

## BACK TO JAIL

Last October, staff morale at Grendon Prison in Buckingham finally snapped. It was reported in the press that officers were demoralised, prisoners disillusioned and bored. One of the few positive prison regimes in the country was being starved of essential resources.

Grendon had been a bold initiative. Launched in 1962, it was committed to the belief that long term, serious offenders could be reformed. It used therapeutic techniques, and employed outside professionals to run groups and classes. Like the earlier initiative at Holloway women's prison, it fell victim to remorseless departmental cost-benefit analysis which sought to make cuts wherever staffing ratios were thought excessive.

The withdrawal of support for progressive prison regimes such as Grendon is just one sign of a major shift in criminal justice policy. A Home Office rapidly coming to terms with the Government's ideology of 'just deserts' for offenders has shown little sign of resisting these changes. William Whitelaw, the previous Home Secretary, had managed during his term of office to keep the new Tory law and order visionaries at bay. But punitive measures announced by the new Home Secretary during the last three months have ended any optimism that a humane prison policy might contribute towards more general reforms. They have surprised most commentators, and clearly delighted the Tory right wing.

The main proposals announced so far include a minimum sentence of 20 years for the murder of police and prison officers; similar terms for terrorist murders, and for those who commit sexual murders of children; the penalty for carrying firearms in the furtherance of a crime was increased to life imprisonment; and no one serving more than five years for a violent or drugs-related offence would be eligible for parole. As a result of these measures, the Home Office has said that approximately 500 prisoners a year who previously would have expected parole can now no longer do so, although it added that the Home Secretary is committed to emptying the jails of drunks and fine defaulters within

the next few months. The qualifying threshold for parole will be reduced on 1 January 1984 and this will result in a temporary reduction in the prison population. The Home Secretary has also stated publicly that measures to prevent fine defaulters being imprisoned are being taken. (However, recent trends suggest that more defaulters are opting for prison because they cannot afford to pay. At least 75% of those appearing in the debt courts are unemployed.)

A key element of the approach revealed so far is the power Leon Brittan has given himself to override the judiciary by retrospectively juggling with parole dates. Already this move has been challenged. Solicitors acting for a prisoner currently applying for parole have argued that the Home Secretary does not possess the executive power to change the parole rules and thereby abolish his own discretionary powers, without legislation. Whatever the outcome of this challenge it is likely that the Parole Board will be forced into the charade of continuing to consider each parole application on its merits, in the full knowledge that the Home Secretary has every intention of overruling all their positive recommendations. Not surprisingly, both Mr Brittan and his advisers have suffered some discomfort in dealing with the outcry from Parole Board members, the Prison Officers' Association and the prison governors.

It has already come to light that a number of life sentence prisoners at Leyhill and Sudbury open prisons, who had release dates, have been returned to closed conditions. Prison officers have reported that the new parole regulations have resulted in a rise in tension over the past few months, and they predict demonstrations and unrest in the future.

Undeterred by such fears, the Home Secretary, it seems, has opted for a right wing populist approach to criminal justice policy. As the leader writers in many of the tabloids have shown, it is not hard to win public support for a 20-year sentence for the murder of a police officer or for a terrorist killing. Indeed, they have helped create the impression that until Mr Brittan intervened, violent and serious offenders had been treated leniently in the courts. Nothing could be further from the truth; judges' recommendations on the length of sentences are always followed and release dates for prisoners are planned over a period of years, often after consultation with the trial judge.

The Home Secretary is also currently examining the possibility of seven-day



*Fourteen new prisons are planned for 1990*

sentences for 'bully boys and nasties.' Some Tory MPs have suggested that the Government create regional detention blocks, where the offender would be locked in his or her cell, alone, for the duration of the sentence. On top of this the Home Secretary is looking at the possibility of introducing an offenders' tag system which is already used in the US. Instead of being imprisoned the offender would be fitted with an electronic device which would enable his or her movements to be tracked by a computer.

Although the Home Secretary has been careful in the last few months to make a distinction between serious and petty offenders, those responsible for passing sentences will almost certainly pick up and act upon his main message — that things will get tougher for criminals. We are unlikely to see a spate of four-year sentences, which would allow judges to circumvent the new parole regulations. On the contrary, on the basis of previous experience, it can be expected that sentences will send more people to jail for longer periods. Last year, for instance, the Government passed the Criminal Justice Act, which gave magistrates new powers, but which specifically stated that the courts must not impose custodial sentences on young offenders unless it was necessary to protect the public, or if the offender was unwilling to respond to supervision in the community. The Home Office at the time insisted that there would be no increase in the numbers of young people sentenced to periods of custody. But the figures for the first quarter show an increase of 25% in the number of young people sentenced to

custody.

While the Government toys with longer sentences, greater police powers and neighbourhood watchdog schemes, the Home Office has been thinking more realistically. Their more pragmatic British Crime Survey mentioned at the Tory Party conference but missed by the popular press as well as by the Home Secretary himself, is an excellent example. The survey is based on the remarkable discovery that crime is rising much less than the records suggest. It presents a realistic view of the difficulties caused by crime statistics, for example. Reports of crime rates can be used to generate fear — by stressing, for instance, that one offence is committed every three seconds. An alternative way of presenting the problem would be that each police officer has one new offence to solve every four days. The survey reports that an individual can expect to be robbed once in five centuries, to be assaulted and caused slight injury once every hundred years, and to be burgled every forty years. The report also states that the chances of being burgled are slightly less than the chances of suffering a fire in the home. In reality, the elderly, popular victims of media crime stories, actually constitute a very small proportion of the victims of assault. It is the fact that such assaults are so appalling and so rare that explains media attention and the exceptional punishment meted out to those caught. Surprisingly, the chance of being assaulted is highest for the male who is under 20, single or divorced, drinks heavily and who assaults others.

The Home Secretary has chosen to underplay the significance of this survey. Instead, to accommodate the subjects of his new hardline strategy, the prison building programme is to be accelerated and expanded, with fourteen new prisons and 12,000 more places planned for 1990. In addition, the Home Office, on the Home Secretary's instruction, is now exploring the possibility of short-term prison camps and weekend jails presumably for the petty offenders who ought not to be in prison anyway. Prison camps are likely to be set up in disused forces' accommodation, and it has already been suggested that the weekend jails are housed in empty hospitals and schools. All this seems certain to result in a large increase in the total number of offenders imprisoned in any one year. Leon Brittan's supposed commitment to balance in criminal justice policy and his promises to divert offenders from jail are rendered meaningless by a detailed examination of Conservative law and order strategy.

*Harry Fletcher*