

'Titaning' Our Belts

Rob Allen

*Independent researcher and co-founder of Justice and Prisons
(www.justiceandprisons.org)*

In a number of areas of penal policy, the Coalition government is looking to implement and extend approaches which have been developed and then discarded by the previous Labour administration. The controversial plans to outsource most of probation work were originally proposed back in 2003 and the plans in large part rely on unimplemented provisions of the Offender Management Act 2007. A second example is the recently announced proposal to scrap separate Young Offender Institutions (YOIs) for the 18-21 year old age group and instead to place young adults in the wider prison system, albeit with certain (so far unspecified) protections and arrangements to meet their distinct needs. This change was recommended back in 2007 but the Government then considered the time not right to abolish Detention in a Young Offender Institution (Allen, 2013a). The third and perhaps most surprising example is the decision to embark on the construction of a very large prison in North Wales for 2,000 prisoners and to consider a similar size establishment on the site of Feltham YOI in West London.

This looks very like plans for two of the three 2,500 place Titan prisons proposed by Lord Carter in his review "Securing the Future" in December 2007. Titans were initially approved as a way forward by then Justice Secretary Jack Straw but then abandoned after a consultation 16 months later. In April 2009 Straw told parliament that he "did see merit in Lord Carter's proposals ... but most of those whom we consulted took a different view, and believed that the advantages were far outweighed by the disadvantages".¹

The surprising aspect of the return of the Titans lies in the fact that both Coalition partners vigorously opposed the concept of very large prisons when first floated. The 2008 Conservative paper "Prisons with a Purpose" promised to "sell off old prisons and rejuvenate the prison estate, building smaller local prisons instead of the 'titan' prisons proposed the Government." The paper asserted that such smaller, local prisons, provide better rehabilitation outcomes but suggested that clustering these would offer opportunities for economies of scale.

The Lib Dem Spring Conference in 2009 passed a motion calling for "an immediate end to the plan for Titan prisons, and a commitment to building smaller, 'fit for purpose' facilities, funded in part by the sale of often Victorian facilities in city-centre locations".

The aim of this paper is to look at how and why this *volte face* has taken place. But it starts by looking at norms, experience and knowledge about the size of prison establishments.

Norms and research

The UN Standard Minimum Rules for the Treatment of Prisoners (SMRs) state that "it is desirable that the number of prisoners in closed institutions should not be so large that the individualization of treatment is hindered. In some countries it is considered that the population of such institutions should not exceed five hundred".² The SMRs date from the mid-1950s but 35 years on Lord Woolf's 1991 inquiry into the disturbances at Manchester Prison recommended that the size of prisons should not

¹ House of Commons Hansard 27 Apr 2009: Column 569, Available at: www.publications.parliament.uk/pa/cm200809/cmhansrd/cm090427/debtext/90427-0003.htm#0904275000003

² 63.3

exceed 400. In fact Woolf referred to a 1988 Prison Service Design Briefing which described a capacity of 600 as providing the “optimum balance between the need for effective relationships and control of prisoners and economies of scale”³; but the Inquiry report recommended that a 600 place prison would be better run as two prisons with 300 places.

Fast forward 13 years to then Prison Ombudsman Stephen Shaw’s investigation into the fire and disturbance at Yarl’s Wood immigration centre, where he noted that “developments in prison design since 1990 suggest that the maximum of 400 places suggested by Lord Woolf was unduly conservative. Recent prison experience, Shaw argued, demonstrates that larger prisons can operate successfully. He described economies of scale and the efficient use of public money as “proper considerations”, identifying as a critical element “that they must be capable of zoning down – both in times of emergency and to provide safe, more homely units to reflect the needs of different groups within the population” (Shaw, 2004: 164).

In approving larger prisons, Shaw seems to have had in mind something well short of Titans, remarking that “1,000 place prisons are no longer unusual”. North of the border, a review of the Scottish prison estate had concluded the optimum size for a new prison was 700.¹ This was partly for reasons relating to management complexity and operational stability, but partly because of proportionality - getting the correct scale of prison in relation to the overall prison population and aligned with other facilities.

It was the Chief Inspector’s view south of the border which seems to have temporarily slain the Titan concept during Straw’s consultation. She told the Justice Select Committee in December 2007 that small prisons do better in terms of safety, respect, purposeful activity and resettlement. “That is because they provide an environment in which people are known, in which relationships can develop, in which people are often closer to home.”² The Inspectorate found large prisons, old prisons and private prisons were less likely to be safe.³ Smaller prisons were almost two-and-a-half times more likely to perform well in the Inspectorate’s tests of respect than large prisons holding more than 800 prisoners.

Purposeful activity and resettlement scores were not directly related to size however. Resettlement was predicted by the percentage of prisoners living within 50 miles of the prison; indirectly this finding would suggest local prisons closer to centres of population should produce better results.

Other research has been more equivocal. Back in 1980, a literature review by Farrington and Nuttall yielded no empirical evidence that prison size influences behaviour inside or after leaving prison. Prison offences were less likely in larger prisons, but it was impossible to control for the kinds of inmates in each prison. In a more controlled analysis there was a strong tendency for the more overcrowded prisons to be less effective. Size was only weakly related to effectiveness, and this association was reduced further after controlling for overcrowding. Since then Alison Liebling (2008 p 68) has concluded that “several analyses of prison life and quality provide empirical support for the argument that small is better”. Very recently, the Policy Exchange Think Tank ignored this work when publishing a report by a former prison governor with what they described as a potentially “game changing contention”. “For a long time,” they claimed, “it has been assumed, without evidence, that smaller prisons outperform larger ones. But size is irrelevant. When it comes to prisons, we prove that, contrary to popular myth, small is not good and big is not bad.” While the involvement in this report of private companies Sodexo and Carillion raises questions about its objectivity, it seems fair to say that there is no recent conclusive body of research that can decisively inform policy making about the

³ Quoted in Liebling (2008: 68)

¹ Scottish Prison Service (2002: 15)

² House of Commons Justice Committee (2008) Vol 2 Ev 70

³ HM Chief Inspector of Prisons (2009)

optimum size of prisons in the UK. Much depends on how facilities are organised, staffed and managed within the perimeter. But Alison Liebling is surely right to warn that “larger prisons, with highly competent but remote governors may make the struggle for legitimate regimes and staff behaviour harder” (2008 p73).

Race to the bottom?

If there is little in norms or research to commend Titan prisons, why are they back on the agenda? The answer lies clearly in the government’s efforts to drive down costs to make prison, in Chris Grayling’s words, not smaller but cheaper (see Allen, 2013b). The closest model for costs that we already have is HMP Oakwood near Wolverhampton which opened in April 2012. The average cost at Oakwood is £13,200 per place, less than half the average cost of existing prison places.

Some scepticism is in order about whether such low costs are reliable or represent a fair comparison. Running any institution or concern at less than half the average cost of a comparator seems on the face of it unrealistic, even allowing for economies of scale.

The government have emphasised that Oakwood’s low cost does not come with an impoverished regime - the specification for the prison requires standards as high as those in other prisons. But how it is working in practice should give very serious cause for concern. The local independent monitoring board have described how resource constraints impact on the prison. Drugs, alcohol and mobile phones are thrown over the fence but budgetary restraints have limited security cameras and extra netting. Lack of work placements for prisoners is causing unrest with a fifth of prisoners locked back in their cell at 9am. Prisoners have little faith in the complaints system and do not feel that the staff are able to resolve their issues.

The Inspectorate published a highly critical report confirming these problems. Some may reflect teething problems common to all new prisons or inexperience among staff (such as failure to tackle delinquency or abusive behaviour). Others may illustrate that the prison cannot be run safely or effectively at such a low cost. The Inspectors found a large backlog of assessments, sentence plans and reviews due to staff redeployment. Since the inspection, prisoners’ frustration at the inability of staff to get things done has led to at least two rooftop protests.

Conclusion

With a population of 670,000 North Wales probably needs a prison of no more than a thousand at most. Yet it will be getting a facility twice what is needed. The announcement of the prison emphasised the positive impact on the local economy. Despite talk of the rehabilitation revolution, such considerations show that the drivers of prison policy may be shifting with efficiency and economy trumping questions of impact on prisoners.

Lord Carter’s original review acknowledged the operational challenges associated with large prisons - the possibility of disturbances, difficulties in meeting the needs of special groups and in recruiting and managing large numbers of suitable staff. These issues still pose risks. He failed to note the change this marks to the purpose of imprisonment - away from an approach which seeks to minimise the exclusionary aspects inherent in detention and towards a model of exile in which offenders are held in large numbers apart from society. While economies of scale may be possible in the provision of food, education or drug treatment, “super jails” will struggle to prepare their residents for return to the various communities in which they live.

If the Coalition wish to revive Labour policies they would perhaps do better to look at the work of the Social Exclusion Unit which ten years ago stressed the importance of effective action on reception and release in reducing the likelihood of re-offending. All prisons should be required to ensure that they have staff with the appropriate skills in place “to preserve support mechanisms ... in

liaison with agencies outside the prison.” Developing such liaison will inevitably be more difficult in Titan prisons as will the experience of families trying to keep in regular contact.

The MoJ is right to modernise the prison estate but their overall strategy is wrong. Rather than making the prison system cheaper not smaller, it should be the other way round. Economies could much more safely and easily be achieved by reducing the numbers in prison not the standards.

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