

ICPS Annual Report 1999

DIRECTOR'S INTRODUCTION

This is the second annual report presented by the International Centre for Prison Studies (ICPS) since it was established as part of the School of Law in King's College London in 1997. The report shows the extent of the activity in which the Centre has been involved during its first 3 years of existence.

In the field of research the Centre has continued its policy of concentrating on examining the fundamental issues surrounding imprisonment and alternatives to prison.

- The work on *Prison in the 21st Century* has begun to engender a serious debate about prison and imprisonment among groups of individuals who have no direct experience or knowledge of the criminal justice system.
- There has been an increasing recognition in recent years that the operation and effectiveness of most prison systems is heavily influenced by organisational and staff culture. The project on *Cultural and Organisational Change in the Prison Setting* is examining the implications of this reality in 5 European prison systems and its report is likely to become an important reference point for those responsible for prison administration in many countries.
- Where imprisonment is not appropriate it is important that alternative disposals, which satisfy everyone concerned, should be available. The project on *Alternatives to Prison in Developing Countries* has examined some of the successful developments in this area.
- Linked to this work, the Centre was co-organiser of a unique gathering of 120 people from 52 countries in April 1999 to consider *A New Agenda for Penal Reform* worldwide. One of the most striking features of this conference was that much of the most innovative thinking came from participants from developing countries.
- The Centre is based in an academic environment. That fact is recognised by the work being done in editing the new journal *Punishment & Society*, which is encouraging new academic thinking on issues relating to punishment.

A unique feature of the Centre's work is the manner in which it bridges any gap between policy and practice. The best example of this is the work which it is doing on how to deal with the terrible scourge of tuberculosis in prisons, particularly in Eastern Europe and Central Asia. Discussion between leading medical and prison practitioners which began at a conference organised by the Centre in Budapest in 1998 and continued at several subsequent meetings led to the publication of *Sentenced to Die?: The problems of TB in Prisons in Eastern Europe and Central Asia*. This has been linked to practical work on the issue which is being carried out in Russia through the Council of Europe and in Kazakstan.

The annual report describes the Centre's work on training of prison staff and on prison management in a number of countries. The manual on human rights training for prison staff drafted by the Centre on behalf of the Office of the United Nations High Commissioner for Human Rights will be a key tool for this work in future.

The diversity and geographical spread of the Centre's work gives it an international perspective on the use of imprisonment. There are now 8 million men, women and children in prison around the world. 50% of them are in three countries, China, the Russian Federation and the United States of America. These broad statistics conceal a wide spectrum of differences. It is not sufficient, for example, to consider only simple comparative levels of imprisonment. In terms of attitudes to the place of imprisonment in civil society and its role in helping to create safer, more equal communities, the countries of the world fall into four broad categories.

The first category includes those countries which are beginning to question the central place which prison has traditionally held in many justice systems. In many of these countries imprisonment in its modern form was introduced by colonial powers. One is struck by the reality of this in many towns in Sub-Saharan Africa or South Asia when one comes across the local prison which is an obvious model of one of the Victorian prisons still to be found in London. In these countries the idea of taking large numbers of able-bodied young men, who should be contributing to the economic and social well-being of society, and locking them behind the high walls of a prison, where they are a burden on the community makes little sense in terms of local cultural norms. In addition such countries cannot afford the economic consequences of such a policy. In many of these countries the problems facing their prison systems remain immense since some of the worst prison conditions are to be found in countries which were formerly ruled by imperial powers. But because these countries have no indigenous concept of imprisonment there is a greater possibility that they will look for alternative methods of dealing with crime. In a number of these countries there is now a recognition that formal criminal justice systems have marginalised victims of crime and have failed to oblige offenders to face up to the damage and harm which their actions have caused. There is also a growing appreciation in some quarters that criminal justice processes have only a limited role to play in underpinning the values of a democratic society. At the conference which the Centre co-organised in April 1999 on the theme *A New Agenda for Penal Reform* it was delegates from developing countries who led the debate on finding solutions which went beyond the dead-end of the prison.

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

Most of the countries of the former Soviet Union are in a third category. They have some of the highest levels of imprisonment in the world and some of the worst conditions. Kresty Prison in St Petersburg has a capacity for 3,000 prisoners and regularly holds 10,000, with 10 or 15 prisoners being held in small cells, 2 or 3 to a bed. Conditions are so bad that the Director of Kresty said recently that pre-trial prisoners frequently say to him, "Citizen Director, I am ready to plead guilty just to

get out of this place.” In many of these countries there is a recognition at the highest levels of government that these conditions are unacceptable and will have to be improved. The dilemma is how to do so in an environment of very limited public resources. A clear example of this determination to improve is the way in which the Russian and other governments in the region are co-operating on these matters with the Council of Europe. One of the main causes of this terrible situation is the high rate of imprisonment in many of these countries. A high proportion of these prisoners are awaiting trial. This problem cannot be resolved within the prison system. In a number of these countries public prosecutors, who are responsible for committing accused persons to prison, are now examining ways to avoid such high levels of pre-trial detention. Several countries are also in the course of introducing new legislation to encourage judges to use sentences other than imprisonment.

The fourth category is the most problematic. It includes the United States and many countries in Western Europe. In recent years the Netherlands, for example, has seen a fourfold increase in its rate of imprisonment. Over a similar period there has been a 50% increase in prison numbers in the United Kingdom. In recent years in the United States of America one frequently heard slogan was “2,000,000 by 2,000”. This was a forecast that by the first year of the new century there should be 2 million American men, women and children in penal custody. That figure was reached in February 2000. With less than 5% of the population of the world, the United States now has 25% of the world’s prisoners.

What has led to these increases? In these countries politicians and commentators have tried to make a link between levels of imprisonment and levels of crime and have set out to convince the public and the media that a high level of imprisonment is an important tool in what is often described as the war against crime. Those who commit crime are a specific class of human being. If only they can be identified and taken out of society law abiding citizens can go about their daily business in safety and security. The original notion of prison as a place of exclusion has been restored. For an increasing number of men and women the period of exclusion is becoming longer and longer. In the United States in particular a significant proportion of prisoners will spend the rest of their lives in prison. A conference held in New York in 1998 dealt with the issue of “Dying in Prison”. Within a short period a number of prisons will have to be converted into hospices and homes for old prisoners.

The evidence of any direct relation between higher rates of imprisonment and reduced crime levels is at best contradictory. Of course, it is possible if a high enough proportion of all people, particularly young men, is locked up that there will be a reduction in crime. But that begs all sorts of questions about the value systems of a society which chooses to go down this path.

In some of these countries prison systems have been given a series of targets against which they will be measured. In some cases one of these is to reduce the rate at which those who are currently in prison re-offend after they have completed their sentences. There has always been a simplistic and understandable attraction in the notion that prisoners should be obliged to undertake specific courses, programmes or regimes which will improve their future behaviour. Prison administrators have been searching for this Holy Grail for generations and from time to time have thought they have found it. Giving evidence to the Persistent Offenders' Committee in 1931, Alexander

Paterson, an English prison commissioner noted, “The problem of Recidivism is small, diminishing, and not incapable of solution.” It is interesting to observe that some of the prison systems which have been given the target of “reducing re-offending” have now set about re-defining what is meant by “re-offending” so as to ensure that they can meet this target.

This is not to suggest that prison administrations should not be doing everything in their power to encourage prisoners to take part in well-targeted courses which will equip them better to lead law-abiding lives after they are released. The alternative, which is to regard prisons as human warehouses and to confine prisoners to their cells for 23 hours a day, is also unacceptable. But to set a target which tries to link such activities directly to a reduction in re-offending is unrealistic.

In a fully democratic civil society the prison will have a very narrow role to play in reinforcing the structures of society. It will be used only when absolutely necessary, for those who have committed very serious crimes or from whom society needs to be protected. When it has to be used it should be decent and should be as positive an experience as possible in the circumstances. This is more likely to be the case if attention is paid to the international human rights covenants which have been signed by many States and to the international instruments which set standards for imprisonment. This is the context within which the International Centre for Prison Studies carries out all its work.

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