

PRISON DISCIPLINARY HEARINGS

For non-prisoner readers it should be made clear that prison disciplinary hearings are a two-tier process. All breaches of discipline, as defined by Prison Rules, must be inquired into by the prison governor but, for the more serious offences, he/she must then refer these cases to the prison's Board of Visitors for adjudication (unless otherwise directed by the Home Secretary). For less serious cases it is within the governor's discretion to deal with the charges himself or to refer them to the Board.

It is in regard to the proceedings of Boards of Visitors only that the Court of Appeal gave its ruling that judicial review should be available - on the grounds that governors' decisions were much more part of the everyday administrative running of the prison and permitted only limited powers of punishment. That remains the case to date though it is still open to argue that judicial review should be available after governors' hearings where there is a prima facie case of a serious abuse of procedure or where a governor has unreasonably used his discretion to deal personally with a charge which he could have referred to the Board. The opinion of Lord Justice Shaw in the St. Germain case already offers judicial authority for an application on such lines:

> "I do not find it easy, if at all possible, to distinguish between disciplinary proceedings conducted by a board of visitors and those carried out by a prison governor ..... the essential nature of the proceedings as defined by the Prison Rules is the same. So, in nature if not in degree, are the consequences to a prisoner."

Once the way had been cleared by the Appeal Court the issues raised by the St. Germain case came up for trial at the Divisional Court later in 1979. As a result the Board of Visitors findings were quashed in respect of 16 charges, one because the prisoner had been improperly refused witnesses and the other on procedural grounds relating to the admittance of and reliance upon hearsay evidence.

Several further cases arose out of the Hull riot and its aftermath and although they did not succeed in extending prisoners' rights in any way they have helped to ventilate the deep sense of grievance and injustice surrounding internal disciplinary hearings.

GARTREE 1978

In 1978 it was Gartree's turn. The riot of October, provoked by the activities of the prison medical services in that prison, resulted in serious charges against a large number of prisoners. One prisoner, Jerry Mealy, was sentenced by the Gartree Board of Visitors to losses of remission on six charges. At the subsequent judicial review by the Divisional Court it was found that the Board had conducted its proceedings unfairly, particularly with regard to the refusal of the Board to permit the prisoner to question the prison medical officer, Dr Smith. (This of course is the same Dr Smith who ostentatiously pranced around with a customs "Nothing to declare" sticker in his lapel when meeting journalists after the riot.) He clearly needs no help from Boards of Visitors in being elusive.) Adjudication on the charges was quashed and 60 days loss of remission restored.

ALBANY 1983

The current cases relate to the disturbances at Albany prison in May this year. Charges of mutiny were laid against a number of prisoners and in the subsequent months several Boards from Albany travelled around the country to the various jails to which Albany prisoners had been dispersed. Our understanding is that, from the start, there was considerable consternation within the Home Office that the charges had ever been laid in this form, which could only serve to fuel the fires already being prepared at the European Court of Human Rights, whose considered judgement on the rights of prisoners to legal representation at disciplinary hearings is expected shortly.

Whether the Government intended to contest the expected European Court ruling it is impossible for us to say but there is no doubt that serious consideration was being given, at the highest levels within the Home Office, to doing so. Any such thoughts were demolished by the authorities at Albany who, by the laying of such charges and then by the manner of their adjudications, meant that that the Home Office would have the British courts to contend with as well as Strasbourg. The Boards of Visitors on the Isle of Wight have never been noted for their progressiveness, sensitivity or even intelligence. The manner in which they walked into this situation lived up fully to our own expectations.

..... AND WORMWOOD SCRUBS

By the time the Albany cases came up for judicial review they had been joined by others arising from disturbances at Wormwood Scrubs. Together they formed the basis of applications to quash the adjudications already heard and to halt proceedings begun but not completed. These, together with others relating to similar cases which were not before the Court, were suspended by order of the High Court when, in August, the judicial review which had been sought was granted.

THE PRISONERS' APPLICATIONS

In contesting the adjudications it was submitted on behalf of four prisoners that there was an entitlement, as of right, for prisoners to have legal representation at a Board of Visitors hearing, and that this had been denied. In the fifth case it was submitted that a Board had the discretion to allow legal representation and that this discretion had not been exercised in the prisoner's favour despite the extreme seriousness of the charge.

Although it was the minimal case that was subsequently conceded it was undoubtedly the strength of the cases together which brought this still remarkable result.

THE HOME OFFICE ARGUMENT

Just how remarkable was made clear by Lord Justice Kerr in his judgement handed down on 8 November:

> "It is clear from the voluminous material before us that until now it has been taken for granted that there is an inflexible rule, using the word in a loose sense, that prisoners cannot and will not have any form of representation or assistance when facing such charges. Mr Simon Brown (the Treasury Solicitor) sought to rely upon the longstanding acceptance of this state of affairs as something which should itself lead to the rejection of the arguments on behalf of the applicants. He relied, understandably faintly, on the reference (in an earlier case) to regulation by "ancient usage", but it is clear that no question of any legally binding custom or usage can be invoked in the present context. In effect Mr Brown submitted that because something has always been taken for granted it must be correct as a matter of law .....
>
> "But I cannot accept any argument on these lines as being determinative, or even persuasive, to any extent whatever, particularly in the light of the far-reaching development of our administrative law during recent decades. In this connection it must be remembered that it was only as the result of the unanimous decision of the Court of Appeal ..... (the St. Germain case) ..... that the jurisdiction of judicial review has been established in relation to proceedings before Boards of Visitors, and that it is this jurisdiction which provides the foundation for the present applications. It should also be noted that the subsequent substantive proceedings in that case ..... resulted in the quashing of six of the seven adjudications on the ground of non-compliance with the principles of natural justice.

THE JUDGEMENT

> "It is in the context of the principles of natural justice that the issues concerning the legal representation of prisoners before Boards of Visitors now arise for determination ..... (and can) ..... be formulated as follows:
> (1) Does a prisoner have an absolute right to be granted legal representation whenever this is requested by him?
> (2) If not, is there an absolute bar against granting such requests, or is there a discretion whether to grant them or not?"

Despite the contrary conclusions of a majority of the European Commission of Human Rights (the Campbell/Fell case) that prisoners charged with "especially grave offences" are entitled to invoke the minimum right to legal assistance, Lord Justice Kerr ruled that no such absolute right exists and that Her Majesty's Government has not accepted the conclusions of the European Commission's Report. (The case has been argued before the European Court whose judgement is now awaited.)

On the second question, whether there is an absolute bar to the granting of legal representation or whether there is a discretion which permits Boards of Visitors to grant such requests, Lord Justice Kerr had this to say:

> "As it seems to me, under our law, including the principles of natural justice, there cannot be any answer to this question other than that Boards of Visitors have a discretion to grant requests for legal representation in appropriate cases. This must be so for at least two reasons. First, since there is no statutory provision to the contrary, Boards of Visitors are masters of their own procedures and entitled to decide for themselves ..... whom they will hear

on behalf of the persons charged.

"Secondly, the grant of legal representation, when this is requested, must in some cases necessarily follow from s.47(2) of the Prison Act 1952 and Rule 49(2) of the Prison Rules ..... (which) ..... provide, in effect, that a prisoner charged with any offence under the Rules must be given a full and proper opportunity of presenting his case. Suppose then that in a particular instance a Board of Visitors is of the view that this requirement can only be complied with if the prisoner is legally represented, or even that the Board is doubtful whether this objective can be attained without legal representation. How, then, could the Board refuse such a request?"

Mr Justice Webster, in his consenting judgement, referring to the cases of two of the Albany prisoners, said:

"It seems to me that in most, if not all charges of mutiny - and certainly in these two cases ..... no Board of Visitors properly directing itself could reasonably decide not to allow the prisoner legal representation."

Thus it was established that although no absolute right to legal representation exists, charges of a really serious nature and involving a complexity of legal arguments will, in effect, require the Boards to exercise their discretion in the prisoner's favour. Either that or the referral of such cases to the external criminal courts.

HOME OFFICE CONFUSION

Since the judgement, which, as the references to the European Court demonstate, is by no means the end of the road, the Home Office has been thrown into confusion, with chairmen of Boards of Visitors up and down the country uncertain as to how they should proceed, and telephones much in use between the two.

The judgement left considerable doubt as to how prisoners could pay for legal representation in future cases where Boards of Visitors permit a prisoner's request for this. Both PROP and, we have since learnt, NCCL have been working on means of ensuring that legal representation would be available in the absence of legislation that will bring Boards of Visitors adjudications within the province of legal aid. In the event, no such contingency plans are required because the Home Office has now announced that, pending legislation, it will meet the costs involved.

Of the Albany cases in question, the Home Office has now announced that it will not proceed with a re-hearing by Boards of Visitors of any of the adjudications quashed or suspended. It is however considering ordering a police investigation. It is this possibility which is the subject of the following article.

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3. ALBANY AND THE POLICE

Advice on speaking to the police .... DON'T!

Our advice to prisoners who may be approached by the police in regard to the events at Albany prison last May is that they should have nothing to do with such an inquiry. Their right to refuse is quite clearly spelt out in Home Office instructions, though these go out of their way to conceal the true extent of the prisoner's right.

Prison Rule 35 merely states: "A police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any prisoner willing to see him."

Prison Standing Orders - the real rules - at one time spelt out the situation in detail in section 5 which dealt with correspondence and visits. That was in the days when the whole of Standing Orders were kept firmly under wraps.

As a result of pressure from the European Court of Human Rights the Home Office was obliged to publish section 5 because of its relevance to basic rights on freedom of communication laid down by the European Convention. The Home Office, which is quite incapable of doing anything straight, thereupon carefully edited and rewrote the orders and, significantly, extracted those paragraphs which they still wished to conceal from prisoners. These included the whole of the section dealing with police visits. These were accordingly transferred to Home Office Circular Instructions where they remain out of sight.

PROP has quoted extracts from these instructions before but in view of the current situation we have decided to quote in their entirety paragraphs 27 to 33 of the management instructions which deal with the matter in question:

VISITS BY POLICE OFFICERS

27. Prison Rule 35 provides that a police officer may, on production of an order issued by or on behalf of a chief officer of police, interview any inmate willing to see him. (The Borstal and Detention Centre Rules make similar provision). It is not the intention, however, that an inmate should be given greater safeguards in this respect than a person who is not in custody in a penal establishment.

28. The arrangements for such interviews which are held at the request of the police, including interviews concerning an incident in the establishment, will be as follows:-

a. The inmate should be taken to the interview room without being informed of the purpose.

b. The governor or a member of staff acting on his behalf, in the presence of the police officer, should inform the inmate of the wish of the officer to speak to him. The inmate should then be told that there is to be no undue repetition of questions.

c. The police officer should then be afforded the opportunity to explain to the inmate why he wishes to interview him.

d. After he has done so the inmate should be handed a copy of the notice "Interviews with prisoners by police officers" (F1728) to read. When he has read it he should be required to sign it. If, having read it, he will not sign it or if he is unable or unwilling to read it and it has to be read and, if necessary, explained to him, it should be endorsed to that effect. In either case it should then be filed in his F1150. If the police wish to have a series of interviews with the same inmate, this procedure need only be followed at the first interview.

e. Where the police wish to interview the inmate in connection with an incident in the establishment, or where the police state that they have reasonable grounds for suspecting him of having committed an arrestable offence outside the establishment, they may put questions to the inmate and he should not be allowed to leave their presence until the questions have been put. Once the police have put all their questions and the inmate has indicated expressly or by his silence that he has no wish to answer questions the police should terminate the interview; there should be no undue repetition of questions. If the inmate asks for his solicitor to be present at the interview it will be for the police to decide whether his request should be granted. If it is granted arrangements should be made for the solicitor to attend at the inmate's expense. (Note/PROP: In fact most prisoners would be eligible for legal aid under the Green Form scheme.)

f. Where the police wish to interview an inmate other than in the circumstances set out in e. it is for the inmate to decide whether he will be interviewed and the police should be reminded of this before the inmate is brought for interview. The inmate should then be invited to decide whether he wishes to be interviewed or not. If he refuses to be interviewed, his refusal must be respected. If he consents to be interviewed, he should be reminded that it is open to him, at any time, to ask for the interview to be terminated. If he consents to be interviewed only when his solicitor is present, it will be for the police to decide whether they wish to proceed on that basis or would prefer to forgo the interview. If they do wish to proceed, arrangements should be made for the solicitor to attend at the inmate's expense. (Green Form: see e. above)

g. Where long distances are involved police who wish to interview an inmate under f. may wish to be certain that the inmate is willing to see them before they set out on what might otherwise be a wasted journey. In such cases, provided the police are aware of the above procedure, which has been the subject of a Home Office circular to Chief Constables, there is no objection to governors, at the request of the police, ascertaining in advance, for the information of the police, whether or not an inmate is willing to see the police.

29. Normally interviews will be conducted by two police officers and subject to paragraph 32, should be in the sight but out of the hearing of a prison officer unless the inmate asks that he should remain within hearing. The inmate should be informed that, if he wishes, a prison officer will come into hearing during the course of the interview. Should only one police officer be present, however, the interview will take place in the sight and hearing of a prison officer except that if the inmate's solicitor is also present the interview will take place in the sight but out of the hearing of a prison officer unless the inmate asks that he should remain within hearing. A suitable room for this purpose should be provided. Interviews should not take place in a cell unless the inmate is sick in cell, or for some other special reason is unable to leave the cell.

30. It is important that arrangements are such that any indication that the inmate wishes a prison officer to come into hearing, or that an interview under paragraph 28f can be acted upon promptly.

31. Any written statement made at such a visit may be signed by the inmate and taken away by the police without being examined by prison staff.

32. Where the person to be interviewed is under the age of 17 years the interview should take place in the presence of the governor/warden of the establishment or other member of staff acting on his behalf (who should be of the same sex as the person to be interviewed). The interview should be in his hearing and he should be ready to intervene on the juvenile's behalf if he thinks it necessary to do so.

33. For the purpose of these paragraphs a "police officer" includes an officer of the Investigation Department of The Post Office, on production of the necessary authority from his Department. The procedure laid down in paragraph 28 above should not be followed when an inmate himself asks for an interview with the police or in any subsequent related interview held at the request of the police unless there is reason to think that the inmate may not be willing to be interviewed again. The other relevant provisions of these paragraphs should, however, apply.

The instructions make crystal clear a prisoner's right to refuse co-operation. He can, and in the current case, should refuse. In any event, in this case or any other, he/she would be well advised to refuse to answer any questions except in the presence of a solicitor.

But prisoners must take some responsibility themselves. The majority of solicitors have no experience whatsoever of prison cases and their advice is likely to be variable on this issue. Our own advice, and it is given only after much consideration and consultation, is nevertheless firm.

WHY ARE WE SO FIRM?

The Home Office has taken a battering. The whole concept of Boards of Visitors now lies in disrepute and the entire question of access to legal advice, not merely in the present context but also with regard to correspondence (the Golder case), has been opened up despite years of Home Office resistance. With Leon Brittan still clearly reacting to his humiliation in the hanging debate, there may well now be the temptation to hit back and demonstate to prisoners that they have merely exchanged the frying pan for the fire.

CONSPIRACY

One such temptation would be to try and lay conspiracy charges. The offence itself is vague and the sentence unlimited. Past experience shows that conviction can be reached even where evidence is implied rather than established and where the accused have done nothing at all except come to an agreement. Once an agreement has been shown, evidence against one amounts to evidence against all.

There are many arguments, which it is not constructive at the moment to pursue, why the authorities could be ill advised to attempt any such action. But the temptation exists and respect for natural justice is not exactly in the ascendant in Britain in 1983.

Ill considered and seemingly innocent remarks can assume

great significance under the special circumstances of conspiracy proceedings. We are not of course arguing against the whole truth emerging, but what chance is there of that in a prison situation where, to take just one example, even the new Prison Inspectorate is so hampered in its work that its own medical adviser felt obliged to resign in protest?

PROP has said very little about the Albany riot and has speculated not at all. Others, with less direct responsibility to prisoners but more inclination to blow their own trumpets have been less circumspect. We risk being misunderstood by such caution and of seeming to speak out less fearlessly than others. Prisoners, too, will risk being misunderstood by their silence. But it is not some banner-waving, slogan-shouting game that we are playing. Our concern, in the absence of the whole truth being revealed, is not to play into the hands of those who are past masters of the 'fit-up', operating in a prison situation which allows them full rein for their expertise.

THE HOME OFFICE'S SECOND BITE

If the Home Office had wanted to deal with the Albany disturbance by police prosecutions then it should, at the very least, have instigated this six months ago and not now, after its first chosen tactic has collapsed in dispute. Prisoners have not been found guilty of anything, yet for six months they have been treated as if they had. They have been scattered across the country in solitary confinement in dozens of different jails and some of them remain in those conditions today, even after the judgement handed down by the High Court.

But riots or allegations of riots raise matters that go far beyond prisoners' behaviour. Indeed, prisoners' behaviour cannot be understood, and therefore properly investigated, without reference to the history of the prison and its management.

THE APPROPRIATE BODY TO INVESTIGATE SUCH MATTERS IS AN INDEPENDENT PUBLIC INQUIRY, CONCERNED NOT WITH LAYING CHARGES AGAINST EITHER PRISONERS OR PRISON OFFICERS BUT WITH ESTABLISHING THE TRUTH. THAT IS WHAT WAS REQUIRED AFTER HULL 1976, GARTREE 1978 AND WORMWOOD SCRUBS 1979. AND IT IS WHAT IS REQUIRED NOW. WE WON'T GET IT BECAUSE THE AUTHORITIES HAVE TOO MUCH TO HIDE, BUT THERE IS NO REASON WHY WE SHOULD CO-OPERATE WITH ANYTHING LESS.

In view of the urgency of recent developments the whole of this issue of PRISON BRIEFING has been recast at the last moment. Items consequently held back, including our customary Mail Bag, will appear in the next, enlarged issue.

LEGAL POINTS TO WATCH

Reports of prisoners boycotting Boards of Visitors hearings lead us to point out that subsequent applications, either to the High Court or to the European Court of Human Rights, cannot proceed on such a basis. An applicant must show that he/she has used the existing procedures to the best of his/her ability. Only then of course can the claim be made that the procedures are faulty or lacking in natural justice. We are not criticising those who do refuse to participate - merely stressing that procedures at a higher level cannot then be invoked. Prisoners who believe, as we do, that there is a usefulness in challenging the present procedures should not close the door at the very first stage.

REMAND RESEARCH PROJECT BY PRISON REFORM TRUST

Do you know of anyone who, during the last two years, was held in custody for at least one month awaiting trial and was then not convicted (for any reason)?

Do you know of anyone who, during the last two years, was held in custody for at least one month awaiting trial and was then convicted but given a non-custodial sentence?

Do you know of any acquitted defendant who has attempted to obtain compensation?

If so, please contact as soon as possible Marlene Winfield, Prison Reform Trust, Nuffield Lodge, Regents Park, London NW1 4RS. Tel. 01-585-4978 or 01-722-8871.

STOP PRESS

Judgement on the Findlay case (a test case challenging the legality of the Home Secretary's announcements on parole) is expected as we go to press. Both he and Lord Elton have gone out of their way to cloud the issue since the announcement was made and it is impossible to forecast the likely result of the application.

Those outside prison who are concerned at what is happening have a particular responsibility to speak their mind and not to sit back while events take their course. The outlook for peace in the prisons is grim - for staff as well as for prisoners. Already trouble has been barely contained, with protests reported from Parkhurst, Maidstone, Long Lartin and Wakefield. At Wakefield, after one incident in the middle of October, forty prisoners were removed from the wings and into segregation. Eleven subsequently turned up at Long Lartin and others have been transferred to other jails. Reports from the block at Wakefield are of the worst conditions in any segregation unit, with silent and solitary techniques reminiscent of the control units being used. The notorious control units were of course at Wakefield and there is serious concern about their likely redeployment here and elsewhere.

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INQUEST ON CELL DEATHS

BULLETIN no.1 December 1983

Dead but not buried

by Dave Leadbetter

Nine months ago James Davey died after an incident at Littlepark Police Station Coventry. At the time of writing, his body is still unburied. By last month (October) it had decomposed so badly that no pathologist was willing to conduct another autopsy.

From the time when, despite a unanimous contrary vote of family members, one of whom had flown from Hong Kong for the purpose, doctors turned off James Davey's life support machine, his family — and especially his aging parents — have had the most horrendously distressing time imaginable. To the predictable hostility of the establishment (the grotesque remarks of a Tory member of the Police Authority went, according to the *Guardian*, shamefully unrebuked by the Labour majority) and the consistent falsification of the media was added to a long saga of insulting and quite unconscionable delay.

Responsibility for the latter aspect of things rests squarely on the shoulders of one man. Everyone else had done what was required of them. Even the Blessed 'Tony' Hetherington, the DPP, had eventually made up his mind. The fact that he made it up in a curious direction — that of not prosecuting any of the nine Metropolitan and Coventry police officers who had 'restrained' Mr Davey — does not alter the fact that, after various repudiated press leaks, he did actually announce his decision quite some time ago.

By an amazing coincidence Coventry coroner Charles Kenderdine has his office in Littlepark Police Station. The office telephone is connected to the police switchboard. The office is in what seems to be a locked-off corridor. Visitors have to approach the police station reception desk and wait until coroner or staff are summoned. When I accompanied family members on such a visit we waited on the same bench they had occupied on the occasion when James had been fatally injured. Sergeant Sharpe, the Coroner's Officer, emerged from the inner sanctum and, perhaps forgetting his otherwise impeccably urbane manners, failed to invite us into his office, preferring instead to address us in the sight and hearing of the central foyer's miscellaneous population.

Since, however, the sergeant modestly describes himself as the 'coroner's puppet', we should perhaps concentrate our attention on the misdeeds of the puppeteer.

That it was Dr Kenderdine who was responsible for keeping Mr Davey's body in an unrefrigerated condition — and thus frustrating the family's attempts to obtain a further autopsy — is quite well known. It is none the less shocking for that. Even the DPP seemed to exude faint symptoms of shock when he said that to keep the body in a deep freeze 'might be a good idea'. It is good to know that the family's advisers are urgently examining this question with a view to taking legal action against the coroner.

What is less well known — at least in Coventry — is that it is Dr Kenderdine who has been holding up the burial. Acting on the advice of their solicitor and counsel, the family applied for the release of the body on Wednesday 9th November. Having read the contents to the coroner's office over the 'phone, the family solicitor sent a first class letter from London on that day.

Because of twice-daily protestations from the coroner's office that the letter still had not arrived, a fresh copy was brought by hand from London on Tuesday 15th November and given to Sgt. Sharpe the following morning. Assured by Deputy Coroner Irvine that receipt of the letter would result in release of the body the family had, in the meantime, begun to arrange the funeral. Contrary to the impression given by some newspapers this is not to be a 'quiet family affair'. The family are anxious to dispel the media-inspired suggestion that Mr Davey had no friends. He was, in fact, very popular. Large numbers of people are expected from Scotland and several places in England. They, too, were inconvenienced by what happened next.

At the brief encounter on the morning of Wednesday 15th November, Sgt. Sharpe professed himself unable to release the body without the coroner's consent. Confronted at the coroner's court in the afternoon, the officer said that the coroner was withholding permission until Mr Davey's estranged wife (acting for her 16 year old daughter) could be contacted. When it was put to him that nine months had surely been sufficient time to accomplish this, the Sergeant claimed that a posse of CID officers was attempting to trace the lady that very afternoon. (It was not, in the event, these officers who found her, but the combined efforts of the family and its solicitor.)

At this stage the *Coventry Telegraph* entered the picture. Having interviewed family representatives, photographed Mr Davey's mother and received press statements from INQUEST and the Campaign, the paper proceeded to contact the coroner. In its issue of 17th November, the *Telegraph* reported that the coroner was going to release the body when he had written confirmation of the telephoned permission from solicitors acting for the former Mrs Davey and for the police officers present at the fatal incident.

One wonders what the *locus standi* of the latter is? The officers have, after all, been acquitted in advance by the DPP. Obviously, too, if a letter from one solicitor takes more than a week to reach the coroner, the arrival of letters from two or perhaps three solicitors cannot be guaranteed in the day or two which he predicted.

Not one word of the family's protest was allowed into the columns of the *Coventry Telegraph*. Their mood, on the contrary, was claimed to be one of 'jubilation'. Wholly imaginary quotes were attributed to the family to support this story.

The gross discourtesy of the coroner in releasing to the newspapers his reply to the family's request before informing either the family or its solicitor calls for no further comment.

The coroner apparently hadn't told his officers either. All that they knew (or were prepared to say) in advance of the story appearing was that he had made a statement. Certain journalists, too, became mysteriously unavailable that Thursday afternoon.

The distress to which Mr Davey's elderly parents and other family members have been subjected can readily be imagined.

It was not until Friday morning (18th November) that Mr Davey's family managed to extract the burial slip from the coroner. One of Mr Davey's brothers called for it – only to be told by Reception that no-one was in. But they *were* – puppet and puppeteer both. So, by the time this article appears Mr Davey should have had the proper and dignified burial which his family desire – and which should be every person's right.

Worse, yet, than the delay to the funeral is the continuing delay to the inquest. The purported reasons for this – including the coroner's wish (so different from that of Dr Chambers in the Colin Roach case) to have a larger courtroom and the incredible lassitude of those who have not yet given the coroner the first pathologist's report or the results of the DPP's and police investigations – seem to us frankly suspicious. What the real reasons are we can only speculate. Let's talk instead about the consequences.

The full inquest has been put off from November to December, then postponed once more and Dr Kenderdine is now mumbling hopefully about 'possible' dates in March.

From the family's point of view the only good thing about the delay is the possibility that the Coroners' Juries Act may have come into operation by then, with the result that the jury might be picked by the random selection methods used in trials rather than by Sgt. Sharpe.

This possible bonus is outweighed by the obvious disadvantage of witnesses' fading memories and by the very real consideration that the family might lose the services of the eminent counsel they have retained. Such barristers are in great demand and are booked up many months in advance.

Another consequence will be that some of least of the critical flak now being directed at West Midlands Chief Constable Sir Philip Knights will be diverted. If to the dismal record of officers being sentenced for assaulting suspects, the case of the businessman locked up in the yellow line affair and, above all, the pursuit by Special Branch of those who write to the newspapers – if to all this had at the same time been added the blasts of revelatory publicity expected to accompany Mr Davey's inquest, it might, might it not, have been a touch embarrassing for Sir Philip?

MATTHEW PAUL

When members of James Davey's family addressed INQUEST's AGM, a sudden – and, he felt, fantastic – thought struck one of the members, Mr Tony Paul. Until that moment he (and for that matter, we and everyone else concerned) had assumed that the body of his son, Matthew, had been kept in a deep freeze. When Mr Paul investigated he found that the body, like that of James Davey, was decomposing for want of refrigeration – and decomposing so rapidly that pathologists were unwilling to conduct further post-mortems.

This seemed barely credible. St Pancras, one of the busiest coroners' courts in London, had no deep freeze available to it? In 1983?

Matthew Paul died on Friday 6th May at Leman Street Police Station. Detained for questioning about the death of Stephen Gaspard (whose headless, handless corpse was discovered in April) Matthew had not been charged with anything at the time of his death. Nor, incidentally, had he ever been 'in trouble' before.

When applied to for a speedy inquest both coroner and Home Office said that this would have to await the outcome of the Old Bailey trial of those who *were* accused of causing Stephen's death. The reasoning behind this decision seemed a touch curious. Matthew's death, after all, had occurred in the police station and it was hard to imagine that the coroner would be likely to allow much examination of what had brought him there. How, therefore, could Matthew's inquest prejudice the trial?

We shall never know for the 'powers that be' were adamant, the trial proceeded and the inquest has yet to be held.

One thing that can be said is that the trial prejudiced the inquest. It did so in two ways. First of all, a police sergeant marched into the witness box to declare that Matthew had killed himself. This was accepted on all sides – because it was in nobody's interest to challenge it.

The other thing that happened was far worse. The trial of David Amani and others was soon turned (by, initially, some of the defence counsel) into the posthumous trial of Matthew Paul. In such a 'trial', of course, there can be no defence. The law allows no mechanism through which one can be presented. So, Matthew's parents had to sit in the gallery (when they could get in) to hear a torrent of defamatory lies about their son go unchallenged and untested and to hear him accused of things of which they believed him incapable and which, in some cases at least, they *knew* he *could not* have done.

When *anyone* (be they as guilty as hell) dies in custody, INQUEST is concerned and does what it can. That is what it is for. In cases like those we have been discussing, however, INQUEST, in common with the families, lawyers and campaigners, faces a double task. Not only must the mysterious circumstances of the deaths be explored as thoroughly as possible but some way must be found to vindicate the guiltless dead.

CORONERS' JURIES

The Government intends to bring the Coroners' juries Act 1983, together with new rules governing the selection of coroners' juries, into force on 1st January 1984.

The Act was one of the last measures passed by Parliament before the General Election. It was sponsored as a private member's bill by Chris Price, then MP for Lewisham West. The Government gave their blessing following a meeting between the Home Secretary and a delegation from INQUEST led by Mr Price.

The Act itself makes the qualifications for coroners jurors the same as those for jurors at other courts – at present only outlaws are disqualified and outlawry was abolished in 1938. The new rules which the Government has promised to introduce should ensure that coroners' juries are selected at random, and not chosen by coroners' officers as at present. Except in Nottinghamshire, coroners' officers are almost invariably either serving or retired police officers, and the present arrangement has caused particular disquiet in relation to deaths in police custody.

The methods of selection employed under the existing system vary widely from one court to another. Some coroners' officers select retired people because they are readily available and their expenses are low. One officer regularly recruited his jurors from amongst the local publicans (on the ground that they had free time during the day) and was most annoyed when a new coroner took over who insisted on holding inquests on the same day as the breweries made their deliveries!

Under the new Rules, the coroner's officer will be supplied with a list of names chosen at random in the same way as jurors at other courts, and will be required to summon the people listed in strict rotation. Thus the officer will no longer have any say in the selection of jurors.

There will still be two differences between a coroner's jury and juries at other courts. The number of jurors at an inquest may vary between seven and 11 (majority verdicts are permissible if the minority is not more than two); and there is no right of challenge. The absence of a right of challenge may not be altogether a bad thing, as it excludes the form of 'jury vetting' that has been practised in some criminal trials by means of the prosecution's equivalent of a challenge, asking a juror to 'stand by for the Crown'.

Although only 4% of inquests are heard by a jury, these include all cases of deaths in prison. Thanks to another piece of legislation inspired by INQUEST and Chris Price (Administration of Justice Act 1982, s 62) juries are now also mandatory at inquests on deaths in police custody.

Walton Prison deaths

by Mark Urbanowicz

During 1983 there have been four deaths at Walton Prison in Liverpool.

The inquests on these deaths have highlighted the deplorable and inadequate conditions in which Walton prisoners are kept.

On Tuesday 17th May 1983, inquests were held at the Liverpool Coroner's Court on the deaths of two inmates at Walton Prison.

Gerald Roscoe

Roscoe, aged 54, died in Walton hospital on February 25th 1983 from Bronchial Pneumonia brought on by cancer. The symptoms first appeared on August 10th when Roscoe went on sick parade complaining of a headache. On the 12th August, Roscoe complained of numbness in his right arm and by the 4th November he was complaining of constant pain in the temple. By the 21st of December the numbness had spread to his right leg, however it was not until Roscoe was taken on January 10th 1983 to a hospital in Barrow-in-Furness from the Cumbrian prison he was at that evidence of a brain tumour was detected. From there Roscoe was transferred to Walton Prison Hospital. Examinations at the Prison Hospital revealed that the tumour was a secondary cancer and incurable. The jury returned a verdict of natural causes. The proceedings lasted over 2 hours.

Reginald King

King died from a heart attack on March 15th in Walton Prison. Three weeks earlier he had been sentenced to 2 years in prison on three charges of indecent assault. King had previously suffered a heart attack in October 1982. He was recognised by his doctors to be in poor health and on his arrival at Walton Prison on February 26th, the Prison Doctor allocated him to a landing where inmates in bad health are held. At one point in his evidence the Prison Doctor referred to the 'overcrowded' and 'claustrophobic' conditions at the prison. He stated that, 'in the best of health it is difficult to put up with prison environment'. King was sharing a cell with two other inmates.

After having rushed through the witnesses, the Coroner gave a brief summary of the case stressing that natural causes was the only possible verdict, that the jury did not need to bother retiring to consider their verdict and suggested that they nodded their heads if they agreed with a verdict of natural causes. Most of them nodded their heads.

Several times during both inquests (above) the Coroner felt the need to remind the jury that the cases were straightforward and felt that there was nothing in them.

John Arwal Jones (Report by James Henderson)

On the 25th August 1983, Liverpool Coroner's Court heard that John Jones, a 25 year old inmate of Walton Prison, a man previously noted by the prison authorities as having suicidal tendencies, finally killed himself – despite claims from Dr. Howarth, Jones' psychiatrist at Walton Prison, that Jones was making a sustained and convincing recovery from intense personality and psychological problems.

Jones, who was serving a 3½ year prison sentence for theft and robbery in breach of a suspended sentence, was found hanging by the window bars in his cell by Prison Officer Clarke, shortly after 2am on 19th July, 1983. Clarke told the Court that in the course of making his routine hourly observation of the inmates in their cells, he saw Jones lying on the bed asleep at approximately 1am. Returning to the cell at shortly after 2am, Clarke saw Jones standing upright facing the window wall of his cell: 'he had a strip of white material around his neck'. According to Clarke, Jones appeared to be 'unnaturally stiff' and close to the wall. On calling to Jones from outside the cell, and receiving no response, he then went to find his superior, Prison Officer Welsh, in order to gain access to the cell under Walton Prison's security procedure. Returning to the cell with the key, both men entered the cell, realised that Jones was hanging from the window bars and then left again in order to fetch some scissors to cut Jones' body down. After laying Jones' body on the bed they summoned the Duty Medical Officer who unsuccessfully applied artificial respiration and cardiact stimulation. Officer Welsh told the Court that at this stage the body had 'no pulse' and the lips appeared to be 'slightly blue'. Dr Kerwin, a prison doctor at Walton Prison, but absent from the inquest, judged that death was due to 'asphyxia, caused by hanging'. This opinion was later confirmed by the post mortem carried out at Walton Hospital.

Joe Keating

by James Henderson

A Liverpool Coroner's Court, sitting from the 20th to the 22nd of September this year, was told that John Joseph Keating, a 42 year old inmate of Walton Prison killed himself by slashing his left wrist with a razor blade.

Keating's suicide, which occurred early in the morning of the 30th of May this year is remarkable in several respects. Firstly in that Keating's being in possession of a razor blade throws doubt over Walton Prison's regulations concerning the issue and re-collection of razors. In addition to this the Deputy Governor of the prison admitted to the court that a razor blade had in fact gone missing 24 hours before Keating's death and that no search had been conducted for it. Mr Thomas Keating, Joseph Keating's brother and acting counsel for the Keating family at the inquest cast doubt over one prison officer's assertion to the court that Joe had obtained the blade whilst in the exercise yard, by pointing out that whilst on exercise Joe was accompanied at all times by two prison officers.

Joseph Keating had already attempted to kill himself earlier in the year and had written to the MP, Mr Kilroy-Silk claiming that he was being mistreated by both staff and inmates. These claims were subsequently investigated by the police but were not substantiated; the police officer concerned merely left the prison with the impression that Keating was 'seriously mentally disturbed', an impression subsequently reinforced in court by remarks by staff and inmates who knew Keating at Walton.

Keating had indeed been diagnosed as suffering from a psychopathic personality disorder during the serving of a twenty years sentence, imposed upon him in 1962 for buggery and indecent assault. The serving of this sentence was started at Walton but Keating was moved to Rampton Special Hospital and there diagnosed as having a personality disorder and also prescribed largactyl. In 1980 Keating was judged to be fit for life outside by Dr Boyd, psychiatrist at Rainhill Special Control Unit, after which Keating was released.

When Keating was sentenced on February the 11th this year to two years imprisonment for attempted robbery Dr Boyd judged Keating to be fit to serve the sentence at Walton Prison; Dr Boyd told the Court that under the Mental Health Act he had

Jones' psychiatrist at Walton Prison explained to the Court that over a long period of time Jones had had serious psychological difficulties' and that these involved 'hearing voices urging him to kill himself' and 'sudden and intense shifts in mood'. Jones had also apparently told Howarth at the start of serving his sentence at Walton that he knew he was about to enter a psychologically difficult time and that he appeared to be very vulnerable'.

After several attempts at taking his own life while at the prison had failed, Jones had once been placed in a body harness' (or strait-jacket) in order to convince him of the futility of such actions. He was also given therapeutic doses of drugs, 'enough', according to Dr. Howarth, 'to quiet the voices'. Dr. Howarth told the Court that in his opinion the prison '‹ d not have the facilities to treat mentally disturbed inmates such as Jones'. Walton Prison does not have the facilities of a proper Psychiatric Hospital and there is merely a wing of the prison in which patients in need are treated. It was also Dr. Howarth's opinion that Jones should have been detained under the Mental Health Act rather than been sentenced to another prison sentence! Jones had served many terms of imprisonment prior to this particular sentence. Furthermore he had also attempted suicide many times in the course of serving these sentences. Jones' grandfather told the Court that when he was young, Jones had threatened to commit suicide several times when refused money. The evidence of the Post Mortem also testified to Jones' capacity for self-inflicted damage; the body was covered in healed scars, in particular the abdomen and the arms.

The temporary application of the 'body-harness' had, according to Dr. Howarth, a quietening effect upon Jones. Jones after attempting suicide had exultantly told Howarth that 'there was nothing anyone could do to stop him from killing himself' the authorities had responded to this by applying the harness. Jones had made progress after this incident so that his request to be moved from a bare (suicide-proof) cell and entrusted with a semi-furnished cell was accepted and acted on. On July 18th this year Jones appeared to be making further progress. It was the following morning that Jones was found hanging. The Post Mortem estimated the approximate time of death to be 1.15am, and stated thate Jones had used strips of the sheet on the cell bed to hang himself from the bars on the window.

A verdict of suicide was returned by the nine members of the jury.

no grounds to do otherwise as Keating's personality was judged to be unalterable. Dr Boyd tried to reconcile Keating to the prospect of at the most a year inside Walton but Joe was apparently very anxious and was said to have preferred to have been sent to Rampton; Keating was believed by Dr Boyd to have been afraid that people in the Prison would remember the nature of his first offence.

Keating was initially confined in a standard multiple-occupied cell but on the 17th of February was transferred to solitary confinement after having smashed up his cell. On the 2nd of March whilst in solitary confinement Keating slashed his left arm and right wrist with a razor blade. He was transferred to the Prison Hospital wing after this incident and later moved to a 'strip' cell where he remained until his death. Keating was also prescribed Largactyl for short periods and shortly before his death had finished a course in the drug.

The verdict of the Court was that Keating had committed suicide by slashing his wrist.

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

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

Nine Deaths in English Prisons (February 1983)

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

INQUEST is at 22 Underwood Road, London E1 5AW. Tel. 01-247 4759.

BRITISH PRISONS IN IRELAND

Some historical notes[1]

Mike Tomlinson and Patricia Heatley, (Dept. of Social Studies, Queen's University, Belfast).

The escape in September of 38 Republican prisoners from one of Northern Ireland's notorious H Blocks provides a timely reminder that what goes on in the North's prisons is never very far removed from the broader battle between the Republican objective of national liberation and the British government's determination to contain, if not crush, the Republican movement. Far from being a recent post-1969 phenomenon, this article argues that prison resistance linked to major political struggles outside the prison walls has a long historical pedigree in Ireland.

The first half of this article summarises the main developments in the prison system in Ireland from the end of the eighteenth century onwards and the second half considers a number of selected issues concerning prison regimes. In particular we look at the controversies surrounding the protests of political prisoners and how there were involved.

THE DEVELOPMENT OF THE PENITENTIARY IN IRELAND

The latter half of the eighteenth century was an unsettling period for British rule in Ireland. On the one hand, prolonged agrarian unrest, perpetrated by secret societies of the impoverished Irish peasantry deprived of political and social rights by the Penal Laws, was providing a major challenge to English and Protestant settler landlordism and specifically to the quadrupling of rents between 1760 and 1815. Effectively, two forms of law existed by this time: the popular justice of the secret societies carried out against landlords and their agents, and the official law which was often difficult to administer without military backing.

On the other hand, the increasing frustration of the Protestant colonists with British restrictions on Irish trade was beginning to generate a movement for political and legislative independence from England. Britain's strategic interests in Ireland were threatened on two fronts: the withdrawal of troops required for the American War of Independence and the subsequent threat of a French and Spanish invasion of Britain through the 'back door' of Ireland. The Irish Protestant volunteer militia, while filling the breach in Britain's defences, demanded greater legislative autonomy for the Irish parliament which was granted in 1782. This was, however, a short-lived resolution of the movement of Protestant nationalism. With the inspiration of the French revolution, the movement acquired a more radical impetus involving demands for a parliament based on representation rather than patronage and for Catholic emancipation. Thus the Society of United Irishmen, initiated mainly by Belfast Presbyterians, became the first advocates of Irish Republican separatism. Having no success with the government and only limited success with other Protestants, many of whom were rallying behind the newly formed Orange Order dedicated to Protestant supremacy, the United Irishmen planned for rebellion, seeking assistance from the French and from the network of agrarian secret societies of the Catholic peasantry with all their experience in rural guerrilla warfare.

The immediate outcome of the United Irishmen's rebellion of 1798 was the creation of the United Kingdom of Great Britain and Ireland under the 1801 Act of Union. The Irish parliament was abolished and Ireland placed under the direct rule of the British government who used a relatively centralised administrative apparatus with its headquarters at Dublin Castle to carry out its policies. The 'Castle system' – as it was known – of sinecures, patronage and government appointees survived until the Easter Rising of 1916 and the partition of Ireland under the Government of Ireland Act, 1920.

The period surrounding the 1798 rebellion demonstrates the extent to which the prevailing methods of punishment in Ireland were dependent on Britain's changing imperial fortunes and colonial experience. As in England, transportation or execution were the favoured means of dealing with serious crimes, but with the outbreak of the American War of Independence there was a sudden suspension of transportation. The War had two consequences. With the closing off of the American colonies as a depository for British and Irish prisoners, sentences of imprisonment rose dramatically.

Secondly, the crisis in the prisons was further exacerbated by the increase in crime associated with the depression in trade which went hand in hand with the loss of a major colonial market.[2] Although new avenues of transportation were opened up in the 1780s, for instance Gibraltar, the Bermuda Islands and the Antipodes, the serious political disturbances in Ireland referred to above ensured that the county jails and bridewells were overcrowded with prisoners awaiting transportation. To meet this crisis, the lord lieutenant of Ireland had, from 1792, powers to convert transportation to a term of imprisonment and to establish penitentiaries to house such prisoners, but it was not until 26 years later that the first penitentiary was opened at Richmond, Dublin.[3] Thus the penitentiary as a system of discipline generalised throughout prisons in Ireland was delayed until the colonial administration of the nineteenth century made a political judgement as to its necessity. Direct military repression coupled with grotesque public displays of torture designed to extract information from suspected rebels, were the chosen methods of suppressing the United Irishmen.[4] In circumstances of continued agitation and revolt, punishment was characteristically arbitrary.[5] The Act of Union heralded a greater centralisation of the coercive arm of the state. Although considerable use was made of 'emergency' legislation, the British were determined, under the direction of Sir Robert Peel, to construct a more permanent and legitimate apparatus of control – essentially less reliant on the military. By 1836, Ireland had a unitary police force under the direct command of Dublin Castle and by 1822, a central inspectorate of prisons was established to give effect to the recommendations of the 1809 prison inquiry[6] for universal regulations to be applied to prisons throughout Ireland – pre-dating the inspectorate for Britain by 13 years. Under the consolidating Prisons Act of 1826, the Inspectors General were provided with wide-ranging powers to use moral and legal pressures to ensure that the local authorities carried out British government policies. As with policing, reforms of the prisons

1. An extended version of this article appeared in Hillyard, P. and Squires, P. (ed) *Securing the State: the politics of internal security in Europe* Working Papers in European criminology No. 3. Bristol 1982.
2. Ignatieff, M. *A Just Measure of Pain: The Penitentiary in the Industrial Revolution 1750-1850* Macmillan, London 1978. p. 81
3. McDowell, R. *The Irish Administration 1801-1914* Routledge and Kegan Paul, London 1964. p.146
4. Kee, R. *Ireland: A History* Weidenfeld and Nicolson. London 1980. p.63
5. Rudé, G. *Protest and Punishment: The Story of the Social and Political Prisoners Transported to Australia 1788-1868* Clarendon Press, Oxford 1978.
6. Report from the Commissioners appointed to enquire into . . . the state of prisons and other goals in Ireland . . . , 1809.

would begin, it was hoped, to break the old running battle between the martial law of the Protestant ascendancy and the popular justice of the secret societies.[7]

Notwithstanding the occasionally defiant local authority, the Inspectors were able to transform the prisons over the 1820s and 1830s. The continuing agrarian disturbances of the period were an ever-present incentive to local magistrates and Grand Juries to take the ideas of the mind-bending, well-regulated penitentiary seriously, even though the typical fate of political offenders remained transportation or execution. By the mid-1840s more than one hundred local prisons and bridewells had been closed and 26 new prisons built, most of which were constructed along panoptic radial and semi-circular lines. Only a handful of prisons had failed to install tread wheels, a third operated the silent system and educational and religious instruction were universal. From the late 1820s separate prisons were being established for women following Elizabeth Fry's dictum, quoted enthusiastically by the Irish Inspectors, that 'the first thing which is absolutely essential if a woman is to be reformed is that she shall be kept from the other sex, not only from prisoners but from the male officers.'[8]

While considerable central control was being exerted by the Inspectors General, individual prisons remained the responsibility of local boards of superintendence appointed by Grand Juries. The Inspectors had succeeded in demilitarising the prison (military guards were withdrawn in 1830), even though they continued to express dissatisfaction with the quality of prison governors and other staff. It took the crisis of the famine years (1845-9) coinciding with the cessation of transportation before the central administration assumed direct control of the incarceration of serious offenders.

The Consolidation of the Modern Prison

Transportation ceased for a number of economic and social reasons. 'Convict labour' wrote Rusche and Kirchheimer, 'could not compete with free labour the moment the latter began to assume appreciable proportions'.[9] Initially, convict labour was tolerated by the colonisers out of necessity. Once the pioneering work was done, the presence of convicts threatened the search for stability and social maturity. The governor of Western Australia, referring specifically to Irish convicts reported that 'coercion appears to be the only force they are capable of appreciating'[10] Another observer noted that 'even in Australia, where, in consequence of the want of labour, healthy muscular power was held in higher estimation than resolutions of amendment, the Irish convict was feared, and on account of his entire uselessness was considered fit for no occupation'.[11] Such sentiments were echoed by Nassau Senior's comment that transportation was 'sowing our colonies with poisoned seed'.[12] However, Rudé suggests that Irish political transportees were generally highly regarded by the colonial administrators, much to the resentment of those trying to keep the lid on Irish revolt back home.[13] From the account of John Mitchel, transported under the Treason Felony Act 1848 for publishing a journal, the United Irishman, we learn that Irish political convicts were indeed respected by the Australian colonial authorities. But at the same time, fearing their escape and re-involvement in politics, the authorities kept these prisoners under much closer surveillance than the 'real convicts', as Mitchel called them. Political leaders such as Mitchel himself were singled out for particular scrutiny. [14]

Despite the growing restrictions on transportation, there was an explosion in the numbers sentenced to transportation as the famine progressed – a fourfold increase in 1847 alone. The prisons, particularly in the hardest hit south and west, rapidly filled to overflowing, quickly disrupting the regime encouraged by the Inspectors over the past twenty years and increasing disease and death to epidemic proportions. 81 prisoners died in 1845 compared to 1,315 two years later. Petty larceny soared as people tried to fight against starvation – as the Inspectors put it, 'men will steal food rather than die'. The authorities responded by cutting the milk ration in the bread, oats and milk diet by half. Many committed more serious offences to secure the comparative respite of transportation. Over 40,000 rural outrages were recorded for 1849 alone. In 1853, there were complaints that women were deliberately seeking conviction as a cheap way of emigrating – taking their children with them, as they were permitted to do. The following year, 42% of new inmates were women (compared to 25% in England). As a temporary disincentive, children over 2 years old were forbidden to accompany their mothers if transported, but the ultimate solution was seen to be a 'separate and distinct model prison' for women.

It must be said, however, that notwithstanding individualised political responses to the famine and the abortive 1848 insurrection, the most dramatic consequence of the famine was mass starvation and migration. Estimates suggest that just under a million peasants died and a further 1½ million emigrated, mainly to America.

But the problem of disposing of a grossly inflated prison population was real enough. New convict depots for those awaiting transportation were hastily constructed, notably on Spike Island, a military fortress in the mouth of Cork Bay. Spike Island quickly became a massive hard labour camp housing 2,000 convicts. Many others were put on the Hulks moored at Dublin. With the ending of transportation, a number of Acts were passed to enable the government to set up a new system for dealing with convicts within Ireland itself. Transportation was converted to a term of penal servitude and a central administration under the control of Directors of the Convict Prisons was appointed. The Directors were responsible for managing the Hulks, Spike Island and the four large Dublin prisons at Richmond, Smithfield, Kilmainham, and Mountjoy which was opened in 1850 as one of the Jebb-designed 'national model' prisons alongside Perth and Pentonville. It was from this basis that the Directors constructed the full rigours of the Irish convict system.

Initially, the Directors concentrated on problems of accommodation, but they also took steps to tighten prison discipline not only as regards prisoners but also prison staff. For the latter, detailed rules were issued describing their duties, qualifications for entry to the prison service and the keeping of records and returns to be forwarded to the Directors. A new temporary prison of iron huts was opened at Philipstown. By 1854, the Directors controlled eight prisons including the large women's prison at Grangegorman, Dublin. Most of their accommodation was situated in the Dublin and Cork areas. Much of it was recently built and therefore suitable for separate cellular confinement. However, two-thirds of all convicts were still housed on Spike Island where, due to the numbers and the essentially temporary nature of the accommodation, discipline remained a constant headache for the authorities. There was little prospect of closing Spike Island in the short term, even though the drop in the crime rate after the famine years reduced the convict population from 3,933 in 1854 to 1,768 ten years later. After 1864 the numbers of convicts began to rise, largely as a result of a change in sentencing policy. Under the Penal Servitude Act of that year, five years (instead of three) became the minimum sentence.

As regards the local prisons, the Inspectors continued to apply pressure on the boards of superintendence to modernise buildings, conditions and regimes, using British developments and penal servitude as their models. They were particularly

7. see Broeker, G. *Rural Disorder and Police Reform in Ireland 1812-1836* Routledge and Kegan Paul, London 1970.
8. Annual Report of Inspectors General 1833.
9. Rusche, G. and Kirchheimer, O. *Punishment and the Social Structure* Russell and Russell, New York 1939. p.123
10. Balme et al *Observations on the Treatment of Convicts in Ireland* Simpkin, Marshall and Co., London 1862.
11. Holtzendorf, Baron von W. *The Irish Convict System* Simpkin, Marshall and Co., London 1860 p.28
12. Senior, N. Journals, *Conversations and Essays relating to Ireland* (2 Volumes) Longmans, Green and Co., London 1868.
13. Rudé, G. op cit
14. Mitchel, J. *Jail Journal or Five Years in British Prisons* Cameron, Ferguson and Co., Glasgow (no date). p.237

enthusiastic about the English Prisons Act of 1865 which legislated separate cellular confinement, graduated penal labour and standardised diets. [15] While four attempts were made to copy this law for Ireland, none was successful. It seems that Irish members of the English parliament, conscious of the treatment of Irish political prisoners under the convict system, resented these attempts to perfect the penal servitude regime throughout the Irish prison system. It was certainly on this basis that they opposed the centralisation of the entire prison system under the Act of 1877.[16]

It is difficult to make conclusive comparisons between the convict system and local prisons during the period from the famine to the 1877 Act which brought all prisons in Ireland under the direct control of Dublin Castle and the General Prisons Board for Ireland. Certainly there was a marked difference in the emphasis on separation; by 1866, 17 of the 39 local prisons under the watchful eye of the Inspectors General were recorded as having no separation of the different 'criminal classes' (but separation of males and females was universal). 'Punitive labour' was the dominant form of work, although as might be expected in the newest prisons such as Belfast's Crumlin Road jail, opened in 1840 and very similar in design and construction to Mountjoy, 'industrial labour' was 'carried on with great activity' and was combined with strict separation.

It would appear then that by the time the General Prisons Board took over, the largest and newest local prisons provided a very similar disciplinary experience to that of the permanent prisons used for the initial stages of the convict system. It was around these similar institutions that the Prisons Board consolidated the prison system. By the middle of the nineteenth century the wave of prison construction was over and the Board's modernising function was one of closure and demolition, with the scrapping of 90 bridewells and 24 local prisons over the next forty years. Only the core of the convict prisons, those at Mountjoy and Portlaoise (formerly known as Maryborough), survived this consolidation; indeed these prisons remain the backbone of the penal establishment in the Republic of Ireland today, just as Belfast's Crumlin Road jail still stands as the central monument to nineteenth century discipline and punishment in the North.

PRISON REGIMES

The pre-famine period had reflected various themes in penitentiary theory; an emphasis on hygiene, deterrent labour, religion, education, surveillance, silence and separation. There was even mention of 'useful' labour and trades, but this was confined to stone-breaking and from the prisoners' viewpoint was scarcely distinguishable from turning the crank or treading the wheel. None of these elements was of course contradictory although they were yet to be assembled and refined as a coherent science of punishment. The impetus for that came with the need to set up the convict system.

Though its architects were ex-military Englishmen, notably Knight and Crofton, the Irish convict system differed in a number of respects from the English system. In theory, convicts were first sent to Mountjoy for a period of total solitude, but unlike in England, they were given no work to do. The purpose of this stage was described by four visiting Justices from Wakefield prison:

> 'idleness and dislike of steady work are probably the most universal characteristics of the criminal class. We in England have sought to correct that evil by making labour as penal as possible . . . The Directors of the Irish convict prisons have adopted the opposite plan: they have made idleness penal and work a privilege . . . The want of work becomes the severest punishment.'[17]

Once this had been endured, the 'privilege' of solitary work was granted – typically the tedious oakum picking for men and needle work for women. The boring labour presumably kept the mind constantly open to the process of repentence and the occasional dose of direct moral persuasion. Such instruction was, according to one observer, explicitly concerned with teaching the 'fundamental principles of political economy'. It was a schooling that must have been particularly alien to a rural peasantry struggling for subsistence.

Eventually, the male convicts would be transferred from Mountjoy for a period of 'hard labour in association' at Spike Island. This was to be conducted in silence and convicts were to be excluded from 'association with free labour of the working classes outside'. The latter requirement was largely unenforceable because much of the work, for example the building of roads and fortifications for the British army, took place outside the depots.[18]

The next stage was unique to the Irish system and involved a term in what was called an 'intermediate prison' [19] There were two of these, one at Smithfield and the other at Lusk. Not all convicts were processed through this type of prison since entry was selective. For instance all agrarian offenders were barred from intermediate prisons. The aim here was to establish an environment in which the prisoner was 'assailed by temptations' and his conduct as a reformed character put on trial. Prisoners were usually employed outside of the prison and were sent to visit shops as a test of self-discipline. They were required to accumulate all but a small proportion of their earnings so that they would have a sizeable lump-sum when discharged. More than two-thirds used this to finance emigration, which was the intention behind the scheme. The authorities therefore saw the intermediate prison as a sort of 'finishing school'.

The equivalent of intermediate prisons for women were known as 'refuges' of which there was one each for Protestants and Catholics. Again, entry was selective. Women were groomed for domestic service, marriage or for returning to the family. In fact this emphasis on femininity and domestic labour was a strong current running through every stage of the convict system as it applied to women. Many of the women in the refuges were prostitutes and for this reason, and others, were encouraged to emigrate. An extra £5 gratuity was paid to those women who left the refuge with the intention of emigrating. As a matter of government policy therefore, emigration was seen as one way of reducing both male and female crime.

The final stage of the convict system was release on licence, and this too differed in practice from the English system. The length of licence rested on the amount of remission earned through good conduct, but whereas in England remission was seen as a right by prisoners, only to be withdrawn for serious misconduct, in Ireland it had to be positively earned. Moreover, the conditions of licences were rigidly enforced. Failure to report to the police meant being sent back to prison: in England police reporting was usually ignored. Given the political nature of many of the offences of Irish prisoners, it was clearly important to extend the surveillance of the convict system well beyond the prison walls. But this had drawbacks.

Reporting on a regular basis to the Royal Irish Constabulary, the front-line of the Castle system, was very unpopular amongst prisoners. More important to the authorities however were the views of potential employers of ex-convicts. If criminal reform was to be successful, convicts had to be accepted as free labourers outside the prison walls. Some employers obviously felt that the need for police supervision meant that prisoners were untrustworthy. The problem for the managers of the convict system was to legitimate the system to this class; release on licence could be misunderstood as an admission of failure of the other stages of the system.[20]

15. Forty-third Report of the Inspectors General.
16. Webb, B. and Webb, S. *English Prisons under Local Government* Longmans, Green and Co., London 1922. p.200
17. Balme et al, op cit. p.3
18. Report of the Commissioners appointed to inquire into the working of the Penal Servitude Acts. 1878/9.
19. There were intermediate prisons in England for women but not for men.
20. Captain Knight's evidence in Commissioners Report on Transportation and Penal Servitude, 1863.

In fact this problem with the final stage of the reforming process explains the appearance of the intermediate prisons. In Crofton's words, 'the object of the intermediate establishments was this: the Irish public were more hostile, if possible, to the ticket of leave than the public in England and one had to consider how this could be met. Employers would not take any man from an ordinary prison and we felt that if we showed some confidence in their training in the intermediate prisons, the public would be more likely to aid us'.[21] In the 1860s there was a fierce argument between Jebb and Crofton over the intermediate prisons, sparked off by Crofton's suggestion that England had much to learn from the Irish system. Jebb responded by accusing Crofton of pandering to the Irish and failing to show confidence in the beneficial effects of separation and hard labour. The dispute went further than this and reflected not only different philosophies regarding the purpose of imprisonment but also different approaches to Ireland itself.

Progress through the Irish convict system was constantly monitored and measured by means of a marks system, the 'scientific' tool by which privileges or punishments were applied. If the carrot was graduation to the next stage, the stick was the ever present threat of regression reinforced by all the usual dietary deprivations and cellular punishments in the 'dark cells', and by the occasional flogging. Maconochie, who had developed the marks system on Norfolk Island, felt that Ireland, with its 'superior and centralised police' and general social conditions, more closely resembled the far-flung colonies than England. It therefore required novel institutions such as the intermediate prisons. Maconochie saw Jebb's approach as producing 'obedient and submissive prisoners' rather than 'active, efficient, industrious and well-disposed free men'; Jebb represented control as opposed to the remoralisation of the individual. This was an exaggerated dispute in many respects since the vast majority of convicts never came near the intermediate prisons, but Jebb's view prevailed with the closure of Smithfield in 1869 (supposedly for want of customers) and Lusk in 1886.

Prison Struggles and the Republican Movement

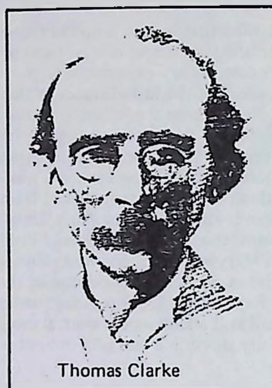
> 'In criminal jurisprudence, as well as in many another thing, the nineteenth century is sadly retrogressive; and your Beccarias, and Howards, and Romillys are genuine apostles of barbarism – ultimately of cannibalism'.

This seemingly radical dismissal of the tyrannies of the new prison discipline comes from an entry in John Mitchel's prison diary for 3rd February 1848. Mitchel, the son of an Ulster presbyterian minister, was in Bermuda at the time, awaiting shipment to South Africa and finally Australia. He was reflecting not only on his own fate but on the 'convict industry' as a whole. In rejecting the prison reformers, Mitchel was a hard-headed traditionalist and a fervent supporter of less-eligibility. He made a clear distinction between himself as an unjustly transported political activist and the mass of 'robbers, burglars and forgers' around him for whom he declared 'hang them, hang them'.

Mitchel represents the tail end of a Republican tradition tied to the presbyterian radicalism of 1798. In the intervening years it had become increasingly infused with conservatism and romanticism. The Young Irelanders of 1848, while holding to the belief in the need to oppose British rule through force, had few solid links with the Catholic peasantry. Over the next 30 years, the Republican movement was transformed. The formation of the Irish Republican Brotherhood (the forerunners of the Irish Republican Army) and its Irish American support group, the Fenian Brotherhood, laid the basis of a mass secret organisation which eventually became firmly wedded to the social issues and struggles of the peasantry. The Fenians, as the whole movement became known in the 1860s provided a threatening accompaniment to the more constitutionalist campaigns for land reform and Home Rule. At one stage they claimed to have several thousand members serving in the British Army.

21. Penal Servitude Acts inquiry op cit. p.1032

These developments were to make the nature of imprisonment a major political issue. There had always been a degree of muted resistance to the new prison order, such as the symbolic defiance of tearing down notices of the prison rules. Beneath the formal regulation of daily life, the rule of silence was flouted or circumvented, and systems of smuggling developed. But this was all low level stuff. It seems that during the early years of the convict system, very few prisoners were prepared to risk insanity by protesting to any great extent. Insanity, suicide and death through illness were, after all, regular products of the prison regime. A new challenge, however, emerged in the shape of Republican activists. When the producers of the Fenian journal, the Irish People, were imprisoned in 1865, the British government was aware that it had on its hands a group of highly committed and politically determined militants enjoying popular support. The army and the Castle administration apparently felt it was too risky to confine such men in Ireland and so they were removed to Pentonville where the authorities could be relied on to administer an especially vindictive regime. It proved to be a wise precaution on the part of the government because two months later the founder of the Irish Republican Brotherhood, James Stephens, was able to escape from Richmond jail with the assistance of two warders.


Thomas Clarke

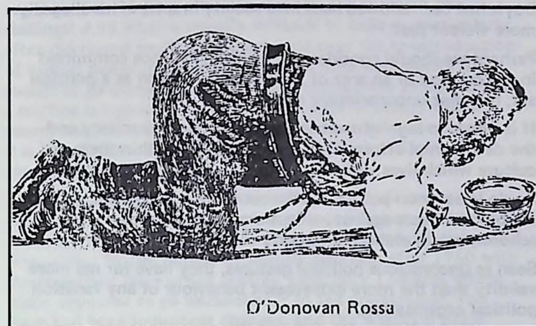
It is evident from the accounts of Thomas Clarke[22] and O'Donovan Rossa[23] that the mental and physical destruction of the Fenian prisoners in English jails was a conscious policy. Clarke, confined in Chatham in the 1880s, records that the Irish prisoners were known as 'the Special Men' and treated accordingly. The exceptionally defiant Rossa, whose mind survived to tell the tale and who was elected as MP for Tipperary without his knowledge while in prison, was subjected to treatment which even the conservative Spectator described as 'barbaric', calling for a separate and more relaxed regime for political prisoners. Many of the Fenian prisoners died or were transferred to lunatic asylums. Their presence in the prisons had consequences for other prisoners. Regimes were stiffened and a special cage was introduced for visits. As Marx reported, 'the convicts say it was a bad day for them when the Fenians were sent to the prisons'.[24]

Public outcry over the treatment of the Fenians led the government to set up the Devon Commission.[25] This inquiry allowed the state to explore ways of dealing with Irish political protest which legitimated oppression as 'a lawful custom' in the full glare of English politics. Irrespective of their political motives, it was argued, the Fenians were still criminal law-

22. Clarke, T. *Glimpses of an Irish Felon's Prison Life* Maunsel and Roberts Ltd Dublin and London 1922.
23. O'Donovan Rossa, J. *My Years in English Jails* Anvil Books, Tralee 1967.
24. Marx, K. and Engels, F. *Ireland and the Irish Question* Lawrence and Wishart, London 1978. p.257
25. (Devon Commission) Report of the Commissioners appointed to inquire into the Treatment of Treason-Felony convicts in English Prisons, 1871.

breakers and their incarceration was therefore beyond question. This logic prevented the opening up of wider issues concerning the nature of the judiciary and the rule of law in Ireland. Marx drily noted, 'in England, the judges can be independent, in Ireland they cannot. Their promotion depends on how they serve the government. Sullivan (Rossa's prosecutor) has been made master of the rolls.'[26]

Although the Devon Commission had aired the question of what sort of regime was appropriate for the 'political prisoner class', little had been resolved. The issue was next advanced by a series of protests mounted in Irish prisons by supporters of the Land League, imprisoned under the Prevention of Crimes Act in the 1880s. The prisoners began to refuse to have haircuts, to have their beards shaved off and to wear prison uniform. The impetus for this form of protest appears to have stemmed from inconsistencies within the prison system itself.


O'Donovan Rossa

Again, the protest was a low-key affair and most of the prisoners would reluctantly accept uniform when threatened with punishments, restraints such as handcuffs, or force. But the issue was a sensitive one given the serious agitation on the land question and the British parliament's moves towards Home Rule, so yet again a government inquiry was established.[27]

Prison protest became much more collective and intense after the turn of the century. With the more decisive rising of 1916, there was so much more at stake for political prisoners with the immediate prospect of liberating Ireland from British rule and the ruthless suppression of Republicans under martial law. The form of protest, whether against imprisonment, internment or military detention, changed dramatically. The war outside the prisons was matched by a life and death struggle inside the prisons. The hunger strike became the dominant form of protest.

The contrast between the treatment of the Fenians and the 1916 rebels shipped over to English jails and the Welsh internment camp could not have been starker. At Stafford jail (which was being run by the army as a military prison) the prisoners managed to negotiate, amongst other things, free access to newspapers, food parcels, free association by day and night (the cell doors were permanently unlocked) and were able to create and administer their own rules to govern their daily activities. The War Office had insisted that letters be addressed to 'prisoners of war' and the rebels had used this to demand the same rights as agreed between Germany and England for prisoners taken in the First World War. The rights were conceded on the condition that the prisoners elected a commandant who was to be responsible to the governor for discipline. Similar rights were granted to the prisoners held at Reading jail.[28]

Conditions were not so easy in the internment camps or in the Irish prisons, either before or after the partition of Ireland. Hunger striking may have been the most prevalent form of protest but to achieve specific minor short-term changes

26. op cit. p.165
27. Report of the Committee of Inquiry as to the rules concerning the wearing of Prison Dress, 1889.
28. Figgis, D. *A Chronicle of Jails* Talbot Press, Dublin 1917.

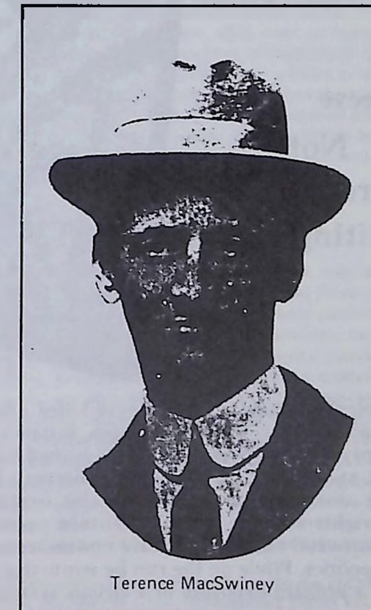
other tactics were used such as riots, refusal to work and flooding the formal complaints procedure.[29]

The hunger strike was first used in Ireland by Connolly on his arrest in 1913. Both he and the pacifist Sheffington were released. Although the British government had some experience of prison hunger strikes from the struggles of the suffragettes, no coherent policy seems to have emerged on how to deal with them. The political crisis was such that one moment a person could be sentenced to death and the next released. This, for instance, was the case with Thomas Ashe who took part in the 1916 rising. Likewise, there were uncertainties over the practice of force-feeding hunger strikers. Ashe himself, on hunger strike in 1917, died as a result of force-feeding, yet two years later the practice was not carried out on MacSwiney, the Mayor of Cork. MacSwiney who was serving a two year sentence, died after a hunger strike lasting 73 days.

During the civil war, hunger striking was used as a mass tactic either to demand unconditional release or political status. Both types of demand were usually granted after the ritual death of one hunger striker. Perhaps the most remarkable campaign was the hunger strike launched by 425 men and women in Mountjoy in August 1923 in which around 8,000 prisoners participated at one stage. The aim was 'unconditional release in the defence of the Irish citizens' right to set up their own government and their own courts without voluntary allegiance to any power or authority hostile or inimical to the Republic of Ireland.'

SECURING THE STATE

In one of the lectures first delivered to his only cell mate Joe (a pet blackbird), Michael Davitt, one of the leaders of the Land League, listed no less than 49 'coercion Acts' passed between 1830 and 1882 which were used by the British to maintain control of Ireland. Davitt summed up the Castle system by saying, 'its judges are mistrusted, its juries generally believed to be packed, its police hated, its authority defied and the name and power of the British government . . . held in undisguised detestation by four-fifths of our population . . . While the imprisoned popular leaders are loved and their names cheered by the people, their Castle jailers are hated,


Terence MacSwiney

29. see for instance Report . . . of the proceedings of the Inquiry directed by the Special Commission (Belfast Prison) Act, 1918.

and the mention of their names groaned at every public gathering'.[30]

The Irish prisons of the nineteenth century were the bastilles of the Castle system. The disciplines and the surveillance they brought to bear on a hostile people were seen first and foremost as products of an alien power. Ultimately such prisons were not simply the tools of a colonial power, but expressions of the search for a new type of authority and control which was in progress throughout Europe and America. In Ignatieff's words, the penitentiary was 'a response, not merely to crime, but to the whole social crisis of a period . . . part of a larger strategy of political, social and legal reform designed to re-establish order on a new foundation.'[31] Initially, this new order seemed inimical to the dominant mode of production and the form of class relations in Ireland. In many areas, the Protestant ascendancy preferred the suspension of civil rights and the open authority of the militia to the closed discipline of the penitentiary. But it was no accident that the industrial north-east was the first to sponsor a large purpose-built monument to the separate system.

Clearly, history provides many parallels as well as contrasts with the prison situation today, but the debate between those trying to rehabilitate the prisoner to the status of free wage labour and those more concerned with punishment, deterrence and control – the tender and tough faces of British rule in Ireland – has been largely resolved. Nowadays, every issue of prison policy and administration seems to revolve around the question of 'security'. We hope to explore this theme in a subsequent article.

30. Davitt, M. *Leaves from a Prison Diary* Chapman and Hall, London 1885. p.330
31. Ignatieff, op cit. p.210

LETTERS

Dear Friends,

I enclose a copy of the *Glasgow Herald* which carried the story of Matt Lygate's release.

I recall an article in *The Abolitionist* recently which made some criticism of his continued incarceration while Jimmy Boyle had been allowed back into society in spite of his allegedly more violent past.

Perhaps we should consider any crime or offence committed in the context of an area of multiple deprivation as a political act, however unconsciously made.

If it serves to highlight urban squalor, inner city misery and the detrimental efforts of bad experiences within them, a culture which lives violence, it makes a political statement.

So do lesser 'non-political' offences such as vandalism, graffiti daubing and acts against institutions which repress such as schools, youth clubs, community centres.

Seen as unconscious political gestures, they have for me more validity than the more extravagant behaviour of any fanatical political organisation.

Perhaps by this definition *all* prisoners are political we cannot be truly free while anyone of our fellows is in prison.

yours sincerely,
Rose E. Innes
Inverness

heretic books
PO Box 247, London N15 6RW

Alan Reeve

Notes from a Waiting-Room

£3.50

After a violent upbringing, Alan Reeve killed a fellow-teenager and was detained in Broadmoor, Britain's most notorious psychiatric prison. Though he turned his back on his past, studied and sought to live as decent a life as possible in this total institution, he also fought for prisoners' rights and gay liberation; fifteen years later the authorities still refused to release him on account of his radical politics. While on the run he wrote this autobiography, a brilliant exposure of a vicious system.

REMAND RESEARCH PROJECT

Dear Sir/Madam

The Prison Reform Trust is preparing a report on prisoners held in custody before trial. The report will deal with several aspects of the remand procedure – the time taken to bring cases to trial, the conditions for remand prisoners, the effects on prisoners and their families of a period in custody, the consequences for acquitted prisoners, and compensation.

In order to make the report as effective and accurate as possible, we must be able to take an in-depth look at several cases. Therefore, we ask legal practitioners and others to contact us if they have knowledge of cases where any of the following apply:

1. The accused was held in custody for at least one month before trial and then not convicted (for any reason) within the past two years.
2. The accused was held in custody as above and then convicted but given a non-custodial sentence.
3. An acquitted defendant has attempted to gain compensation.

We would also like to hear from legal practitioners or others who have particular thoughts on any aspects of the remand procedure which we plan to include – or which we should include.

We would be grateful if all information could be sent *as soon as possible* to: Marlene Winfield, Prison Reform Trust, Nuffield Lodge, Regent's Park, London NW1 4RS. Tel: (01) 586-4978; (01) 722-8871.

THE HANGING DEBATE —past and present

Mick Ryan

In eighteenth century Britain hanging became a popular punishment. Acts of parliament specifying new capital offences, including the notorious Waltham Black Act, were passed with alarming frequency – one a year between 1760 and 1800. The cumulative impact of this legislation was so comprehensive that by 1800 it was possible to be hanged for anything from felling a tree to stealing goods worth five shillings! And what is equally difficult to believe, particularly after the recent parliamentary debate over the re-introduction of capital punishment, many of these Acts were barely discussed in parliament; indeed, they received less attention than a routine tax proposal, a lamentable state of affairs which prompted Samuel Romilly in 1786 to observe cynically that it is 'the genius of modern politics . . . which estimate property far above life'.[1]

The determination to strengthen the penal code in the eighteenth century can be explained in a number of distinct but related ways. There was, for example, the social dislocation caused by the impact of industrialisation after 1760 with the growth of large urban centres, especially London, where crime appeared to go unchecked.[2] In the countryside, too. there had been important changes, and the Waltham Black Act was a direct result of the struggle between cottagers and gentry over customary rights.[3] The new emphasis on hanging then, was an attempt to hold the line during a period of profound social and economic change, to *demonstrate* to the lower orders, in particular, that extreme measures were now available to guarantee social and political stability.

The emphasis on *demonstration* was important. Hangings were held in the open air, as public displays of political authority, of the rule of law. The lower orders were positively encouraged to attend and large crowds gathered at Tyburn, Putney and Kennington Common to witness the full 'majesty' of the law. These may have sometimes been riotous occasions, but it is nonetheless easy to understand why those in authority came to believe that such official displays of barbarity were a deterrent to potential law-breakers. The hoped-for deterrent effect of capital punishment was further reinforced by displaying dead bodies on gibbets at strategic points around around London and other large, provincial cities.

REFORM

When reformers like Samuel Romilly campaigned against hanging they were constantly challenged to explain how respect for law and order could possibly be maintained without the extensive use of the 'ultimate' deterrent. And in the late eighteenth and early nineteenth centuries such a challenge had some force. There was after all no police force. Securing order in an increasingly complex urban society by a system of public and private rewards, occasionally enlisting special constables to quell political riots by the working class and so on was hardly sufficient.[4] While other factors, such as the refusal of juries to convict on capital charges, played a part, it is still no accident that the campaign to reduce the number of capital statutes only made real headway after the introduction of the police in the late 1820s. Britain by then had passed through the first phase of the industrial revolution.

1 S Romilly – *Observations . . .* (London, 1786).
2 Whether the level of crime at this time was as great as men of property thought it to be is a matter of some dispute – see C Emsley – *Policing and its Context 1750 – 1870* (London, 1983).
3 See, E P Thompson – *Whigs and Hunters* (London, 1977).
4 L Radzinowicz – *A History of English Criminal Law* Vol. 1 (London, 1948).

A new class society had been 'created' calling for new methods of social control – the police, through what was referred to as 'surveillance', were now to help secure order which had previously been maintained by terror and the rope.

These developments were not universally welcomed. The introduction of the police, for example, was strongly opposed not only by some radicals, but also by the landed interest which since the English Revolution of 1688 had ruled Britain with little or no restraint. The idea of a centrally controlled police force frightened aristocracy and gentry alike; it could all too easily turn out to be a powerful adjunct to the developing centralised state which was already threatening their autonomy in other ways. It was also said to resemble the French police whose information gathering was thought of as an infringement of individual liberty.

These objections, however, were eventually overruled and with the establishment of the police a thorough-going revision of the penal code was set in motion. A vast number of capital statutes were repealed. In 1832 hanging was abolished for sheep and cattle stealing and for larceny to the value of five shillings. It was further abolished in 1833 for housebreaking and in 1834 for returning from transportation. By a series of Acts in 1837 the number of capital offences was reduced to 116; by 1839 the figure was down to 56. Just a few years earlier, in 1832, it had been a staggering 1,449![5]

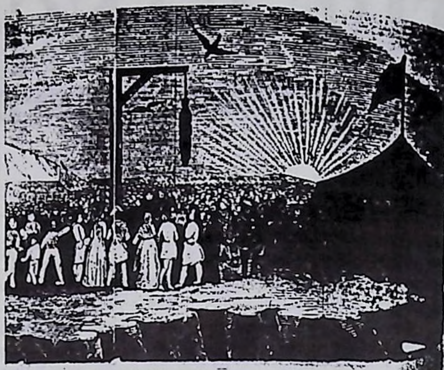
With the decline in the number of capital offences there were moves to toughen-up the so-called 'secondary' punishments, transportation and imprisonment. In Pentonville both punishments, in a sense, were brought together. It was here, in rigid solitary confinement for eighteen months that convicts were 'conditioned' for transportation to Van Diemen's Land.[6] This was punishing the *mind* with a vengeance. Stories about what happened inside Pentonville spread a terror almost equivalent to the rope. Shrouded in secrecy, what went on behind its awesome towering walls became a matter of frightened speculation. Suicides were not uncommon, and when solitary confinement spread from Pentonville to most other prisons the high suicide rate in British prisons led to demands for a special enquiry in the 1890s.[7] By this time, of course, transportation had ceased (in 1869, in fact) and the prison was well established as the central mechanism of the penal system.

CHANGING FORMS OF PUNISHMENT

What this brief summary points towards is not only an appreciation of the obvious general truth that forms of punishment are historically specific, but more particularly, that the recent demand from some Conservatives, including Mrs Thatcher, for the reintroduction of capital punishment is anachronistic, notwithstanding the fact that a majority of the general public would support such a move. No amount of 'moral' posturing around the concept of retribution, or appeals to 'simple' pragmatism on the basis of deterrence, can hide the truth that in a modern, complex society the social order cannot simply be guaranteed by hanging. Capital punishment, if reintroduced, might just conceivably stop one or two people from committing murder, but it is almost a total irrelevance to the general maintenance of law and order in an industrial society

5 These figures come from the Appendix to the *Royal Commission on Capital Punishment, 1866* (Parliamentary Papers Vol. 21).
6 M Ignatieff – *A Just Measure of Pain* (London, 1978).
7 A special statistical Appendix on prison suicides was prepared for the *Report from the Departmental Committee on Prisons* (1895) (Parliamentary Papers Vol. 56, Part 1).

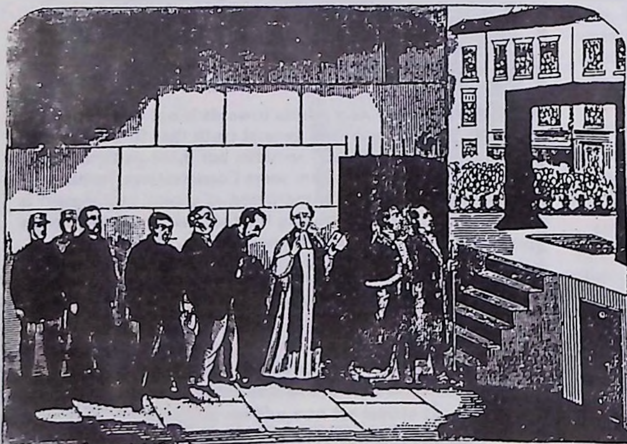
LIFE OF THE MANNINGS
EXECUTED AT HORSEMONGER LANE GOAL
ON TUESDAY 13TH NOV



THE EXECUTION AND CONFESSION OF
FRANZ MULLER,
For the Murder of Mr. BRIGGS, November 14th, 1864.

JACK KETCH'S LEVEE
OR, THE
GREAT SENSATION SCENE AT NEWGATE.
BY AN EX OFFICIAL.

CONTAINING AN ACCOUNT OF
THE BARBAROUS CUSTOMS OF THE OLDEN TIMES:
TRIALS BY BATTLE; DEATH PUNISHMENT OF THE INNOCENT;
200 Crimes Punishable by Death reduced to 1
Showing also that the Gallows is no Corrective but a fearful Promoter of Crime.



PRICE 1d.] PUBLISHED BY C. ELLIOT, SHOE LANE. [PRICE 1d.

THE GROANS OF THE GALLOWS,
Or the Past and Present
LIFE OF
WILLIAM CALCRAFT,

THE LIVING
Hangman of Newgate.

"The Cross shall displace the Gibbet, I will be accomplished." Victor Hugo.

RED AT STATIONERS' HALL.

like Britain which is a difficult and intricate process involving many different agencies, and which has long since outgrown the unsophisticated terror of the rope.

Given her attachment to Victorian values and practices it is strange that Mrs Thatcher is so unwilling to accept what her 19th century predecessors had learned so quickly, by the 1840s, in fact. Part of the problem, of course, stems from her crude use of the past, in this case, as a historical attempt to cope with the prevailing law and order crisis, which she and her party have done so much to create, by resorting to 'tried and tested' remedies of the past – a vulgar attempt at historical continuity if ever there was one! She might well do better – and so might some radicals for that matter – by trying to understand penal policy more in terms of progression that repetition; to see the shape of social control in the longer term, as it emerges from one epoch to the next. To put the same thing another way, capital punishment like other punishments of the body, whipping, branding and so on, were prominent in pre-industrial societies in the West. The Industrial Revolution, as we have already pointed out, saw the rise of the prison as the mainstay of the penal system. It was in the new model prisons that men's *minds* more than their *bodies* were punished, where 'reform' was allegedly secured. The crucial question is, what new paradigmatic shift is in prospect? Some advocate electronic surveillance as the main alternative to prison in post-industrial society. This seems to be the position of the newly formed Offenders Tag Association.

TOTAL SURVEILLANCE?

What this Association seeks to make use of is the Government's recent decision to make Britain the first country in the world to introduce cellular radio. Briefly, inner city areas are to be honeycombed with radio cells of about one square mile. The idea is that instead of prison an offender can agree to wear a small plastic transmitter which would relay a silently coded signal to the nearest cellular radio base station, which in its turn, would transmit the signal by land line to a central, national computer. In this way the offender's progress from one 'cell' to another would be constantly recorded, his every movement known. Sanctions would obviously be applied to any offender who wilfully removed his or her TAG. And should the offender move outside his or her prescribed 'cells', then the authorities would be immediately alerted.[8]

A study into the technical feasibility of such a scheme has already been undertaken at the University of Kent, and a formal request to the Home Office to support a pilot project has been made. The former Metropolitan police commissioner, Sir Robert Mark, has given his backing to such a trial. Now, while it is most unlikely that Leon Brittan will agree to the Association's request, the potential of such a scheme cannot be ignored. Nor is it only a threat to offenders. After all, the cry will soon go up, 'Why shouldn't we all wear a TAG? What has the honest citizen to fear?' To give into this sort of reasoning would indeed move us a long way towards 'total surveillance', a move by the way which Foucault and others claim is already detectable in western, liberal democracies as control agencies increasingly blur the distinction between offenders and non-offenders.[9]

It is, then, not impractical to speculate about the future of the penal system in terms of electronic surveillance. On the other hand, this is not to say that it is *inevitable*, or indeed that it is likely to happen in the next decade or two. The changes we are speculating about should be seen in terms of epochs not decades. Nor indeed, is the transition between epochs ever crisp or total. Capital punishment continued into the age of the prison, and no doubt for some offenders prison will remain if and when alternatives to incarceration are more widespread. It is also important to remember that while it is easy to identify these epochs, accounting for them is a difficult business, and so, for example, there is still much debate between – to simplify – idealists and materialists over the birth of the prison.[10]

VENGEANCE AS POLICY

No doubt politicians will claim that they cannot afford the luxury of detailed historical analysis, or find time to speculate about some distant future. For politicians what counts is the present, how to deal with inner city riots in Brixton, or, as they see it, the 'rising tide' of burglaries and serious assaults. Such a view is not entirely untenable. Parliament has an obvious obvious duty to respond to current anxieties and problems. To accept this, however, is not to excuse the crude, ahistorical arguments of the pro-hanging lobby in the Commons debate on capital punishment in July. Below the sufrace, sometimes very close to it, vengeance reigned, a sentiment now apparently elevated to a morally accepted principle by many philosophers like Roger Scruton.[11] This thinly disguised appeal to vengeance was taken to be the only sure way of securing the type of 'disciplined' society the Tories wish to see. And now hanging has been denied, the Tory Right seek new tougher penalties, the demand that for capital offences life sentences should mean 'life'. This, rather than the rope, is to be the new terror to guarantee the social order. What is sad about such a policy is not only its anachronistic crudity, but the fact that it is likely to mean a regime of increasing sterility and seclusion for many offenders, offenders for whom a life sentence under present conditions is already taking its painful toll as the present edition of the *Abolitionist* readily testifies.

Mick Ryan was a member of RAP's policy group in the late seventies. His book, The Politics of Penal Reform was published in paperback by Longman in June.

8 T Stacey et al . . . *The Offender's Tag: An electronic approach to the problem of prison* (London, 1983).

9 See, for example, S Cohen – *The Punitive City: Notes on the Dispersal of Social Control* (Contemporary Crisis, 1979).

10 See, for example, Ignatieff (Ibid) portrayed as an idealist in *Punishment and Penal Discipline* ed. Tony Platt and Paul Takagi. See, too, a critique of Michael Foucault's *Discipline and Punishment* in *The Prison and the Factory* by Dario Melossi and Massimo Pavarini. From a different point of view see Lawrence Stone on Foucault in the *New York Review of Books* – and Foucault's reply. Recently published material includes S Cohen and A Scull, *Social Control and the State* (Oxford, 1983).

11 R Scruton, *The Meaning of Conservatism* (London, 1980).

DRUGS IN PRISON

Tim Owen

Since 1980, the Prison Department Report has contained certain statistical information on the quantities of drugs dispensed in British prisons. The 1982 report – which for some reason was not published until late October this year – has continued this practice and in this article we analyse the implications of the information disclosed.

For the past three years RAP has criticised the Home Office for the misleading manner in which the drugs statistics are presented. The media have given coverage to our criticisms but until now the Home Office has refused to comment. Unsurprisingly, their first official reaction is wholly negative and amounts to saying that the information they publish is virtually meaningless – something with which we find it easy to agree. For the record, the report gives this explanation of the drugs statistics:

> 'The report for 1979 (para 170) explained that the statistics were conceived originally as an aid to management in determining staffing levels in prison dispensaries. Caution needs to be exercised when applying to other purposes. They are not, for example, a reliable basis for other than very broad judgements about the prescribing practice of prison medical officers generally or those in particular establishments. Nor can they be regarded as a precision tool for monitoring the quantities and types of medicine *administered* to inmate patients. The more sophisticated and detailed recording of information which would be necessary to

provide data wholly suitable for such purposes is beyond the present resources of the Department.' (para 241, Report on the work of the Prison Dept. 1982, Cmnd 9057)

It would be hard to think of a more insultingly absurd reply to the very serious and fundamental criticisms which have been made of the drugs figures over the past few years. Stripped of the verbiage the HO are saying that the only use for the statistics is to help them to determine the numbers of staff required at prison dispensaries! RAP would be the first to acknowledge that the way in which drug dosages are presented makes it hard to draw precise and meaningful conclusions about the extent of drug use and abuse within the prisons. But the logical answer would be to provide the information to make such analysis possible.

We at any rate make no apology for presenting once again a Table of dosage rates for 1982 based on material included in the Prison Dept report. The Table shows the average annual dosage rate per man/woman of the three categories of behaviour modifying drugs listed by the HO (Appendix 6) that were dispensed in British prisons during 1982. Dosage rates were worked out by dividing the total number of drugs in each category by the average daily population of each prison in 1982. The total dosage rate represents the sum of the dosage rates of the three categories of drugs as shown in columns 1–3.

Furthermore, we make no apology for drawing certain conclusions from the Dosage Rate Table. If the Home Office wishes to challenge any of them, they should provide us with the necessary information and we will be happy to amend our comments. In the absence of such information we consider it perfectly legitimate to point out to the public the extent to which powerful behaviour modifying drugs are being used inside British prison by the prison medical service.

A comparison of the 1982 Table with that for 1981 shows that the general pattern of drug dispensation has remained remarkably similar. Four of the top five drug users are women's prisons with Holloway at the very top of the table for the fourth year in succession. Cookham Wood and Styal women's prisons are still bracketed together. The fact that Cookham Wood houses half as many prisoners as Styal and that Styal is known to be a low user of drugs suggests that the actual dosage rate for Cookham Wood is far higher even than Holloway. RAP calls on the HO – yet again – to give the figures for these two prisons separately. Only then will a meaningful assessment of the true position become possible.

The figures for male prisons show in some cases a sharp decrease compared with previous years. For the first time ever, Brixton is the top drug user with a total dosage rate of 201 per man per year. In 1979 the rate was 299. The most extraordinary statistic however is the dosage rate for Parkhurst at 138 per man per year. In 1981 Parkhurst was the top male prison with a rate of 295 per man per year – more than twice as much as the 1982 rate. And if one compares the latest figure with the 1979 rate (338 per man per year) it is clear that over the past three years Parkhurst has reduced its consumption of drugs by one third. Holloway has achieved a similar reduction over the same period of time and, taken together, this suggests that some effort has been made to cut down on the incredible quantities of drugs dispensed care of Her Majesty's prison doctors.

The general dosage rates for other male prisons remain almost the same as in 1981. Some are up, most slightly down. Dartmoor is bottom of the table again with a dosage rate of 17 per man per year. We ask the Home Office this simple question: what is it about prisoners in Wandsworth compared with prisoners in Dartmoor which makes it necessary for them to receive almost eight times as many drugs?

In conclusion, we wish to repeat the criticisms made in previous years of the mode of presentation of the drugs statistics:

1. The distinction made by the Home Office between 'psychotropic', 'hypnotic' and 'other drugs affecting the central nervous system' is meaningless without further elaboration on exactly what drugs are included in each category. This is not a complex request. It can and must be done from next year on.

TABLE OF DOSAGE RATES: 1982

Average dosage rate per man/woman per year in British prisons, Remand Centres and Borstals of psychotropic, hypnotic and other drugs affecting the central nervous system in 1982.

ESTABLISHMENT	Psychotropic drugs (anti-depressants sedatives, tranquilisers	Hypnotic drugs	Other drugs acting on the central nervous system	Total dosage rate
Holloway	212	62	91	365
2 female closed prisons[1]	160	66	101	327
Brixton	141	20	40	201
2 female borstals[2]	112	9	73	194
3 female open prisons[3]	128	2	56	186
Parkhurst	77	28	33	138
Wandsworth	70	10	41	121
Wakefield	60	9	50	119
Norwich	55	9	52	116
Wormwood Scrubs	66	9	33	108
Risley remand centre	56	15	26	97
Manchester	39	6	34	79
Cardiff	20	3	56	79
Winchester	23	4	40	67
Birmingham	28	3	33	64
Durham	24	7	30	61
Leeds	16	0	38	54
Pentonville	25	2	23	50
Grendon Underwood	16	4	26	46
Bristol	20	4	21	45
Liverpool	13	4	24	41
Ashford remand centre	25	4	10	39
Leicester	17	3	17	37
Lincoln	17	1	15	33
Feltham borstal	13	0	9	22
Dartmoor	9	3	5	17

1. Cookham Wood & Styal.
2. Bullwood Hall & East Sutton Park.
3. Askham Grange, Drake Hall & Moor Court (closed during 1982).

2. The Home Office lumps together into one statistic the number of drugs dispensed in 2, 3 and in one case 24 prisons. This practice must stop and starting from next year we specifically request that separate figures be given for Cookham Wood, Styal, Albany and Gartree prisons. The argument that separate figures are not given because in these prisons medical services are largely provided by a single doctor and it is not considered appropriate to publish information about an individual doctor's prescribing practice is manifestly absurd. First, it stretches credulity to believe that a prison like Long Lartin with an average daily population of 387 is serviced by one doctor. Second, the Home Office have stated this year that the information in Appendix 6 is not a 'reliable basis for other than very broad judgements about the prescribing practice of prison medical officers generally or those in particular establishments'. If that is the case what can be the objection to publishing the figures for prisons with a single doctor?

If the Home Office really believes that all is well within the prison medical service they have nothing to fear from a full, detailed disclosure of the nature and amount of drugs dispensed to prisoners. In the meantime we will ignore any warning from them about drawing false conclusions and continue to make what we can out of the limited information which they do make available.

This article forms part of a joint report by RAP and INQUEST on **Prison Deaths and Prison Medicine**, *to be published in December.*

PUBLICATIONS

All prices include postage charge.

Outside Chance – The Story of the Newham Alternatives Project (1980), Liz Dronfield. £2.25
A report on a unique alternative to prison in the East End of London, founded by RAP in 1974.

Parole Reviewed – a response to the Home Office's 'Review of Parole in England and Wales' (June 1981). £0.75
A RAP discussion document and policy statement.

Out of Sight – RAP on Prisons, RAP/Christian Action, autumn 1981 £0.70
Includes articles on parole, the state of the prison system in 1981, prison cell deaths, prison medicine, dangerous offenders, sex offenders.

The Prison Film, Mike Nellis and Chris Hale (1982) £1.40
A lively and fascinating analysis of the genre of the prison film. Published to coincide with RAP's 'Prison Film Month' at the National Film Theatre, February 1982.

A Silent World – The case for accountability in the Prison System, RAP Policy Group (August 1982) £0.30
An analysis of the many ways in which our prison system is unaccountable to the public it is supposed to serve; and a policy statement and list of background reading for future consideration.

Sentencing Rapists, Jill Box-Grainger (1982) £1.30
An analysis of 'who rapes whom, and why', the effectiveness of current sentencing practice to deal with rape, and a discussion of feminist analyses of rape and their suggestions about what should be done with convicted rapists. Also, recommendations for new principles and practice in the sentencing of rapists.

ABOLITIONISTS STILL AVAILABLE:

Abolitionist No. 8 (spring 1981) £0.70
Includes articles on sex offenders in prison, sex offenders and child victims, women's prisons and women in prison, deaths in prison, alternatives for drunken offenders and a review of the prostitution laws.

Abolitionist No. 9 (autumn 1981) £0.70
Includes articles on radical probation work, the medical treatment of sex offenders, victimology and a radical perspective.

Abolitionist No. 10 (winter 1981) £0.80
Includes articles on rape, segregation and restraints in prison, psychiatric secure units, alternatives to custody.

Also, PROP (National Prisoners' Movement) **'Prison Briefing'** no. 1.

Abolitionist No. 11 (spring 1982) £0.80
Includes articles on the inquiry into the Wormwood Scrubs Prison Disturbance, 1979; group therapy in prisons; prison medicine, prisons and hospitals; Scotland's political prisoners; the meaning of life (sentences).

Abolitionist No. 12 (summer/autumn 1982) £0.80
Includes articles on reparation and conciliation; drugs in prisons; prison deaths; the state of the prison reform lobby; the state of RAP

Abolitionist No. 13 (1983 no. 1) £0.80
Includes articles on prison deaths; prison education; penal reform in crisis; Dutch penal policy; Barlinnie special unit; Matt Lygate; prison medicine; parole.

Abolitionist No.14 (1983 no.2) £0.80
Women in Prison; Racism in Prisons; Young Offenders; Suicide in Prisons; interview with a 'lifer' and his wife; Habitual Drunken Offenders: Probation or Prison?

Ian Cameron's An Account Paid in Full: The Frank Marritt Dossier (published by Friends of Frank Marritt, 1981) is now available from RAP, price £1.

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BOOKS RECEIVED

Due to pressure of space and time there are no book reviews in this issue. We have received copies of the following, which will be reviewed in the next issue:

David Garland and Peter Young (eds), *The Power to Punish*, Heinemann 1983.

Parliamentary All-Party Penal Affairs Group, *The Prevention of Crime Among Young People*, Barry Rose, 1983.

Alan Reeve, *Notes from a Waiting Room*, Heretic Books, 1983.

George Zdenkowski and David Brown, *The Prison Struggle: changing Australia's penal system*, Penguin Books Australia, 1982.

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