

Prisons over Two Centuries



[This extract is from *Home Office 1782-1982* written to commemorate the Bicentenary of the Home Office in 1982. Some of the comments included may therefore be out of date.]

When the first Home Secretary was appointed with responsibility for domestic affairs and the colonies, his involvement in the administration of prisons was slight. By 1878 the Home Secretary of the day had become completely responsible for the administration of all prisons. Today that task is a major part of the work of the Home Office employing over 25,000 staff and with an annual budget of nearly £450 million. In the 18th century houses of correction and gaols were administered by local justices. Gaolers made their living by charging for board and lodging. No distinction was made between prisoners who might be awaiting trial, debtors, and convicts awaiting transportation to the American colonies. Conditions were summarized by the reformer John Howard in his historic survey *The State of the Prisons* published in 1777 as 'filthy, corrupt-ridden and unhealthy'. By 1776 transportation to the New World had been interrupted by the American War of Independence and old sailing ships known as 'hulks' had to be brought into use on the Thames. But this was only a 'temporary expedient' while the government considered making more permanent provision for convicted prisoners. In 1779 an Act introduced a new concept of hard labour for prisoners in the hulks commencing with dredging the river Thames and made provision for the building of two penitentiaries. There

was considerable delay in building these institutions and because transportation to Australia became possible in 1787, thus relieving the pressure on the hulks, it was not until 1816 that construction of convict prisons commenced under the direct responsibility of the Home Office with the penitentiary on Millbank. There followed a prison for juveniles opened in 1839 at Parkhurst followed by Pentonville prison in 1842 which was intended as a model on which local authorities could base their own schemes. The Convict Prisons Act 1850 gave the Home Secretary authority to appoint Directors of Convict Prisons to be responsible for the Convict Prison Service. Hulks continued to be used until 1859 and at one time contained 70,000 prisoners, many being French prisoners of war captured after the defeat of Napoleon.

The First Century

Following a Select Committee report in 1820, Sir Robert Peel, the Home Secretary, initiated the Gaol Act 1823. This was the first of a number of Acts which sought to impose some standards and uniformity on the running of local prisons. The Prisons Act 1835 provided for the appointment of five inspectors of prisons. The Act of 1844 authorized the appointment of a Surveyor General of Prisons and introduced controls over the building of new prisons. This was particularly significant for the future: in the six years after the building of Pentonville fifty-four new prisons were built providing 11,000 separate cells . Most of these new prisons were modelled on the design of Pentonville, which was adapted to meet the requirements of the so-called 'separate' system under which prisoners were isolated from their fellows. This was to have a crucial effect on the development of prison life.

Despite this legislative activity and the work of penal reformers, conditions in prisons continued in general to be appalling and attempts to impose common standards achieved very little. In 1863 the deficiencies of local administration were catalogued by a Select Committee of the House of Lords on Prison Discipline. In 1865 the Prisons Act made it possible for the grant from central government to the local authority to be withdrawn if the provisions of

the Act were not implemented. Even this had little effect upon the urgent need to improve conditions of the local prisons and produce economy and efficiency in their management. Accordingly, in 1877 legislation was passed to transfer the powers and responsibilities from the local justices to the Home Secretary who also took over from local rate payers the cost of the system. The detailed administration of the system was delegated to a new body of up to five members, the Prison Commission.

The Prison Commission under Sir Edmund du Cane: 1878

Sir Edmund du Cane, Chairman of the Prison Commission, faced a formidable task in organizing an efficient and uniform system. Resources and needs required review, staffing had to be rationalized, and the regimes in the various prisons awaited inspection. When the 1877 Act came into operation on 1 April 1878 this work was sufficiently far advanced to enable the Commissioners to close 38 out of a total of 113 local prisons. Within another ten years another 15 had been abandoned. The regime which du Cane imposed in the local prisons was based on the principle of separate confinement, which -was justified on the grounds that an offender was more likely to see the error of his ways if left to contemplate his crime alone. It also reflected the view that imprisonment was a punishment intended to deter the offender from further crime. For the first month the prisoner was required to sleep on a plank bed, and to work alone in his cell. The work would be tedious, unpleasant and unconstructive; at this stage it would usually consist of picking oakum. Later on, he might find himself working the crank or tread wheel. Some cranks were small and used in the cell, others needed several people to operate. Prisoners working together on a crank or tread wheel were strictly forbidden to talk to each other. The food consisted basically of bread, meal and potatoes and was monotonous and unpalatable. No letters or visits were allowed for the first three months, and thereafter were permitted only at three monthly intervals.

Conditions in the convict prisons were based on similar principles. A convict was sentenced to penal servitude, not

to imprisonment, and spent the first nine months of his sentence in solitary confinement. The convict crop and the prison uniform with its broad arrows were intentionally demeaning and unsightly and facilities for personal hygiene were minimal. A convict was expected to turn his face to the wall in the presence of visitors. Under the provisions of the Penal Servitude Act 1857 a convict serving more than three years was allowed to earn remission amounting to a quarter of his sentence. Marks were awarded for good behaviour and the amount of remission depended on the number of marks earned.

The Gladstone Report: 1895

Towards the end of the century belief in punishment and deterrence as the main objects of imprisonment, and confidence in the separate system as a desirable and effective means of dealing with prisoners, came increasingly under question. The Report of the Gladstone Committee in 1895 reflected this change in attitudes towards prisoners. 'We start', said the Committee, 'from the principle that prison treatment should have as its primary and concurrent objects, deterrence and reformation'.

In this spirit, the Committee recommended that unproductive labour, in particular the crank and tread wheel, should be abolished and that the principle of labour in association, practised for many years in the convict service, should be extended to local prisons. They argued that under proper conditions association for industrial labour relieved isolation, was healthier, eased the task of providing industrial work in prison, and, if regarded as a privilege which could be withdrawn, would not endanger control. The Committee also recommended that further efforts should be made to classify prisoners; that books should be made more widely available- and that educational facilities should be extended. They urged that the rules about visits should be exercised with discretion not rigidly applied, especially in circumstances where they would be beneficial to the prisoner. For convicts, the initial period of solitary confinement should be reduced, since its original reformatory purpose had long since deteriorated into one of pure deterrence. A juvenile reformatory should be

established to take offenders up to the age of 23 for a period of between one and three years with the emphasis on individual treatment and special arrangements for after-care. For the 'habitual criminal' a new sentence should be introduced to enable a longer period of imprisonment to be imposed as a deterrent. More generally, the Committee emphasized the urgent need for aid and after-care to be available to prisoners on release and for the voluntary bodies concerned to have opportunities to establish contact with prisoners before their discharge. The Gladstone Report remained the definitive statement of penal policy for virtually the next half century though its recommendations were implemented slowly and piecemeal. Thus the Prison Act 1898 dealt mainly with changes in the nature of prison labour, by providing for association in labour if this was practicable, for the phasing out of the crank and tread wheel and for the use of oakum picking only as a last resort. The Act also made provision for the courts to classify into three divisions those sentenced to imprisonment without hard labour. This novel development reflected a feeling at the time that it was more appropriate that the sentencing court, and not the executive, should decide the conditions under which an offender should serve his sentence. In the event the courts seldom used any but the third classification, the most severe; the provision was not, however, repealed until 1948.

The Origins of Borstal

Despite recording in their Annual Reports a belief that legislation to implement the Gladstone Committee's recommendations about young offenders would be beneficial, the Commission was slow to develop a new form of institution for young offenders. In 1900 a small group of London lads (as they were called) carefully selected according to their likely ability to respond to specialized training were gathered in Bedford prison to be taught a trade and helped to lead a new life on discharge from prison. In 1902 a wing of the convict prison at Borstal, now Rochester Borstal, was taken over for a similar purpose. These beginnings formed the basis of a system by which boys would be carefully chosen, made subject to strict discipline, expected to work hard, and given special

supervision on discharge through the Borstal Association. The Borstal experiment did not encounter any serious setbacks and although the number who could benefit from it was small, a modified system was soon introduced in local prisons under which young offenders were as far as possible separated from adult prisoners and given a little more attention than previously.

The Inter-War Period: The Paterson Era

After the First World War there was pressure for change which was given added force as a result of criticism of the existing system in a report published in 1922 by Stephen Hobhouse and Fenner Brockway. The authors had been conscientious objectors who had been imprisoned during the War and described imprisonment as demoralizing and dehumanizing. The publication of the report coincided with the appointment as chairman of the Commission of Maurice Waller, with the foundation by Margery Fry of the Howard League for Penal Reform and with the appointment as a Commissioner of Alexander Paterson who was to dominate the penal system for the next twenty years.

Paterson was unique amongst Prison Commissioners in having no official connection with the prison service before his appointment. Early in life he developed an enduring concern about poverty in London and went to live in Bermondsey after leaving Oxford. In 1908 he became assistant director of the Borstal Association, which was responsible for the after-care of Borstal boys, and in 1909 he was asked to organize the first experiment in after-care for convicts. Immediately before his appointment as Commissioner he was attached to the Ministry of Labour. He is chiefly remembered for his impact on the borstal system but he was also the driving force behind many of the more general reforms of the twenties and thirties.

The impact of new Commissioners was swiftly felt. The convict crop and the broad arrow were abolished, reasonable facilities were made for shaving (until then not even a safety razor had been allowed), the silence rule was greatly relaxed, educational facilities were extended, and provision was made for male prisoners to receive visits from

prison visitors. Efforts were made to improve the work available to prisoners, which had fallen off after the end of the war, and a seven-hour working day was introduced in 1923. In 1929, with the help of the Howard League, a pilot scheme for the payment of a small wage to prisoners working in the mat-making shop at Wakefield was established. Public funds were made available for this purpose in 1930 and the scheme was gradually extended. The period of separate confinement was phased out from 1922 and abolished in the Prison Rules 1930. In 1936 all prisoners were allowed to have tobacco, a privilege previously reserved for those serving sentences of four years or more.

Paterson took particular interest in the borstal system and was largely responsible, through his influence in making appointments, particularly of housemasters, for shaping the regime during this period. He intended borstals to be run according to public school principles with the aim of reforming, 'reclaiming' and training those who were deprived. In 1924 uniform for borstal officers was abolished, and officers generally were encouraged to involve themselves with the boys in a wide variety of activities, many of them of a leisure time character. Summer camps became a feature of borstal life. The Commissioners' annual report for 1929 foreshadowed a new borstal establishment to cope with the demands for places. This new establishment was inaugurated by the famous march undertaken in May 1930 by a group of staff and boys from Feltham borstal under the leadership of the governor W.W. Llewellyn to found the first open prison establishment in England, at Lowdham Grange in Nottinghamshire. In 1935 Llewellyn led a similar march from Stafford to Freiston near Boston, Lincolnshire, where a second open borstal, North Sea Camp, was established. A third was started in 1938 at Hollesley Bay, Suffolk. In 1936 adult prisoners from Wakefield slept in open conditions for the first time at New Hall Camp which was in continuous occupation from January 1937. These developments attracted no serious criticism from the public.

The Second World War

Large numbers of prisoners and borstal trainees were released at the outbreak of war and premises converted to other uses. From the autumn of 1940, however, the inmate population began to rise steadily. To ease overcrowding one third remission was introduced as an emergency measure; and the use of open prisons for adults became accepted when it was demonstrated that numbers of adult male prisoners could be trusted in open conditions. In 1945 the average daily population was 14,708 compared with 10,326 in 1939. This unexpectedly high population caused problems while the service was still significantly understaffed. The numbers sentenced to borstal training were high and the inadequate number of places available in borstal institutions meant that many trainees had to spend a considerable period in a local prison waiting for allocation. The deficiencies of the system became the subject of significant criticism in Parliament and the press.

The Post-War Years

The Criminal Justice Act 1948 abolished the obsolete concepts of penal servitude, hard labour and the triple division of offenders. In line however with the widely held theory that long periods of imprisonment, giving time for training, discipline and reformation, were the only way to combat recidivism, the Act provided for a new sentence of corrective training for younger offenders, and variations in the arrangements for preventive detention (which led to an increase in the numbers serving this type of sentence). It also introduced two new types of institution, the detention centre (the original aim of which was to administer a 'short sharp shock'), and the remand centre for improved assistance to courts, separation of young prisoners on remand, and more systematic allocation. The Central After-Care Association was established to centralize arrangements for statutory after-care covering those released from various types of sentence, for example borstal training and the new sentences of corrective training and preventive detention. A report in 1947 by the Education Advisory Committee led to a large expansion of educational facilities being provided by local authorities in penal establishments in their areas. In 1951 home leave which had been a privilege available for some time to borstal

trainees, was introduced for adult prisoners and in 1953 the first pre-release hostel was started in Bristol.

The impetus to expand training and facilities was, however, retarded by problems of resources. To deal with continuing overcrowding seventeen open and medium-security prisons and borstals were opened between 1945 and 1952, many making use of vacated army camps. By 1952 the average daily population had risen to 23,670 and in local prisons resort was increasingly necessary to the expedient of housing three inmates together in one cell. Staff training which since 1935 had included courses at Wakefield prison was extended with the development of the Staff College at Wakefield and expansion of initial training: but there were shortages of staff. Increasing attention was given to the use of specialists, for example psychologists and welfare officers, and to the encouragement of prison officers to become more involved in the lives of prisoners and to improve officer/inmate relationships, most notably on the model started in 1956 at Norwich prison. This had three main features: dining in association for all convicted prisoners, an increase in the hours of work from 26 to 35 without any increase in staff, and the allocation of groups of prisoners to specific officers. The Norwich system quickly spread and had generally beneficial results.

'Penal Practice in a Changing Society': 1959

After the war, the steady increase in the prison population and the large number of changes made during the 1950s pointed to the need for a coherent strategy for the future. The White Paper Penal Practice in a Changing Society published in 1959 was a major acknowledgement of this. It reflected ideas developed during the long period of Sir Lionel Fox's chairmanship of the Prison Commission from 1942-1960; and was the first discussion document covering the whole field of penal administration since the Gladstone Report.

The aim in 1959 was still to prevent as many offenders as possible from returning to crime and the White Paper outlined a number of steps which were to be taken in the pursuit of this aim. It was proposed to take further the

principle that young offenders should as far as possible be kept out of prison: more detention centres would be built so that all those sentenced to a term of six months or less would be sent to detention centres and those sentenced to between six months and three years would receive borstal training. These principles were incorporated in the provisions of the Criminal Justice Act 1961. It was recognized that most local prisons had been designed to deal with the separate system and were now in overcrowded and unsuitable conditions. Plans for the redevelopment of local prisons were therefore included in the proposed building programme. There were also ambitious proposals for a more sophisticated observation and classification process for adult prisoners, based on their individual personalities, and for additional training prisons to cater for their specialized needs. It was hoped that even greater use would be made of open prisons which had expanded rapidly since the war. The first steps in this direction were taken in the early 1960s when recidivists were allocated to Ashwell open prison; previously open conditions had generally been considered suitable mostly for first offenders.

Role of the Staff

One of the most important aspects of the White Paper was the stress which it laid on the vital role of the staff in the success of the prison system. There had been a thorough review of staff pay and conditions of service by the Wynn Parry Committee which reported in 1958 and the White Paper promised that an appropriate share of the available resources would be devoted to the needs of the staff. This emphasis on the central role of the prison staff was continued during the next few years with the expansion of training facilities for officers, a second OTS at Leyhill opened in 1962, and the establishment in 1963 of the Working Party on the Role of the Prison Officer to discuss ways of enhancing the contribution of officers to the enrichment of regimes.

More Recent Changes

In 1963 the Prison Commission was dissolved and the

Prison Department of the Home Office was established. This change reflected the growing political significance of penal affairs, the crucial contribution of the prison service to the operation of the criminal justice system, the growth and complexity of prison administration, and the significance of prison system needs for resources. Steps were taken to create a regional organization with the establishment of an office in Manchester in 1964 and other offices in Bristol, Birmingham and London by 1969. The aims were to strengthen links between headquarters and establishments and to provide an intermediate tier for detailed day to day casework and administration. Over the same period the Prisons Board was restructured to give clearer lines of responsibility for particular aspects of the work of the Department, and the functions of the inspectorate were defined. The opening of Blundeston prison in 1963 made history in that this was the first purpose-built prison to be provided since Victorian times. Another significant occasion was the opening of Grendon prison in 1962, the fulfilment of an idea developed before the war by Sir Norwood East and Dr. de Hubert for psychiatric treatment of certain types of offender. The idea of more specialist prisons was taken further in 1969 with the opening of Coldingley prison designed around a predominantly industrial regime.

The Mountbatten Report

These and other developments in the prison system during the 1960s were disrupted by a series of escapes which culminated in 1966 in the escape of George Blake, a notorious spy, from Wormwood Scrubs. As a result an enquiry under Lord Mountbatten was established to examine these escapes and prison security generally. The Mountbatten Report made a number of criticisms about security and, as a result, considerable resources were diverted during the next few years to improving this aspect of the prison system. Closed circuit television systems were introduced, radio links developed and a prison dog service established. This renewed emphasis on security affected a number of activities, especially outside working parties, educational and recreational facilities. A number of pre-release hostels situated within prison walls were closed on security grounds. A new system of classifying adult male

prisoners based on security considerations was subsequently introduced; and consequential measures begun to adapt physical facilities and penal regimes. Mountbatten recommended a new maximum security establishment on the Isle of Wight for increasing numbers of prisoners convicted of crimes of violence who would be in prison for a very long time. On the recommendation, however, of the Advisory Council on the Penal System the policy was adopted of dispersing such prisoners around a selected number of specially secure establishments.

The Last Decade

Notwithstanding growing pressure on several fronts, notably steadily increasing numbers of inmates (with serious overcrowding), constraints in public expenditure, and erosion throughout Western society of the traditional belief in the rehabilitative value of custodial measures the general effort of the Service to improve conditions for staff and inmates and promote long term efficiency continued during the 1970s in a variety of initiatives. The traditional provision of visiting committees of Justices for local prisons was replaced in 1971 by Boards of Visitors appointed by the Home Secretary and a uniform system thus created for independent oversight of all establishments. Considerable investment was made in prison industries and commercial outlets developed for PRINDUS products; censorship relaxed in open prisons; courses organized in life and social skills; physical education programmes expanded; special attention devoted to illiteracy; social work promoted (to link prison officers with the probation service in looking after the welfare of inmates); the general level of privileges raised; and improvements made in visiting facilities. In 1974 the need to reorganize the tripartite arrangements for treatment of young offenders (borstals, detention centres, young prisoner centres) was identified in a report of the Advisory Council on the Penal System, *Young Adult Offenders*.

The period was also marked by signs of new tensions within the prison system including prisoner riots and demonstrations, and evidence of the typical prison population presenting more sophisticated offenders than

previously. Special problems began to grow in dealing with those convicted of terrorist offences and a growing number of offenders given life sentences. There was also concern about the numbers of mentally ill offenders committed to custody.

The May Inquiry: 1978-1979

Operational tensions were accompanied, from 1973 onwards, by deteriorating industrial relations focused on a variety of national and local issues and giving rise to increasing numbers of incidents in which penal regimes and even services to courts were interrupted. In November 1978 the then Home Secretary appointed a Committee of Inquiry into the state of the prison services under the Chairmanship of The Hon. Mr. Justice May. The Committee reported in October 1979. In a wide-ranging review, the Committee emphasized the generality of dissatisfaction with the way the service was run, with the state of prison buildings and with the physical conditions for staff and inmates. After reviewing the role of the prison service within the criminal justice system and prospects (which it saw as modest) for relieving it of rising demand, the Committee made a number of major recommendations which affected objectives, organization, resources, staff pay, allowances and other conditions of service, and prison service industrial relations. Recommendations about pay and payment for meal breaks were immediately accepted and implemented by the government. In line with the Committee's proposals Prison Department headquarters was reorganized (in mid-1980) with an expanded Prisons Board including two non-executive members from private industry; and the Prison Department was given wider delegated authority within the Home Office for the management of staff and control of finance. A new appointment was created of Her Majesty's Chief Inspector of Prisons, to be separate from the Prison Department, to report directly to the Home Secretary, and to produce an annual report which will-be published together with other reports as may be considered appropriate. The first holder of this appointment took up duty at the beginning of 1981. The new organization with its many thousands of staff now faces the continuing challenge of adapting the prison

system to the social and economic needs of the future whilst maintaining the positive and humanitarian traditions to which the May Committee gave unstinting praise.

AMY EDWARDS

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