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*Changing the landscape*  
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**UNDERSTANDING PRISONS  
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**The Reality of Imprisonment**

For almost 25 years I worked as a prison governor in the United Kingdom and for the past eleven years I have worked in the International Centre for Prison Studies in King's College London, helping in prison services all over the world. I worked out recently that I had visited prisons in over 60 countries.

These experiences left me with a question, "What is this thing we call the prison?" And I also had another question, "What is the future of the prison?" In this first decade of a new century we have an opportunity, as with so many other elements in our society, to ask why things are as they are, and whether there is perhaps another and better way of dealing with things. It is worth reminding ourselves at the outset that the prison is a relatively modern concept, having been with us in its present form for less than 300 years. To what extent is the traditional model of imprisonment still relevant at the beginning of the 21<sup>st</sup> century? Is it possible that, like the public stocks or public execution or transportation in other ages, imprisonment is now a concept which has outlived any usefulness which it ever had? Has the time come for a radical re-think of the concept of imprisonment and the prison?

Let me say a few words about the reality of the prison around the world today. The International Centre for Prison Studies has carried out practical prison reform projects in countries such as China, India, Russia, Chile, Brazil, Algeria and Mozambique, all of them being carried out from a human rights perspective. The network of connections and information which the Centre has built up places it in a unique position to comment on imprisonment around the world.

So, what have we learned in the course of this work? In the first place, there has been a massive increase of the number of men, women and children in prison in many

countries in recent years, to an extent which would have been inconceivable even a few years ago. In the United States, for example, within a few short years there has been a 500% increase in the number of people in prison. The number of people in prison and jail in the United States currently stands at around 2.3 million, a figure equal to the population of many countries. Speaking about this number, the head of a conservative think tank in the United States commented, "It took more than 200 years for America to hold one million prisoners all at once. And yet we have managed to incarcerate the second million in only the past 10 years." In the Netherlands, long held up as a model of enlightenment in prison terms, there has been a fourfold increase in its rate of imprisonment in recent years. In 1992 there were 45,000 people in prison in England and Wales. By 1998 the number had risen to 65,000. It now stands at over 82,000 and government predictions suggest that within a few years it might rise to 100,000. I do not need to tell this audience about the disturbing figures for New Zealand.

In terms of attitudes to the place of imprisonment in civil society and its role in helping to create safer, more equal communities, the countries of the world can be divided into five broad categories. The first category includes those countries which are beginning to question the central place which prison has traditionally held in many justice systems. In many of these countries imprisonment in its modern form was introduced by colonial powers. One is struck by the reality of this in many towns in Sub-Saharan Africa or South Asia when one comes across the local prison which is an obvious model of one of the 19<sup>th</sup> century prisons still to be found in London. In these countries the idea of taking large numbers of able-bodied young men, who should be contributing to the economic and social well-being of society, and locking them behind the high walls of a prison, where they are a burden on the community, makes little sense in terms of local cultural norms. In addition such countries cannot afford the economic consequences of such a policy. In many of these countries the problems facing their prison systems remain immense since some of the worst prison conditions are to be found in countries which were formerly ruled by imperial powers. But because these countries have no indigenous concept of imprisonment there is a greater possibility that they will look for alternative methods of dealing with crime. In a number of these countries there is now a recognition that formal criminal justice systems have marginalised victims of crime and have failed to oblige offenders to face up to the damage and harm which their actions have caused. There is also a growing appreciation in some quarters that criminal justice processes have only a limited role to play in underpinning the values of a democratic society.

The second category includes those countries which are showing a willingness to tackle prison conditions which are sometimes appalling in terms of overcrowding and shortage of resources. For example, prison conditions and the treatment of prisoners in many countries in Central and Latin American have no place in any civilised society. In many of them there is anarchy and continual violence. Encouragingly, there are now indications from governments in a number of such countries of an acceptance that this situation cannot continue. Some of them are beginning to work with intergovernmental agencies and with non-governmental organisations in an attempt to bring their prison systems up to the standards required by international human rights instruments.

Most of the countries of the former Soviet Union are in a third category. They have some of the highest levels of imprisonment in the world and some of the worst conditions. For example, Kresty Prison in St Petersburg, which has a capacity for 3,000 prisoners in the 1990s regularly held 10,000, with 10 or 15 prisoners being held in small cells, 2 or 3 to a bed. Conditions are so bad that the Director of Kresty Prison reported that pre-trial prisoners frequently said to him, "Governor, I am ready to plead guilty just to get out of this place." In many of the countries in this group there is a recognition at the highest levels of government that these conditions are unacceptable and will have to be improved. Russia is a good example of this. In the late 1990s the number of people in prison was reduced by 20% in just a few years. This was achieved by a combination of initiatives, such as the introduction of new legislation which limited both the kinds of offences which could attract a prison sentence and also the length of sentences for offences; and changing the assumption that every accused person should be remanded into custody. At the same time there was a determination to reassure both the media and the public that a reduction in the number of people being held in prison would not threaten public safety.

The fourth category includes the majority of countries in Western Europe. These have traditionally regarded prison as a place of last resort, to be used only for the most serious offenders and those who present a threat to society. As a consequence most of them have relatively low rates of imprisonment; certainly lower than England and Wales. Denmark is a case in point, where the rate of imprisonment has been reducing in recent years and now stands at 60 per 100,000 of the population of the country; that is, well over half the rate in this country. The Prison Service there works on 6 principles: Normalisation, Openness, Exercise of responsibility, Security, Least possible intervention and Best use of resources. They would not regard imprisonment as an element in their strategy to reduce re-offending rates. The situation in Finland is broadly similar, both in terms of the rate of imprisonment and the public attitude to its use. The Director of the Finnish National Research Institute of Legal Policy recently commented, "It is hard to imagine that the claim that "prison works" will find its way into Finnish political campaigns."

The fifth and final category of countries is the most problematic. It includes countries such as the United States, where there is little indication of concern about the increasing number of people being sent to prison. In these countries politicians and commentators have tried to make a link between levels of imprisonment and levels of crime and have set out to convince the public and the media that a high level of imprisonment is an important tool in what is often described as the war against crime. According to this thesis, those who commit crime are a specific class of human being. If only they can be identified and taken out of society, so the argument goes, law abiding citizens will be able to go about their daily business in safety and security. The original notion of prison as a place of exclusion has been restored. For an increasing number of men and women the period of exclusion is becoming longer and longer. In the United States in particular a significant proportion of prisoners will spend the rest of their lives in prison. This brings with it unforeseen problems. For example, a conference held in New York a few years ago dealt with the issue of "Dying in Prison". Within a short period a number of prisons will have to be converted into hospices and homes for old prisoners.

The truth of the matter is that the suggestion of a direct correlation between high rates of imprisonment and reduced crime levels is very problematic. Of course, it is possible that if a high enough proportion of all people, particularly young men, is locked up that there will be a reduction in crime. But that begs all sorts of questions about the value systems of a society which chooses to go down this path. Research evidence suggests that victims are not satisfied by this form of justice, that society has less public confidence in the criminal justice system and that those who have been in prison are likely to return to society with a greater sense of alienation and bitterness.

### **Vision for the Future**

So, what should be our vision for the future? First of all, we have to decide what it is we expect of our criminal justice system and how it can best serve society. The most important point to make is that criminal justice processes have a relatively narrow part to play in underpinning the values of society. The formal justice process can support and reinforce the value system of a society, but it cannot be a substitute for it. Society should not look to the criminal justice process to resolve all its ills. We need to acknowledge the distinction between the punishment of criminals and the protection of the public on the one hand, and the prevention of crime on the other. The main purpose of the prison is to punish criminals by depriving them of their liberty. This should only be done in respect of the most serious crimes and when there is no reasonable alternative. In addition, prison occasionally needs to be used to protect the community from individuals who are a threat to public safety. This is not a common occurrence and in most countries one can identify the small number of individuals who fall into this category by name. One should be very cautious of any suggestion that an increased use of imprisonment is an efficient form of crime control.

If we come to understand that the prison is primarily a place of punishment rather than of personal reform and that it should be used only as a place of last resort to satisfy public demand for punishment of serious crime and in the interests of public safety, then we can move on to consider how, if it has to be used, the prison can be made a place of positive experience. Within the narrow context we have defined, it is possible to set a number of clear objectives. These are that people in prison:

- should not be made worse by the experience of imprisonment,
- should be encouraged to face up to the crimes which they have committed,
- should consider ways to repair the damage they have done and to provide satisfaction for the victims of crime,
- should be given opportunities to improve themselves,
- should be encouraged to prepare themselves for return to the community.

Prisons as we know them today are based on the notion of exclusion from society. Such a notion sits very uneasily with the concept of a society which is integrated and in which everyone is meant to contribute to the good of others. It is naive of us to assume that by excluding large numbers of people from our society behind the high walls of a prison for a specified period of time we will somehow turn them into better citizens. The successful experiments which are now emerging from other countries about restorative justice and community penalties give us real reason to hope that there may indeed be, in Vaclav Havel's words, "a better way of coming to terms with

certain things.” This alternative is not an easy way. It is a very difficult way. But eventually it will be a much more successful way.

## **Restorative Justice**

Let me talk for a moment about the principles of what has become known as restorative justice:

- In restorative justice the emphasis of the process is the relationship between the perpetrator and the victim(s). This is in contrast to the focus of the retributive justice system in which the relationship is between the perpetrator and the State, with the State taking the place of the victim.
- Restorative justice aims at satisfaction for the victim within a framework of reconciliation and forgiveness.
- Restorative justice also aims at bringing the offender to an understanding of the harm that has been caused, acceptance of the responsibility for those consequences and into a new relationship with the community.
- Restorative justice is normally seen as an alternative to retributive justice and as a different method of sentencing. However, there is also a growing consideration of the extent to which these principles can be applied to imprisonment itself.

## **The Restorative Prison project**

Bearing these principles in mind, the International Centre for Prison Studies worked for a number of years with prisons in the north east of England in what we called the Restorative Prison project. It has to be recognised that at one level there can be no such thing as a restorative prison. The concept of imprisonment, it can be argued, is destructive and the best that can be hoped for is that people will not be made worse by the experience of imprisonment. In practical terms, that is too negative a message and, in the interests of prisoners, of prison staff and of civil society one has to set one’s ambitions higher than that. We started from the position that our enterprise should have at least four elements:

- Linking the prison and the community, with the prison explaining itself to the community and asking the community to get involved and to find out more about it.
- Encouraging prisoners to do work for the benefit of others which is public and publicly recognised, thus allowing prisoners to be altruistic.
- Stimulating more involvement of victims’ groups in prison and raising awareness among prisoners about the sufferings of victims of crime.
- Creating an alternative model for resolving disputes and complaints inside prisons.

Our project centred around three pilot prisons: one was a large local prison which held a wide cross-section of pre-trial and convicted prisoners, another was a low

security prison which prepared prisoners for release and the third was a prison for young offenders.

An important element of the work was what became known as the Albert Park project. This centred on a run-down Victorian public park in a densely populated area of central Middlesbrough. In November 2000 Middlesbrough Council secured a large grant from the Heritage Lottery Fund for the refurbishment of the park and they developed an ambitious plan to achieve this. However, although they had the capital funding they were very short of expertise to do the necessary work. As a result of the Restorative Prison project the three pilot prisons built up close links with Middlesbrough Council and began to make significant contributions to the refurbishment of the park. For example:

- Prisoners from the first prison refurbished the metal railings around the lake, and teenage and junior play areas. They also worked on the furniture and fittings for the visitor centre, including café tables (with old sewing machines as their base), notice boards, display cases, shelving, worktops, bookcases and corners for the roller-hockey rink.
- Young offenders made boats and boat trailers for use at the lake, produced an exhibition screen at the visitor centre, made bunting for special events (such as the launch of the visitor centre and roller-hockey rink).
- Prisoners from the low security prison worked on the artwork exhibition at the visitor centre and undertook community placements in the park alongside other offenders doing community service and working with park rangers. This outside work included landscaping and painting the metal railings.

As part of this project ICPS commissioned the local University of Teesside to evaluate the work in Albert Park. Their interviews with the prisoners involved elicited comments such as: ‘I’ve given something back to the community’; ‘I feel like I’m putting something back; I’ve always took things ... and now I want to put things back and it just makes me feel better’;

They also interviewed members of the local community who used the park. They said things like: ‘We’re surprised at amount of work the prisoners have done’; ‘Just brilliant what they’ve done’; ‘Fantastic’; ‘Prisoners should be doing more like this in the community’ It will give them an incentive to carry on.’

The pilot project ended in 2004 but its real success is that the work has continued, expanding into other prisons and other communities in the region under the banner of the North East Restorative Justice Partnership. Speaking earlier this year, the Attorney General for England and Wales said:

The North East Restorative Justice Partnership is an example of a restorative project which... allows offenders, both within prison and under the supervision of probation, to make a real contribution back to the community which was affected by their crime. Providing services or equipment for a community area such as a park or cemetery makes a public statement about the restorative work undertaken by offenders.

## **Conclusion**

A truly restorative regime in a prison would, on a daily basis, present prisoners with a series of duties, challenges and learning opportunities. It would invest trust in the prisoners' capacity to take responsibility for performing tasks, for meeting challenges and for using learning opportunities. The task for prison staff at every level and in all departments would be to work with prisoners to identify the skills, guidance and support they need to restore their lives, equipping themselves for renewed citizenship and a life away from crime. Potentially a restorative regime would offer growth of mutual understanding, learning and co-operation between prisoners, prison staff and society, with rich opportunities to experience the value of working together and developing positive attitudes and behaviour of lasting influence.

If prisons have to continue to exist then these are the sort of activities they should be involved in. A regime like this might increase the possibility that on release prisoners would become well integrated members of their communities with a great deal to contribute, rather than more likely to return to a life of crime.

The day when all prisons are like that remains a long way off. In the meantime, each of us has to contribute as best we can and the work that you do, both individually and collectively, remains very important. I wish you every success in your continuing endeavours.