

CHAPTER 12.

THE JUSTICE BUSINESS.

Behind the thinking of successive Home Secretaries and reflected into the Home Office policy, is a persistent fear of vociferous hostility reflected in the tooth and nail outlook of intellectual hooligans who shout loudly and persistently for a return to hanging, flogging and generally tougher treatment for offenders.

The too often repeated guide for the lack of adequate action by successive Home Secretaries is, ' There are no votes in penal reform'. The advocates of these policies have learned none of the lessons of Belsen and Buchanwald for, if ever a government followed the advice of the ' get tough' people, it was Adolph Hitler.

I understand and sympathise with people who are stirred into reactionary demands when they read the lurid details of cases such as that of the Yorkshire Ripper. I can certainly understand the feelings of the relatives of the victims of such crimes, for them it is necessary to make adequate provision in any proposals we advocate for penal reform.

In justice, the victims of crime are entitled to be helped whenever they need it.

The vociferous, large minority of ' Penal Tough Guys ' are dwarfed by the far larger number of people who have direct family experiences involving the committing of offences.

In the report of the Chief Constable of Northumbria for the year 1980, he reported that for the first time, crime in his area had topped the 100,000 mark at 102,173. The population of his police authority is 1, 518, 381, so the percentage of that population, ^{comparing it} the offenders or those knowing or related to the offenders must be more than a staggering 1 in 5 per year at least. With that kind of experience ^{of} having been touched by crime in some way, many of these people thus involved would welcome and support ^a vigorous and purposeful campaign of reform designed to reduce crime.

Such a publicity campaign directed towards the family and friends of offenders, along the lines of, ' Keep your family out of the crime business' would be worth an experiment. It could help to build a bridge between those who are robbed and the concerned families of those who are doing the robbing. Posters like the successful, " Keep death of the road", could be designed ^{with message} like, " Was your son doing this to-night? (picture of a mugged old lady)- are you prepared to tolerate your son doing this ?" Shocking personalised advertisements like this could be prominently displayed. It would at least go a small way towards lessening the ^{the} gulf between the families of these of us who are vandalised and the families of the vandals. It could help sorely troubled families to try and rehabilitate the ' black sheep' in their midst.

There are also an increasing number of people and certain organisations who see the present system as being totally counter-productive and who seek, for wholly intelligent and concerned reasons, to have the present system reformed.

I constantly speak out for urgent and far reaching reforms in the penal and prison systems. Many of the suggestions I make, are based on my own experience, ^{plus} and on the experience ^{of} many others with whom I discussed the problems while

living with them in prison and amongst whom I have worked since my release from prison.

In addition to the moral and social reasons behind the policies I am suggesting there are the equally compelling financial and economic arguments to advance in support of my case.

Let me illustrate some of these financial possibilities by quoting from the report of the Chief Constable of Northumbria, for 1980

Estimated population of Northumbria Police Authority.
1978

Value of property stolen	£ 22,575,850
Value recovered	£ 12,573,927
Deficit balance	£ 10,001,923

In addition there was a figure of damage to property in the sum of £ 1,527,637.

I will put these figures into a relevant national perspective by doing a general calculation. I shall divide an approximate Northumbria population of 1,500,000 into an approximate national population of 56,000,000. which gives me a figure of 37 times.

	<u>Northumbria</u>	<u>Projected Nationally</u>
Damage to property	£ 1,500,000 x 37 =	£ 55,500,000
Stolen Property	£22,500,000 x 37	
Recovered	£12,500,000 x 37	
Deficit Balance.	£10,000,000 x 37 =	£ 37,000,000
Central Statistical Report 1981 Edition	Police and prison services	£501,000,000
	Parliament and Law Courts	£128,000,000
	Total	<u>£1,354,500,000</u>

I am unable to separate the amount shown as Parliament as, for some reason, the two items appear together in the Central Statistical Report.

The figures for 1970 and 1980 gave a clear idea of the inflationary nature of the expenditure on crime and punishment.

Police and Prison Services	1980	£ 501,000,000
	1970	£ 64,000,000
Increase		£ 437,000,000
Parliament and Law Courts	1980	£ 128,000,000
	1970	£ 37,000,000
Increase		£ 91,000,000

lest the faint hearts amongst us fail in despair at the thought of the cost to the community of all the proposals I am proposing, let me keep referring you to the figures I have just set out.

The combined amount of finance in the totals I have quoted amount to £ 1,354,500,000 and still crime is on the increase as is undetected crime. We can be forgiven for coming to the conclusion that this vast sum of money is being largely misspent and it is now time to be thinking of better and more productive ways of employing this money in the fight against crime.

The most urgent problem is to deal as soon as possible with the chronic and worsening overcrowding existing in our prisons today. The figure is now over 45,000 inmates with permitted standards of overcrowding that would lead to an international outcry, in the event of a major fire occurring at any time during the night on any such prison wing.

Figures given in the 1979 Report of Prison showed that during that year 11,752 men were sleeping two in a cell and 4,833 living three to a cell. I have given a brief insight into what such conditions can mean for those confined in them, even if many of those thus confined don't always appreciate the threat to themselves as human beings in such circumstances.

I urge the removal from the prison system of several groups of prisoners who are, simply, 'Social Disability' offenders. They include a range of people who have some form of mental disorder, are compulsive drinkers, drug addicts, gamblers, or combine a mixture of any or all of the compulsions.

No one intelligently concerned about these people wishes to keep them in prison *and the main aim* rehabilitating them is indisputable.

I suggest an urgent building programme of purpose-designed hostels in every major inner city in Britain. Not less than 40 such projects need to be commenced *at the earliest possible date.* The plan must *allow* for any necessary increases in the building programme in following years *as they are revealed to be necessary.*

The hostels would be designed to accommodate from 30 to 50 residents and would be *used for* transitional accommodation. Many of the people we are concerned about *here* will certainly need long time care, so a series of back-up residential care homes need to be built at the same time, similar to the sheltered accommodation provided for *these* senior citizens who need limited help.

There could be provided a central workshop and an out of town market garden centre, with the objective of providing worthwhile work training and experience for those being *rehabilitated.*

Contracting firms invited to tender for the work or professional practices who were commissioned to design the projects would be required to employ *or more* 10% of workpeople who had been out of work for *more* than 6 months. *Of these* selected a small minority of them would be people who had committed some form of reportable offence *in the 'Social Disability' category.*

There needs to be a Hostel Directorate *which* would serve on a part-time basis, and be responsible to the Home Office through a Chairman who would be a full time appointment.

Hostel staff *could* be selected from a much wider range of professions and trades than is presently considered necessary, but would certainly be weighted towards medical, welfare, social, educational, environmental, police and prison services in that kind of priority. The linking of architects, planners and engineers into the social team is an essential next step, for some of them have, through bad design, *made their* contribution to the total problem.

The educational repercussions for each of these professional groups needs to be the subject of a special study. I am certain that the benefits to each group would far outweigh any superficial disadvantages to them. The Hostel Directorate should ^{also} be drawn from people with a wide range of professional and practical experiences but should also be heavily weighted towards Medical Welfare, Social, Educational, Environmental, Police and Prison Services. *Add, of major importance, there should be a percentage of people being asked to serve on the Directorate who were themselves examples of rehabilitation.*

One of the persistent ~~concrete~~ successes of the 'hard line brigade' is to intimidate authorities against employing ex-offenders in strategic positions. I ^{have} experience of the results of this kind of intimidation several times since I was released from prison.

The central workshop facility and the market garden would be wholly conceived as ^a means of assisting the rehabilitation of the offender, but, at the same time, projects should be designed to ensure that any work undertaken would be related to the needs of under-privileged people living in the wider community.

There should be employ a mix of 'social disability' offenders with those doing community work as an alternative to being detained, *if the appropriate selected staff, there should be an attempt to design projects which would meet community needs which are, more typically, given a very low priority.* The projects must provide imaginative work schemes as an essential part of rehabilitation.

My own prison experiences indicated to me some of the directions such projects might take. ^{such as} Designing and making special furniture for physically and mentally handicapped people, for old people with physical deformities and others who have similar needs. ^{much creative work could be found in} Making play and recreational equipment for children in deprived inner town and city areas, and designing and making ceramic murals, based on local history and other subjects, for installation in strategic drab locations where their work will be seen and appreciated.

The keeping and caring for fish and birds is a very popular and successful pursuit in prison and much favoured by the social Disability Group. The skill could be utilised in the creating and maintaining of a central aquarium for breeding fish, and then providing and stocking fish tanks in public places such as libraries, and old people's homes, or in the homes of people living alone.

A similar exercise could be based on an aviary, with birds such as budgies and canaries which could be loaned out to the lonely or publicly displayed in schools and shopping precincts.

From the garden pot plants, flowers and bulbs could be distributed to hospitals or even to interested people who have no chance to grow their own. In season the vegetables would be available for hostel use.

In prison I found a high proportion of men in the Social Disability Group with artistic interests and, in the outside world, these talents could be employed to the advantage of people living in underprivileged areas.

It was noticeable to me that, no matter how inadequate a Social Disability prisoner may feel himself to be, (and most of them are overwhelmed with this feeling from time to time) if they could produce something that was worthy of genuine admiration, this boost to their ego was immediately obvious and it reflected in their demeanor. If their gifts, aptitudes and talents could be encouraged and over-used whilst the person is circulating in the world outside, this would be a giant step forward in helping to stave off the downward drift towards prison that may be encouraged by apathy.

In addition to the foregoing observations, it was also obvious that a large majority of the Social Disability Group feel at their best when dealing with the physically and mentally handicapped, displaying a patience that is inexhaustable.

This ability alone, is worthy of harnessing and putting to good use in dealing with these particular 'shorn lambs' in our midst. It is as though the Social Disability group needs to feel that there are others weaker than themselves, and they derive invaluable therapy from helping in this sphere.

I suggest the encouragement of concert and drama groups, with interested and knowledgeable outsiders involved, and again with the intention of directing the performances to those people who rarely ever have the opportunity of seeing such entertainment because of lack of motivation or the price of admission.

The movement nationally could benefit if some of the people who have had related court experiences could be persuaded to become national patrons of such initiatives. I think of people like Tommy Docherty, Ian Botham, Barbara Windsor and Diana Dors both of whom husbands faced distressing Court and prison experiences.

The main strategic reason for my stage one reform would be to demonstrate that the present methods of sentencing people are mainly counter-productive and by taking this special group of people, the 'Social Disability' group of offenders out of the prison system and treating them differently, we would open the way for further radical changes. While the hostel and residential accommodation was under construction, there should be compiled a comprehensive register of those people living within the geographic area of each hostel who would qualify to be treated under the new system.

Also in the interim period there should be an intensive investigation into the real costs of operating the present system, including the mental and physical costs to the victims as well as of those committing the offences.

The financial costing and administrative structure would be designed as part of a financial exercise ensuring to the public a socially and economically viable operation which would in time begin to attract merited support.

The policy aim would be to remove from the prison system all people who have any form of defined social impediment.

Combined with the exercise, a scheme would be developed which related specifically to the problems of escalating crime arising from increasing youth unemployment. This special category of crime must be included because much of it originates in policies beyond the control of the individuals, and should be classified as Socially Based Crime.

It is towards this group of potentially new offenders that the poster and media campaign would be particularly directed with a great chance of success, because these young people are only on the fringe of crime and not usually from criminal backgrounds.

The work with the young unemployed would also be the responsibility of the Hostel Directorate and their remit would be to seek out young people who are unable to cope with the problems of enforced idleness and with a view to involving them in newly conceived work projects.

Approaches along these lines could be made to Government agencies in Europe and the Third World Countries. Along with these there could be discussions with universities and polytechnics to examine and report on the kind of three, six, twelve month schemes that could be developed as community projects, at home and abroad, creating if possible interchanges between the young unemployed in the different countries.

The Chief Constable's report for Northumbria in 1980 reported the figures for detected crime from July to December, 1980. These figures illustrate the relationship between unemployment and crime decisively, and I quote them from the report,

Offence	By unemployed Adult		By unemployed Juvenile		Total Unemployment	Total Detected Crime	Total Crime Committed	By %
	Male	Female	Male	Female				
Violence against the Person.	562	33	78	13	686	1,444	48%	
Sexual Offences	65	-	4	-	69	207	33%	
Burglary	3,423	57	561	22	4,063	7,297	56%	
Robbery	27	3	-	1	31	49	63%	

Offence.	BY Unemployed Adult.		By Unemployed Juvenile.		Total Unemployed.	Total Detected Crime.	Total Crime Committed By Unemployed %
	Male.	Female.	Male.	Female.			
Theft.	5,908.	476.	739.	137.	7,260.	15,620.	46%
Deception.	252.	72.	7.	3.	334.	443.	75%
Criminal Damage.	435.	30.	93.	2.	560.	1,040.	54%
Over £20. inc Arson.							
Other Offences.	249.	25.	67.	4.	345.	887.	39%
	10,921.	696.	1,549.	182.	13,348.	26,987.	49%

Were this proposed scheme to be adopted, it is reasonable to assume that we would quickly find ourselves having to deal with a potential growth in the prison population, no matter what success we were having with the implementation of our Social Crime Policies.

The people who argue for tougher penalties against offenders always ignore the figures of undetected crime, and the logic of their arguments is that those caught should be made to suffer the consequences for those who are rarely caught. Punishment is no deterrent when the crime detection rates are as low as 50%. When detection rates rise to 75% ^{or more} the ^{greater} certainty of detection will become a deterrent.

The central philosophy in my concept is to ensure that people who are offenders are continually treated on the assumption that one day they will be 'cured' ^{or deterred}.

To reply

as a criminal retains a right to medical care and treatment in prison or out even if for a time after his sentence the prisoner is transferred from the civilian to the prison medical system, I argue that it is necessary in every case for him to be given prescribed penal treatment designed to get him out of the crime business.

His medical needs will always be matched with the requisite level of skill and experience ranging from an ill trained prison hospital officer, to the best specialist in the Hospital. When he is sentenced to prison by a Judge, he is now fed into a prison system, run by prison officers who are mainly totally unqualified to do anything other than lock and unlock men.

Public and personal health services have seen the sense logic and financial sense of specialists sparking it all off. Age groups swing between geriatrics, with maternity and gynaecology, In medicine and surgery it is now recognised that there is an advantage to the patient and the professional in specialisation covering throats, noses, ears, lungs, hearts, kidneys, dental, optical, and a host of other specialisations. In short, medicine and surgery have combined with science and technology and broad public health policies to remove within the past fifty years most major infectious disease epidemics from our lives.

In 1930 diseases such as smallpox, diphtheria, scarlet fever, tuberculosis, chicken pox and some other diseases in their epidemic years were treated by a kind of 'penal' isolation, each disease having a statutory 'sentencing' period during which the patient was 'banged up' until he or she died or was cured. Often the cures were accompanied by permanent disabilities. It took a revolutionary approach by a wider range of skills to mount the successful attack on disease.

I see no really massive inroads being made in the attack on crime and criminals until society acknowledges as they were forced to acknowledge in the case of health and disease, that the suffering for those involved victims of crime is on a scale comparable with the worst of the infectious disease scourges of fifty years ago.

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We now need to attack crime and the problems created by criminals with a similar concerted range of skills if we are really seriously concerned to record major successes in this remaining area of social barbarism.

Such an attack can never be mounted from a Home Office Ministry that lacks the guts to state the needs. There is no effective way to fundamentally change the present costly, ineffective, inefficient, cruel and even illegal counter productive use of Britain's prison system, so long as we continue to confuse the vital and necessary use of Judicial knowledge and experience determining the issues of innocence and guilt, with a totally superfluous ability to consider the nature of the sentence which should be awarded to the convicted prisoner against the available accommodation and resources. There can be no serious review of Britain's primitive 19th century penal system.

Each day, Judges, for reasons which are a vital and essential part of their stock in trade, apply their minds to sentencing guilty offenders, after due consideration issuing what they consider to be the appropriate sentence according to each individual case they try.

What they do not do, nor is it made possible for them to do, is to contemplate the cumulative consequences of each of their separate sentencing decisions on the prisons, which at the end of each day, have to deal with all of the people sentenced, by all of the Judges in that prisons catchment area. All of the Local Prisons have long since passed the legal limit of their capacities to hold people in conditions of security, hygiene and safety from fire and the other hazards which the law so carefully defines for other institutions.

It is only the near omnipotence of the Judges, their Courts, and the supporting legal system makes the continuation of the present system unjustly continue.

I use the 'medical hospital' analogy to compare a situation where a Judge sentences a prisoner to prison without any regard up to the minute detailed knowledge of availability of cell accommodation or adequate and appropriate staff resources.

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If senior Hospital Consultants acted towards their patients in a manner similar to that practised by Judges towards prisoners the Hospital and Health service would completely break down.

Only after necessary G.P. attention has been afforded to the patient is he directed to Hospital treatment. The Hospital administrative staff will arrange for a series of medical examinations according to the needs of the patient. When the patient meets the Consultant Physician or Surgeon he will determine the necessary treatment for each of the patients. He will then seek guidance from his administrative staff about the availability of ward accommodation. At no time would he allow three patients to occupy one bed!! If the ward and bed accommodation is available he refers to his associated medical colleagues to ascertain that they have the necessary medical and nursing staff available.

If the resources are not available, even though his patient is in need of treatment, then he has to compromise in order to make way for more urgent cases. This is balancing between the community provision by voting the resources for the service with the needs of the individual. The Judge is in no different position to the surgeon.

The complete and unquestioned autonomy of the Judge is at the root of the disastrous overcrowding in British Prisons today. I have personally observed on many occasions overworked prison officers admitting prisoners later than 10.00. o' clock at night into accommodation which is already filled beyond reasonable capacity.

Senior Medical Practitioners have recently been called before the Courts to justify some of their life and death decisions and from time to time are publically arranged because of their views on subjects such as abortion or switching off life support machines.

If as a result of Judges continuing to sentence men to live in overcrowded prisons they place men in living conditions which lead men to comit suicide, can even the Judges escape their share of the responsibility for the loss of even a prisoners life.?

Certainly if a surgeon directed patients requiring surgical treatment to an already overcrowded hospital, with an already over utilised operating theatre and with a staff committed beyond their reasonable capacity and as a result, the standards of treatment of all patients fell below an acceptable standard and so put the whole hospital at risk, there would rightly be a public and justifiable outcry.

It is not that Judges are any less concerned than Surgeons, it is just that the two systems have developed differently. Medicine has more than kept pace, while the Judicial system has failed to keep pace with the rapid numerical increase of an infinitely wider and more complex range of crime and criminals.

I am not foolish enough to imagine that my proposals would produce a magical answer to the problems of *chronic* crime. ~~crime.~~ But I do know that to leave more and more young people unemployed without hope, will inevitably lead many more of them into crime. Then if they are fed into the present detention and prison system, a high proportion of them will be turned into *recidivist* criminals. I believe my proposals are worthy of serious examination because the scale of crime in our society has long since reached epidemic proportions and can be compared to the disease scourges of the earlier part of the century. Both scourges do infinite harm to the community and to the individuals involved. Every successful effort to reduce the amount of crime also reduces the amount of loss and damage to individuals and the community.

My proposals would also add a new dimension to the work of the police, just as the re-organisation of traffic work did when that work was handed over to a new Traffic Division. My proposals would lead to a whole new range of police careers and would add to the attractiveness of the work. The same could be said for the work of the prison service where a new type of *staff* intake would gradually alter the balance evident in most of the present prison staffs, towards punishment rather than rehabilitation.

I only indicate *the essential changes* in approach I suggest in order to provide a basis on which a detailed examination of the proposals might be made.

All cases which were likely to attract a prison sentence of a year or more but excluding those people I described as *The 'Social Disability category' earlier*, would go through exactly the same procedures as they do now up to the point of being found innocent or guilty.

At that stage, while the system is exactly as it is now, those people found guilty would be handed over to a Sentencing Board, *This Board would be* in possession of all the information of *the offender and have a knowledge of* all available means of carrying out any sentence they may decide upon, *either* in detention, prison, or *in* service work for the offender in the community.

The Sentencing Board would decide on how and where the *prison would serve* prisoners progress and *residual* the possibilities of offering community service at any stage of the sentence, *the sentence, clerk on the to the offender.*

The procedure in cases where the sentences are likely to be five years and over would differ, and this *Sentencing Board would be* presided over by a Judge.

After a prisoner has been found guilty, he would be sent to a reception and dispersal centre which would necessarily have the degree of security according to the inmates it was required to contain. Before the prisoner received his sentence his case would be completely reviewed, irrespective of his plea, and the Board would be required to examine any evidence which the prisoner or his advisors wished to submit and, where there were matters emerging from the trial which required attention, appropriate action would be recommended. The Board would be required to examine the report of its Probation Committee who would be required to report on the effect of the offenders' crime on the victims, including the *innocent members of* in the offenders' family, and to make recommendations to the Board on matters of compensation or needed assistance.

If the length of sentence decided upon exceeded three years, the prisoner would be given the right to submit new evidence to the Board *in* at annual reviews.

When the Board had decided on the length and nature of the sentence, they would notify all concerned and hand the Prisoner over to the authority appropriate to the implementation of its recommendations.

The present authorities will object that it will further complicate an already creaking system, but my answer would be that by delaying the sentencing and having a review system, it would certainly lead to fresh efforts to find more purposeful community projects where the offender can work for the community in a form which offers some recompense ^{to society} for his crime. In these way pressure will be exerted to gradually reduce the number of people being sent to prison. It will also prevent the present haphazard throwing together of criminals in prison receptions which now occurs at the end of the day and which leads hundreds of young men further and deeper into lives of crime.

When men will have to serve life ^{and} sentences, or very long sentences, where a high degree of security is essential, offenders would be transferred to an appropriate holding prison built and designed for that purpose.

The Boards first sentencing report on such long term prisoners would be considered twelve months after the verdict, unless some exceptional circumstance required an earlier review. At that first sentencing review any new evidence, mitigatory factor, or other relevant matter would be considered and recorded. A medical and social report would be submitted on the prisoner, appropriate members of his family and all members of the family of the victim would also be entitled to make representations to the Sentencing Board.

If the lifer or long sentence man's case was uncomplicated, the Sentencing Board would be empowered to sentence him to a definite life sentence period which would not be subject to either review or remission, unless the behavior of the prisoner caused the Board to review the case. In such a review the prisoner would be entitled to be represented or, if the circumstances merited, have the case referred to an independent ombudsman.

Where life or long sentence men had a case with a series of complications preventing the Board from reaching a just sentencing decision at the first review, and where additional information ^{awaiting completion} not yet available might lead to a different decision, the Board could defer their decision for a period not exceeding six months. The circumstances which could lead to delay ^{may} relate to matters directly concerned with the prisoner, his family, or the victims family.

For instance a man could have killed his wife, leaving behind children who are suddenly parentless. The Board could decide that the well-being of the children was paramount and a sentencing decision could not be taken until the future of the children was decided.

Or, the prisoner may have murdered the mother or father of another family and, as a result, created problems which were incapable of resolution within the first sentencing period and, until the issues were resolved, a just decision could not be taken.

Where complications prevented the Board from sentencing at the first review, they would be required to notify the Home Secretary of their decision and, if the Board wished to defer decision beyond the first review, the prisoner would have the right to be informed ^{and be given the right of appeal.}

The third group of lifer and long sentence men would include all those cases where, because of the nature of the crime or crimes, there may be serious doubt about the mental stability of the prisoners. I would suggest that in these cases no permanent sentencing decision should be taken until the end of the fifth annual review. Any discussion on ultimate release date would always remain a matter for the Sentencing Board and would require a unanimous vote of the Board and a favourable decision from the Home Secretary.

Attached to the Sentencing Boards I would have an independent Social, Educational and Industrial Advisory Committee, who would be responsible for dealing with the long sentence prisoners' needs during his sentence, and designed to assist him after his ultimate release.

At the same time this Committee would be concerned about the problems of people who were the victims of such crimes.

The work of this advisory body would be closely linked to the present Social, Probation, and Welfare services and especially with the proposed new Hostel Directorate.

As the work alternatives to prison expanded to cope with the new categories of offenders, the Socially Disability and the Socially Based Crime Groups the organisational structure needed to cope with these new developments would be kept under constant review in order to ensure the development of an efficient yet humane organisation.

The proposed Sentencing Boards by the nature of the procedures being proposed would take over the functions now carried out by the Parole Board which could then be disbanded.

Even though I anticipate many and varied attacks from the many interests the proposals affect I have every confidence that the implementation of the suggestions will lead to a progressive and permanent reduction in crime and will be a major contribution towards a better society.