

PREPARATION FOR RELEASE OF LIFE-SENTENCED PRISONERS AT HM PRISON SUDBURY:

A CRITICAL EVALUATION, WITH PARTICULAR EMPHASIS ON RISK ASSESSMENT

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Abstract

The purpose of this study is to evaluate how HM Prison Sudbury prepares their life sentence prisoners for release, with a particular consideration of risk assessment. Analysis of literary materials and Home Office studies have provided the theoretical grounding for the research. Interviews with Phil Nichols, the Lifer Unit manager at Sudbury and a survey of lifers have provided insight and practical observations into the prison regime and how it monitors prisoners for risk whilst encouraging their personal development prior to release.

Sudbury has to manage a diverse range of tasks to satisfy the needs of lifers. This dissertation will concentrate on an analysis of activities which enable risk assessment and personal development. Prisoners and staff gave honest and candid opinions about what is achieved at Sudbury.

Risk assessment and community protection have become centralised themes in modern criminal justice policies. However a dramatic increase in the numbers of prisoners and particularly lifers is already beginning to take effect. It must be recognised that a great deal of resource investment in the prison system is needed in order to achieve adequate risk reduction, whilst also considering and countering the effects of institutionalisation.

Open prison is perhaps the most testing part of a life sentence. The work undertaken at Sudbury is designed to ensure safety within the community and prevention of further crime. In the context of lifers this is a complex and difficult task, which appears to be achieved with minimal resources and little recognition.

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Chapter One

Aims and Methodology

The aim of this dissertation is to analyse how staff at HMP Sudbury prepare their life sentence prisoners for release, with a particular emphasis on risk assessment and reduction. The topic was inspired by a lecture given by Judith Pitchers in the second term of the degree course. Lifers, it seemed, were a unique group within the prison system. Due to their commission of very serious crimes, they can be incarcerated for extraordinary lengths of time. They are subjected to a lengthy process of tariff setting, offending behaviour assessments, and most importantly, constant risk assessment. Although there is a great deal of criminological analysis of the nature of imprisonment, conditions and theories behind prison in general, there seems little emphasis on establishments such as Sudbury.

Early theories of institutionalisation have greatly influenced the way criminologists construct penal policy. Work by Foucault and Goffman described the inadequacies of ‘total institutions’ such as prisons. Problems of lengthy incarceration have been debated and analysed by many theorists over the past century. It is therefore surprising that more research has not been carried out concerning institutions such as Sudbury, which have a specific aim of rehabilitating prisoners before they re-enter the community.

Many images and comments have been published about prison life. Media debate, entertainment dramatisations and the popular press currently all seem to be obsessed with crime and criminal justice. However such portrayals are not necessarily well informed or factual. A great deal of media analysis of penal policies was examined for the purposes of this dissertation; this was an important process in order simply to contextualise criminal justice within the perceptions of society. The work must remain focused on criminological research,

and not simply examine popular cultural ideas about prisons. It is too easy to see prisoners at the periphery of society, however the majority of lifers will eventually rejoin society. Members of communities must share the responsibility of crime and its consequences.

*The institutions of criminal justice and the personnel who populate them do not operate in a vacuum. They are a fundamental part of society, its structure and the way in which social order is maintained.*²

The Guardian newspaper has recently been running special reports on prisons, prisoners and penal policies. This has been a useful tool for gaining a general insight into such matters, but lacked the depth required for an academic analysis.

Analysing Sudbury's regime and practises required a variety of approaches, as relying on only one approach would give inaccurate and biased views. The time scale for producing this work provided its own complications and restrictions, but this is the case with the majority of research.

Access to Personnel in Sudbury Prison

Initial access to Sudbury prison was secured through persistence by my dissertation supervisor, Judith Pitchers and myself. The prison was very helpful when contact was made but it took a long time for the original letters to be filtered through to relevant personnel. Phil Nichols, the Lifer Unit Manager has been very co-operative with my research requests, although there were practical barriers in accessing certain members of staff who might also have been helpful to this research.

The prison psychologist began maternity leave and was therefore unavailable, and the probation department was extremely short staffed; time constraints prevented them from

² Jupp 1989:113

participating. An extremely brief explanation of probation work in Sudbury will be given in chapter 4. Staff involved in co-ordinating prisoner employment gave a useful background into how the Sudbury system works and explained the necessity of reliable employers within the community willing to take on prisoners. Officers were open with information and willing to share their ideas.

Prisoner Survey

After numerous informal interviews with Phil Nichols it was agreed that he would distribute a survey to all lifers at Sudbury. This was to be a voluntary survey asking for opinions concerning many areas of the work carried out in the prison, some questions about education and offending behaviour programmes, and also touched on work done at other institutions. It seemed very important to gain honest opinions from prisoners themselves. What had been evident about the entire prison system was the extent to which prisoners were affected by a lack of control in any decision-making that pertained to their lives. Obviously they are incarcerated because they have committed very serious crimes, however they are inherently passive subjects within a system over which they have absolutely no control.

Cohen and Taylor summarize some of the problems which prison researchers are likely to encounter: Criminals who find themselves in institutions like prisons become in a real sense the 'property' of the Home Office: when a prisoner enters through the gates the prison officer in charge signs a paper certifying that he has 'received the body of the prisoner'... the researcher finds himself in a complex web of social and political restrictions.³

Although the main thrust of the dissertation would be based on risk assessment, it was vital to evaluate how lifers were prepared for release. After sometimes extended periods of incarceration it can be very difficult to return to normality back in the community. Work on

³ Ibid:19

offending behaviour whilst in prison could be undermined if prisoners are released still suffering the effects of institutionalisation

The survey (see appendix IV) had to be constructed with sensitivity to the fears of prisoners. Anonymity and confidentiality was guaranteed and prisoners were encouraged to speak freely about any issues they wanted to discuss. A covering letter (appendix III) was designed to ensure that prisoners felt clear about the purpose of the research, and the important role they would play in providing answers.

It is worth remembering that the choice of topic is affected by the power of the subjects of the research to resist the investigation. How far such resistance is possible varies according to the research methods employed, but generally speaking we know more about the poor and the powerless than we do about the rich and powerful.⁴

Of the seventy-six questionnaires issued, thirty were completed. As it was essential that prisoners felt able to trust the anonymity and confidentiality of the responses, they were provided with an envelope, which could be sealed and left with Phil Nichols in the Lifer Unit. However a handful of prisoners felt the need to post the completed questionnaires to the department at the University. Prisoners on the whole seemed honest about their experiences and used the opportunity to make many comments about the questions asked. When designing the questionnaire, it was important to allow for differing levels of literacy. This was borne out as some respondents obviously had problems with reading and writing. Despite this, they made an effort to answer the questions posed, and their cooperation was appreciated. A broad range of topics was incorporated, but the length of the questionnaire was restricted for ease of response and to reduce what has been described as 'respondent fatigue'⁵. Some questions were avoided so as not to deter prisoners from participating in the research,

⁴ McNeill 1990:13

⁵ Bryman, 2001:129

e.g. the nature of the index offence was not requested, despite the fact that this information could have been useful to contextualise the nature of the offending behaviour work they had needed to complete.

Interviews

The questionnaire incorporated space for prisoners to add any extra comments and give their names, if they were willing to be interviewed. Unfortunately those who expressed such willingness were generally unsuitable, because they had only been at Sudbury for a very short time. Two prisoners were suitable, but one of them was admitted to the medical wing for opiate use and the other's letter arrived too late to act upon. A correspondence was entered into with two inmates, who provided candid and thoughtful comments about their prison experience. Although these were not used as a basis for specific observations, they gave excellent insight, not only into the Sudbury regime, but also that of other prisons. As mentioned previously, informal interviews were conducted with Phil Nichols on numerous occasions. He is highly experienced in his field and was very informative, but it must be recognised that he speaks as a member of the prison establishment.

Literature review

There appears to be a severe lack of research into open prisons and their current regimes. With an increased emphasis on risk assessment and the necessity to correct offending behaviour before release, it is important to analyse how this work is undertaken. There are few lifer prisons, and the Inspectorate Report on Sudbury recognised the need for more support of open establishments within the Home Office.⁶

⁶ Her Majesty's Chief Inspector of Prisons HMSO 1998: unnumbered

Due to a lack of specific research on open prisons, theories had to be gathered from a wide range of literary resources. The most recent book on open prisons by Jones, Cornes, and Stockford was published in 1977, and is therefore seriously outdated. Many books on prisons were used for information gathering, but there were a handful that were particularly useful. Cullen and Newell(1999) and Brians and Jones(2001), both recent publications, were excellent sources of factual information about lifers, but lacked an academic or theoretical background. Sparks(1998) and Flynn(1998) gave information with a more substantial backing of theoretical argument. Published under the umbrella of the Prison Reform Trust, these books gave a clearer message of the need for penal reform and greater investment in the prison system. Matthews(1999) was grounded entirely on a sociological background, but presented a good basis for criminological argument. Stone(1997) gave by far the most useful and specific account of the experience of life sentence prisoners, and was invaluable to this study. Other texts were also used, but there is an increasing reliance on Internet publications when researching relevant material. It was frustrating not to be able to gain access to a Government publication 'The Lifer Manual', an in-house text which states current policy and practice; it is an invaluable document for all criminal justice agents concerned with the welfare of lifers. Despite numerous attempts via the prison, the Home Office and certain libraries, it was impossible to review the text, as it is deemed a confidential document, for use only by professionals within the field.

This research is not intended to give a comprehensive analysis of lifers within the prison system, but aims specifically at the notion of risk assessment when preparing lifers for release. There are many aspects that could not be covered due to restrictions in access, time and money. For example, education could possibly have peripheral effects on long-term risk of recidivism; Sudbury offers an extensive opportunity to undertake educational qualifications (see Appendix VI).

It is a fascinating area of criminal justice and one that deserves greater analysis and attention than currently received by researchers and government bodies alike. Press coverage on open prisons regards them merely as ‘holiday camps’⁷, which is very far from the truth. This dissertation will attempt to disclose the very vital work that establishments such as Sudbury are performing with little recognition or appreciation.

⁷ ITN website July 2000

Chapter Two

Life Sentence Prisoners

Britain has the highest number of life sentence prisoners in Europe. In April 2001 there were 4,756 prisoners serving life sentences in prison establishments in England and Wales, 4,595 of whom were men.⁸ Prisoners serving life sentences pose a unique and complex problem both theoretically and practically. As a society we have to justify incarcerating people for such a length of time. The toll that incarceration takes on individuals, families, and society as a whole cannot be overstated. For the Prison Service, the practicalities of administering, assessing and eventually releasing such individuals pose an immense challenge.

There are four types of life sentence, which encompass a variety of crimes, tariffs and circumstances: those convicted of murder will receive a mandatory life sentence and the tariff will be set after the trial. Defendants under 18 years of age at the time of the offence will be detained during Her Majesty's Pleasure (HMP), and the trial judge in court will set the tariff. Discretionary Life Sentences are received for very serious offences and are imposed due either to the serious nature of the offence, or to the danger the offender can pose to the public. New powers under the Crime (sentences) Act 1997 dictate that judges must give automatic life sentences for serious second, violent or sex offences if the offender 'constituted a significant risk to the public' and unless there were 'exceptional circumstances', both circumstances dictated by Lord Wolf in R v Offen 2000.⁹

Tariffs in the cases of HMP lifers, discretionary lifers and those sentenced under section 2 of the Crime (Sentences) Act 1997 are judicially decided; for those who receive a mandatory life

⁸ HM Prison Service, Lifer News, Summer 2001

⁹ <http://www.legalbrief.co.za/secure/archives/Lifers.htm> 2001

sentence, the tariff will be decided by the Home Secretary on judicial advice. The Act was introduced by a Government which was desperate to reduce recidivism, especially when it involved violence or sex attacks. Crime has been at the forefront of Tony Blair's manifesto promises.

*The grounds for this new law are compelling. There are offenders who leave prison with a high risk of re-offending. Anyone who has worked in prisons knows this to be true and will no doubt have felt acute frustration, and no little apprehension, at having to watch such people leave prison, some of whom have actually said they will re-offend.*¹⁰

There are well-grounded fears that this legislation will increase the number of lifers within an already over-stretched prison system. To date only a handful of such sentences have been passed. Such prisoners are treated as lifers but may have relatively short sentences; this again can cause confusion within the lifer system.

Use of Resources

It will not be the remit of this dissertation to analyse the use of the Life Sentence, however it must be recognised that the imposition of such a sanction demands an almost infinite amount of time and resources by the Home Office and various criminal justice agencies. It costs on average £22,000 per year to keep a prisoner; yet with peripheral expenses it is almost impossible to calculate the final fiscal implications of one Lifer to the taxpayer. Nevertheless this investment must be made, not only in the cause of punishment and just desserts, but also as an investment intended to prevent further offending. The aim of the Prison Service is that prisoners will 'lead law-abiding and useful lives in custody and after release'¹¹ this cannot be achieved without adequate financial and human resource investment.

¹⁰ White Paper – Home Office

¹¹ Prison service mission statement

Time served by those receiving life sentences can range from one year to natural life. Dealing with such a variety of tariffs, in such a unique context as a life sentence, is a significant challenge for the Prison Service. It is vital to analyse the potential risk that lifers pose to the public upon release. They have been convicted of crimes deemed abhorrent by society; such as murder, rape and other sexually motivated attacks and arson. When Michael Howard held the post of Home Secretary he added the notion of 'acceptability to the public' as a criterion for release of life sentenced prisoners.¹² It could be argued that 'acceptability' could only be attained if adequate investments have been made and prisoners no longer pose a threat to society. Unfortunately Howard's philosophy has also encompassed notions of public opinion, which can be heavily influenced by moral attitudes. Owing to the nature of their crimes, life sentence prisoners can be the object of much anger and hatred from the public. This can make the transition from prison to community a lot harder to deal with, especially if unwarranted media attention calls into question the acceptability of release.

Public attitudes also have a peripheral, but not unimportant, impact on the use and administration of life sentences. Public opinion does have an influence on criminal justice policy, and the use of life sentences is not exempt from this.

The imposition of a life sentence is often seen as reflecting national opinion on the seriousness of such crimes. One consequence of this symbolic function of the life sentences is that individual prisoners serving life may find their sentence extended or release postponed by the executive in response to public opinion many years after the commission of the original crime. Some researchers have suggested that the treatment of life-sentence prisoners is often the public showcase of political drives to be seen to be tough on crime.¹³

¹² Guardian newspaper 2001

¹³ Bryans and Jones 2001:108

The possibility of political interference in the sentence progression of lifers makes them unique within the prison system. Due to the highly emotive responses to their crimes, offenders such as Hindley, Venables and Thompson, etc. are subject to media scrutiny and debate. This can influence Government ministers who are responsible for tariff setting and transferral of prisoners to open conditions. The level of uncertainty that follows a lifer through the system can exert a most unsettling influence on his morale.

Although it would be a mistake to over sympathise with those who have received a life sentence (obviously they have committed heinous crimes), it must be remembered that incarceration for such a protracted length of time is extremely difficult. Despite the popular notion, encouraged by tabloid newspapers, that prison is an easy ride and prison sentences are short, a lifer will be affected by his sentence for the rest of his life. Even after he has completed his sentence, he can remain on life license and be subject to prison recall for any possible misdemeanour. It does not diminish the focus on the crime to contemplate the severe effect a life sentence can have on an individual. Within the prison service itself a transfer to a specific lifers' prison can take a while, and facilities in other types of prison can be unsuitable for lifers.

As a minority group, lifers often feel isolated and alienated from mainstream prison life. They may experience extreme guilt about the offence they have committed and this, together with the prospect of a long and uncertain period of imprisonment, can cause feelings of isolation, hopelessness and despair. In addition, many life- sentenced prisoners quickly loose contact with the outside world, and may require intense help in order to prepare for their release.¹⁴

¹⁴ Flynn 1998:79

Progress through the sentence

As far as this dissertation is concerned, it will be assumed that the sentence has been worked through and punishment and retribution have been achieved. There are many factors, which can affect a Lifers' release, such as behaviour, admitting guilt etc. Research carried out by the Prison Reform Trust has analysed prisoners' perceptions of their progress through the system. It provides an interesting insight into how prisoners feel they are being perceived by the system.

| | Number | % of cases |
|---|--------|------------|
| Attendance at offending behaviour courses | 66 | 80 |
| Addressing risk factors | 46 | 55 |
| General behaviour | 42 | 50 |
| Admitting guilt | 38 | 45 |
| General attitude | 36 | 43 |
| Attitude to authority | 35 | 42 |
| Social interaction | 29 | 35 |
| How I spend my spare time | 22 | 27 |
| Attendance at education | 21 | 25 |
| Other | 14 | 17 |

Figure 1 FACTORS PERCEIVED TO AFFECT LIFERS' PROGRESS TOWARDS RELEASE¹⁵

A lifer must in effect play by the establishment rules in order to progress effectively through the system. This dissertation will analyse what parts of the system a prisoner must adhere to during the period preceding release. In open prisons the nature of the tests given to prisoners changes, and they become more relevant to life within the community.

¹⁵ Sparks 1998:21

Prisoners are substantially passive subjects with the system. It is important to acknowledge that prisons are the ultimate form of a dictated bureaucracy, which shapes the point of view of an inmate.

*The defining characteristics of modern bureaucracies, according to Weber (1948) are that they are imposed, rule governed organisations with a hierarchical command which allows 'precision, speed and ambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs; these are raised to the optimum point on the strictly bureaucratic administration and especially in its monocratic form.'*¹⁶

This dissertation will not be based on a sociological analysis of the prison environment, however it is important to contextualise the experience of life sentence prisoners. They are held within a deeply bureaucratic institution, what Goffman would describe as 'a total institution'¹⁷. As punishment for their crime and as part of the nature of imprisonment, they are relieved of almost every decision making power. They are told what time to get out of bed, wash eat and work. Every activity of a lifer is recorded and analysed in terms of behaviour, risk assessment and necessary risk reduction.

This dissertation will concentrate on the very last stages of a lifers' passage through the prison system. All those who have served a life sentence must pass through an open prison to be tested and analysed for their risk potential and to establish whether they can cope in the community outside. Although institutionalisation is obviously an element within this, it will not be specifically debated. Institutionalisation is an inevitable consequence of incarceration for very long periods of time. This can cause difficulty adjusting to different regimes and especially to the relaxation of physical restrictions and rules within an open prison. Not all Lifers adjust sufficiently to be released. It is difficult to know what is the best course of action

¹⁶ Mathews 1999:60

¹⁷ Goffman 1961:45

for those who are so used to a prison environment that they do not wish to leave the safety they feel within its boundaries. However this analysis will focus on the majority of those who have served their time and are following logical stages to be released into the community. Open prisons fulfil a vital role in testing prisoners with increasing freedom and responsibility in order to establish their suitability for release.

The theory of open prison

England was one of the first countries to use open conditions in a prison. Lowdham Grange was opened in 1931 for young offenders as a Borstal without the repressive features of other closed prisons.¹⁸ In 1955 the First United Nations Congress on the Prevention of Crime and Treatment of Offenders promoted the use of open prisons.

*It held the development of open prisons as one of the most important steps in modern penological reform. Such institutions were said to represent 'a successful application of the principle of individualisation of treatment with a view to social re-adjustment.'*¹⁹

Open prisons are unique in their aims and objectives. They have very low security; there are no bars on the windows or locks on the doors. In reality a prisoner could at any time walk out of the prison unnoticed or unchallenged by prison staff. Yet their continued compliance to rules and regulations is a considerable test in terms of the completion of their sentences.

As society developed, and perhaps with an influence from psychiatry, penal policy became more humane. Although conditions in prison were and still are bad, and in some circumstances unacceptable, there was a realisation that prisoners were also human and had to be treated as such. Open prisons have been recognised as a significant development in terms

¹⁸ Home Office Research Study No. 26 1974:3

¹⁹ Ibid

of humanitarian treatment and progressive attitudes, not solely obsessed with punishment and retribution.

Post-Gladstone methodology had introduced a growing sense of the prisoner as an individual, and penal policy became more centred on a liberal humanitarianism. Criticism of the effects of the institutionalisation of prisoners led to the development of open prisons.²⁰

The existence of the open prison provokes a quandary in society. Reasonably the public needs to feel reassured that violent and dangerous criminals are locked up. However it must also be recognised that 'locking them up and throwing away the key' is not a realistic solution in a progressive society. Criminals cannot be locked up forever and there must therefore be some progression towards rehabilitation and readjustment to normal life outside the prison walls. For members of the public prisoners are defined by the crimes they commit; for the prison service they are defined by their behaviour in prison; for the Parole Board they must be defined by the risk they pose to the public. Somewhere among these different perceptions prisoners must be educated, trained, rehabilitated and prepared for release. This is not a task that stands still and remains defined by the crime. The index crime must be used as a basis to indicate what needs to be changed, how the prisoner's behaviour degenerated to the point of committing such serious crimes. Open prison is at the end of this very long and difficult process; what must be overcome is that initial public perception which does not move with the prisoner but stays with the crime.

The indefinite life sentence stands as a symbol of the ossification of our thought. As far as we are concerned, the murderers are fixed forever at the moment in which they killed their victims.²¹

²⁰ Bryans and Jones 2001:20

²¹ Guardian Special report February 1st 2001

The practice of open prisons

It is sometimes difficult for people to comprehend that an open prison can be an effective penal institution without the traditional image of high walls and barbed wire fences. An open prison does much more than provide physical containment: it also offers a degree of trust to those who have not been trusted for a large number of years, because of their deviant nature. This is the basis of the conflicting penal image presented by an open prison compared to a closed prison.

Containment here (in open prison) means not only that prisoners must be kept out of circulation, but also that their deviations, even within the prison, must not be on such a scale as to disturb the peace of mind of the man-on-the-street. The open prison thus begins to appear like a contradiction in terms; a denial of the essential nature of the institution of which it purports to be merely a variant.²²

Open prisons are sometimes portrayed in the media as ‘holiday camp’ style prisons. This provides the public with a snap shot physical impression of the set up of the open prison, but fails to give a further analysis of the work that is done for offenders. It could be argued that open prisons are the most important penal establishment when dealing with dangerous criminals. Although prisoners must be deemed of low risk to be allowed into an open prison, the subsequent assessments and tests that open prisons perform are vital in establishing the suitability of prisoners for release. Therefore it is vital critically to analyse how and why they prepare lifers for release. Any one who represents a high risk would change the character of the prison, and therefore prisoners allocated to open conditions are carefully selected. Risk to the public must be, and is, the main consideration in the context of lifer treatment. Since their crimes are of the most serious nature, the problems an escape would pose should not be underestimated. Inevitably this affects which prisoners are allowed to transfer to the open

²² Jones et al 1977:1

prison and what can be achieved there. Officers within open prisons must constantly monitor inmates; however there must also be trust and encouragement to abide by the rules.

Open prisons with their limited physical means of containment must be under constant pressure. This intake tends to be selected mainly with security in mind; very rarely are high-escape-risk prisoners placed in them...this is perfectly consonant with a view of prisons as primarily 'containment' agencies, but by the same token it represents a denial of the rehabilitative role of the open prison. It is sometimes argued that the emphasis on security is not inconsistent with rehabilitative objectives, on the grounds that 'You must be able to keep them if you are going to treat them'.²³

This helps to illustrate the incredibly fine line that open prisons must tread in order to fulfil their objectives. Open prisons do not have a clear, centrally agreed model to follow. Development in penal policies has resulted in constant change and shifting emphasis for larger, higher security prisons. Progressions in open prisons are usually the product of forward thinking members of staff within them, rather than clear-cut policy interventions. This brings the focus of analysis specifically onto HM Prison Sudbury.

HM Prison Sudbury

Sudbury has the facilities to accommodate 90 life sentence prisoners. Before entering the prison they must have had a Parole Board review and recommendation, and the approval of a Home Office minister to be tested in open conditions.

Sentence planning will be carried forward by Sudbury; the Parole Board may also outline specific areas of concern, which must be addressed within Sudbury. Offending behaviour

²³ Ibid:2

work may need completing before consideration for final release is given. A full description of work carried out in the Lifer Unit can be seen in Appendix VII.

Sudbury's statement of purpose gives an indication of the multi-angled approach it needs to achieve with its prisoners. As crime control has become the key focus of political attention, so concentration on the role of the prison has increased. There is a diversification in the roles that prisons need to perform, but this is unfortunately coupled with budgetary reductions.

*Sudbury's main purpose is to assist in the prevention of crime by concentrating on helping inmates to lead a law abiding life while at Sudbury and at the same time to test suitable prisoners in open conditions and to prepare them for eventual release back into the community with a low risk of re-offending.*²⁴

Sudbury received a very favourable report by the Chief Inspector of Prisons in 1998. The task that an open prison has to accomplish is perhaps more complex than other categories of prison. The sheer number of work placements achieved by inmates at Sudbury illustrates the respect that the establishment commands within the local community, demonstrating an endorsement of its practices and justifying its good reputation.

Sudbury has won many awards for its garden, which as well as offering valuable qualifications in commercial horticulture (N.V.Q. level) also make a very pleasant working environment for staff and prisoners alike.

²⁴ Nichols 2001:2



Figure 2 IMMACULATE GARDENS AT SUDBURY (PHOTO COURTESY OF HM PRISON SUDBURY)

It is evident that in an environment such as Sudbury motivation of prisoners is key to success. The facilities provided must be critically analysed and most importantly set against a background of their main priority, risk reduction. The constituent elements of release plans are vital to ensure that prisoners leave the prison environment equipped to deal with life within the community. The tests at Sudbury should establish how a prisoner is likely to cope on the outside. The key consideration for the prison authorities, the Parole Board and ultimately the Government must be whether the prisoner still presents a risk to the public.

The purpose of Sudbury is to progress towards release with a constant monitoring of risk, whilst reducing potential danger to an absolute minimum. In as much as a category B prison is about containment, Sudbury is about risk reduction. Risk assessment can be complex and difficult, however it is vital within any context of modern penal theory and practise. As punishment can be justified by the seriousness of the crime, so must release be justified by elimination of risk.

The Parole Board

The Secretary of State's direction to the Parole Board is that they must consider solely what risk a prisoner presents to the public. Whether it is an oral hearing (for discretionary lifers, those held under section 2 of the Crime (Sentences) Act 1997, or individuals held at Her Majesty's Pleasure) or a paper exercise (for adult mandatory lifers) all lifers must be considered by the Parole Board to present no further 'risk of committing further imprisonable offences'²⁵ in order to satisfy requirements to enable release. Therefore the primary consideration for all those involved in the care, treatment and containment of lifers, and the underlying theme to this dissertation is that release will only be possible if the Parole Board is satisfied that an inmate no longer presents such a risk to the public.

²⁵ Pitchers 2001

Chapter Three

Risk Assessment

An important principle in modern penology is risk assessment. The primary consideration affecting a prisoner's release into the community is the potential level of risk they pose to the community. The vast majority of the work undertaken at HM Prison Sudbury is designed to assess and minimise the risk to the public posed by prisoners. Risk assessment must also be analysed in a wider context, and has in recent years provoked extremely wide-ranging debate far beyond criminological fields. This is a diverse discipline with many influences, which will be discussed in the course of this dissertation.

Increased focus on risk

Britain has become more Americanised in its approach to litigation and the 'blame culture'; this has influenced the increasing importance attached to risk assessment. Political influence in risk assessment has a wider impact in penology and this has had an impact not only in the field of criminology and penal reform, but within every day life in the work place and in communities. Prisons have to minimise the risk of escapes, but dangerous criminals also have to have their release fully justified on the basis of adequate risk assessment. Incarceration has gone far beyond the original remit of punishment and retribution, and a lifer will only be released if risk assessment measures have been completed. In the following chapters a specific analysis will be undertaken of how Sudbury achieves its risk reduction. Through meticulous preparation of its prisoners, it has attempted to ensure that offenders will become effective and safe citizens within the community.

Populist influence and community concern

Serious crime often invokes a measure of media coverage containing emotive discourse and notions of moral panic. This makes the already difficult job of risk assessment even more so as it becomes open to media scrutiny, which can be ill informed and pejoratively constructed. It would be naïve to assume that the pressure of such coverage does not affect penal policy. The state has a duty to protect the public from dangerous criminals, and in the context of open prisons it must fulfil this duty by adequately assessing and reducing risk. Penal policy must encompass public opinion to the extent of fulfilling its duty of protection of all citizens, but should shy away from becoming too involved in the rhetoric of moral panic, which could seriously compromise sensible penal policies. Unfortunately where the subject of dangerous criminals is concerned, politicians have all too often been tempted to use criminal justice as a political bandwagon and vote puller.

At the heart of the controversy over dangerousness in the criminal justice is the ambiguous, historically shifting and essentially political notion of justifiable public alarm...there is little objectivity in perceptions of danger. It is a question of what people are prepared to put up with and why...risk is a matter of fact; danger is a matter of opinion. Judgements of danger are not objective in the sense of being perfectly consummate with risk; but for purposes of public policy they must be rational in the sense of being principled.²⁶

The layman may have an incorrect perception that risk assessment is a precise art directed by theories and practises that have been proved. Unfortunately this is far from the truth; even within the field of risk assessment there is debate and discourse surrounding differing methods of defining and assessing risk. In the context of penology there is a further complication due to the diversity of offenders. The majority of lifers are convicted of murder, mostly committed in domestic circumstances by people who will never commit violent crime

²⁶ Floud and Young 1981:4

again. Therefore the term risk assessment can be misleading for this group as these types of criminal are unlikely to have any previous ‘form’ and are presumably unlikely to offend again. This is an illustration of the sometimes-tenuous nature of risk assessment.

*Risk assessment remains a very imprecise discipline with considerable scope for personal bias and ‘false positive’ predictor, and particularly so with lifers, especially murderers, because of their index offence is often their only instance of seriously violent behaviour.*²⁷

However, as is the case with a many quasi scientific methods, this is the best we have, so we must attempt to use them to the best of our ability. When considering dangerous criminals every effort must be made to predict behaviour, as the consequences of mis-diagnosis can be fatal. Offender populations are difficult to evaluate in terms of risk assessment, and lifers particularly so. The vast majority of lifers are convicted of murder, which is so often an isolated incident, which is extremely unlikely to happen again.

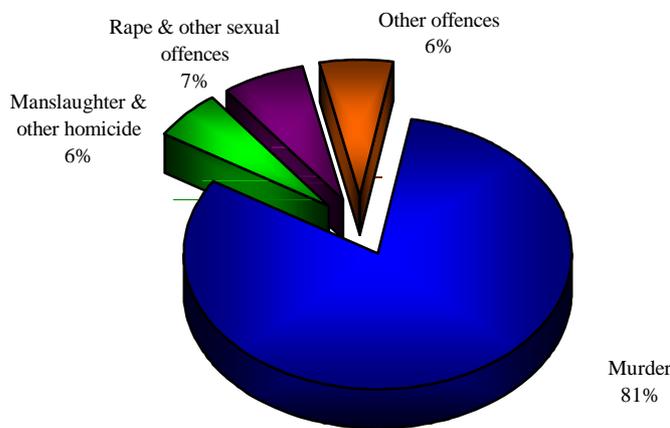


Figure 3 POPULATION OF MALE LIFE SENTENCE PRISONERS BY OFFENCE 1996²⁸

Risk assessment is susceptible to the whims of penal policy. The modern emphasis on risk assessment is extremely unlikely to diminish in the current political and social climate of the

²⁷ Stone 1997:61

²⁸ Bryans and Jones 2001:116

'blame culture'. Every tragedy is analysed in the press, and there is a drive for people to be held accountable and shoulder the blame. This places extra and perhaps unwelcome emphasis on risk assessment centres such as Sudbury.

Professional responsibility

Professionals within the criminal justice system are placed under an obligation correctly to analyse and reduce potential risks. However policy developments are characterised by an inherent element of trial and error. When dealing with lifers we are discussing a potentially very dangerous group of people who could cause great harm within the community. On the other hand an incorrect assessment could result in continued incarceration for someone who no longer poses a risk, and therefore the legitimacy of imprisonment is severely compromised. There is consequently a massive pressure on professionals to provide accurate risk assessment. Public scrutiny affords little sympathy to professionals who get cases wrong.

Practitioners in prisons, probation or parole know themselves to be working in an arena characterised by marked political risks. Their work comes into unwelcome focus when 'mistakes' or 'accidents' occur. This knowledge constrains the range of choices that they can feasibly make and influences the systems they institute for coping with their work... Sometimes the political risks become so large that almost any risk taking by practitioners comes to seem unaffordably foolhardy.²⁹

Decisions are possibly difficult to make, but when 'unaffordably foolhardy' decisions could mean the difference between continued imprisonment and freedom, one must establish what level of risk is acceptable. Risk assessment is not a precise art with guarantees, but a mere balancing of likelihoods and odds.

²⁹ Brown and Pratt 2000:131

Dangers of misdiagnosis

Assessing and predicting human nature is extremely difficult, and will always be prone to false positives due to over cautiousness. Although as Walker states ‘nothing predicts behaviour like behaviour’³⁰, the behaviour of those who have committed very serious crime, and specifically murder, is extremely difficult to asses in terms of risk and subsequent re-offending. Murderers are statistically the most likely not to re-offend.

| Previous convictions | Reconvicted (%) | | | |
|----------------------|-----------------|---------------|----------------|---------------|
| | Within 2 years | | Within 5 years | |
| | Grave | Standard list | Grave | Standard list |
| 0 | Under 0.5 | 5 | 2 | 12 |
| 1+ | 3 | 14 | 5 | 29 |

Figure 4 RECONVICTION RATES OF LIFERS³¹

This could be due to two factors; firstly most murders are domestic and unlikely to be repeated, and secondly life sentence prisoners spend a very long time in prison and are subjected to extensive evaluation, offending behaviour courses, etc. This huge investment is an attempt to prevent re-offending and will be analysed in detail in subsequent chapters. However it can be a difficult argument and life-sentence prisoners are becoming an increasingly diverse group. Those sentenced under Section 2 of the Crime (Sentences Act) 1997, could have been sentenced for a wide variety of crimes. Unlike the current majority of lifers, they are more likely to have numerous previous convictions. Although those who have

³⁰ Hinton 1983:24

³¹ Stone 1997: 136

committed domestic murders are unlikely to do so again, others held under a life sentence may have committed multiple and vicious crimes. Public pressure and penal policy dictates that lifers must be adequately risk assessed and steps must be taken to reduce the possibility of their harming the community any further.

In terms of risk of re-offending the life sentence group are a safe group compared with other offenders. If this is the case why is there such an emphasis on risk assessment? Clearly the public's fear of murderers killing a second or third time is not founded on statistical comparison, but rooted firmly in the aversion to the severity of the crime.³²

It could be argued that this statement is indicative of our current system. An obsession with risk and dangerousness has protracted the process of release for many offenders. It no longer seems acceptable merely to punish and pass sentences based on retribution. Risk assessment frequently results in increased length of sentence. A mandatory lifer will not be released until the Parole Board, partly advised by the prison staff, and the government have decided that they no longer pose a risk to the public.

Effects of risk management

As Figure 5 shows, a large number of those under life sentence at Sudbury have already served longer than their tariff. Blue lines indicate tariff and yellow represent the actual time served. Although the exact circumstances are not known, it can only be assumed that sentences have been extended because prisoners have been assessed as still posing a risk to the public.

³² Cullen and Newell 1999:137

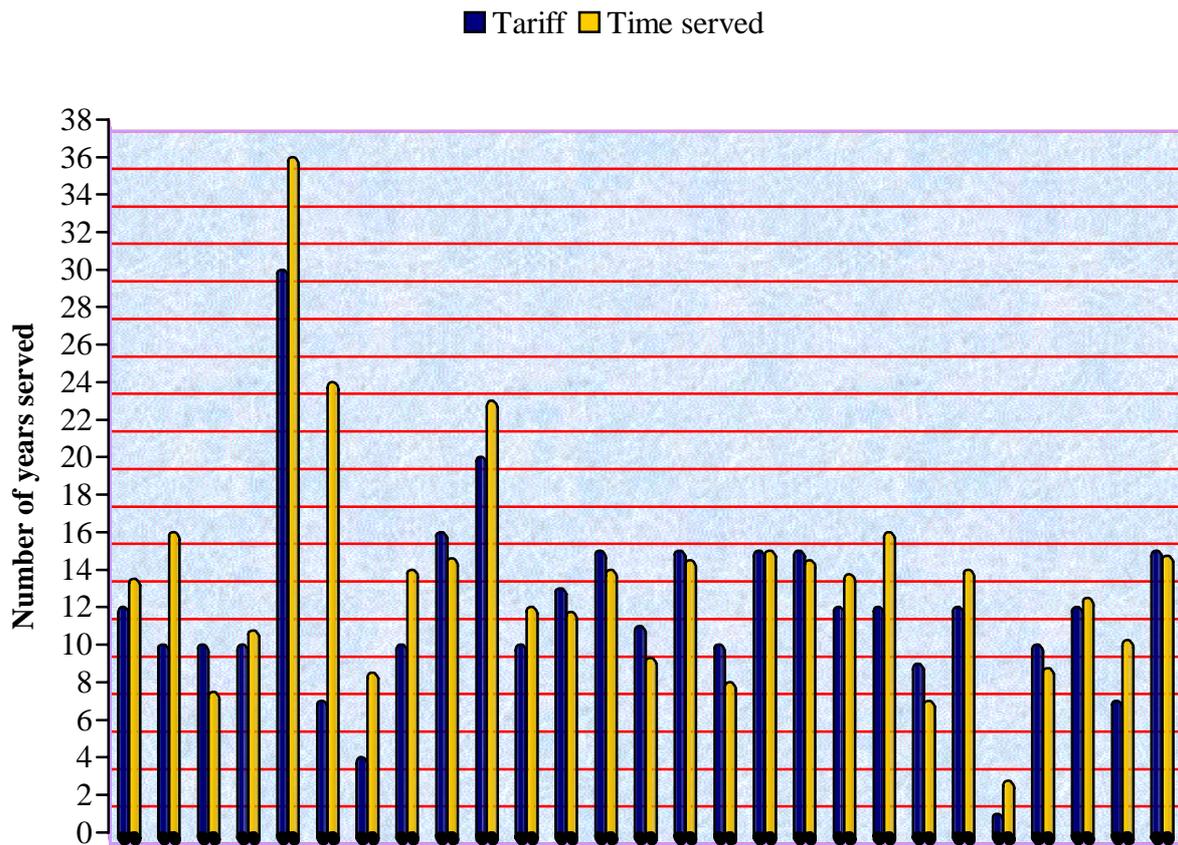


Figure 5 A COMPARISON BETWEEN LENGTH OF TARIFF AND TIME SERVED

The potential of political influence for delaying an individual’s release is alarming. With an increasing national obsession with law and order and the desire to protect communities from dangerous criminals there is a parallel increase in time served by criminals under life sentence. Michael Howard was notorious as a keen advocator of prisons and a (perhaps misguided) belief that long prison terms were the key in deterring crime.

Increasing issue of life imprisonment

Statistics show that the use of life sentences has increased rapidly in recent years. Successive governments have felt the need to increase punitive measure in criminal policy and have encouraged tougher sentencing.

*The continued underlying growth in the lifer population has been boosted by the introduction of ‘automatic’ lifers who under Section 2 of the Crime (Sentences) Act 1997...this inexorable rise presents a serious logistical problem for the Prison Service: how are the lifers to be housed and managed through the system so they can, if judged a safe risk, be released on expiry of their tariff or shortly afterwards?*³³

Life sentence prisoners in England and Wales

| | No. of persons | | | | | | | | | |
|-------------------------|----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 |
| Population 30 June | | | | | | | | | | |
| Total population | 2,795 | 2,896 | 3,000 | 3,095 | 3,192 | 3,289 | 3,489 | 3,721 | 3,934 | 4,206 |
| Males: | 2,704 | 2,800 | 2,904 | 2,990 | 3,081 | 3,176 | 3,365 | 3,584 | 3,797 | 4,056 |
| Young offenders | 121 | 100 | 87 | 77 | 83 | 83 | 75 | 100 | 121 | 131 |
| Adults | 2,583 | 2,700 | 2,817 | 2,913 | 2,998 | 3,093 | 3,290 | 3,484 | 3,676 | 3,925 |

Figure 6 POPULATION AND RECEPTIONS INTO PRISON³⁴

Mandatory sentencing is extremely unpopular with the judiciary, as it does not allow for individual circumstances within a case therefore there is no room for discretion.

Under the law as is stands mercy killers have to receive the same sentence as IRA bombers; life. Judges have no discretion in sentencing for murder...Under the present law, the term ‘mandatory life’ is a misnomer. It is an unquantified sentence rather than a lifelong one, the quantity being determined by

³³ Lord Williams of Mostyn, Minister of State, Prisons and Probation cited in Prison Service Journal 1999:4

³⁴ Prison Statistics England and Wales 2000:unnumbered

*politicians, usually of later generations, for reasons which are not open and judicial.*³⁵

However governments are keen to make an impact on penal policy. Blair's philosophy of 'tough on crime tough on the causes of crime' has not diminished the punitive impact of Howard made during the Tory tenure of power.

These figures are interesting in the context of risk assessment, as more prisoners are entering a system that will have to expand to cope with them. Sudbury already has a waiting list for places, and unless an increase in budgets and resources is allocated to open institutions, preparation of lifers for release may be ignored or inadequately achieved. It could be argued that this might unnecessarily increase risk and release unprepared inmates on an unsuspecting public. It has also been shown that the length of time prisoners are serving is increasing year on year.

*On June 30 1994, 397 lifers had been continuously in prison for over 15 years; compared with 238 on 30 June 1990... the proportion of life sentence prisoners who have served long periods has gradually increased since 1975. In 1975, 7% of lifers in custody...had served over 10 and up to 15 years while just 2% had served over 15 years. By 1992 these percentages had risen to 18% and 12% respectively.*³⁶

Resource needs of expanding lifer population

It would appear that this statistic is mirrored by the results of the survey of prisoners at Sudbury. The processes of risk assessment have developed substantially in recent times and it can be anticipated that this, coupled with increased punitive influences and long original sentences, will draw out the process of a life sentence even more. Whether or not this is

³⁵ Times Newspaper 3rd July 1991

³⁶ Penal Affairs Consortium 1996:2

justified, it means that a higher number of services such as the ones at Sudbury will be required. Long-term prisoners need a considerable investment of resources and support if they are to readapt to life outside prison. In effect the longer the prison term, the harder Sudbury's work can be. Even if offending behaviour programmes have been completed in prison, if an inmate has been in for a very long time, they may need refresher course or even to repeat the course to satisfy pre-release risk assessment. The job Sudbury achieves in preparing prisoners for release is an important one, and it is surprising that such institutions are largely ignored in criminological literature.

Bean³⁷ would argue that it is unjustified to continue to incarcerate an individual under the guise of rehabilitation; that prison should be reserved for punishment and retribution only. However matters of risk assessment could be considered in the same context. The question must be posed whether it is justifiable to imprison people for longer because potentially flawed methods of risk assessment categorise them as a danger to the public. On the other hand, the views of victims and the interests of society as a whole must be considered and if someone is still deemed dangerous, by whatever assessment methods are available, there is a strong argument for continued incarceration.

Risk in human nature

In a wider context it seems almost impossible to predict human nature. Circumstantial and situational factors can severely influence how an individual behaves; what might provoke violence from one individual may not affect another in the same way. History has shown us that humans by nature have a propensity to kill. However the overwhelming majority of people do not kill or harm; this does not mean that the capacity for violence should be ignored.

³⁷ Bean - Criminology lecture 2001

*That man is an aggressive creature will hardly be disputed. With the exception of certain rodents, no other vertebrate habitually destroys members of his own species. No other animal takes positive pleasure in the exercise of cruelty upon another of his own kind...there is no parallel in nature to our savage treatment of each other.*³⁸

Analysis is required of whether we can adequately estimate and reduce risks posed by dangerous criminals. We can analyse prisoners' reactions to measures taken to assist them to reduce their personal risk factors. Offending behaviour work will be analysed in subsequent chapters. However it is not easy to predict or explain how a prisoner will feel after his release, and in situations outside his control.

The effect of prison as a total institution as described in chapter one can have a great deal of influence on the possibility of release for an inmate; Offenders are totally at the mercy of the authorities and the decisions they make. Risk assessment is carried out by professionals, who have great power over criminals; trust must exist in order for this power to be legitimate. However as some critics debate the unreliability of certain forms of risk assessment, it must be noted that there is no such thing as an infallible system. This could have an impact on many things; the offender in the event of a false positive, and conversely the victim, victims' family and the community as a whole in the event of a false negative. The individual agenda of those practising risk assessment must be taken into account.

*Many of the practitioners that promise risk reduction and containment in fact seem 'drenched in' impassioned and emotive language, and pregnant with implications for the legitimacy and trustworthiness of institutions.*³⁹

³⁸ Storr cited in Prins 1995:144

³⁹ Brown and Pratt 2000:139

Risk assessment can be heavily influenced by which current 'moral panic' is affecting society. Following the murder of Jamie Bulger in the early 1990s there has been an extended concentration on matters of crime. This prompted an impassioned political debate, which has become the centre of many manifesto policies.

Changing roles in the prison service

Risk assessment encompasses a great deal more than clinical and medical scales of predicted risk; it is inherent in many activities and policies at Sudbury. Offending behaviour work, employment practice, etc. are all used in order to establish suitability for release. Risk reduction is now the buzzword that must dominate and legitimise policies in practice. Modern penal policies have been grounded in a discourse of risk and the reduction of danger. Although these are sometimes tenuous philosophies that critics have both dismissed and advocated, risk assessment is now deeply established within our penal system at all levels.

Risks presented by an offender are frequently calculated in different and often contradictory ways and these differing conceptions of risk are used to justify a set of equally disparate and conflicting responses to the supposedly dangerous individual. It is on the grounds of those different conceptions of risk, therefore those penal strategies diverse as 3 strikes laws; intensive therapeutic programmes and indefinite sentences find their justification.⁴⁰

As penal policy develops further it is unlikely that the emphasis on risk assessment and reduction will be eroded. New directions instigated by the Victims Charter (1990) have further emphasised the danger that offenders could possibly pose within society and whom this could affect. The focus on retribution is now almost an old fashioned concept in the latter stages of a prisoner's sentence. A frequent criticism of the British legal system was that

⁴⁰ Ibid:94

victims' needs were ignored and marginalized. There is now an increasing focus on the rights of the victims. Sudbury has to take into consideration all the requirements laid down in the Victim's Charter and make sure they are adhered to, in order to fulfil release plan requirements.

The combination of penal policy, political and sociological factors results in risk assessment being a vital and integral part of preparing a lifer for release, as well as a legitimising factor for releasing a prisoner into the community. The activities practised at Sudbury encompass elements such as employment, education and offending behaviour work, which are inextricably grounded in the theory and practise of risk assessment.

*Risk evaluation may be the most important factor in assessing the appropriateness of releasing a life sentence prisoner, if it can be assumed that the protection of society in a narrow sense is the main purpose of imprisonment. But the victim's human rights and interests may also have to be considered in making the assessment.*⁴¹

Sudbury's focus on risk assessment

Prisoners at Sudbury are under constant assessment for risk, as they have been since the first day they entered their reception prison. Virtually all staff with whom an inmate will come into contact undertakes some assessment; probation, psychology, wing officers, life unit, home probation officers etc. All an inmate's circumstances will be taken into consideration and assessed in a context of risk. A home probation officer will analyse the domestic situation in order to establish the suitability of the release plan.

Every risk factor has to be evidenced from the original offence, family situation etc. The manifestations of risk behaviour in prison are analysed very carefully. Behavioural patterns are

⁴¹ Cullen and Newell 1999:135

*examined, as are attitudes within the prison: is he violent in prison? Does he take drugs? Is he over controlling?*⁴²

It is difficult to establish how a prisoner may behave within the community after release, but it would be safe to assume that if an inmate is violent, controlling and still has manifestations of violent or narcotic dependant behaviour inside, release will not improve these problems.

When an offender reaches open prison there is an assumption and expectation that he will be released within a certain period (usually between two and two and a half years). Sudbury is not an institution that holds individuals for a protracted length of time. Although there is at least one prisoner who does not wish to leave because he has become too institutionalised; he returned from his unescorted resettlement visit after only two hours, and has not been persuaded since to leave the prison. According to the Lifer Unit Manager the prisoner has shown 'great reluctance' to leave the prisons and appears unable to cope with the notion of release and resettlement into the community. Therefore one is left with a situation where offending behaviour work, which is primarily concerned with risk reduction, may be incomplete until after release; a situation, it could be argued, that is far from ideal. If prisons have not satisfied the needs of offending behaviour reduction, then they have in some way failed both the prisoner and the public.

For some prisoners the emphasis on risk assessment may delay their release. In the current political climate, no professional can afford to release a prisoner before it is safe to do so. One prisoner from Sudbury seemed to accept the prospect of lengthy risk assessments.

“Risk assessment will cause some people to remain in prison for longer periods of time. I have been in prison for nearly 9 years, after the judge recommended a 4 year tariff. This procedure is justified. Anyone who is released from prison will face all kind

⁴² Interview with P.Nichols 2001

of pressure, and stress. It has got to be shown that they can be 'trusted' to do things outside of prison properly."

Prisoners must be analysed for risk in the context of their offending behaviour and lifestyle. The main way for the prison system to address these issues is through prisoner's attendance on offending behaviour courses. These must be analysed to establish the reasons for their implementation and their uses for not only addressing prisoner's problem areas but also as way of occupying their time and facilitating personal development.

Chapter Four

Offending Behaviour Programmes

A change of Government always encourages a plethora of new criminological implementations, and penal developments in the latter half of the last century were frequent and varied. The development of offending behaviour programmes has permeated the prison establishment fairly rapidly over the past ten years. The issues connected with this subject are numerous and diverse, but the intention in this dissertation is to focus on specific lifer issues. It must be remembered that the aim of HMP Sudbury is to reduce any risk factors inmates may still present, and to prepare them adequately for release back into the community. Some lifers undergo offending behaviour programmes at Sudbury; others may need to do some refresher courses. A minority of inmates will have to complete offending behaviour programmes after their release, and this will form part of their license conditions.

Although many prisons have a long way to go to before they can be described as having positive regimes, there is an increase in more progressive ways of dealing with prisoners during long sentences. Offending behaviour programmes increasingly form an integral part of a prison sentence. Lifers are unique in many ways, the length of time being served being an obvious one, but also the indeterminacy of their sentence is relevant and important. There is a vital opportunity during a life sentence to re-educate, re-habilitate and reduce further offending. The government has a responsibility to ensure that services such as the Prison Service are adequately funded. If prisons are used to their full potential and resources are effectively and adequately managed, there is an opportunity to render communities safer from further crime and consequently justify incarceration. If these opportunities are not used

prisons become nothing more than temporary warehouses for troublesome offenders, who only cease their behaviour whilst locked up.

If prisoners return home intending to become responsible, participating citizens then the Service can be certain that the experience of custody will truly have served the public to good effect. However, if the experience has confirmed prisoners that they remain outsiders in a society pre-occupied with values of achievement, which exclude large numbers of people, then we will have failed. The prison experience can be an opportunity for change or a confirmation of the past.⁴³

Development of offending behaviour programmes

Under funding is at chronic levels within the prison service, successive governments have cut public spending but this has been coupled with an increase in prison numbers.

During 1997-1998 the total operating costs of the Prison Service were £1.75 billion – and it was estimated that spending would increase to £1.81 billion in 1998-1999. Partly in order to contain such increases, the Prison Service had to cut its operating costs by 13.3% in the period 1994 to 1997, with additional cost savings of 5.3% from 1998 to 2001.⁴⁴

Offending behaviour programmes are being shown to be an effective and useful tool for reducing recidivism. The programmes are also used to fulfil parole obligations in order for de-categorisation and eventual release. The prison service is aware of what is required to move lifers through their sentences; offending programmes are perhaps the only effective way of dealing with prisoners in a cost efficient way that will fulfil certain criteria, i.e. Parole Board, risk assessment etc.

With lifers, questions of ‘treatment’ and ‘management’ are very much intertwined for the prison authorities have the task of devising a lifestyle for a life sentence prisoner which will ‘serve

⁴³ Denvir 2000:1

⁴⁴ Stephens 2000:89

him up' to the releasing authorities fresh and releasable at a time not of their choosing.⁴⁵

Most offending behaviour programmes have now become part of an 'accredited offending behaviour programme' scheme where programmes are standardised and evaluated for content and quality. Development of statistical analysis and increased use of IT resources have enabled prisons to increase the effectiveness of offending behaviour programmes. As Gabriel Denvir, the Director of regimes, Offending Behaviour Programme Unit explains, the popularity of offending behaviour programmes grew out of a combination of factors. In 1995-96 the Tory Government was drastically reducing public spending in all sectors, yet determined to stick to its policy of reducing crime by sending increasing numbers of offenders to prison. Purposeful activity in prison had to be determined by cost effectiveness. Information technology combined with statistical analysis could aim to prove the benefits of offending behaviour programmes, whilst the government would be satisfied that prisons were trying to make their regimes constructive. Necessity was the mother of invention.⁴⁶

Ideas about what works and what doesn't work in addressing criminality could thus be based on much broader – and therefore much firmer – research bases. We could, in short, show the effectiveness of purposeful regimes.⁴⁷

Offending behaviour programmes also embody a worthwhile concept of rehabilitation. It would be too cynical to attribute their development to mere fiscal reasons. In the last century there was a growing intolerance of poor conditions in prison. Lord Wolf published the most famous and groundbreaking criticism of prison conditions after a series of disturbances in establishment in the early 1990s, and subsequently there was a definite move to improve conditions in Britain's jails. Although methods of improving offending behaviour were not

⁴⁵ Sapsford 1983:12

⁴⁶ Denvir 2000:2

⁴⁷ Ibid

generally a part of the immediate changes, they have now become an embodiment of more progressive regimes.

*The Prison Service is duty bound, while offenders are in custody, to explore every avenue and exhaust every resource to ensure that an offender is returned to society better prepared to take their place as a responsible, law-abiding citizen. This is more than a duty for some staff, it is a moral obligation.*⁴⁸

It is no longer acceptable to use prison solely for the purposes of punishment and containment. Achieving a reduction of offending behaviour and minimising long-term risk to the community can increase legitimacy of prison. Not only have these become principles of popular penal policy; they seem to have formed the core of prison activities, especially in lifer prisons.

Probation Services

As mentioned in the first chapter, it was not possible to analyse the work the probation department did in Sudbury due to staff shortages. Probation officers within the prison and field probation officers in a prisoner's home area are involved with continuing work on risk assessment and play a large part on the organisation of offending behaviour programmes. At Sudbury they provide a group workshop programme which provides:

Information to help in understanding the offence and planning for the future.

- Short courses of four and half day units.
- Time to think about why the inmate offended and what plans the inmates wishes to make, and how it is possible to achieve them.
- The opportunity to learn and share with others who may have similar experiences. A good starting point in looking at oneself, and how they got there.

Other areas for probation involvement are:

⁴⁸ Bryans and Jones 2001:242

- One to one discussion
- Home-Leave boards
- Sentence planning
- Child Protection issues
- Liaison with external probation services⁴⁹

As with many other prisons, services such as probation suffer greatly from increasing workloads and a chronic lack of funding.⁵⁰



Figure 7 INTERVIEW WITH PROBATION STAFF (PHOTO COURTESY OF HM PRISON SUDBURY)

Within the prison system there has to be a significant investment of resources and ideas in lifers. Policy is constantly changing, not simply on political grounds but also due to developments in sociological and psychological expertise. The recognition that behaviour can be changed is due to the development of rehabilitative techniques, implemented by psychologist in the 1960s and 1970s. It is important at this stage that offending behaviour programmes are implemented across the board and that lifers have an opportunity to improve their possibility of release and of leading law-abiding lives on the outside.

⁴⁹ Sudbury Information Brochure 1997:7

⁵⁰ Interview with P.Nichols 2001

Long term risk reduction

From the moment a lifer is sentenced, the prison service has an opportunity to attempt to improve that individual's chances in the future, thereby protecting society from further and greater harm. The effect of crime on victims and societies must never be underestimated; this is why the treatment of lifers within the system is so important. People who have committed very serious crimes may have numerous issues to address during their sentence. For some it will take years to address behavioural problems, and another period of adjustment will subsequently be needed to prepare for release. For many, coming to terms with the crime they have committed may be the first hurdle they have to face.

Coming to terms with the offence which has been committed may be as difficult a problem for the offender as coming to terms with prison... the public stereotype of the killer is not a sympathetic role and the fact of the action may well be very difficult to integrate into one's self concept.⁵¹

Personal development

An additional problem within the prison population is the deprived background from which many prisoners have suffered. The majority of murders are domestic and the result of violent and turbulent situations within the family. A great number of inmates have much more to deal with than simply criminal behaviour, and there is a large variety of programmes that inmates can follow in order to deal with personal issues. The prison service has an invaluable opportunity to allow prisoners the possibility of self-improvement whilst in prison. Within the lifer population it is vital to have a positive prison regime that avoids compounding the problems of inmates, especially if they are already from disadvantaged backgrounds.

⁵¹ Sapsford 1983:83

Research using cohorts of children followed over a long period of time has shown that criminal behaviour is also associated with a variety of social and psychological problems, including drug taking, alcohol abuse, school failure, unemployment and poor relationships. Childhood factors, attention deficit, family criminality and economic deprivation have also been linked to future criminal activity.⁵²

The low educational achievement discovered through the survey at Sudbury indicates that many prisoners did not have educational and social opportunities before they came to prison. If a prison system, through offending behaviour courses, education and work skills improvement is able to reduce the risk of recidivism; there is surely a moral obligation to try.

Conflict affecting penal policies

There is contradiction within the prison system which can make progressive techniques difficult to administer, and possibly explains why funding has been reduced in the past few years. The increasing debate concerning penal measures in this country focuses on notions of punishment. Media created panic and moral indignation over criminality often result in progressive ideas, which are based more on rehabilitation than punishment, being given a bad press. Government policy on prison has often been seen as capricious.

Prison rule number 1: 'The purpose of the training and treatment of convicted prisoners shall be to encourage and assist them to lead a good and useful life'. Sir Ivan Lawrence, MP, Chairman of the Home Affairs Select Committee stated in the Sunday Telegraph, (June 18th 1995) 'People are sentenced for punishment and to protect the public – there are no other reasons. (These) quotations epitomise the competing pressures and expectations placed upon the Prison Service. What are prisons for? There appears to be little consensus.'⁵³

⁵² Flynn 1998:125

⁵³ Ibid:1

The prison service must have a workable system that is of benefit to prisoners and yet fulfils criteria of incapacitation and punishment. Progression within the prison establishment encompasses progressive ideas such as offending behaviour programmes because they fulfil several criteria. As stated above, it was partly due to fiscal measures that such programmes became an integral part of a prison regime.

The need to fulfil risk assessment requirements

Risk assessment has become a fundamental part of all prisoner regimes, but in particular those concerned with lifers. Offending behaviour programmes have been used to assess and reduce risk amongst prisoners. In order for prisoners to fulfil parole requirements and to be allowed to progress to an open prison and subsequently to be released, they must have completed offending behaviour programmes designed to reduce the risk they may pose upon release. Work on offending behaviour programmes is often carried on through open prisons, and may form part of a release license.

The use of offending behaviour programmes as an obligatory part of a prison sentence has moral implications. Two issues could be problematic: firstly prison is an environment where inmates are passive receivers of their treatment; they have virtually no opportunity to choose activities or make decisions concerning their immediate future. If inmates want to fulfil parole criteria they must take part in offending behaviour programmes and address their problem areas. However, as Mathews and Francis state inmates' backgrounds must be considered when designing effective programmes.

Since the 19th Century this restorative function has given rise to endless debate about the possibility of effective treatment or rehabilitation within the coercive environment. More recently, as it has become evident that the population is comprised of individuals with low education levels, a range of social,

*economic and personal problems, as well as problems linked to various forms of addiction, the type of interventions which are developed have to be tailored towards these disadvantaged populations.*⁵⁴

Dilemma of innocence

The second problem, which is more troubling and almost insoluble, is that of men claiming innocence being asked to address offending behaviour that they claim does not exist. This in itself is a massive dilemma for society as a whole, but one in which the prison service cannot afford to become embroiled. The prison service has to assume that all of its inmates are guilty, however it can also be assumed that in prison there will be a number of people who were wrongly convicted. The biggest problem with such people is that unless they admit guilt and complete offending behaviour programmes, they will be very unlikely to fulfil parole requirements and therefore release will be at least delayed and possibly disbarred. However, programmes such as Enhanced Thinking Skills or Alcohol awareness etc can provide excellent opportunities for individuals to address problem behaviours, even if they deny an original offence. They are not offence specific courses and are generally shorter than some of the twelve step offending behaviour courses that those who admit their offence can complete. Inmates often have problems associated with their pre prison life style; addiction problems, relationships difficulties etc. Prison may offer the opportunity for an inmate to learn how to cope better with difficulties they experience outside.⁵⁵

One current prisoner at Sudbury has protested his innocence throughout his sentence. Although it is impossible to tell whether he is guilty or not, in reference to offending behaviour courses one can appreciate the dilemma of an innocent man. If he completes offending behaviour programmes and admits guilt he is likely to get parole more quickly; if

⁵⁴ Mathews 1996:126

⁵⁵ Interview with P. Nichols 2001

he denies guilt and therefore does not take part in courses he will be assessed as still posing a risk to society and hence delay his progression to open conditions and eventual release.

“If I had committed such an offence I would have told them, done the courses and got out on my tariff like most lifers...how is an innocent person supposed to relate to remorse of victim empathy for a crime he didn't commit, it would make a mockery of the people who have suffered in all of this and ourselves.”

There is virtually no solution to this problem. The other surveys at Sudbury showed a positive attitude to the completion of offending behaviour programmes. However, as so many miscarriages of justice have been revealed in recent times there must be concern that innocent people may become victims of a system that has become so obsessed with treatment and risk reduction that little else seems to matter. On the other hand the prison system must treat all inmates as guilty men who have problem behaviour, which must be dealt with before release is safe.

It becomes difficult for the convicted sex offender who just happens to be innocent...sex offenders are particularly prone to 'cognitive distortion', which allow them to 'rationalise' their offending. Protestations of innocence can thus be seen as merely 'delusions' or the product of cognitive dustbins.⁵⁶

This issue could on its own be the subject of a postgraduate thesis due to its complexity and implications. However in this context it must simply be noted to inform the debate. Offending behaviour programmes must be seen as a positive activity that has demonstrated its effectiveness in reducing re-offending.

⁵⁶ Cullen and Newell 1999:65

Diversity of offending behaviour programmes

Sudbury tries to ensure that if any offender needs a certain course, it can be provided for him⁵⁷. Lifers who contributed to the Sudbury survey had undertaken a wide range of offending behaviour courses both at Sudbury and in previous prisons. A handful were also going on to some refresher courses prior to release. Available courses included:

- Drug awareness
- Relationship counselling
- Violence management
- Victim empathy courses
- Life Skills (3 different stages)
- Alcohol awareness
- Anger management
- Cognitive skills
- Stress management
- Communication skills

It is surprising that some prisoners, (although they are in a definite minority) seem to have undertaken no offending behaviour work at all. Their survey results gave no indications of a possible reason for this, except for one case mentioned earlier, who protested his innocence and therefore refused to take part in any course. Some offenders had undertaken a very large number of varied courses.

⁵⁷ Interview with P.Nichols 2001

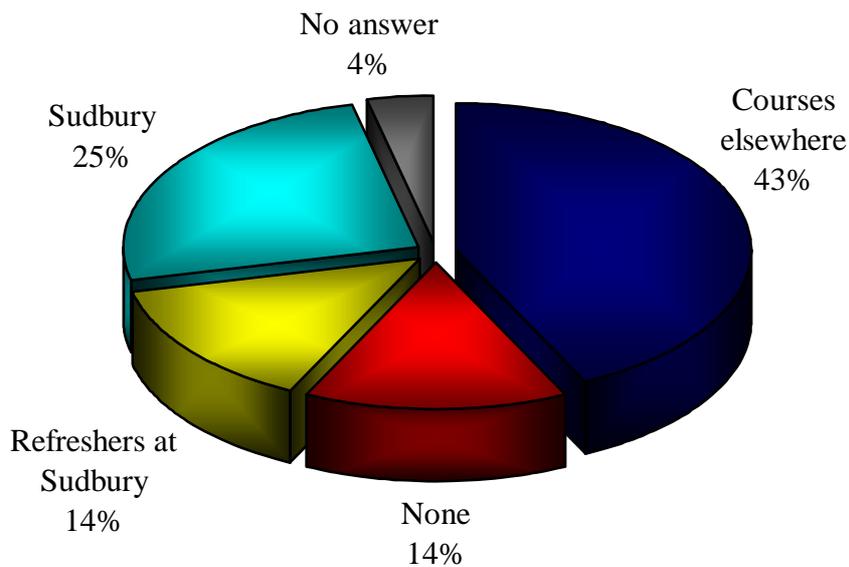


Figure 8 WHERE OFFENDING BEHAVIOUR COURSES WERE COMPLETED

Communication on risk factors

Realistically there should not be any offending behaviour work still to do by the time an inmate is transferred to open prison. It has been suggested that there can be differing opinions from prison psychologists and probation officers as to what courses are suitable and necessary for certain offenders⁵⁸. This can cause confusion and discrepancies in a prisoner's requirements. It is understandable that this may be very frustrating for an offender who has completed extensive work and is then told he has to undertake different courses.

While lifers know they have to 'address risk factors' some prisoners are not aware what their risk factors are, or indeed how they are supposed to address them. "We don't know what risk factors are. To some guys its obvious, to other guys its not. You've got to really pursue it to find out. Very few case officers really want to know you when they write a report about you. It

⁵⁸ Interview with P.Nichols 2001

*could be more conversation going on, more knowledge passed on us about what is happening and what is expected of us.*⁵⁹

As most lifers recognised the need for completing offending behaviour courses, it became clear how penal policy is shifting. Making prisoners aware of the concentration on risk reduction will enable prisons and prisoners to work together to achieve aims that the government and Parole Board are looking for to sanction moves to open conditions and release.

Prisoner's understanding of their own needs

In research commissioned by the Prison Reform trust in 1998, Clare Sparks found that the majority of prisoners acknowledged the importance of offending behaviour courses for the prison authorities' assessment of their progress.

| | Number | % Of cases |
|---|--------|------------|
| Attendance at offending behaviour courses | 66 | 80 |
| Addressing risk factors | 46 | 55 |
| General behaviour | 42 | 50 |
| Admitting guilt | 38 | 45 |
| General attitude | 36 | 43 |
| Attitude to authority | 35 | 43 |
| Social interaction | 29 | 35 |
| How I spend my spare time | 22 | 27 |
| Attendance at education | 21 | 25 |
| Other | 14 | 17 |

Figure 9 FACTORS PERCEIVED TO AFFECT LIFERS' PROGRESS TOWARDS RELEASE.⁶⁰

The most interesting aspect of this chart is the discrepancy between perceptions about offending behaviour courses and admitting guilt. It is difficult to envisage how offending

⁵⁹ Sparks 1998:23

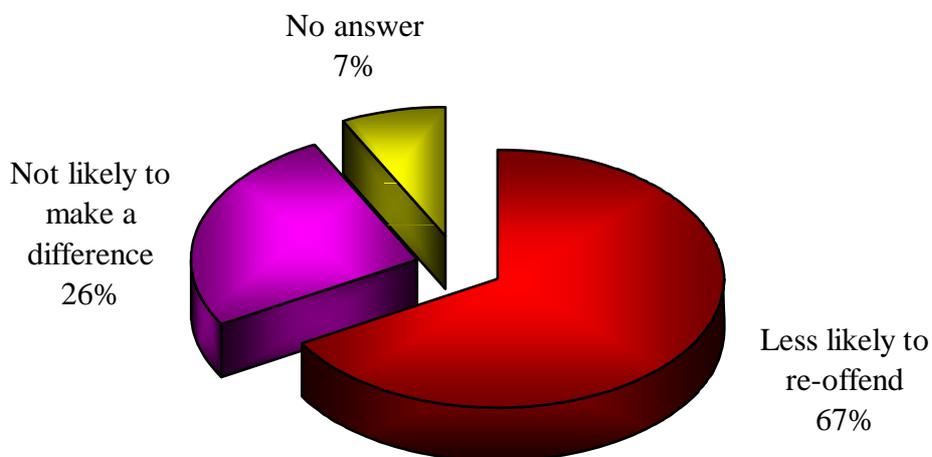
⁶⁰ Sparks 1998:21

behaviour courses could be completed without admitting guilt. If inmates are completing courses merely for the sake of parole conditions, which is entirely likely, the validity of such courses is questionable. However it is possible that some course, such as anger management, drug awareness, etc could be completed without any consideration of guilt or innocence. On the other hand victim empathy would be impossible to achieve in any meaningful way if an admission of guilt was lacking.

Generally there was a great deal of confidence expressed in offending behaviour courses and their impact on recidivism possibilities. It is encouraging to witness prisoner confidence in courses that they have been available to them.

New style offending programmes do not require a reappraisal of the purposes of imprisonment so as to see reformation as a reason for sending someone to prison, they do mark a very definite step away from the nihilism of 'nothing works'.⁶¹

Those who took part in the Sudbury survey had had experience of many offending behaviour programmes and overall there was a positive feeling about their value and impact.



⁶¹ Dunbar and Landon 1998:35

Figure 10 PRISONER OPINIONS ON OFFENDING BEHAVIOUR PROGRAMMES

Confidence in programmes' results

Prisoners seemed to be very willing to express their feelings on the subject of offending behaviour programmes. There were many positive comments about programmes they had attended; the majority of negative comments came from those who said they had not completed courses or were obviously not keen on completing the survey, therefore their opinions should not be counted as significant.

One individual who stated that offending behaviour programmes would not make it less likely that he would re-offend was not negative about the courses but implied that he already had insight into his behavioural problems.

“The severity of my index offence and my maturity and decency dictate that I wish to have no more victims – I have known this for a long time.”

Offending behaviour courses that inmates had completed seemed to have afforded them a clearer and deeper insight into their problems.

“It made me understand certain things about myself and how I can control them, even make them work for me.”

“It helps me think that there are different ways to deal with my problems.”

You are more aware of your offending behaviour, the why and how and to avoid it in the future.

Makes you constantly aware of the possible consequences should you regress to previous behaviour.

It was fairly evident that specific courses on such things as communication skills and relationship counselling were particularly effective. Offenders appreciated the changes they had made through the course. They showed belief that they would maintain these changes in the future, after their release.

“I now have the coping strategies to help me deal positively with my life.”

“I now feel and believe I can conduct my relationship in a positive and constructive fashion.”

“ Learn boundaries and understand events that lead to violent reactions... I now understand myself.”

Only one respondent felt that there was still some aspect of his offending behaviour that had not been addressed. All other offenders felt that they had completed offending behaviour work satisfactorily.

Conclusion

Completion of offending behaviour programmes will inevitably benefit the prisoner and allow prison staff to monitor and record an individual's development whilst assessing them for risk. The prison service is maintaining the aim of crime reduction; if this is to be achieved, prisoners must be allowed to develop. Addressing past behaviours is extremely important; however building skills for the future is also vital. A prisoner must be released with the ability to cope in the outside world. Sudbury's emphasis on employment skills will be analysed to assess the practical ways in which it attempts not only to prepare long-term prisoners to return to the community, but also to continue the vital process of risk assessment.

Chapter Five

The Importance of employment

Employment is an extremely important factor within the field of criminology. Unemployment can have very damaging effects on self-esteem and confidence, and can also lead people into crime due to a lack of income. The impact of employment is more than simply obtaining a job; it gives access to legitimate income and can give individuals a sense of purpose. This chapter will predominantly consider the relevance and importance of employment during a sentence period at Sudbury and after release into the community. It is important to contextualise employment within a sociological discourse; although offending behaviour programmes are extremely important for addressing risk factors for psychological reasons they are a fairly one dimensional application. Employment entails a vast wealth of impact and meanings, and can be analysed multi-dimensionally; its pragmatic impact on individual lives and the sociological impact it can have on communities is extensive.

Criminological research

Those without a job can often be treated as an 'underclass', as described by Charles Murray in the 1980s. Over the years there have been numerous attempts to link unemployment and crime. Although some commentators have resisted this direct link and attributed delinquency to a relaxation of morals and a weakening of community cohesions, full employment can still be viewed as a significant factor in relation to crime rates.

Important American studies have examined how the quality of work and under-employment was found to be most strongly associated with high juvenile arrest rates...one study based on victim survey data found that the probability of victimisation from burglary and theft increased significantly with the rate of local unemployment.⁶²

Given the constant analysis of crime and unemployment, it is not surprising that a link has been established between the two. It is common sense that one factor will lead to the other, although other factors must also be considered. When considering the position of ex-offenders within the community, it is worth repeating that unemployment can be a significant risk factor that can lead to re-offending.

Educational opportunities

Often those entering prison have limited educational achievement (as can be seen in Figure 10) and this, combined with a criminal record, can make it extremely difficult to find reasonable employment to achieve.

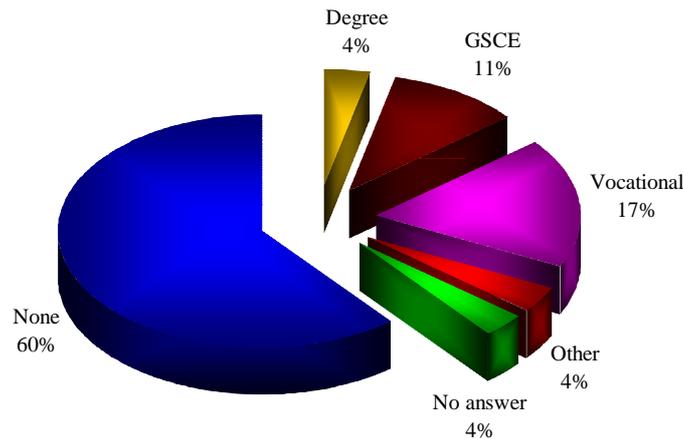


Figure 11 HIGHEST EDUCATIONAL ACHIEVEMENT

Opportunities within prison

⁶² Downes and Rock 1998:172

Work undertaken in closed prisons, and subsequently at Sudbury, is intended to ensure that risk factors are minimised and all opportunities are maximised. As Bryan and Jones illustrate, nothing can be held as a cure-all or definite preventative measure against recidivism, but every effort must be made where opportunities for rehabilitation of offenders present themselves, and employment is key to this theory.

Neither possession of a job nor having somewhere to live is necessarily going to rehabilitate anyone, but without either of these an ex-offender's chance of 'going straight' will be greatly reduced...a job offers money, identity, status and opportunities to develop abilities, contribute to society and grow out of crime.⁶³

As described in chapter one, bureaucracy and the discipline of prison can have a profound effect on individuals. Care must be exercised in this area to ensure that punishment does not go beyond the just desserts model. However that is almost irrelevant at this level, the pressing consideration is how effects of this institutionalisation are managed at a latter stage. The stigma and effect of imprisonment cannot be underestimated. If the consequent embitterment is to be avoided (a contributory factor towards the risk of re-offending) there is a great deal of work to be done in prisons to minimise problems upon release.

Sudbury prison places great emphasis on employment as a factor of the rehabilitation and acceptance into the community of offenders⁶⁴. It has been very progressive in its employment schemes for prisoners; five years ago it was the first open prison to allow prisoners paid work. At the time this caused a great deal of debate, and questions were raised surrounding the acceptability of such a scheme; now the policy is accepted, other open and resettlement prisons are adopting schemes where prisoners gain employment outside the prison before

⁶³ Bryans and Jones 2001:240

⁶⁴ Interview with P.Nichols 2001

release. For example in HMP Kirklevington Grange out of 183 prisoners, 81 are on paid outside work and 42 on outside voluntary work.⁶⁵



Figure 12 PRISONERS INVOLVED IN COMMUNITY WORK, ASSISTING ADULTS WITH LEARNING DIFFICULTIES (PHOTO COURTESY OF HM PRISON SADBURY)

Importance of the nature of the work

Work done in some prisons has often been criticised for its mundane nature and its propensity to demoralise prisoners. This comment may be vindicated in some lifer institutions where work will simply comprise of mundane and repetitive work.

Our culture's dominant prestigious identities, largely reserved still for males in the cultural stereotype, are all to do with the area of work. Prison is a form of unemployment for men - work identities are stripped away and the responsibility to have a job or career; what is called work in prison is actually more akin to occupational therapy, a set of activities provided by the authorities to help pass the hours of the day.⁶⁶

⁶⁵ Prison Service News 1999:15

⁶⁶ Sapsford 1983:104

This ethos is avoided in Sudbury, where great significance is attached to work, with an emphasis on skills and qualifications. Although there is obviously an element of work for the sake of activity, it mostly seems to be purposeful and productive, e.g. redecoration and improvement of living quarters and work in the garden. Although some prisoners do not enjoy the work, most activities are backed up with an opportunity to gain qualifications. Sudbury was commended for this in the HM Chief Inspector's report.

All prisoners were engaged in purposeful employment and, in fact, the prison claimed to have more jobs than prisoners.⁶⁷



Figure 13 BRICKWORK TRAINING (Photo courtesy of HM Prison Sudbury)

Influence of a positive regime

Life at Sudbury is concerned with a determined progression to the end of the sentence and fulfilling objectives laid down by the Parole Board. Risk assessment must categorise the prisoner as safe to place within the community. Sentence planning must be proactive and adequately executed in order to convince the Parole Board that constructive work has been carried out. However the work in Sudbury seems to go beyond merely fulfilling these criteria. Analysis of course and opportunities at Sudbury (for example career advice and 'life skills'

⁶⁷ HM Chief Inspector of Prisons 1996:4

courses) illustrate that it is recognised that offenders must be adequately equipped for life on the outside. Risk factors for lifers can be varied, but there is a tangible common theme. Problems with addictions and violence are often the root cause of offending behaviour, which must be addressed in offending behaviour work. Gainful employment will not necessarily help in these areas. However a job and a place to live can be essential elements of a release plan. Long-term prisoners are not often released from Sudbury without consideration of job opportunities.

The Home Office recognises the problem of institutionalisation, especially when considering lifers.

Real punishment for offenders who have been sentenced to imprisonment begins when they are released from custody. The true test of a prison system is what happens to offenders when they come out of prison. Both these comments serve to remind all who are concerned with the treatment of offenders that imprisonment cannot be regarded as a self-contained episode, and can the prison service operate in isolation. The task calls for interest, understanding and acceptance on the part of all members of the community.⁶⁸

Perhaps this centralised recognition has influenced work done at Sudbury, although in the Prison Inspectorate report on Sudbury concern was expressed that centralised policy was not altogether clear, and that open prisons were a neglected area of the prison service.

Employment schemes within Sudbury

The lifer prisoner survey at Sudbury showed a fairly even split of those working inside and outside the prison. Fifteen were still occupied within the prison, whereas eleven were now working outside. The majority of those who worked outside had positive attitudes towards

⁶⁸ Home office cited in Bryans and Jones 2001:241

their work. Furthermore in terms of progress with a release plan, the overwhelming majority recognised the importance and influence of employment. This confidence in the structure of the release plan may be interpreted as a sign of a positive prison regime and adequate progression towards a common goal. If prisoners are involved in employment and believe it is essential or important (as many of them did) to their release plan, there is a chance that this will stand them in good stead after release. Self-esteem is a factor that should not be underestimated in the case of long-term prisoner. If they feel positive towards their future there is a possibility that this may lessen the chance of re-offending.

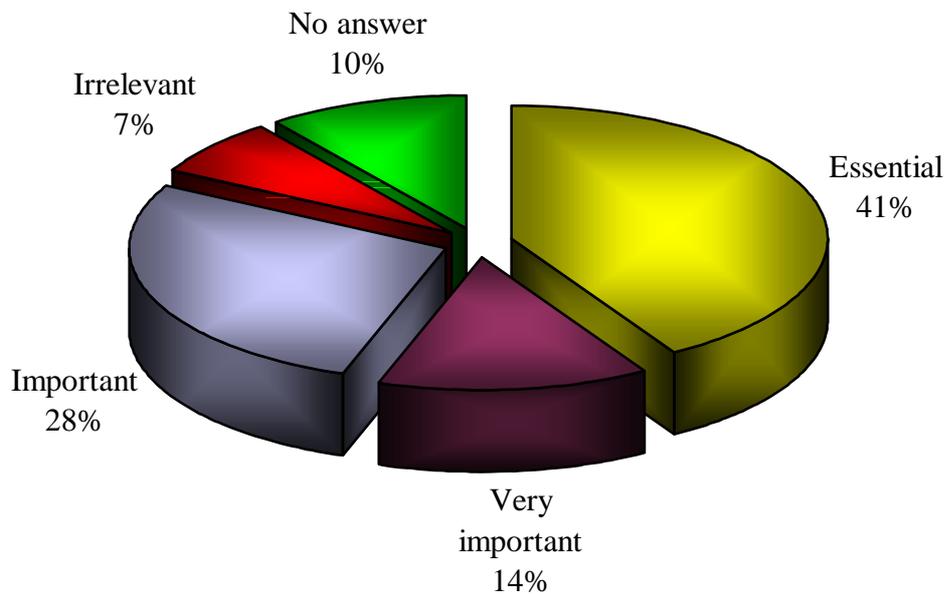


Figure 14 HOW IMPORTANT DO YOU THINK YOUR EMPLOYMENT IS FOR YOUR RELEASE PLAN?

Positive effects of employment schemes

The positive impact of employment in terms of social skills and adaptation back into the community was evident among some of the respondents. A number of them appreciated the fact that they were meeting ‘normal’ people again; people who were not associated with

prison or any other criminal justice establishment. For some of the men, working within the community has for the first time in over fifteen years given them opportunity to mingle with ordinary people.

Adapting to this aspect of work outside the prison should be both challenging and rewarding.

(Employment) gives one confidence in financial independence, confirming one's ability to retain employment, allows interaction with non-prison people –gives authorities confidence in one's ability to retain employment, interact in community.

Prepares you for a working life and to interact with ordinary people of the general populace.

Work is an essential part of rehabilitation back into society and mixing with other people.

It helps you to get back into the work culture, meeting people with different views and backgrounds.

The last of these comments is of interest for another reason. For long-term prisoners who have had problems with anger management, it can be a useful risk assessment exercise to see how they react in work situations with people from diverse backgrounds and with differing opinions. It is a useful way of establishing whether individuals can control their temper etc when faced with pressures of work and possible conflict with other personalities. The workplace can at the best of times be an area of stress and conflict, but for an offender who has been out of the job market for a long time, it could be extremely difficult to re-adjust. If these aspects are monitored closely and an inmate can cope adequately, it could be a good indication that offending behaviour programmes have worked and lessons have been learned.

Importance of community support

Sudbury has fostered positive and productive relationships with many employers in the local area. They too have a responsibility to monitor closely prisoners who are working with them. Although the prison checks working conditions, time keeping etc fairly frequently, with so many prisoners out on work schemes it is vital to have an element of trust between all parties concerned; employer, prison and prisoner. Due to possible prejudice, some prisoners' backgrounds are kept secret from other employees. Prisoners from Sudbury are allowed to wear their own clothes to work (surprisingly not all open prisons permit this); the stigmatising effect of wearing prison uniforms in external work placements might contradict any positive aspects of gaining employment.

Although many prisoners said they felt positive about their work experience, many stated that they would be moving area and therefore not keeping the same jobs.

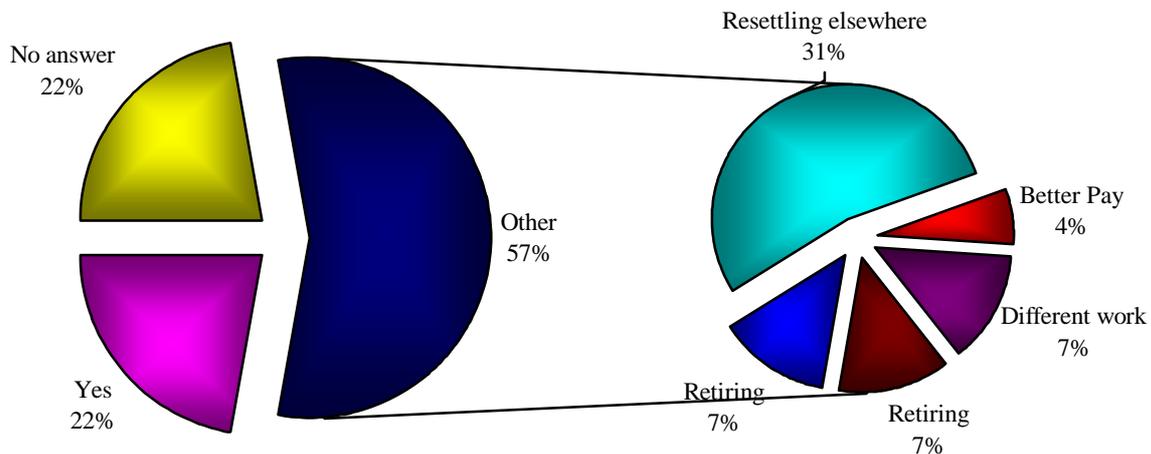


Figure 15 WILL YOU KEEP THE SAME JOB AFTER RELEASE AND REASON FOR ANSWER

Financial resources

The issue of wages becomes particularly important if the same job cannot be kept after release. When paid employment was first introduced at Sudbury there was a great deal of criticism; now it seems difficult to justify an argument against prisoners' wages. As Figure 11 shows, a significant percentage of those who are not keeping jobs are giving them up because they are leaving the area. If these prisoners were released without any financial back up it could make living in the community unnecessarily hard. Such increased pressure is unnecessary and could lead to an increased risk. The stress of leaving prison and adaptation to becoming part of the community is hard enough challenges, without having financial worries as an additional issue.

Comments by prisoners illustrate the value that they place on employment, which gives them access to wages.

"It will give me a good start in life with the money I can put into my bank account."

"The money (is essential) so you can set up yourself up in a flat."

For some the allocation of a job and wages goes beyond mere financial gain and gives them a sense of trust within the community.

"I have learned a great deal more about myself from gaining this full time job than I did in my time in community work, so yes the preparing of men for release from this jail is good. Of course, it must be said that it goes a lot deeper than the money in your pocket at the end of the day. There is the 'feel good factor' about being employed, and indeed employable! I felt that I had lost a lot of the confidence that I had prior to offending. I felt that this was the end of my working life, and that was very sad, considering that I had come to prison at the age of 25, and am now 33 years old."

This prisoner has very keen insight into how employment could help him in the future. He had good family support on the outside and had chosen many offending behaviour programmes. He had also deferred his parole hearing, as he wanted to keep working on some offending behaviour issues, some prisoners do this as they feel the Parole Board may reject their proposed release if offending behaviour work has not been completed adequately.⁶⁹

Prisoners' views of the prison system

Another prisoner seems to have a very good insight into how the system at Sudbury worked. He seemed to be totally aware of the key role of risk assessment within the prison, and the fact that he was being heavily monitored. Prisoners do have to prove themselves to staff and this can only be easier if they have a positive attitude.

“This not only allows you the opportunity to prove you can hold down a job, but have no problems doing so, if you have these can be looked into. Also, able to save a little money towards release.”

Some showed frustration that their existing employment skills were not being used. Sudbury does make a large effort to place people in jobs that reflect their skills. However with such a diversity of jobs and skills among the lifer population it can be very difficult to gain appropriate work. Work placements have to be in a 50-mile radius of the prison, and they rely on the good will of employers who are willing to take on an offender.

Its important in so much as it re-introduces you into the employment arena. But the experience itself bears little relevance to my intended employment upon eventual release.

⁶⁹ Interview with P.Nichols 2001

Prisoners' concerns for the future

Numerous times throughout the survey it was clear that offenders had some anxiety about a lack of support within the community after their release. This could just be due to a lack of knowledge and uncertainty about their future life outside, but the absence of Probation support was criticised. Sudbury itself appears to be a supportive environment, but it is understandable that inmates would be nervous of life on the outside.

“When we get released it will help us to find work if we get the support we need.”

Employment is recognised as a major part of rehabilitation at Sudbury. Apart from external work placements there is a wide variety of activities within the prison designed not solely to occupy inmates, but also to help them achieve qualifications and a better chance of employment within the community.

The ethos of work plays a large part in helping lifers re-integrate into Society and work reports form part of the Parole Dossier. There is a good variety of work on offer in the institution.⁷⁰

The responsibility of trust

As stated previously, a prisoner's performance in an employment situation will be analysed in context with risk assessment. If offending behaviour problems have been addressed and employment is obtained and maintained effectively, release is more likely. Employment is a matter of trust, as prisoners leave the prison in order to go to work unescorted. The ethos behind the open prison is that more and more freedom is given, but with that comes a

⁷⁰ Nichols 1992:5

responsibility to behave properly and embrace that opportunity. A work placement outside the prison may be stressful and sometimes frustrating, but it is a stage that must be completed before release can be a realistic prospect.

Timetable of progression

Certain stages must be reached within a sentence before work outside the prison is allowed. As can be seen in the table below (and in more detail in Appendix VIII) there are procedures and planning stages before a prisoner is allowed out of the prison for any reason. It is a gradual process, where inmates build up privileges and gain trust of prison staff in order to be allowed town visits or employment.

| | |
|---------------------|--|
| Up to 8 weeks | Sentence planning meetings take place to be discussed in a later chapter |
| 8 weeks – 6 months | Visit local city (Derby) with Personal Officer or his stand-in. This is to familiarise inmate with local travel arrangements and assessment for re-integration into the community |
| 6 months – 9 months | First readjustment visit to Derby unescorted –thereafter one readjustment visit to local area per month (Mon – Fri) and two town visits per month (any day) |
| 6 months onwards | After first unescorted readjustment visit inmate can be considered for work out in the community; however with the restriction on the amount of days (per week) allowed to be out of prison, this is not usually put into operation until shortly before the first resettlement leave. ⁷¹ |

Figure 16 PROGRAMME OF EVENTS FOR A TYPICAL LIFER ARRIVING IN OPEN CONDITIONS WITH A 2-YEAR REVIEW

A prisoner will undertake community work before paid employment is allowed. This is also tied in with progression through the sentence and the obtainment of a facility license, which allows a prisoner to go outside the prison.

⁷¹ Ibid

| | |
|---|---|
| After first unescorted readjustment visit until first resettlement leave | 1 day per week (this day to be given up if town or readjustment visit is taken) |
| After first resettlement leave (approx) 4 months before parole | 3 days per week (one day to be given up if town or readjustment visit is taken) |
| Approx 4 months before parole review until case goes before Secretary of State with a positive recommendation | 4 days per week (one day to be given up if town or readjustment visit is taken) |
| The above is calculated to fall 4-6 months after review is sent to the Home Office. if a positive recommendation is made to Secretary of State. | 5 days per week (one day to be given up if town or readjustment visit is taken) |

Figure 17 FACILITY LICENSE FLOW CHART

If progression through the facility licence is successful, community work will be undertaken. Inmates start working one day a week and build up to a maximum of four. Sudbury then encourages offenders to look for work that is appropriate to their skills and long-term job aims. Employment is a key factor in release plans at Sudbury and this is emphasised at an early stage. Inmates are given resources and encouragement to find suitable work experience.

At the six month stage providing positive reports have been received, you will be given the opportunity to commence work experience and will be given a job search day once a month to seek employment.⁷²

⁷² Ibid



Figure 18 A NUMBER OF PRISONERS HAVE GAINED PAID EMPLOYMENT IN A LOCAL BOATYARD (PHOTO COURTESY OF HM PRISON SUDBURY)

Employment has to be assessed for suitability and sanctioned by 'Labour Control'. Inmates must be kept away from obvious risk factors connected with the original offence, and anything that has caused concern during their sentence. Alcohol and betting are always off limits, but some offenders may have other specific risk factors that must be avoided, such as working with children or old people. As with long-term release and resettlement in general Victim's Charter issues must be considered.

External employment schemes are a vital part of a modern progressive prison regime. It has been shown that prisoners get a great deal out of the trust and responsibilities that employment allows them. Obtaining a job can be difficult enough without the stigma of a criminal record. Sudbury fosters development in prisoners enabling them to gain work skills and links within the community. Although some inmates may not be totally satisfied with the employment available to them whilst still residing them at Sudbury, it is a vital test they must pass in order to be seriously considered for release. This can be used very much to their advantage, the peripheral benefits of wages and contacts with non offenders in the workplace can give prisoner invaluable opportunities to prepare for the future.

Chapter Six

Sentence Planning and Freedom of Information

It has become evident through literature research and survey results from Sudbury that there are a great number of agencies involved in the preparation of a lifer for release. Reports on the inmate's progress, which assess behaviour and risk, are constantly being written to assist the Parole Board in making an informed decision on release. Sentence planning is used to coordinate these factors, and at Sudbury there is an attempt to ensure that the prisoner is kept informed of what is expected of him if he is to fulfil pre-release requirements.

Overcoming the 'total institution'

In previous chapters the notion of prison as a 'total institution' has been analysed. This is particularly pertinent when considering freedom of information and open communication through a sentence plan. Prisons are severely restricted by lack of money and resources yet, they have an obligation to communicate effectively with prisoners in order to maintain an effective working relationship. Previous research has found that if prisoners are not kept adequately informed of decisions that affect their sentence, resentment against the establishment can build up unnecessarily.

The Home Office is seen as conspiratorial and monolithic... but above all as capricious and arbitrary. Time and time again, the men note that the Home Office exert their power not with malice, but in random, almost whimsical ways. They are 'faceless bureaucrats', operating from behind a 'wall of silence'

*and it's never really clear why they make the decisions they do.*⁷³

Increase in freedom

Prisoners are invested with a greater degree of trust in Sudbury than in previous prisons, and this is reflected in the openness of sentence planning meetings. Because of the hierarchical structure that pervades prisons, open communication between staff and prisoners may not always be possible. Prisons are undoubtedly environments where the balance of power has to remain with the establishment; equality is a totally unrealistic and unworkable prospect, but greater honesty and openness within prisons is a valid aim.

*Well-intentioned, even kindly paternalism is still the model for most prison regimes. But it is a model, which is increasingly useless and will soon become downright dangerous...Power and authority is crucial in a culture, which challenges all aspects of control. But trust and respect have a much more powerful hold on prisoners than coercion.*⁷⁴

Freedom of information is increasing all the time, lifers at Sudbury will have at least two sentence planning boards during their stay, most will have three⁷⁵.

*Sentence planning boards will have reports from all aspects of the prisoner's life; external employment reports, probation, medical, psychiatric. Every aspect of how they spend their time will be reported on. The only documentation that prisoners cannot see is issues regarded as Victim's Charter issues.*⁷⁶

Prisoners will be informed of how they are progressing and what other work needs to be done in the future, e.g. any offending behaviour work that needs to be completed before the next

⁷³ Cohen and Taylor 1992:126

⁷⁴ Selly 1995:51

⁷⁵ Interview with P.Nichols 2001

⁷⁶ Ibid

board. It can be assumed that the more honesty there is in the sentence planning procedure, the easier it is for the prison to do its job and for the prisoners to assess their own progress. It is also important for staff members to witness how other staff members are assessing prisoners. There must be a concentrated effort to co-ordinate approaches with prisoners to ensure that risk assessment is thoroughly completed.

The sentence plan is an ideal focus for information and should be used not just as a record of what has happened and what is intended to happen but also as an information exchange.⁷⁷

By the time a prisoner reaches open prison he can be involved in many activities, and therefore come into contact with a large number of staff members inside and outside the prison. It is still vital that communication is maintained between the prisoner, the prison and all other agencies. Confusion can arise and conflict can build where prisoners are unsure of what decisions are being made about them. The existence of an open sentence planning board should reduce this fear.

Need for standards

One of the problems within the prison system is that different establishments offer different services. Not every prison will provide the same offending behaviour programmes, and as a result it may not always be possible for offenders to undertake certain specific programmes. Some prisons also have long waiting lists for courses, which can not only be frustrating for prisoners, but could also cause confusion for the progression of their sentence. As almost all activity is evaluated in terms of risk assessment, it is vital that prison offer standard opportunities for prisoners to complete offending behaviour work and gain education and

⁷⁷ West 1997:137

work related skills. Placement in certain establishments should not adversely affect the length of time that a prisoner serves.

It is easy to see how confusion and conflict could arise over the needs of prisoners who may experience numerous transfers to different prisons throughout a prison career. Psychologists in different establishments could put different interpretations on behaviour, and therefore prescribe differing courses of action for offending behaviour work; adequate and accessible sentence planning is therefore vital.

Fulfilling risk assessment criteria should be the main concern of any lifer. He will therefore be anxious to know how he is being assessed and what work he still needs to do that may affect his parole. Risk assessment, as examined in previous chapters, has been described as a complex process that can be influenced by many factors. It is in everyone's interests that it is carried out as effectively and efficiently as possible. Every avenue should therefore be explored to make the process simpler and more accountable.

Some critical work is being carried out as part of the process of greater openness and accountability on the issue of risk assessment. There is a clear need to identify the areas of risk which each lifer represents... although each lifer is meant to have a career plan drawn up in the early part of their sentences...the reality is that such work was patchy and not standardised.⁷⁸

In the final stages of a lifer's sentence all the aspects of their original offence and subsequent time in prison have to be analysed with a view to the future. The completion of as much offending behaviour work as possible must be achieved, combined with a move towards resettlement visits and participation in the employment scheme. If sentence planning has been patchy in the past, it must be brought up to date to fulfil possible Parole Board requirements.

⁷⁸ Cullen and Newell 1999:133

Release will not be approved unless the Parole Board are satisfied that the offender no longer presents a danger to the public. This judgement can only be made if all the facts are presented in a proper manner. One prisoner in Sudbury was frustrated by the differences between prisons.

“What we need is a set regime of rules, regulation, allowances, procedures, across the board of open prisons because at present no two prisons of any category operates under the same set of regulations or regime structure. There is just too much disparity between establishments of the same category.”

If decisions are to be made concerning a prisoner’s likelihood of release, it is only fair that he has access to the information that will inform the Parole Board. Sentence planning boards are a way of ensuring that all concerned parties are informed as to a prisoner’s progress. Lifers have spent a great deal of time working towards their release and are aware that the Parole Board is the all important decision making body. All prisoners must be interviewed by the Parole Board as part of a process that will establish suitability for release. Nevertheless it would appear that not all prisoners are kept informed about how the Parole Board works, this can make Parole Board interview unnecessarily daunting.

Sometimes the interview provides information that is crucial to the parole decision...they may well have questions about the parole procedure and they are often astonishingly ill-informed...the questions we ask should help them understand the sort of behaviour and attitudes that are likely to concern the Board members who will be making the decision on their case.⁷⁹

Prisoners’ confidence

It was positive to note from the prisoner survey at Sudbury, that most prisoners were aware of factors that may cause them potential problems after release. This illustrates the effectiveness of offending behaviour programmes in making prisoners aware of their risk areas. It might

⁷⁹ Pitchers cited in Report of the Parole Board 1998-1999:12

also be assumed that these issues may have been highlighted in their last sentence planning board.

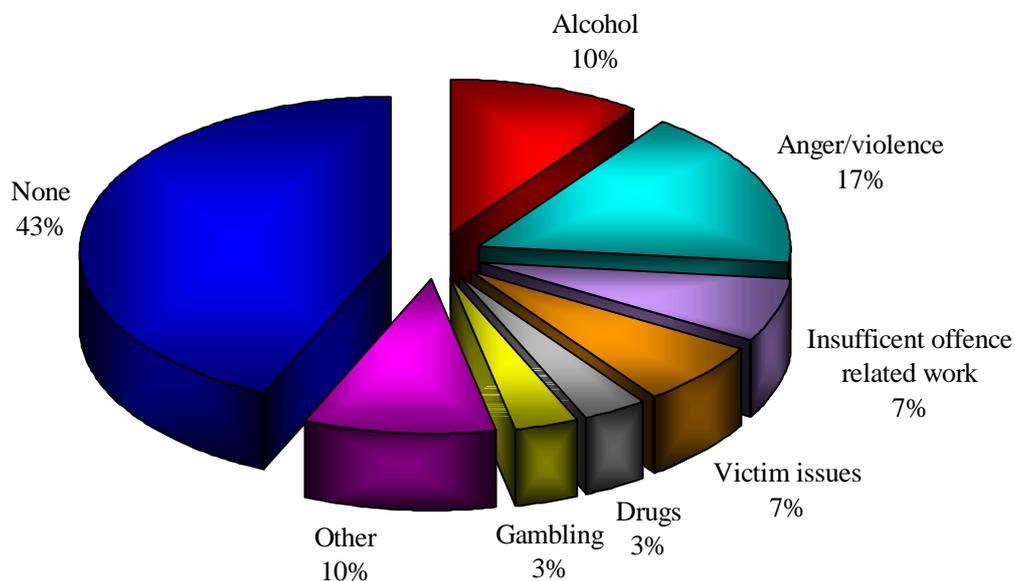


Figure 19 PRISONERS' ANTICIPATION OF THEIR MOST SIGNIFICANT RISK FACTOR AFTER RELEASE

Prisoners may have fears that do not relate to any offence-related issues or behaviours that have been noted in prison. For those who felt they had no risk factors after their release, there are two possible conclusions; either the work they have done in prison has been very thorough and eliminated any problem areas which has given the inmate a great deal of confidence, or alternatively they may be totally unsure of what will face them on the outside. On the other hand, it could be that they lack an insight into the offending problems or other issues that will face them within the community; this over confidence could also cause problems adapting to life outside. The majority of inmates expressed some anxiety about adjusting back to the community. It is impossible to imagine how a lifer feels upon release; being reunited with family and friends will be tempered by the effort needed to rebuild their lives. Victim's

Charter issues may mean that they are unable to reside in areas that they are familiar with, or where they have family support networks. Although obviously this is necessary and rightly applied, as in all crimes the victim and/or their family should be the main consideration, it can render release and readjustment into the community extremely difficult.

External employment

Sudbury has a positive attitude towards employment and excellent record at placing prisoners in external employment schemes. Currently out of 76 lifers there are 40 in paid external employment and 7 partaking in voluntary work in the community.⁸⁰ It was therefore surprising to find that a high number of prisoners were anxious about finding employment upon release. Although, as discussed in an earlier chapter, this could be because the offender was moving to another area and would therefore be unable to keep his current job.

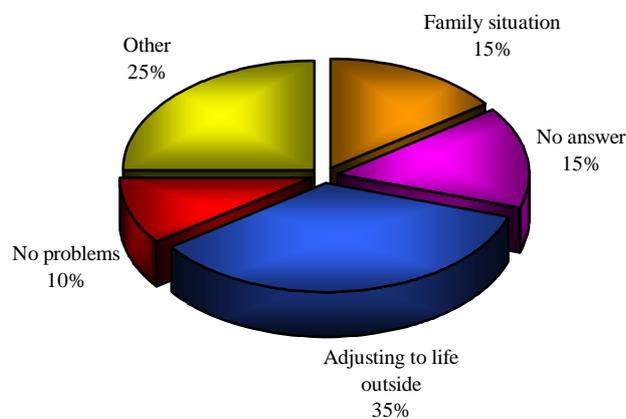


Figure 20 PRISONERS' ISSUES OF MOST CONCERN UPON RELEASE

Prisoners appeared to have sensible and pragmatic attitudes about what problems may face them after release. Sudbury has a great deal of work to do in preparing prisoners for release; the best that they can do is equip inmates for the outside world. However it is understandable

⁸⁰ Interview with Phil Nichols 2001

that after such a long period of incarceration prisoners will have concerns about readjusting back into the community. This brings out common fears about past and possible future problems.

“I do not have family contact as much. I have been locked up for 14 years.”

“I was a cannabis user... too much makes one lazy, I will not abuse it in the future. I am extremely confident that I can contend with eventualities that will arise after release.”

For most respondents it seemed that Sudbury had been a very positive experience, and one that they were hoping to build on in the future. One prisoner seemed to be worried about family contact, as, due to Victim's Charter issues he was unable to return to his home area. He also had some valuable comments as to improvements that Sudbury could make.

“Sudbury has given me new ideas for gainful employment upon release and the opportunity to attempt self-employment. (However) Being excluded from the whole region where my family reside (may cause problems).

Sudbury could allow you to use you own vehicle for travelling to work outside the prison. (Reintroduction to today's traffic), more vocational training courses and hostel type accommodation for full time out workers nearing the end of their sentence/ tariff.”

After thirteen years in custody it is to be expected that a skill such as driving may need to be refreshed. However there is a practical limit to what Sudbury can achieve in order to rehabilitate offenders. Driving is not permitted for inmates unless it is specifically required at work.

One respondent who stated that offending behaviour programmes at Sudbury and previous prisons taught him nothing he did not already know, he still foresaw his problems after release in terms of how other people would react to him.

“I am and always have been aware of the areas in my life that could be deemed risk areas. I am more at risk from other people’s inadequacies: i.e. petty jealousies.”

This respondent had completed offending behaviour programmes at previous prisons during his sixteen-year tariff and seemed confident that he would be released in a few months without any significant problems. Although he described Sudbury’s regime as ‘progressive’ most of his answers showed no great expectations of the services.

“Sudbury is the last stage in a long process. One is released on licence into the community at an increasing frequency until one is merely using Sudbury as a sort of bed and breakfast.”

Moves towards greater accountability and freedom of information can only assist the running of an establishment such as Sudbury. The survey results show that prisoners have mainly positive feelings about the treatment they have received at Sudbury. Only two out of thirty respondents showed negative feelings about the prison regime and staff. Despite this, even they expressed confidence in the offending behaviour work they had completed and did not express any major fears about their life after release.

Conclusion

A prison regime can have great influence on the progression of inmates. At the late stage of open prison it is vital that prisoners feel they are progressing adequately towards release. This is also a critical stage for final risk assessments carried out by multi-agency staff, to ensure that a prisoner is properly prepared for release into the community. The achievement of justice demands fine judgement. It is not justifiable to keep a prisoner incarcerated for any

longer than is necessary, but the needs of the community must also be considered. There is a duty of respectful consideration of the victim to ensure that recidivism or further harm is extremely unlikely.

Chapter Seven

Final Analysis and Conclusions

This dissertation has only been able to give the briefest analysis of work that is carried out in Sudbury. The extensive scope of work that is carried out with those under life sentence should not be underestimated. Some inmates have committed heinous crimes under a very wide variety of circumstances. During the period of incarceration they have been through numerous programmes, education classes, work skills tuition, career guidance, etc. in order to minimise the risk they pose to the public and improve their chances of coping in the outside world. Sudbury has to be extremely flexible in the services it offers to inmates, as even within the lifer population there is such diversity of individuals with differing needs.

The morality and theories of sentencing and imprisonments have not been within the remit of this dissertation; its analysis has encompassed the varied aspects of work needed to prepare long term and possibly institutionalised prisoners to the community.

It is vital when considering the lifer population in Britain to bear in mind that all services are bracing themselves for a large increase in the numbers of lifers that prisons will have to deal with (the reasons for which will be explained later). The Central Lifer Unit in London is already reporting a substantial increase in its workload.

Resource investment needed for lifers

Although lifers are a minority of the prison population, they have special and specific needs, which cannot afford to be overlooked if the public expects maintenance of adequate treatment and subsequent protection from risk.

Although lifers currently represent only about 6 % of the prison population, they are a resource-intensive group whose numbers are growing; and their management presents a special challenge for the Prison Service.⁸¹

| Lifer Unit Workload Financial year April 2000 to March 2001 | |
|---|--|
| <ul style="list-style-type: none"> • 230 New mandatory lifer tariffs were set | <ul style="list-style-type: none"> • 1000 Parole Board dossiers were compiled |
| <ul style="list-style-type: none"> • 550 Interim Reviews (F75s) took place | <ul style="list-style-type: none"> • 600 Allocations were authorised following Parole Board reviews |
| <ul style="list-style-type: none"> • 200 transfer instructions were issued | <ul style="list-style-type: none"> • 1200 Resettlement activities were authorised |
| <ul style="list-style-type: none"> • 1500 Probation Service progress reports were replied to | <ul style="list-style-type: none"> • 4900 Items of correspondents (including complaints/requests) were answered |
| <ul style="list-style-type: none"> • 650 Submissions to Ministers were prepared | |
| <p>In 1996 when there were 3500 lifers, there were 75 staff in the Lifer Unit. Despite a 36% increase in the lifer population we had 69 staff in post at the end of April</p> | |

Figure 21 WORKLOAD OF THE CENTRAL LIFER UNIT IN LONDON⁸²

⁸¹ Lord Williams cited in Prison Service Journal 1999:4

⁸² Lifer news 2001:1

With the government encouraging a tough line on crime and the introduction of Section 2 of the Crime (Sentence) Act 1997, it is expected that the lifer population will continue to increase.

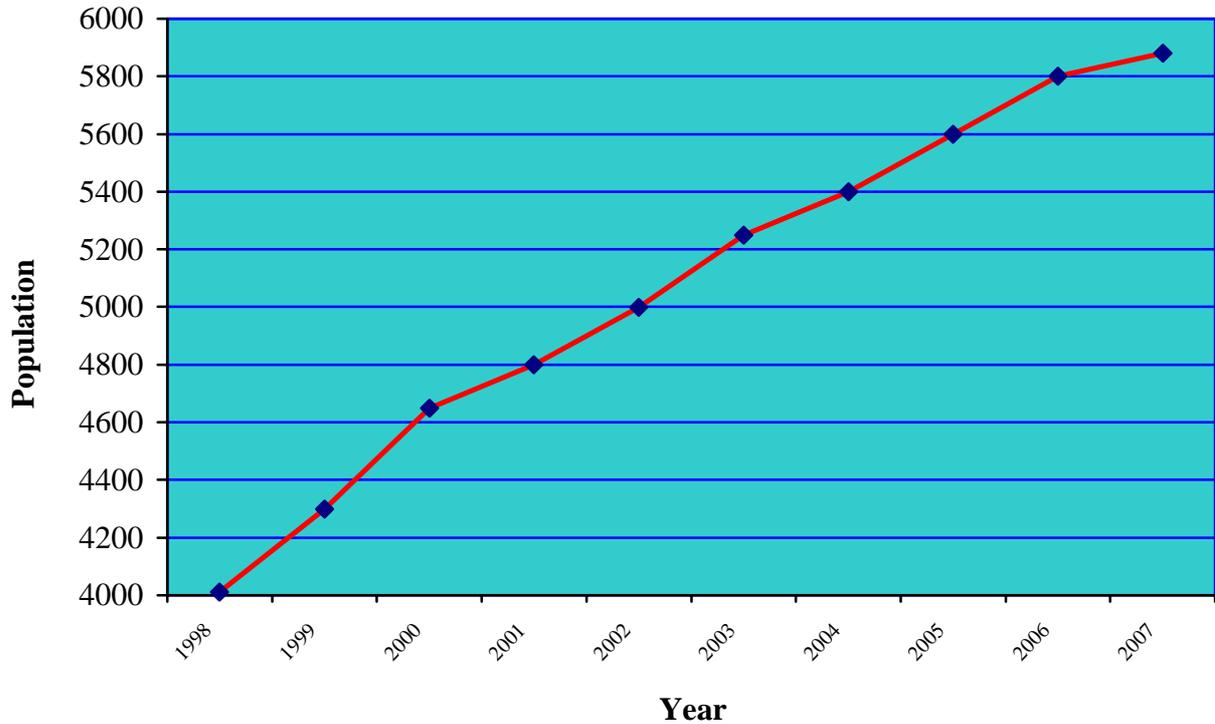


Figure 22 PROJECTED INCREASE IN LIFER POPULATION⁸³

Effect of increases in population

The pressure that the increasing population will impose on all agencies involved in lifer management should not be underestimated. The primary consideration in the context of life imprisonment must always be the management and reduction of risk to the public. Any increased pressure on an already overloaded system could result in a loss of quality of service within the prison system. Agencies under pressure will have stretched resources and time.

⁸³ Lord Williams of Mostyn, cited in Prison Service Journal 1999:4

⁴ Parole – Report by the Comptroller and Auditor General 2000:unnumbered

Unless prisoners are adequately invested in and monitored for any potential problems, it is impossible to ensure that preparation for release is complete and risk is at a minimum.

Parole Board

The Parole Board is also reporting a vast increase in the number of cases it must deal with. Although, obviously these figures include determinates sentences as well, it is bound to have an effect on time available to deal with lifer's cases.

The caseload of parole applications has increased significantly in recent years. For example in the two years to 1998-99, cases considered rose by more than 1,000 from 4,899 to 6,078 an increase of 24%.⁸⁴

Many different agencies have to contribute to the parole process; there is a general increase in the workload within criminal justice agencies. It is interesting to see how a parole dossier is compiled, as it gives a truer understanding of the resources and time that lifers demand.

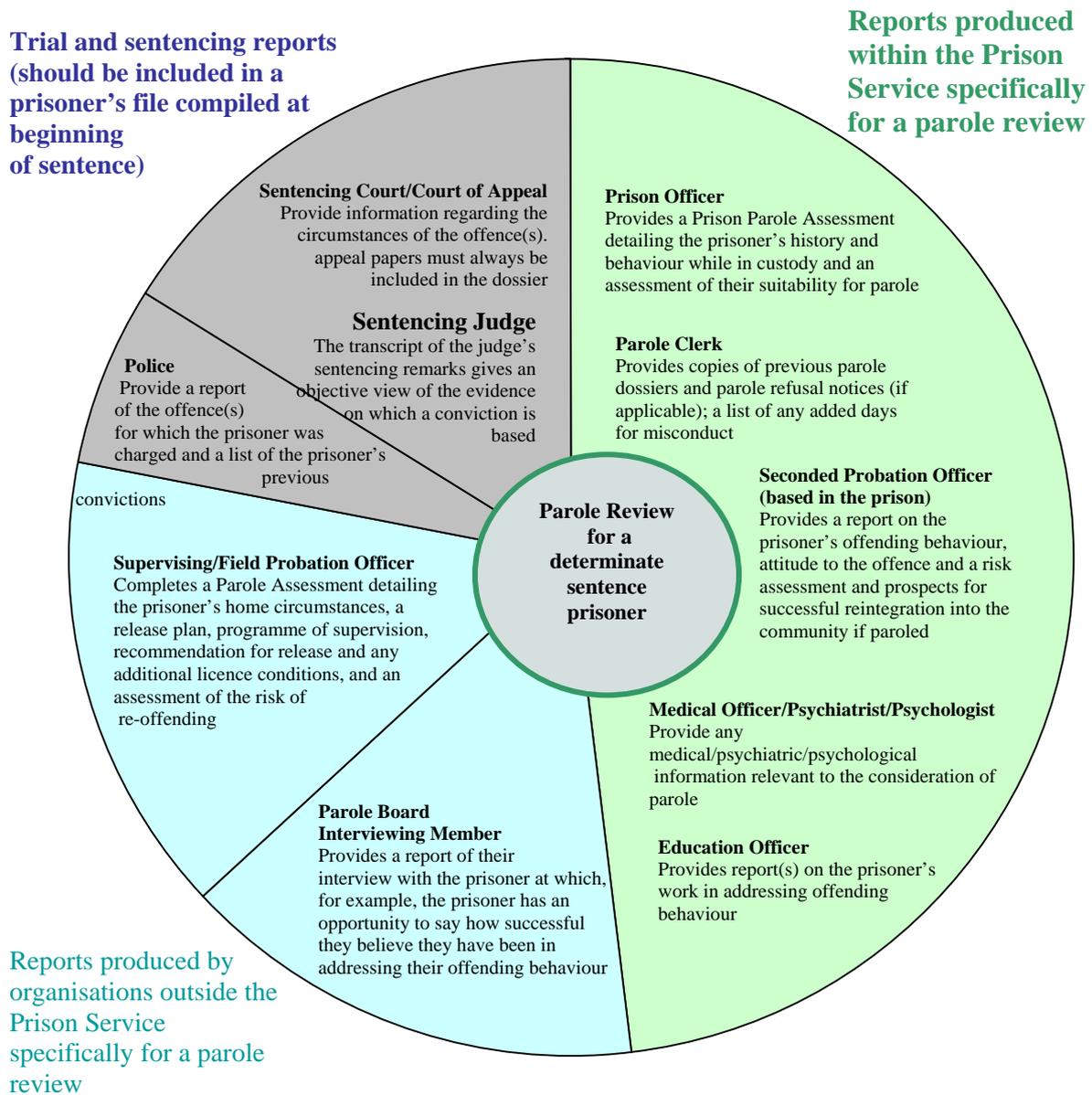


Figure 23 PEOPLE AND ORGANISATIONS PROVIDING INFORMATION FOR A PAROLE REVIEW⁸⁵

An overburdened system cannot be expected to work to its true efficient and effective potential. Although physical overcrowding in prisons in this country is being reduced, the increased number of lifers within the prison system may mean that the quality of investment

⁸⁵ National Audit Office 2000:16

in the lifer population will suffer. Adequate resources could easily relieve this potentially dangerous and unnecessary situation. If the government wants to stick to its policies of 'tough on crime, tough on the causes of crime' it must also shoulder the responsibility of financial investment, otherwise its policies become empty and unworkable.

Emphasis on risk

The primary consideration for all agencies and bodies involved in preparing lifers for release is the minimising of potential risk. If risk is still a possible consideration, the Parole Board will not sanction the release of the inmate. Every activity undertaken at Sudbury has an underlying theme of risk reduction. Minimising and assessing risk is intended to maintain public confidence that no lifer will be released into the community if they present an unacceptable risk to the public. Arguments about differing methods of risk assessment, actual, clinical, psychological, etc. are not relevant in this context. The need for continued emphasis on risk has a considerable impact on prison regimes and practices.

Risk assessment in itself cannot reduce risk, but through identifying the probability of harmful behaviour and who is at risk from it, strategies can be devised for addressing those factors that may reduce the risk of harm.⁸⁶

Lifers are a complex group of offenders who have committed serious and appalling crimes. Some prisoners seem frustrated by the length of time they are incarcerated and the protracted nature of risk assessment. However it is entirely understandable why lengthy risk assessments have to be undertaken. Those who have committed such serious crimes must accept that their behaviour has to be carefully analysed.

⁸⁶ HM Prison Service 1997b:un-numbered

Less time (should be taken) on risk assessment, seeing as lifers are all deemed a sufficiently low risk to come to 'D' category, only a stroll away from civilisation.

Recidivism

In terms of recidivism they are the least likely group of offenders to re-offend. Compared to other criminals, lifers have a very low rate of recidivism.

By the end of 1991, 23% of lifers had been reconvicted of standard list offences (i.e. homicide, serious wounding, rape, buggery, robbery, aggravated burglary and arson) of whom 3.8% had been convicted of a grave offence. Only 10% of those released under license between 1972 and 1989 were reconvicted of a standard list offence within two years.⁸⁷

One can only make assumptions concerning why lifers are such a low recidivist group; the actual act of committing such a serious offence, as murder could be so traumatic that no other offence is likely to be committed. In the case of most murders, the victim is a relative, partner, etc. and the crime results from a domestic incident. Therefore it could be described as a circumstantial situation that is highly unlikely to be repeated in the future with other victims. Within the context of this dissertation the extent of investment by the Prison Service into lifers shows that there is a great deal of opportunity for an offender to address his behavioural problems and learn strategies to cope with life in a better way.

Statistically the younger a person is, the more likely they are to commit crime.

Among the half million or so offenders convicted or cautioned for indictable offences in 1995, 82 % were male, and 45 % were under the age of 21. the 'peak age' of offending ...stood at 18 for males.⁸⁸

⁸⁷ Ibid

⁸⁸ Stone 1999:136

The reality is that most life-sentenced prisoners will be unlikely to commit any more crime simply because of their age. The background statistical data of lifers in Sudbury (see Appendix V) shows that the majority of lifers are over forty.

Despite this statistical evidence, it is the duty of Sudbury constantly to test their prisoners and assess them for risk. Some of those within Sudbury have committed crimes that have caused devastation to many lives; every effort must be made to ensure it never happens again.

The prison service is acutely aware of the media-fuelled public obsession with risk management. This is evident not only in the practices and regime at Sudbury, but in a great deal of current criminological literature. Risk assessment, offending behaviour programmes and the need to equip prisoners with adequate employment skills are all interlinked.

Literature on risk assessment can be contradictory and confusing, as Levi states: “Violent crime is the subject of more heat than light”⁸⁹. Despite this policy and practise must rise above emotive and impassioned debates surrounding those who have committed serious crimes and concentrate on the practicalities of ensuring a safe release for inmates.

Offending Behaviour Programmes

It is not Sudbury’s main role to provide accredited programmes for offenders to address problem behaviours. Most work should have been completed in previous prisons and usually in main lifers centres such as HMP Gartree. However many lifers come to the prison who need more work on offending behaviour.

⁸⁹ Levi cited in Maguire et al 1997:882

The Correctional Policy Framework published by the government in 1999 has given increased directions in the management of offenders. 'It states that those who commit crime should be punished in ways which prevent re-offending.'⁹⁰

Two key points to this are:

- The number of hours prisoners spend on average per week engaged in purposeful activity
- Completions of Offender Behaviour Programmes accredited as effective in reducing offending.⁹¹

Although these aims are obviously intended for all prisons within the establishment, it could be argued that this may diversify too much the role of an open prison such as Sudbury, which has a very specific role to achieve in preparing lifers for release into the community. Many long-term prisons need assistance in life skills and help in achieving external employment, not only to test their responsibility and assess risk, but also to establish whether they will be able to cope on the outside. If offending behaviour courses also have to be provided by the prison, the diversity of needs may result in quantity of work, rather than quality being achieved. Prisoners have to comply with continual risk assessment throughout their sentences, although being required to complete more work on offending issues may cause further resentment.

Pressure on open prisons to address outstanding issues relating to lifers' offences, which should have been dealt with earlier, detracted from their capacity to undertake testing and resettlement. Psychologists and seconded probation officers who attempted to engage in outstanding work reported resistance from lifers who felt, quote understandably, that staff

⁹⁰ Correctional Policy Framework 1999:6

⁹¹ Ibid

were 'moving the goalposts' by requiring them to talk about the offence at this late stage.⁹²

However, judging by the survey results gained from lifers at Sudbury, there does not seem to be a conflict of needs and interests. Although many offenders were still completing offending behaviour work, they were also engaged in work skills training or external work. It must be remembered that Sudbury also has to cater for shorter term and low risk offenders. To achieve the aims of the Correctional Policy Framework, the needs of all types of prisoners must be addressed.

As witnessed in prisoner comments in earlier chapters, there does seem to be a need for standardisation of services and programmes across the prison establishment. This would make the task of risk assessment and completing of offending behaviour programmes easier for prison staff to assess.

The sensible approach would seem to be that pre-release, and indeed relapse prevention and booster checks also carried out in other prisons, should be accredited as part of the whole programme, and not in isolation. If they are based on accredited programmes it will not then matter in which prison the main course has been undertaken.⁹³

Employment

Sudbury has placed an important and valid emphasis on inmates gaining work skills. Although the main purpose of placing its inmates within an external employment situation is a test of trust and risk, it gains inmates invaluable experience within the work place. Chapter 5 showed that employment experience gave prisoners great confidence and personal assurance, which can obviously counter institutionalisation after protracted periods of incarceration. Offenders are often discriminated against in the work force.

⁹² Lifers – A thematic review, Home Office 1999:para 10.8

⁹³ Her Majesty's Chief Inspector of Prisons 1998: 1

Employers are reluctant to employ ex-offenders. A survey of 7000 employers, published by the Apex Trust in 1991, found that only 12% of private sector respondents and 17% of public sector respondents said that they had knowingly employed an ex-offender in the previous year. Over 94% of employers surveyed did not include ex-offenders in their equal opportunities policy.⁹⁴

It can only be hoped that the move toward employment scheme as a precursor to lifer release will result in a greater number of offenders being able to gain work within the community. Employment can be a key to stabilising an ex-offender within the community and ensuring that future offending behaviour is avoided.

Securing external employment from within a closed institution such as prison gives an inmate an important opportunity to reach beyond incarceration and re-establish links within the community. The effect of prisoners' institutionalisation has been a consideration in the analysis of Sudbury. It is important to recognise that prisons are notorious as 'total institutions' and inmates are powerless against a very large bureaucracy.

Foucault examines in detail how bureaucratic and administrative processes operate within these segregative institutions and how they sustain order and secure compliance... a further feature of his approach is his examination of the process by which bureaucracies dominate through the gathering of information, the development of surveillance techniques and the formulation of specific knowledge.⁹⁵

Sentence planning and communication between staff and prisoners does seem effective within Sudbury, but it must still be recognised that lifers have been through a sentence process where they have little or no opportunity to make decisions for themselves. The psychological effect

⁹⁴ NACRO1999: 3

⁹⁵ Mathews 1999:64

of this must be overcome prior to release in order to ensure that they are equipped to deal with life within the community.

Experience of open prison

It can be a big shock for prisoners who have been incarcerated for very long periods to find themselves in an open institution, where compared to a closed prison there is a great deal of freedom of movement and a responsibility to make decisions concerning their own future.

The transition to open conditions marked a significant change for all lifers. In the words of one prison officer, 'people don't realise it's going to be the hardest part of their sentence'⁹⁶

Responses to the survey suggested that prisoners felt their time at Sudbury had been valuable.

"Life-sentenced prisoners have a lot of work to do during their sentences. Throughout the period of time ... there is a lot of concentration on this work. I found it extremely valuable. A lot of time and energy was given to me to get it right and prepared me for each stage of the sentence."

The majority of prisoners felt that their time at Sudbury had been constructive. Although it might be expected that prisoners would prefer open conditions to closed, it was evident that they believed they had addressed issues of concern in prison. Many who said they were worried about life after release implied that Sudbury had been useful in helping them to prepare for life outside.

⁹⁶ Lifers – A thematic review, Home Office 1999: Para 10.3

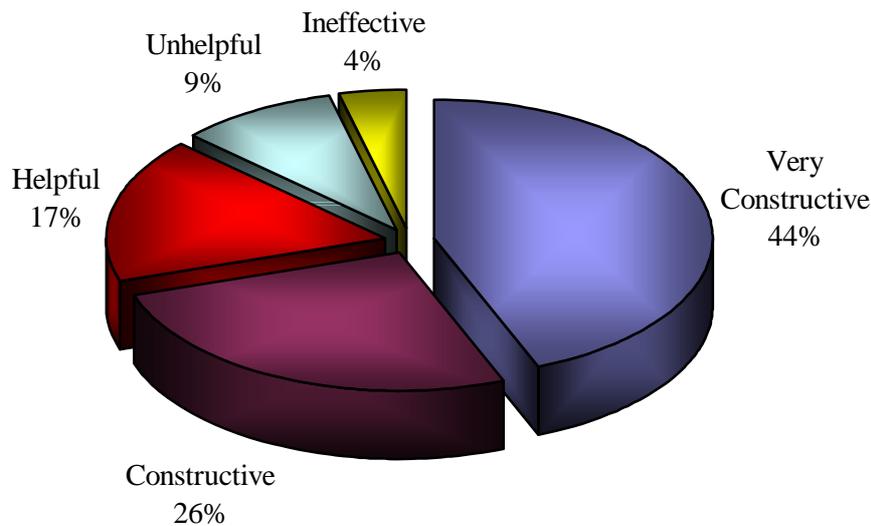


Figure 24 HOW PRISONERS PERCEIVED THEIR TIME AT SUDBURY

It is extremely important at this stage of their sentences that prisoners understand as much as possible about the system they are in. Embitterment against the prison establishment could be damaging to the prospect of a lifer's release. Some inmates shared extensive insight and opinions into the prison system in their surveys. On the whole there was minimal criticism of Sudbury's regime.

"To a certain extent the work carried out at Sudbury in readjusting a prisoner to freedom is a continuation of work that is carried out in previous prisons. The actual freedom comes here, but the psychological preparation comes earlier. Staff at other jails identify possible deficiencies and work on them, they also identify possible benefits that one may have and interact as a result. I have gotten confidence throughout my sentences from the decency shown to me by staff. This is continuing at Sudbury. The testing process at Sudbury is rigorous and any problems or arising queries are identified and help is at hand and given. One is to an extent treated on merit. However the release process is slow and from my side seemingly pointless; after all, if I can work three days, why not five? This would further enhance my release prospects by giving me realistic

employment, enhance my communication skills with non-prison people, imitate more closely what will be there on release.”

Prisoners are supported by many agencies when preparing for release. There will always be calls from inmates for extra help in certain areas. Housing can be as big a problem as lack of employment in the post-release period. NACRO has done extensive research into homelessness in the offender population.

Those who have committed offences are more likely to re-offend if they leave prison without a home to go to.⁹⁷

A handful of inmates expressed concern over their housing situation after release. For some, Victim's Charter issues meant they would be unable to return to their previous areas of residence. Especially for those people it would be helpful if a greater degree of housing advice were given.

“As this is a resettlement prison, most courses and work is already designed to release long-term prisoners into the community ... maybe more help in getting housing sorted for those with no forwarding address (would be helpful).”

Some inmates have obviously progressed positively through the regime at Sudbury and were grateful for the opportunities it presented to them.

“Thank God that I have been given the chance to live and flower again in a positive environment like Sudbury before release.”

“Sudbury has got the balance right at the moment for lifers, yes the more we get the more we want, but I can't think of a better way to release us after so many years in jail.”

⁹⁷ NACRO 1999:1

Appendix V shows general statistics on the prisoners who responded to the survey. Many have partners/wives and children, who will undoubtedly benefit from husbands and fathers who have been adequately prepared for release. Current penal policy is heavily emphasising the need for tougher sanctions on criminals. This includes protracted and severe sentencing. Media concentration on crime and criminals does not often stretch to how the prison system is coping with such long-term prisoners. It has already been shown that the prison is having continually to expand and cater for an increasing number of lifers. The government's and public's obsession with risk assessment has filtered through to the prison system. This is a necessary and just focus on what is required in the case of serious criminals. However there is a lack of research and focus on institutions such as Sudbury, who are obliged to perform a multitude of services to prepare lifers for release. Institutionalisation can be overcome, but it is a resources- and time-intensive process.

The Prison Service must recognise the needs of lifers, not just for the sake of the inmate, but also in recognition that crime has an impact on the whole of society. There are currently many methods employed within the prison service, and Sudbury in particular is attempting to ensure that prisoners return to society without risk or harm to those within that society. Their mission statement (as seen in Chapter 2) is to prevent crime by helping inmates to lead law-abiding lives.

*This will be achieved through a realistic programme for challenging offending behaviour, structured training and activities in the prisons and a gradual process of integration back into normal society, through community-based voluntary work and some work experience.*⁹⁸

⁹⁸ Sudbury Mission Statement 1997

Managing life sentence prisoners is a difficult and complicated task. However opinions from Sudbury prisoners appear to confirm the validity of the work that they achieve. The perpetrators of crime can be severely affected not only by their own actions, but also by the consequent protracted period of incarceration.

It is one thing for the Prison Service to talk of managing the life sentence population. It is a very different matter for lifers to explain the reality of managing their life imprisonment.⁹⁹

Conclusion

There is a need for greater research into the work that institutions such as Sudbury carry out. In the context of dangerous criminals, a considerable amount of analysis is conducted concerning court proceedings and high security institutions. However the work that Sudbury carries out with long-term with prisoners is no less vital. Institutionalisation is a condition that must be reduced before a prisoner is released into the community. The opportunities provided by Sudbury through offending behaviour programmes, employment schemes, etc. are vital for prisoners to accomplish personal development, and are also an invaluable way of calculating risk.

Lifers have to go through extremely protracted and detailed risk assessment and other processes in order to qualify for release. This process of investment is justified if it minimises any potential risk to the community. The increase in lifer populations, coupled with continuing budgetary restrictions, makes this task extremely difficult. Unless there is adequate allocation of resources and continual reassessment and evaluation of successful risk assessment practise, the consequences for society may be dire. There is a very difficult

⁹⁹ Cullen and Newell 1999:94

balance to be struck between allowing time for prisoners to be adequately assessed and prepared for release and ensuring that inmates are not incarcerated for any longer than necessary.

Positive survey results from Sudbury indicated strongly that they are more than adequately achieving many goals. The best that can be hoped for is that inmates will return to society with enhanced employment skills, completed offender behaviour work and a determination not to commit crime again. If this is achieved the process of prison has been justified and communities will be safer.

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3rd July 2001

I am studying for a postgraduate degree in Criminology and Criminal Justice at Loughborough University. I am researching how Sudbury prison prepares life sentence prisoners for release. I would like to ask for your help in finding out how prisoners feel about the processes at Sudbury and the services they are offered.

I should be very grateful if you could fill in the attached questionnaire. **Please be assured your answers will be totally anonymous and confidential.** You will not be asked for your name. I have provided an envelope which you should seal and return to Phil Nichols at the Lifer Management Unit. This will be passed to me unopened and the contents will only be used for research purposes.

Some questions are answered by simply ticking a box, others have been left open for your comments. There is space at the end of the survey if you wish to make any further points.

I would be very grateful for your help, as the opinions of prisoners are very important to my research.

Once again thank you for your help.

Jenny Ardley

Questionnaire for Life Sentence Prisoners at Sudbury Open Prison

Please mark the relevant answer using the tick boxes on the right hand side of the question. Some questions are left open for your own comments. There is also space on the back page for any further points you wish to make. Your answers are completely confidential.

Personal

- | | | | |
|----|---|---------------------------|--------------------------|
| 1 | Age | 26-30 | <input type="checkbox"/> |
| | | 31-40 | <input type="checkbox"/> |
| | | 41-50 | <input type="checkbox"/> |
| | | 51-60 | <input type="checkbox"/> |
| | | 61-70 | <input type="checkbox"/> |
| 2 | Marital status | Married/Long term partner | <input type="checkbox"/> |
| | | Divorced | <input type="checkbox"/> |
| | | Single | <input type="checkbox"/> |
| 3 | Ethnic origin | White | <input type="checkbox"/> |
| | | Black | <input type="checkbox"/> |
| | | Asian | <input type="checkbox"/> |
| | | Other | <input type="checkbox"/> |
| 4 | Children | Yes | <input type="checkbox"/> |
| | | No | <input type="checkbox"/> |
| | | How many? | |
| 5 | After your release will you be going to a probation hostel? | Yes | <input type="checkbox"/> |
| | | No | <input type="checkbox"/> |
| 6 | Do you have any plans after that? | Please state: | |
| 7 | What was your sentence tariff? | Please state: | |
| 8 | Length of time already served? | Please state: | |
| 9 | How long have you been at Sudbury? | Please state: | |
| 10 | Have you been to any other open prison? | Yes (which one): | <input type="checkbox"/> |
| | | No | <input type="checkbox"/> |
| 11 | Have you ever been recalled on life License? | Yes | <input type="checkbox"/> |
| | | No | <input type="checkbox"/> |

Other

- 21 Have you done any further educational or work training in Prison? Yes
No

Please explain:

- 22 Was any of this at Sudbury? Yes
No

- 23 Do you think the work/training at Sudbury will: Give you confidence
Help you get a job
Stop you committing crime
Other (please explain):

- 24 Did you do any work/training before you came to Sudbury? Yes
No
Please explain:

Offending behaving work

- 25 What offending behaviour have you done at Sudbury (tick all that apply)? Drug awareness
Alcohol awareness
Relationships
Anger & violence management
Cognitive skills
Victim empathy courses
Other (please explain):

- 26 How was it done? Group programmes
One to one counselling
Therapeutic community
Other (please explain):

- 27 Do you think it will make you less likely to re-offend? Yes
No
Please explain:

- 28 Has it you made you more aware of personal risk areas? Yes
No
Please explain:

- 29 What do you consider the most significant 'risk factors' affecting your parole hearing and subsequent release? (please tick all that apply)
- Insufficient work on offence issues
- Drug problems
- Alcohol problems
- Anger/violence problems
- Victim issues
- Other (please explain):
- 30 Do you think there are any offending behaviour issues that have not been addressed?
- Yes
- No
- Please explain
- 31 What do you think is likely to cause you the most problems after release?
- Family situation
- Gaining Employment
- Adjusting to life outside
- Not committing crime again
- Other (please explain)
- 32 How constructive do you think your time at Sudbury has been in terms of preparing for your release?
- Very constructive
- Constructive
- Helpful
- Unhelpful
- Ineffective
- 33 What do you think could be improved at Sudbury to prepare you for release?

***Thank you for your time and co-operation with this survey.
Please write any further comments on the reverse of this page:***

Prisoner statistics

| Age | No. of inmates |
|-------|----------------|
| 26-30 | 5 |
| 31-40 | 8 |
| 41-50 | 5 |
| 51-60 | 6 |
| 61-70 | 3 |

Figure 25 AGE RANGE OF PRISONERS

| Marital Status | No. of inmates |
|----------------------------|----------------|
| Married/ Long-Term Partner | 5 |
| Divorced | 8 |
| Single | 14 |

Figure 26 MARITAL STATUS OF PRISONERS

| Ethnic Origin | No. of inmates |
|---------------|----------------|
| White | 27 |
| Black | 0 |
| Asian | 1 |
| Other | 0 |

Figure 27 ETHNIC ORIGINS OF PRISONERS

| Children | No. of inmates |
|----------|----------------|
| Yes | 14 |
| No | 13 |

Figure 28 PROPORTION OF INMATES WITH CHILDREN

Educational opportunities at HM Prison Sudbury

DERBY Tertiary College: Wilmorton

We endeavour to provide a responsive curriculum, that is, one that attempts to meet the assessed and negotiated needs of individual inmate students - clearly within the constraints of context, budget and so on. Such an approach means that "what" we have on offer at any time is designed to meet 'Whom we have with us. Consequently the information given below may be taken as a guideline which will allow for developments. It is not uncommon for life sentence prisoners to attend courses at local Universities and Technical Colleges.

Business Studies and Management opportunities

BTEC Continuing Education Units including: improve your Financial decision making: Working with people: Managing the office: Computer studies: Making sense of marketing.

All of these units are free standing and separately certificated. A balanced combination of four units plus an integrated project, all successfully achieved, can result in the additional qualification of a Certificate in Business Administration.

National Examination Board for Supervision and Management

This award is offered at introductory and at full certificate level. At the moment it encompasses four main topic areas: Managing Products and Services; Managing Human Resources; Managing Information and Managing Finance.

Short courses

Other short courses are made available when needs require such a response. They might include; Introduction to Retailing, Introduction to Travel and Tourism, Problem Solving and Decision Making, Time Management, Introduction to Business Studies.

Commuting Opportunities

BTEC Continuant Education Units: Computer. Studies Small Business Computer Systems, Information Technology for Managers.

Citv & Guilds Information Technology (7261) at four levels

R SA Computer Literary and Information Technology: Word processing , Spreadsheets, Databases, Graphics and Plotting, Business/Accounting.

Cambridge Information Technology: Word processing Spreadsheet, Database, Programming Computer Literacy, Computer Aided Drawing I Micro Processor, Control Systems.

Other Courses

- Arboriculture and forestry
- Book keeping for the small business (single entry)
- Book keeping (double entry)
- Breakthrough French -beginners
- Open learning courses
- Breakthrough Spanish -beginners
- Breakthrough German -beginners
- Chattered Institute of Marketing Certificate -course materials
- Child Abuse and Neglect -Open University
- Computing in Business
- Customer Connection -Open College
- Developing a Small Business
- "Finn Start" -a course for self employment
- Flexi maths
- Focus on Clean Food
- Focus on Food Hygiene
- Focus on Food Hygiene Management
- Garden Design -Horticulture Correspondence course
- GCE A Level Social and Economic History
- GCE A Level Psychology
- GCE A Level Sociology
- GCSE English. History. Mathematics and Psychology
- Guest House Keeping
- Health Choices -Open University
- Healthy Eating -Open University
- Institute of Export -course materials
- Introduction to Business Accounts
- Introduction to Music -Open University
- IT for the Terrified -Open College
- Living Arts -Open University
- Living with Babies and Toddlers -Open University
- Living in a Changing Society -Open University
- Looking into Paintings -Open University
- Making Sense of Marketing
- Managing the Office
- Marketing for Managers
- Mental Handicap. Changing Perspectives -Open University
- Mental Handicap. Pattern for living -Open University
- Parents and Teenagers -Open University
- Production Management -Open College -
- Running a Garden Centre
- SCOTVEC Business Development (a range of courses)
- Systematic Approach to Nursing Care -Open University
- The Effective Learner
- The Jewish Enigma -Open University
- Women. Writing and Culture -Open University
- Working with Older People
- Work Choices -Open University
- Write Effectively

SPECIFICATION OF WORK- Lifer Unit

The Lifer Unit is located in the cabin between 5W and 4W dormitories.

The function of the Lifer Unit is.

- a. To liaise between the Lifer Management Section of the Home Office and Sudbury prison.
- b. To support life sentence prisoners through their transition from long periods in closed conditions to open conditions.
- c. To monitor their progress into the community via community work placements, work experience and resettlement leave periods.
- d. To manage the sentence of life sentence prisoners whilst they are at Sudbury prison and to assist them in developing appropriate release plans taking into account Victims Charter issues and concerns raised by the Parole Board.
- e. To prepare life sentence prisoners and documentation for PBR, DLPs and HMP Panels.
- f. To prepare life sentence prisoners who are given a release date, for their release into society.

All domestic matters i.e. room changes, complaints regarding conditions, booking domestic visits etc, should be dealt with through the Dormitory Officer and then the usual residential seniority system.

The Lifer Unit comprises of:-

| | |
|---------------------------------|---|
| Lifer Liaison Officer | |
| Lifer Unit Manager | - P J Nichols |
| Lifer Unit Officer | - Officer/Off ice Manager PJ Casey |
| Lifer Unit Clerks | - 2 Administrative Officers (part time) (1 Parole and Review Board Clerk) (1 Resettlement leave Chfk) |
| Lifer Liaison Probation Officer | - Not full time |

The Lifer Unit is also responsible for dealing with the various requests and enquiries from Ministers, MPs, Lifer Unit in London, Director General, Ombudsman, Solicitors etc in connection with various requests and complaints.

READJUSTMENT ACTIVITIES TIMETABLE – REVIEW IN 12 MONTHS OR SOONER

| | |
|---|--|
| Date of reception | <i>Month of review is calculated from reception</i> |
| 2 – 4 weeks | <i>Induction interview by Lifer Unit Officer and Lifer Liaison Probation Officer in the Lifer Unit</i> |
| 6 – 8 weeks | <i>Initial sentence planning board – a multi disciplinary meeting including the inmate to formulate sentence plan for next 12 months</i> |
| 8 weeks – 4 months (from..... onwards) | <i>Visit local city (Derby) with Personal Officer or stand in. This is to familiarise inmate with local travel arrangements and commence reintegration into the community</i> |
| 4 – 6 months (from.....onwards) | <i>First readjustment visit to Derby unescorted – thereafter one readjustment visit per month (Mon to Fri) paid for by the prison, and two town visits per month (any day, at own expense).</i> |
| | <i>1. The first readjustment visit to Derby unescorted must not include meeting or visiting family or friends</i> |
| | <i>2. Town visit area may be restricted until Victims Charter checks are complete</i> |
| | <i>3. The inmate will not be allowed to go to his release address until it has been approved by the Home Office, usually just before first home leave</i> |
| 4 months onwards (from.....onwards) | <i>After first unescorted readjustment visit inmate can be considered to work out in the community. There is a restriction on the number of days he is allowed to be out of the prison. The inmate must refer himself to the Labour Control Officer in the Throughcare department when he becomes eligible for community work</i> |
| 6 months onwards (from.....onwards) | <i>Resettlement leaves commence plus two town visits per month. No readjustment visit in month of first leave. There must be at least eight weeks between each resettlement leave, calculated from return from previous leave. Resettlement leaves cannot be deferred to take into account festive occasions, weddings, anniversaries etc.</i> |