



(c) crown copyright

CONFIDENTIAL

THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

Printed for the Cabinet. December 1958

C. (58) 251
12th December, 1958

Copy No. 55

CABINET

WHITE PAPER ON PENAL REFORM

MEMORANDUM BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT
AND LORD PRIVY SEAL

On 3rd July the Cabinet agreed that the publication of a White Paper on Penal Reform would be timely and appropriate, and invited me to circulate a draft after consultation with the Secretary of State for Scotland, who reserved his position on the question whether the improvement of Scottish prisons would best be discussed in a joint White Paper or should be dealt with separately (C.C. (58) 52nd Conclusions, Minute 6).

2. I have consulted the Secretary of State for Scotland, who does not consider that it would be desirable to publish a joint White Paper and does not at present propose to publish a separate Scottish White Paper. I accordingly circulate herewith a draft White Paper dealing only with the position in England and Wales. If my colleagues agree, I would propose to publish this early in the New Year.

R. A. B.

*Home Office, S.W. 1,
12th December, 1958.*

CONFIDENTIAL



Penal Practice
in a Changing Society
Aspects of Future Development
(England and Wales)

*Presented to Parliament by
by Command of Her Majesty
1958*

LONDON
HER MAJESTY'S STATIONERY OFFICE

NET

Cmnd.

CONTENTS

	<i>Paragraphs</i>
I. Introduction	1
The growth of crime	2
The weapons against crime—	
The police	6-9
The criminal law	10-15
The penal system	16
II. Research	17-22
III. The development of penal methods:—	
Introduction	23-27
The treatment of the young offender—	
(a) Children and young persons	28
(b) Young adults	29-30
(1) Remand and attendance centres	31
(2) Detention Centres	32-33
(3) Borstal	34-35
(4) Imprisonment	36-37
(5) The present problem	38
(6) The Prison Commissioners' proposals	39-43
The treatment of adult offenders—	
The task of the prisons	44-51
The state of the local prisons	52-56
The future of the local prison	57-64
Work	65-71
Earnings	72-74
Psychiatric and psychological services	75-76
Preventive detention	77-78
Discharge and after-care	79-84
IV. The building programme	85-94
V. Staff	95-103
VI. Conclusion	104-105
Appendices	
A—Diagrams showing the increase in crime and in the prison and borstal population.	
B—Current research on crime.	

**PENAL PRACTICE IN A CHANGING SOCIETY
ASPECTS OF FUTURE DEVELOPMENT
(ENGLAND AND WALES)**

I.—INTRODUCTION

1. It is a disquieting feature of our society that, in the years since the war, rising standards in material prosperity, education and social welfare have brought no decrease in the high rate of crime reached during the war: on the contrary, crime has increased and is still increasing. The purpose of this paper is first to give the facts about this situation, then to set out proposals of the Government for dealing with some of its aspects. This Paper does not seek to deal with those deep-seated causes which, even were they fully understood, would be largely beyond the reach of Government action.

The growth of crime

2. The growth of crime is no new problem; the increase during the war was much greater than the increase during the past 13 years. Between 1939 and 1945 the number of indictable offences, and of persons convicted of them, increased by one-half. Since 1945 there have been both upward and downward movements in crime, and as this is written, in 1958, an upward movement has been in progress for over three years. But it followed an equally long downward movement from a peak in 1951, and in total there is not much difference between the figures for 1957 and those for 1951. Even compared with 1945, the figures for 1957 were higher by no more than about one-seventh. The same is generally true of most non-indictable offences, which include some—such as malicious damage to property—that are only technically different from indictable offences. (See diagram 1 in Appendix A.)

3. The fact that the war-time increase, so far from receding, has continued, although less steeply and with fluctuations, gives cause for grave concern. Moreover, the growth of crime since the war has two disturbing features. One is that indictable offences against the person—that is, crimes of violence and sexual offences—have increased steadily in number since the end of the war. Their total is still small compared with the number of offences of dishonesty, but they have increased persistently every year.

4. Another aspect which is perhaps even more disturbing, is that in the last few years there has been a startling increase in convictions of young men aged, roughly, from 16 to 21. These men are responsible for more than their share of the increase in offences of violence; but the increased rate of crime at these ages extends to offences of all kinds. Drunkenness is

one important example. The number of convictions of this offence has in recent years increased to well above the pre-war level, and, as with more serious crime, the increase at the young adult ages is disproportionately large.

5. The increase in crime during the last two or three years has led to severe overcrowding in prisons and has strained the resources of other agencies such as borstals, approved schools and the probation service. The approved school population in January, 1956, was 6,800; it is now approximately 7,700. The population of prisons and borstals at the beginning of 1956 was 21,000; now it is over 26,000. The abnormal increase in delinquency at ages between 16 and 21 has caused a particularly large increase in the borstal population which rose from 2,800 at the beginning of 1956 to 4,500 in March, 1958, an increase of 61 per cent. (See diagrams 2 and 3 in Appendix A.) These increases do not, in the main, reflect any change in the sentencing practice of the courts. They are a direct result of the increase in the number of convictions and of the speed with which the increase has taken place. The increase in crimes by women and girls has been very much less marked, and there has been no significant increase in the population of the women's prisons or girls' borstals.

The weapons against crime

The police

6. The State's weapons against crime are threefold—an efficient police force, the deterrent effect of the criminal law, and the penal system, whose object must be to prevent as many offenders as possible from returning to crime.

7. The Government has a primary duty to maintain The Queen's Peace and for that purpose to ensure that there are efficient and vigilant police forces to protect the public against attacks on their persons or property. Except in the Metropolis, where the Home Secretary is the police authority, the police forces are locally administered. But, in view of the Government's general responsibility for law and order, there must be a partnership. The Secretary of State's share of this partnership takes various forms. In consultation with the Police Council, he settles, by regulations, the conditions of service of members of police forces. His specific functions include the approval of appointments of Chief Constables and of the authorised strengths of police forces. He determines appeals against serious disciplinary punishments. The payment of the Exchequer grant in aid of police expenditure depends on his being satisfied that the force in question is efficiently administered. It has always been the aim, in the exercise of these functions, to avoid unnecessary interference with the autonomy of police authorities; but where the interests of an individual force, or of the service as a whole, require him to do so the Secretary of State does not hesitate to use the powers with which Parliament has entrusted him.

8. The first duty of the police is to prevent crime and the next to be efficient in detecting crime which has been committed. For the purpose of prevention there must be a sufficient number of police officers and they must be employed to the best advantage. Although there are serious shortages of police in a few areas, the total number of police officers in the country is greater than it has ever been, and the percentage of police to population is higher than it was before the war. There must obviously be a limit to the demands which the police service can make on the available manpower and since the war great attention has been given to improving methods of patrolling and generally to the deployment of police to the best effect. This must include the allocation of a proportion of the force to traffic duties.

The number of fatal and other serious accidents and the dislocation of business resulting from traffic congestion necessitate close attention by the police to traffic problems. Naturally every effort is made to give that attention without interfering with the duty of the police to enforce the general criminal law and maintain order and the Government are satisfied that the police do not spend an undue amount of their time on traffic duties. Much progress has also been made in the replacement of policemen by civilians on duties which the powers of a constable are not required.

9. There has been an increase in the complexity of crimes as well as in the ingenuity of criminals and of the means at their disposal. The facility and speed of modern communications have revolutionised the technique of crime and made the task of detection more difficult. Police methods and equipment have been improved to match these developments. Individual forces have a much increased mobility. More and more cars and motor-cycles are now equipped with wireless, making possible a swift concentration of resources when necessary. The effectiveness of the whole police machine for dealing with crime has been greatly improved by the provision of a highly developed system of inter-force communication. More efficient reporting and recording methods have been adopted. The scientific resources available to the police have been steadily developed and police forces throughout the country now have at their disposal forensic science laboratories to assist in the investigation of crime and to undertake research into scientific methods of detection.

The criminal law

10. Closely related to the Government's duty to maintain the peace is its duty to ensure that the sanctions for the enforcement of the criminal law are adequate and that the machinery of the courts is such that they can do their work effectively. The courts must have power to be severe when severity is warranted. The Government considers that the necessary means to punish and deter are provided by the sanctions at present available. These sanctions are heavier than is often supposed. All the more serious crimes can be punished with life imprisonment; they include manslaughter, rape, robbery with violence, burglary and felonious wounding. Robbery without aggravation, some forms of housebreaking and many forms of larceny can be punished with 14 years' imprisonment, and some lesser forms of violence or dishonesty with five years. Those types of murder which particularly strike at public order and from which potential offenders are most likely to be deterred are still punishable by death, and other types by life imprisonment. Persistent offenders can be sentenced to preventive detention for up to 14 years. The superior courts have in these stringent penalties ample powers to inflict severe punishment where punishment is a primary object, and magistrates' courts have power, in relation to the more serious of the offences which they can try summarily, to commit offenders to quarter sessions for sentence if they consider their own powers of punishment inadequate.

11. The growth of crime has added greatly to the work of the criminal courts, and in particular of courts of quarter sessions. In the higher courts the number of cases for trial doubled between 1938 and 1956. Since many of these courts sit only three or four times a year, one result has been a large increase in the number of persons who are committed in custody on committal for trial and remain in custody for a considerable period before being brought to trial. Since in recent years over one-third of the prisoners received in custody on committal for trial or on remand did not return to

prison on conviction, but were otherwise dealt with by the court (apart from the minority who were found not guilty), the delays in bringing them to trial are a matter of concern.

12. Another aspect of the work of the courts which needs to be examined is the procedure for obtaining information about offenders. Modern penal practice provides the courts with a wide range of methods from which they may select that which is most likely to achieve the ends of justice in relation to the individual offender. In doing so the court must take account not only of the public effect of its decision but of the effect of that decision on the offender himself, that is to say, the likelihood of its preventing him from offending again. It is therefore necessary to provide the courts with such information about an offender as will enable them to judge what form of treatment will best serve these ends.

13. The courts in many cases already have much information of this kind before them ; but it is particularly difficult to assemble all the relevant material and assess its value where the courts sit for short periods at long intervals, as the superior courts do in most parts of the country. Unlike magistrates' courts, which sit frequently, courts of assize or quarter sessions cannot conveniently remand offenders after conviction in order to obtain reports on their background and history and advice on the treatment that is most likely to succeed in turning them from crime. The superior courts must normally proceed from conviction to sentence on the basis of such information as may have been supplied before the trial or can be made available while they are in session. Where the accused has been committed on bail or has been in custody for only a short time, it is difficult, and often impossible, to supply the court with adequate information.

14. In order to examine, and if possible resolve, these difficulties the Home Secretary and the Lord Chancellor have appointed a committee, under the chairmanship of Mr. Justice Streetfield, to review the present arrangements in England and Wales :

- (a) for bringing to trial persons charged with criminal offences, and
- (b) for providing the courts with the information necessary to enable them to select the most appropriate treatment for offenders, and to consider whether, having regard to the desirability of ensuring that cases are brought before the courts and disposed of expeditiously, any changes are required in these arrangements or in those for the dispatch of business by the courts ; and to report.

Any recommendations that the Committee may make will be immediately and closely considered.

15. One way of ensuring that the criminal law is effectively enforced is to ensure that its principles are clearly applied to the prevalent forms of crime as they change with changes in the pattern of society. In order that this may be done a Standing Committee on Criminal Law Revision is being appointed under the chairmanship of Lord Justice with the following terms of reference :—

“ To be a standing committee, to be known as the Criminal Law Revision Committee, to examine such aspects of the criminal law as the Home Secretary may from time to time refer to the Committee, to consider whether the law requires revision, and to make recommendations.”

The first major subject which will be referred to the Committee is the law of larceny and kindred forms of fraud which has long been recognised to be in need of reform. The Committee is also being asked to consider how

best to fill the gap in the law disclosed by recent cases in which it has been held that a man who invites a child to handle him indecently does not commit indecent assault.

The penal system

16. The Government's responsibility does not end with ensuring that the efficiency of the police is maintained and that the courts are equipped with adequate sanctions and machinery. Behind these first lines of defence the counter-attack on crime must be mounted. It is to the development of the means of dealing with the individual offender who has been sentenced by the courts to some form of detention that this paper is principally directed. It does not attempt to deal with other methods of treatment, such as probation, which are also widely used.

II.—RESEARCH

17. Delinquency cannot be dealt with effectively without more knowledge of its causes and a more accurate measurement than we have at present of the success of the various forms of treatment. It is now widely recognised that in this field research is as essential as in the fields of science and technology.

18. Research is not necessarily best conducted by official agencies. The outlook, training and environment of the academic worker give him advantages in some kinds of research over the staff of a Government Department. On the other hand, a Department in daily practical touch with the realities of penal treatment, and with contacts and access to data not available to outside workers, has its own distinctive contribution to make. The work that is being done and planned is therefore being shared between academic and official agencies working closely together. In this new advance, the Home Office has taken a lead. It has set up a Research Unit and assists from its vote research work being done elsewhere.

19. Research into the causes and prevention of delinquency is confronted with problems which are immense both in range and complexity. The causes of crime are varied; heredity, environment and the unpredictable influences to which the individual may be subjected all play their part. Although much is being done, there are no easy answers to these problems and progress is bound to be slow. The difficulties are not so great with research into the use of the various forms of treatment and the measurement of their results, since this is concerned with matters that can be analysed more precisely. It is therefore on constructive work in this part of the field that special emphasis is being put.

20. The Home Office recently made enquiries of the Universities about the research they had completed and had at present in hand. Appendix B to this Paper summarises the information thus obtained and the work on which the Research Unit is itself engaged. It will be seen that, apart from a number of special enquiries undertaken for administrative purposes, the Research Unit is at present studying the effectiveness of various forms of treatment when applied to different types of offender. An attempt is being made to measure the efficacy of treatment by comparing the number of reconvictions of offenders who have been dealt with in different ways, after adjustments have been made for their varying characteristics and records. An essential part of research of this kind is the identification of those characteristics of an offender that indicate whether a particular kind of treatment will be suitable for him. As a continuation of previous research of a

similar kind, records are being kept of all boys entering borstal institutions and they will be studied after discharge, together with information about any reconvictions, so that the relevant characteristics can be picked out and related to the likelihood of recidivism. Similar studies are being carried out for other forms of treatment. Oxford, Cambridge and London Universities and the Tavistock Institute of Human Relations are, or have recently been engaged, with Home Office support, in the study of particular forms of treatment, including probation, prison, detention centres, and attendance centres, and of the psychological and sociological processes that take place when groups of men are brought together under prison conditions. A large-scale study of crimes of violence against the person in London is being made by Cambridge University. Several other Universities are engaged in independent research on delinquency, criminal law and the treatment of offenders.

21. A good beginning has thus been made with the more intensive study of crime and criminals; but the field in which research must take place, in criminology as in any social science, is large and ill-defined, and opinions differ widely about the best routes to follow. The Research Unit will apply the basic principles of scientific method and attempt to produce its results in quantitative terms. It will not cling to the methods of any particular discipline or school of thought, but will seek to provide answers to specific questions by whatever means appear most appropriate. In co-operating with outside research workers by providing facilities or grants, the Home Office will similarly be guided only by the apparent suitability for their purpose of the methods proposed to be used and the likelihood that the research will provide information in a form that can be used as a starting point for a further advance in knowledge. If this course is patiently pursued, it is hoped and believed that knowledge of crime and criminals will increase to the point at which measures can be taken to bring about a real reduction in the amount of crime and still more effective treatment can be given to each offender.

22. There is not at present any agency outside the Home Office which can keep the whole problem under constant and critical survey; which can keep track of what is being done; and which can serve as a focus of constructive thinking about delinquency in all its aspects. For this reason special importance attaches to the indication given by Cambridge University that it is prepared, if the necessary funds can be made available, to consider the establishment of an institute of criminology. The institute would be broadly based; and it would be closely linked with all the faculties concerned in any aspect of the study of delinquency. It would necessarily have to keep itself informed of all that is being done in the furtherance of that study, both at home and abroad. Its purposes would be various. It would teach criminology, especially on the post-graduate level; and it would undertake and encourage research on the highest academic standard. It would therefore not only itself contribute to our knowledge of criminology; it would help to produce the teachers of that subject, and the highly qualified research workers, who are at present so scarce. It would also, it may be hoped, be able from time to time to bring together groups of those concerned with the administration of justice and the treatment of offenders. By doing so it would help to keep them abreast of current thought and the findings of research; and it would at the same time strengthen its own contacts with those doing the practical work of which it would study the results. Finally, the institute should be able, as no existing agency is in a position to do, to survey with academic impartiality—in the light of the results of the research effort as a whole—the general problem of the criminal in society, its causes and its solution.

III.—THE DEVELOPMENT OF PENAL METHODS

Introduction

23. Existing penal methods have of necessity been developed piecemeal and empirically in response to experience and to the pressure of current problems. Experience is always a valuable guide and the immediate problem often an inescapable one, but in a society which changes as rapidly as ours something more is needed if penal methods are to be related effectively to the purposes which they are required to serve. We need periodically to consider whether existing methods are the best that can be devised for dealing with crime in the context of society as it is at a given time. As crime is related to the pattern and outlook of the society in which it occurs, so penal methods may need to be adapted to the society in which they must operate.

24. A fundamental re-examination of penal methods, based on studies of the causes of crime, or rather of the factors which foster or inhibit crime, and supported by a reliable assessment of the results achieved by existing methods, could be a landmark in penal history and illumine the course ahead for a generation. Such a re-examination, though based on practical studies, need not—and indeed should not—be purely pragmatic. If it were not merely to assess past progress, but also to point the way forward, it must concern itself with the philosophy as well as the practice of punishment. It must consider the fundamental concepts underlying our treatment of offenders, and examine not only the obligations of society and the offender to one another, but also the obligations of both to the victim. The basis of early law was personal reparation by the offender to the victim, a concept of which modern criminal law has almost completely lost sight. The assumption that the claims of the victim are sufficiently satisfied if the offender is punished by society becomes less persuasive as society in its dealings with offenders increasingly emphasises the reformatory aspects of punishment. Indeed in the public mind the interests of the offender may not infrequently seem to be placed before those of his victim.

25. This is certainly not the correct emphasis. Indeed one of the principal objects of our penal system is to provide those deterrents which are necessary to protect the citizens as a whole. It is also possible to hold that the redemptive value of punishment to the individual offender would be greater if it were made to include a realisation of the injury he had done to his victim as well as to the order of society, and the need to make personal reparation for that injury. If this concept of personal reparation to the victim were added to the concepts of deterrence by punishment and of reform by training, our penal system would not only find a greater moral value but might still more effectively serve its purpose of protecting society against crime. The application of this concept to those sentenced to imprisonment could not be separated from the considerations affecting the level of a prisoner's earnings which are discussed in paragraphs 73–74 below. Moreover, its realisation could be considered only in the context of a body of knowledge sufficient to sustain a general re-examination of penal philosophy and practice.

26. Latterly the view has been put forward that the obligation to the victim rests primarily on the society which has failed to protect him against crime and can alone effectively compensate him. It was this view which led the late Miss Margery Fry to propose a scheme for the payment of compensation to those who suffered personal violence. This proposal presents many practical difficulties. Nevertheless the Government have decided to set up an official working party to examine the proposal in detail and see whether, if the principle were accepted, a workable scheme could be devised.

27. This Paper illustrates how much there is still to be done. Existing forms of penal treatment, continuously adjusted in the light of deeper insight and greater information must be developed to the limit of the good we believe to be in them. Only when their potential power to turn men from crime has been fully tested can we judge how far other methods may be required to reinforce and, if need be, to replace them.

The Treatment of the Young Offender

(a) CHILDREN AND YOUNG PERSONS

28. The law relating to children and young persons (i.e. those who are under the age of 17 years and are dealt with by the juvenile courts) has always been a matter of concern to the Government of the day and many changes in it have been made during the quarter century since the last major legislation. In October, 1956, the Home Secretary appointed a committee under the chairmanship of Viscount Ingleby to inquire into, and make recommendations on, *inter alia*, the working of the law, in England and Wales, relating to proceedings, and the powers of the courts, in respect of juveniles brought before the courts as delinquent or as being in need of care or protection or beyond control; the constitution, jurisdiction and procedure of juvenile courts; and the remand home, approved school and approved probation home systems. The Committee are still receiving evidence and the Government await the outcome of their deliberations before considering what changes can or should be made in the methods of dealing with offenders coming before the juvenile courts.

(b) YOUNG ADULTS

29. The striking increase in crimes committed by young adults (i.e. those between the ages of 17 and 21) emphasises the need for a review of the forms of penal treatment available for this age-group. It has long been recognised that the treatment of young adults ought to be provided in institutions separate from the prison system for adult offenders, and that its emphasis must be on personal training. The Criminal Justice Act, 1948, sought to reduce the imprisonment of young adults by all courts, and eventually to abolish its use by magistrates' courts. Section 17 of the Act provided that no court should impose imprisonment on a person under 21 unless it was of opinion that no other method of dealing with him was appropriate; courts of quarter sessions and magistrates' courts were required to state the reason for their opinion, and magistrates' courts in addition to specify the reason in the warrant of commitment. The immediate effect of section 17 was striking. In 1947 the number of male young offenders received under sentence of imprisonment was 2,572: in 1949 it was 1,187.

30. As alternatives to the shorter sentences of imprisonment, the Act provided two new forms of treatment—attendance centres and detention centres. It also provided for the establishment of remand centres, to which courts might send persons aged 17–21 who would otherwise be remanded to prison, and those under 17 who were unsuitable for remand homes or in need of diagnostic examination which could not be given there. When the Secretary of State is satisfied that adequate alternatives to imprisonment are available to magistrates' courts, the imprisonment by such courts of persons under the age of 21 may be prohibited by Order in Council.

(1) Remand and attendance centres

31. Financial restrictions have hitherto prevented the establishment of any remand centres, but a site for the first has been obtained between Manchester and Liverpool, and preliminary work will begin in 1959. Attendance centres

have been available for a number of years for young offenders under 17, and an experimental centre for the 17-21 age-group was opened in Manchester in December, 1958.

(2) *Detention centres*

32. Detention centres were intended by Parliament to provide a sanction for those who could not be taught to respect the law by such milder measures as fines, probation and attendance centres, but for whom long-term residential training was not yet necessary or desirable. In the first (junior) detention centre (Campsfield House, Kidlington, 1952—for boys aged 14 to 17) emphasis was placed on the elements of hard work, brisk tempo, and strict discipline. From the outset, however, it was understood that the purpose was not to frighten young offenders into well-doing, but to use these stricter elements as part of a reformatory system in which a sympathetic staff would make a real effort to find out what was wrong with a boy and put it right.

33. It was realised that within the short period of the sentence, which is normally three months and only in exceptional cases up to six months, no such constructive all-round training as is possible in an approved school or borstal could be attempted; indeed boys in need of such training should not be sent to detention centres. Nevertheless, with the growth of experience, and the addition first of a senior centre (Blantyre House, Goudhurst—for boys aged 16 to 21) and later of another junior and another senior centre, the emphasis has gradually moved from the original conception of the "short sharp shock" towards that of a limited but positive form of training. From the outset, at the request of the Prison Commissioners, the experiment at the first two centres was followed by Dr. Max Grünhut, the Reader in Criminology at Oxford University. He has now completed a report based on a study of 434 boys before, during and after treatment. Dr. Grünhut concludes that the results are encouraging, in terms both of reappearances in court and of character improvement, and that the detention centre "has a legitimate place in a variegated system of treatment for young offenders". There are now four detention centres and two more are planned. Further development is discussed in paragraph 89.

(3) *Borstal*

34. The borstal system of institutional treatment for this age-group, as established by Part I of the Prevention of Crime Act, 1908, was not significantly changed by the Criminal Justice Act, 1948. Borstal training remains an indeterminate sentence with a minimum of nine months' detention and a maximum of three years. The total period of control extends to four years from the date of the sentence, the remainder of that period, after release from the institution, being spent under the statutory supervision of the Central After-Care Association.

35. Borstal is essentially a remedial and educational system, based on personal training by a carefully selected staff. Its development since the Act of 1948 has been mainly in the extension of vocational training in skilled trades and of education in its widest sense. During this period the institutions have increased both in numbers and variety. They range from prison-type buildings through those of medium security to the entirely open. To match these developments a system of classification, based on some weeks' study by a skilled diagnostic team, has been established in two reception centres at Latchmere House and Wormwood Scrubs.

(4) *Imprisonment*

36. Since over 1,000 young men under 21 are still sentenced to imprisonment every year, it has been necessary to develop a separate system for dealing with them within the prison system. There are at present four prisons, or separate parts of prisons, set aside as young prisoners' centres, to which are sent all boys with sentences of three months or over, so far as accommodation permits. One, at Wakefield, takes those with sentences of over three years who are not too sophisticated criminally. Of those sentenced to three years or less Lewes takes those who, if they were adults, would be placed in or with the Star Class*: Liverpool takes the remainder. Those with sentences of under three months (and in present conditions many with sentences of more than three months) must perforce remain in the unsuitable conditions of the local prisons, as must all girls under 21, since their numbers are so small that no special centre could be provided for them. A section of the open prison at Eastchurch takes boys suitable for open training.

37. The regime in these prison centres has been based on borstal principles so far as is compatible with the security and atmosphere of a prison. It includes industrial training for those with long enough sentences; physical, mental and moral education; and personal attention from the staff, including assistant governors who fill a similar role to that of borstal housemasters.

(5) *The present problem*

38. The system for the treatment of young adult offenders has been subjected to severe strains as a result of the great increase in crime in this age-group. Detention centres are full and courts have been prevented from committing offenders to a detention centre as an alternative to short-term imprisonment because no vacancy can be found. Offenders sentenced to borstal training have frequently had to wait in local prisons for as long as 12 weeks before transfer to a borstal reception centre; and many young prisoners with sentences of three months or more, who are eligible for transfer to a young prisoners' centre, have had to serve the whole of their sentence in a local prison. To meet this situation four prisons have been converted into borstals during the last 12 months, and two more new borstals have been provided by the adaptation of redundant service camps. It is already clear that even on the present level of committals much more borstal accommodation will be needed during 1959, and if the level of committals increases as much as it did in 1958, a critical situation may arise by the year's end. Further, the rise in the birth-rate, which began during the war, is now beginning to affect the 16-21 age-group, and there is therefore every likelihood that the number of young offenders committed to prisons, borstals and detention centres will continue to increase.

(6) *The Prison Commissioners' proposals*

39. Against this background it was thought desirable to institute a review of the existing methods of custodial treatment for young offenders, and certain proposals made by the Prison Commissioners have been referred by the Secretary of State to the Advisory Council on the Treatment of Offenders for their advice.

40. The first part of these proposals looks to the early implementation of the intention of section 17 of the Criminal Justice Act, 1948 (see paragraph 29 above). Far too many young people are still sent to prison for very short periods which must for the most part be spent in local prisons, where the conditions make it impossible to organise a form of training for young

* See footnote to paragraph 48.

offenders which is both corrective and exacting. In 1957 about 1,000 boys and 100 girls received sentences of six months or less. In view of the encouraging results of the detention centres, and the manifest desire of many courts to be able to use this form of treatment, it is proposed to accelerate the provision of more centres so that as soon as possible all sentences of six months or less may be of detention and not of imprisonment.

41. The second part of the proposals is more novel and far-reaching. It seeks in effect, for sentences of over six months and under three years, to integrate borstal and imprisonment into a single system. To this end it proposes to provide a single indeterminate sentence of custodial training, with a maximum of two years, within which the offender may be released at any time after a minimum of six months on the same principles as now govern release from a borstal sentence, i.e., individual consideration based on response to training and prospects of rehabilitation after release. Those released would, as now, be subject to a period of statutory supervision and after-care. For serious offences which merit a sentence of more than two years, it would be open to the courts to pass determinate sentences of three years (i.e., with remission, two years) and upwards.

42. These proposals are based on several considerations.

First, since experience with young prisoners' centres has shown that it is possible to provide constructive treatment for young offenders in prisons as well as in borstals, two separate forms of treatment are no longer needed. Nor does their existence add to the deterrent effect on young offenders. Most young people prefer a prison sentence because it is likely to be much shorter than a borstal sentence, and they know when they will get out. It is probable that the knowledge that any sentence above six months will be an indeterminate two-year sentence would have a more generally deterrent effect than the present arrangements.

Second, it is rarely possible, before trial, for either the administration or the courts to know enough about young offenders to judge rightly what period of training they need, or whether they will respond better to conditions of strict control such as prevail in prisons, or to one of the various types of control and training in the different kinds of borstal. So a certain number of young persons are sent to prison who would benefit from a longer period of borstal training, and a certain number to borstal whose needs would be better met by the stricter régime of a prison. Under the single sentence proposal, each individual would after conviction be carefully studied at a reception centre and allocated to that one of the wide range of institutions and régimes best suited to his individual needs, and the date of his release would be governed by an equally careful personal assessment.

Third, it would be possible for the administration to make much more economical and advantageous use of the range of establishments available, and to transfer boys freely from one to another as their response to training required.

43. Proposals on these lines have been considered by the Advisory Council on the Treatment of Offenders, which has given them its general approval, subject to further examination of certain matters, and, in particular, of the question whether provision ought to be made for a different form of punishment for young offenders who commit further offences after serving one indeterminate sentence of between six months and two years. The desirability of introducing legislation to implement these proposals will be considered in the light of the Council's final report.

The Treatment of Adult Offenders

The task of the prisons

44. The constructive function of our prisons is to prevent the largest possible number of those committed to their care from offending again. Since the report of the Gladstone Committee in 1895, it has been accepted that this end will not be reached by a régime designed simply to deter through fear. The object should be, in the words of that Committee, "to send the prisoners out 'better men and women, physically and morally, than when they came in'". For a generation past our prisons have sought increasingly to give practical effect to this concept of the function of imprisonment, which was specifically endorsed by Parliament in Rule 6 of the Prison Rules made under the Criminal Justice Act, 1948, which runs as follows:—

"6. The purposes of training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge, and to fit them to do so."

45. In the past ten years much progress has been achieved in the development of the prison system in face of the serious difficulties caused by a rising population and consequent overcrowding, shortage of staff, shortage of work for prisoners, and shortage of money for necessary capital expenditure. The size of the service has increased from 40 establishments in 1946 to 73 in 1958. An extensive system of open prisons has been developed. Two new forms of treatment have been introduced for persistent offenders—corrective training and preventive detention. The basis of classification has been radically changed, and new types of prison with diversified functions have been developed to meet a variety of training needs.

46. Methods of training have been progressively extended and improved, notably in the application of psychiatry and psychology, in the development of skilled industrial training, in getting prisoners out of their cells into associated activities, in the establishment in all prisons of evening education institutes staffed by local education authority teachers, and in preparation for release through pre-release courses. The whole machinery of after-care has also been completely reorganised, and its local application entrusted in general to the probation service. These and other developments were summarised in the Annual Report of the Prison Commissioners for 1955, and the story is brought up to date in their Reports for 1956 and 1957. It is not therefore necessary to deal with them in detail in this Paper.

47. Although steady progress has been made on these lines, the question may legitimately be asked: how far are the prisons effective in their declared purpose? The answer to this cannot, and could not in the present state of knowledge, be given on any scientific basis. It is possible to say that such and such a percentage have not, over a given period of exposure to risk, returned to prison. But it is not possible to say whether that result is because of their treatment in prison, or in spite of it, or whether it would have been the same if they had never come to prison. The following figures of reconvictions should be read in the light of this qualification.

48. One test at least of the results of a prison system is its effect on those subjected to it for the first time. Statistics published in the Annual Report of the Prison Commissioners for 1957 show that some 87 per cent of men and 89 per cent of women of the Star Class* discharged from all prisons during 1953 and 1954 had not returned to prison under sentence

* Prisoners aged 21 years and over who have not previously been in prison on conviction or, if they have, are not thought likely to have a bad influence on others.

by the end of 1957, i.e. after a period of at least three years' exposure to risk. These figures, encouraging though they may appear, underline the crux of the prison problem, that is, the treatment of those who do come back, and especially the hard core of persistent recidivists. The proportion of prisoners received each year with six or more previous proved offences has slowly increased over the last five years.

49. It is not possible to give for prisoners of the Ordinary (recidivist) class reconviction figures on the same comprehensive basis as are given above for Stars. Figures are, however, published by the Prison Commissioners for discharges of this class from certain specialised prisons. These suggest that some 66 per cent of men discharged from central prisons had not returned to prison within three years; for closed regional prisons the percentage is 74 and for regional prisons of minimum or medium security it is much higher. These results, again, are not discouraging in themselves. But the great majority of prisoners of the Ordinary class must, in present conditions, serve their sentences in the local prisons where they cannot receive the training available in the specialised prisons.

50. A second question, which is very pertinent at a time when crime is increasing, is whether these more humane and constructive methods of treatment may have been applied at the expense of the deterrent effect of imprisonment. So far as concerns general deterrence, that is, the effect of the fear of prison on all who may be minded to commit offences, it is not possible to distinguish fear of imprisonment as a particular form of punishment from fear of the total action of the penal system. There is at least no evidence that fear of imprisonment in itself has any less effect than it may have had in the past on those who have not yet been in prison. As for those who have already served a first sentence, it must again be noted that the great majority do not in fact return to prison. For those who do return, there is no reason to believe that an increasingly repressive regime would have a better effect. The deterrent effect of imprisonment must finally lie in the loss of personal liberty and all that this involves under any kind of regime, and that effect is not reinforced if the period of loss of liberty is used in a merely repressive and punitive way. This was the conclusion reached by the Gladstone Committee, after long experience of a system firmly based on punitive deterrence, and nothing in the experience of the last sixty years has pointed to a different conclusion.

51. The problems of recidivism must be approached in other ways. We must through continued research learn more of its causes. Through more precise methods of classification and continual search for improved techniques we must seek to reduce recidivism by more effective personal training. We must recruit staff of the right quality and train them to understand and apply these new methods. And we must have enough suitable buildings in which to do these things.

The state of the local prisons

52. In spite of the development of specialised prisons and of an extensive open prison system, the great majority of men sentenced to imprisonment who are not serving a first sentence have to serve their sentences in the general local prisons—the former county gaols—in grossly overcrowded conditions and without adequate facilities for work or training.

53. Of some 15,000 men now serving sentences of imprisonment, only about 4,000 (of whom over 3,000 are serving first sentences) are in central or regional or open prisons. The remainder are in the local prisons. These include Ordinary prisoners with sentences of less than five years for whom

there is no room in Dartmoor, the only central prison available for this class of prisoner. Even men with sentences of five years or more may wait 20 months to go to Dartmoor, and the pressure on all forms of accommodation is so intense that many other categories, young and old, have to wait far too long in local prisons before they reach the prison to which they are allocated.

54. These local prisons, holding more prisoners than they have ever held before, now have to house some 6,000 men sleeping three in a single cell. Moreover, they are in themselves quite unfitted to modern conceptions of penal treatment, built as they were 100 years or more ago to serve the purposes of solitary confinement, treadmill hard labour and brutal repression. They stand as a monumental denial of the principles to which we are committed.

55. The difficulties of the local prisons are accentuated by the fact that they house not only men and—in a few prisons—women sentenced to imprisonment, but many other classes of prisoner. There are both adult and young prisoners awaiting trial or on remand; men imprisoned for failure to pay their debts or to maintain their wives; young prisoners with sentences of less than three months; borstal inmates awaiting transfer to a borstal reception centre; and preventive detention prisoners and corrective trainees awaiting transfer to central and training prisons. The service of the courts and the continued changes in the population, with all the work which this involves for the staff, and the need to segregate different classes of prisoner make it very difficult to give any form of positive training.

56. Apart from the gross overcrowding* of this very mixed population in unsuitable buildings, another serious disadvantage from which these local prisons suffer is shortage of work, which is fully discussed in paragraph 66. Nothing is more demoralising than idleness in an overcrowded prison.

The future of the local prison

57. The essence of the problem is that the local prisons have to perform too many specialist functions for which they are not adequately equipped, of which the most important are the examination of untried prisoners, the classification of the convicted and the training of offenders serving substantial sentences of imprisonment.

58. The examination of untried prisoners and the preparation of reports for the information of the courts requires specialist staff and suitable conditions for observation. It should be performed in establishments designed for the purpose and staffed by experts in the various diagnostic methods. The same is true of the classification of convicted offenders and their allocation to the type of prison which will best suit their training needs. Consideration has been given to the development of a system of classification based not merely on objective criteria, such as the length of the offender's sentence and his penal record, but also on a study of the offender's personality. Such a system, however, cannot be fully developed until suitable establishments are available.

59. It will be necessary to build a number of observation and classification centres for these purposes, which will be adjacent to the remand centres to be set up for young persons (paragraph 30), and will use the same diagnostic staff. When these are available, observation and classification will no longer be among the functions of the local prison.

* There is no overcrowding in the women's prisons; indeed these in general are not nearly full. Nor is there shortage of work.

60. A more refined system of classification and allocation would be of no value without suitable establishments in which prisoners, particularly recidivists with medium-length sentences, can be given the type of training which they require and which cannot be adequately provided in the local prisons. To meet this need it will be necessary to build a number of additional training prisons.

61. It would then be possible to reduce the population of the local prisons so as to allow one or more of them at a time to be emptied for reconstruction. Most of these buildings could then be turned into prisons which, while falling short of the ideal, would at least be reasonably well adapted to requirements, on the assumption that long sentences were no longer served there. The cells could be modernised, with larger windows such as are provided in the new prisons under construction. Ranges of classrooms for education and suitable rooms for dining and recreation could be provided. Workshop accommodation could be improved. Sanitation could be modernised, and modern facilities for family visits provided. This would be a long-term programme spread over many years, but very well worth while. Proposals for a building programme are developed in Chapter IV below.

62. The local prisons would then be in a position to do what they ought to be doing now—to provide an effective training programme for prisoners with shorter sentences. It should no longer be necessary to say that even a sentence of six months or less can have no constructive value. The Prison Commissioners have for some time been experimenting with "induction units", which allow the newly received prisoner to be kept apart for two or three weeks from the main prison while knowledge of him is gained and his classification considered. In this way, too, he learns about his future and what prison will mean to him before he joins the main body; and he is also given the feeling that the staff take an interest in him as an individual. Although in present conditions this idea cannot be generally adopted, there is no doubt that an "induction unit" should be a feature of the local prison of the future.

63. The remainder of the prison could then be organised in separate wings providing for differing training categories. Prisoners might be divided according to the length of their sentence, or they might progress from one category to another, or both systems might be combined. In one large London prison, a separate wing has for some time been set aside for selected men who have reached a certain stage of their sentence. Here supervision is more informal, an excellent relationship has been established between staff and prisoners, and the training value is thought to be high. In the largest prisons, some of which now hold over 1,000 prisoners, it may well be that reconstruction should include some form of sub-division into units of a more manageable size.

64. A local prison so reorganised, with an adequate staff and enough work of suitable quality, would no longer be a place where a prisoner must be left because there is nowhere else to send him, but a training unit to which he is allocated because that is the right place for him.

Work

65. Offenders do not come to prison because they have failed as workmen, and the task of the prison is to train the whole man; a prison is not therefore, and should not be, first and foremost a factory. Nevertheless a prisoner's work must always be in some ways the basis of his training. It

fills the greater part of his day, and his response to it and to the conditions in which he has to do it may well affect his response to other forms of training. It should therefore be obviously purposeful, efficiently organised, and carried out so far as possible in conditions similar to those in outside workshops. It should at least enable him to acquire habits of regular and orderly industry, and at best give him a trade skill which he can use when he goes out. Above all, there should be enough of it to keep him busy for full working day, week in and week out.

66. In the central and regional training prisons these ideals have been largely fulfilled, but in the local prisons the situation has long been bad and is deteriorating. There are not enough workshops; the working hours are too short; there is not enough work to fill even those hours efficiently; and too much of the work is of low industrial quality. Work such as the making and repairing of mailbags, which is not unsuitable for some prisoners when done on machines, has had to be done by hand while the machines stand idle, in order to make the limited orders for work last. There are, however, no prisoners for whom employment in this limited sense is not found; and all the work, whatever its quality, is useful at least in the sense that it is necessary. But great efforts have been needed to achieve this result; and there is much to be done to bring about an improvement.

67. It will be necessary to build many more workshops in the local prisons to provide both for the increased population and for a better class of industry. Increasingly, as the training purpose of local prisons is emphasised, more work of real industrial training value will be needed. Simple work of low industrial value will still be necessary for those with very short sentences and those who are physically or mentally handicapped; but there must be enough of this to fill a good working day at a reasonable industrial tempo and by methods that are not obviously inefficient.

68. Contracts for Government Departments are the main source of work in prisons, apart from the manufacture of equipment for prisons and borstals, their domestic services, and the maintenance of their buildings and grounds. The revision of the defence programme has greatly reduced the volume of orders placed with the Prison Commission and other priority suppliers, and new arrangements have recently been made for regular consultation between purchasing departments and the priority suppliers, with a view to increasing the variety and quantity of orders from Government Departments. The problem is not a new one. Over a hundred years ago Elizabeth Fry said: "The benefit which society derives from the employment of criminals greatly outweighs the inconvenience which can possibly arise to the mass of our labouring population from the small proportion of work done in the prisons . . . it should be a regular thing, undertaken by Government, considering that there are so many to provide for; there is the Army and the Navy and so many things required for them".

69. With the co-operation of employers' organisations and the Trade Union Congress, a drive has been made to extend what is the normal system on the Continent—the use of prison labour on contracts from outside industries. Work for some 1,300 men has so far been found in this way. At one time some 1,000 men were also employed outside the prisons on various useful projects of public value, such as agriculture, land drainage, highway works and forestry. Unhappily in recent years this form of work, though of great social value both to the prisoners and to the community, has dwindled to small proportions, in part on account of difficulties felt by certain of the Trade Unions concerned, and, more recently, owing to growing unemployment in some areas. The Prison Commissioners will make every effort to

obtain more work from outside employers, to be done both inside and outside prisons. In all these matters they are now assisted by the appointment of an experienced industrialist, in a voluntary capacity, as Industrial Adviser.

70. They will also continue to develop vocational training courses in skilled trades designed to enable the trainees to take the examinations of the City and Guilds of London and other recognised examining bodies. At a recent date there were in the various prisons 73 classes covering 25 different trades. The standard of training was such that in a year over 350 men were able to enter the external examinations, with over 70 per cent passes and 30 distinctions or credits. The introduction of more such trades in the central and training prisons will allow trades of secondary training value to pass to the local prisons.

71. The solution of the problems of work in prisons does not rest with the administration alone. Indeed, they will never be solved until society as a whole accepts that prisons do not work in an economic vacuum, and that prisoners are members of the working community, temporarily segregated, and not economic outcasts.

Earnings

72. The acceptance of this view would entail some reassessment of the principles affecting the payment of prisoners for the work they do. In this country, before the war, the system had been adopted of making payments, known as "earnings", which though trifling in themselves were found to serve as a substantial incentive to prisoners to work faster and better. This system, with minor adjustments, has continued to the present time with occasional increases in the average level, which is now about 2s. 8d. a week. It not only provides an incentive to effort, but also allows the prisoner to have something to spend which he has earned, and to think about how he shall spend it. This has a training value in more than one way. It does, for example, allow the prisoner the opportunity, rare in a prison, to do something unselfish for somebody else. It is remarkable how much of these small sums is spent in the canteens on Christmas and birthday cards, or on chocolates for the children when they visit.

73. Nevertheless, a system under which a week's hard work by a good workman may not earn him the price of a packet of cigarettes is hardly consistent with the view of the prisoner as an ordinary member of the working community; for this reason, it has often been suggested that a prisoner should be paid "the economic rate for the job". This means that he should receive wages on the same basis as workers outside, and out of them should pay for his keep in prison, maintain his dependents, keep up his social insurance contributions, save a fixed proportion for use on release, and retain the balance for personal spending in prison. In favour of this scheme it can be argued that it would make for greater self-respect and self-responsibility, for greater interest and industry at work, and for a stronger position on release. It ought also to make it easier for prison industry to be accepted as a normal part of the national economy, since prisoners would then be employed in conditions similar to those of free industry.

74. This proposal is at present under consideration by the United Nations, and it is clear that, apart from the many practical and economic difficulties, there are important questions of principle involved. For example, would such a system really contribute to a prisoner's training by encouraging responsibility and the faculty of choice, since he would have little real control over the disposal of his earnings? And what would be the moral basis of such a system if it were not linked with changes in the law which

would enable prisoners also to be required to make restitution from their earnings to the victims of their offences (paragraph 25)? It is significant that in spite of the recommendations of international congresses no country yet appears to have made any significant progress towards this end, and the report of the United Nations enquiry will be awaited with interest. But whatever conclusions may be reached on the conflicting arguments of principle, it seems clear that this conception of the "economic rate" cannot provide a general solution of the prison earnings problems until the general level of productivity and efficiency of prison industry approximates much more closely to that of outside industry. Meanwhile there may well be scope for interesting experiments on a limited scale in this direction: among these the scheme now being developed (paragraph 80) under which prisoners in the last six to nine months of long sentences go to work in outside industry at normal wages, which are disposed of precisely as proposed under the "economic rate" plan, conforms with the general principles of this plan.

Psychiatric and psychological services

75. Whether it be for diagnostic work for the information of the courts and for purposes of classification, or for the mental care and treatment of inmates under sentence, a modern prison service requires an adequate and specialised service of doctors with psychiatric experience, psychologists, and such other qualified persons as go to make a psychotherapeutic team. During the period since the war it has been possible to make much progress in these directions. Three psychiatric clinics, with a qualified medical staff, visiting psychotherapists, and psychiatric social workers have been set up for men and women at Wormwood Scrubs, Wakefield, and Holloway. To these are transferred any inmates who in the opinion of the Medical Officer would benefit by psychiatric treatment. At Wormwood Scrubs the method of group-therapy is fully employed, including the technique of psychodrama. Where necessary patients are sent for treatment to outside psychiatric hospitals. For cases in which, owing to shortness of sentence or otherwise, psychotherapy cannot be undertaken in prison, arrangements have been made for Regional Hospital Board consultants to see the inmates with a view to treatment after release. There is also a complete psychological service. Psychologists are employed in the three centres where the examination and classification of borstal inmates and persistent offenders are carried out; at the more important local prisons, where they assist governors and medical officers in making reports to the courts; at Wormwood Scrubs, Wakefield and Holloway where they assist in the psychotherapeutic work and otherwise; and generally in all establishments in which they are employed they may be called on to advise on the treatment of troublesome inmates or in other ways for which their qualifications fit them.

76. Much more remains to be done, and for this the requisites are, as in other fields, more buildings and more staff. Work will be starting shortly on a psychiatric prison hospital, at Grendon Underwood, Bucks. When this is ready, the major psychotherapy now carried out at the three clinics will be concentrated in one place where, in proper conditions, it can be extended in scope and deepened in value. But the value of psychiatry is not limited to the treatment of those abnormal states of mind which require the kind of psychotherapy that will be given in the new establishment. A psychiatrically experienced doctor can do much to help disturbed prisoners not only to adjust themselves to prison life but also to change their general attitudes so that they make a better adjustment in society after release. This kind of help ought to be available in most of the larger prisons at all times. What now stands in the way is first, the shortage of otherwise qualified candidates

for the prison medical service who have psychiatric qualifications and experience, and this again is to some extent a reflection of the general shortage of qualified psychiatrists: second, the fact that the greater part of the time of the medical officers in local prisons must now be spent on work for the courts. When the proposed remand and observation centres are established, the medical officers in the ordinary prisons may hope to be free to devote much more of their time to the mental care of those prisoners whom they can help. The present psychiatric clinics will continue their work with a different emphasis, and that kind of work will extend to other large prisons. The psychologists will also be free to devote a much greater part of their skill to a constructive part in the general pattern of training. It is to be hoped that when these developments are complete the prison medical service will be seen to offer a field of work much more attractive to the well-qualified psychiatrist than at present.

Preventive Detention

77. Any review of the methods of dealing with recidivism must include preventive detention for persistent offenders in the new form introduced by the Criminal Justice Act, 1948. It is too soon to say whether this is achieving the results that Parliament had in mind when they were established. Research is already being conducted by the Research Unit into the use of preventive detention, which it is hoped will throw considerable light both on the use made by the courts of this form of treatment and on the results which it has achieved. When the research has been completed it will be necessary to give very careful consideration to the whole concept of preventive detention and, should it be felt right to maintain it, to the detailed provisions under which it is carried out. It has been suggested, for example, that more people who are still relatively young have been sentenced to preventive detention than was originally contemplated; and that others, though they have long criminal records, have not been guilty of offences of the more serious kind. Should research show these suggestions to be well-founded, it may be necessary to reconsider both the age at which a prisoner should become liable to preventive detention and the criminal record which should justify his being sentenced to undergo it.

78. Apart from this, it will be necessary to review, in the light of experience, certain features of the preventive detention régime which were introduced on its inception in 1949 in an attempt to meet the special problems presented by this form of sentence. These turn mainly on the form of the stage system, particularly the arrangements for entry to the third stage, which enable prisoners specially selected by an independent Advisory Board to be released after they have served two-thirds of their sentence instead of the normal five-sixths.

Discharge and after-care

79. It has been said with truth that it is easy to imprison a man; the difficult thing is to release him. Especial attention must therefore be devoted first to preparing prisoners for release, and then to ensuring that the difficult transition from closed institutional life to free life in society is eased and guided. For many men and women the effort spent in prison will be wasted unless they can receive this help.

80. Especially for those who have served long sentences behind the walls of closed prisons, the sudden step to freedom may be dangerous unless the effects of institutional life can be tapered off, and preparation given for the many problems to be faced on release. So at all prisons pre-release courses

are held, at which experts from outside come to hold an open forum with prisoners nearing their release on all the domestic, social and industrial problems with which they will be faced. For men and women with long sentences arrangements are being made to develop the system which already exists for preventive detainees by which specially selected men are allowed to work in civilian jobs outside the prison walls during the last months of their sentence. Eight hostels are being established at or in connection with prisons in towns where the employment situation is hopeful. Here they will live, during the last six months or so of the sentence, as much as possible like free men, working in the town and drawing their wages like ordinary workmen. They will pay for their board and lodging, maintain their families, and save towards their release. It may be hoped that experience will lead to a wider extension of this interesting experiment.

81. For some years release on parole has been extensively used in a variety of ways, including the system of home leave, which forms an important aspect of pre-release training. Many categories of prisoners, with sentences of two years and over, are eligible towards the end of their sentences for five days leave to enable them to make family adjustments, see prospective employers, and meet their future after-care supervisor. This system, which has proved most successful and advantageous, will be gradually extended as experience suggests.

82. In 1951 a joint committee of the National Association of Discharged Prisoners' Aid Societies and the Prison Commissioners, under the chairmanship of Sir Alexander Maxwell, recommended that, in view of the material benefits available to prisoners through the welfare services of the State, Aid Societies should reduce the emphasis they had traditionally placed on immediate material aid and develop and deepen their interest in meeting the individual needs of selected prisoners not subject to statutory after-care. To assist the societies, the Committee proposed that well-qualified Prison Welfare Officers should be appointed at local prisons as employees of the National Association of Discharged Prisoners Aid Societies. At the present time eight of these new Prison Welfare Officers have been appointed at five prisons, and it is hoped that their services will be extended to all local prisons as soon as possible. With their co-operation, the local Aid Societies must be encouraged to seek new ways to deepen and widen their new task of assisting the social rehabilitation of those who need and can profit by this help.

83. The Criminal Justice Act, 1948, extended to several categories of persons discharged from custody provision for statutory after-care, based on conditional release to the care of an approved society. To meet these obligations the Central After-Care Association was created to act as the approved society for all the purposes of the Act. At the same time provision was made for the field-work of statutory after-care to be undertaken by the only nation-wide network of qualified social case-workers available to do it—the probation service.

84. There has been considerable development in the range of both voluntary and statutory after-care and it was recently thought desirable to review the results and to consider whether further changes or extensions of the present system were desirable. The Advisory Council on the Treatment of Offenders were asked to consider the general question of compulsory after-care for prisoners on their release, and, if they decided that it was an advantage that there should be such after-care, to advise on the categories of prisoners to which it should be applied, and the sanctions by which it should be enforced. The Council's report has now been published.* They

* The After-Care and Supervision of Discharged Prisoners (H.M. Stationery Office, 2s. 6d.)

agree with the overwhelming weight of opinion before them that for certain prisoners compulsory after-care is a necessary complement to prison training. They feel that the disadvantage of its alienating those prisoners who would resent any form of compulsion on release is out-weighted by the benefit derived by those who need it but do not accept it voluntarily. They have accordingly recommended its extension, as resources allow, to a number of categories to which it does not at present apply. They make also a number of practical recommendations about the methods of its operation, the period for which it should continue, and the means by which it should be enforced. These recommendations are being sympathetically studied.

IV.—THE BUILDING PROGRAMME

85. The Prison Commissioners are faced with a building programme of formidable dimensions and great urgency. The need for it derives from two separate causes.

86. In the first place, as has been shown, the existing buildings do not provide enough room for those who are now being sent for training. Even if there were removed from the local prisons all the untried prisoners and the 2,000 men, now unsuitably housed there, who are serving sentences of over three years, on the present level of committals 1,500 men would still have to sleep three in a cell. This fact illustrates a degree of overcrowding which cannot be tolerated and which makes effective classification and training quite impracticable.

87. Secondly, training is also gravely hampered by the physical condition of many of the existing buildings and the lack of the specialist facilities which modern techniques require. To have to work in prisons which are virtually unchanged since they were built in the nineteenth century or earlier, when the whole emphasis was on security and deterrence, does not invite from either the staff or the prisoners the response to modern methods of constructive training which is necessary if they are to succeed. It is no more possible to train prisoners in these obsolete conditions than it would be to provide a twentieth century system of education in antiquated schools or to carry out modern hospital treatment in the unimproved buildings of the pre-Victorian era. Nor can we hope to attract the sort of staff we need if their living and working conditions are below a normal modern standard, and if they lack the accommodation and amenities which a good employer now regards it as his duty to provide. A building programme planned in relation to modern requirements is therefore a pre-requisite of progress.

88. The first need is for remand and observation centres (see paragraphs 30 and 58-59). At least seven centres of this kind are necessary.

89. Second, in order to implement the policy for the treatment of young offenders which is outlined in Part III, more detention centres and more training establishments are required. Six detention centres (four of them completed) are in the present programme. Another six must be built. An additional borstal reception centre for 350 boys, three secure borstals, each for some 200 boys, a secure borstal for 96 girls, and four open borstals for boys are in progress or planned; such additional borstals, open and closed, as the needs disclose will have to be provided.

90. The prison programme is even greater. The special problem of the local prisons has already been discussed. The present programme includes two secure prisons, each for 300 men, and a psychiatric prison hospital. One

prison—at Everthorpe—has been completed, but has had to be appropriated temporarily for borstal boys. Additional security prisons will be required for at least 1,800 men serving long sentences.

91. Three special projects will also have to be considered in the next few years. The first is a modern prison, or prisons, for women to take the place of the unsuitable early-Victorian building at Holloway: this was already planned in 1938, but had to be abandoned after the war. The second is an establishment in which it will be possible to provide, within the framework of a high degree of security, a suitable regime for dangerous prisoners serving very long sentences. The third is the complete reconstruction of Dartmoor, which is approaching the end of its serviceable life.

92. No summary of the building programme would be complete without a reference to housing. If the prison service is to attract recruits, and if officers are to do their work satisfactorily, their families must be properly housed. Since the war 2,550 new houses have been built and 650 modernised. The present programme includes 1,000 new houses and the modernisation of 625 others. And there will still be a programme of about 2,000 houses, including quarters for future new establishments and the replacement of certain prefabricated temporary quarters.

93. In summary, it is clear that a programme of new buildings to meet even the present and known needs of the service should include, over and above the programme already planned as shown at A below, at least the requirements shown at B below.

A. *Present Programme*

- 2 security prisons each for 300 men (one completed).
- 1 psychiatric prison hospital.
- 1 remand and observation centre.
- 3 secure borstals each for up to 200 boys.
- 1 secure borstal for 96 girls.
- 4 open borstals for boys.
- 1 borstal reception centre for 350 boys.
- 6 detention centres for boys (four completed).
- 1,000 new houses and modernisation of 625 houses.

B. *Future Programme*

- Security prisons sufficient to accommodate at least 1,800 men serving long sentences.
- A security prison for dangerous prisoners serving long sentences.
- Accommodation for women in place of Holloway.
- Remand and observation centres sufficient to accommodate all untried prisoners and such convicted prisoners as require observation before being classified.
- 6 detention centres.
- Such additional borstals, open and closed, as the needs disclose.
- A programme of reconstruction for the local prisons.
- Reconstruction of Dartmoor prison.
- 2,000 new houses.

94. All this will cost a great deal of money and will take some time. But the urgency is accepted and the work will be done as resources become available. Even if the programme was complete today there would still be over 1,500 men sleeping three in a cell in local prisons; and until it is complete other steps must be taken to find more room to relieve congestion and improve classification and training. There is only one way of doing it—by increasing the numbers placed in open prisons, which can be more quickly and cheaply obtained. There is no doubt that open prisons have great advantages. They are extremely economical both to acquire and adapt, and require less staff than closed prisons: they are also a most effective instrument of training. The English prison service has since the war gained an extensive experience of open prisons, but has properly placed the public interest first by exercising great care in the selection of men for this form of treatment. In consequence only a very small proportion of the prison population is in fact being treated in these conditions. It may well be that, without losing sight of the public interest, sheer necessity will compel some relaxation of the strict criteria hitherto in force.

V.—STAFF

95. The aim of the prison service is to develop methods to “fit the prisoners to lead a good and useful life on release”, and to establish an environment in which the prisoners will be likely to co-operate willingly in their training, with the feeling that the purpose is to foster rather than crush their sense of self-respect and self-responsibility. But such ends will finally be attained not by buildings, or rules or even ideals, but by people; what will count more than anything will be the quality of those who are set over the prisoners, and the kind of relationship that exists between prisoners and staff, not least the ordinary prison officers who are in daily and hourly contact with them. Moreover it is even more important to “establish the will” to lead a good and useful life than to fit a man to do so. It is little use training a man to be a good workman if he cannot be made to want to be a good workman. This part of the training, which may be described as the treatment of states of mind, the changing of attitudes, or in many other ways, is again essentially personal work. It involves or may involve every member of the staff, and therefore involves the need for the whole staff to learn to work together for a common end in which every member appreciates not only his own part but that of all the others.

96. Here mention must be made of the increasing development of specialised functions in prisons. What may be called the lay side is broadly based on the prison officers in their various grades, but these too include many specialists with different contributions to make to training, e.g. hospital officers; cooks and bakers; physical education instructors; works officers; trade instructors—though instruction in many of the more skilled trades is in the hands of specially recruited civilian instructors. Above them are the governors, deputy-governors, and assistant governors, while the steward and his executive and clerical staff help everybody by ensuring the smooth working of the prison management. On the more specialised professional and technical side, the influence of religion must still be brought to bear primarily by the chaplains and ministers of religion, though their work may be helped by the general atmosphere in the prison and among its staff. The doctor has an important part to play both as physician and as psychiatrist. The psychologist, the tutor-organiser and the welfare-officer must all be thought of as part of the “training team”. And there are others outside the prison staff proper who may play a valuable part, notably the prison visitors and the visiting teachers.

97. To help towards this team spirit three measures in particular have been taken in recent years. First, the setting up at every establishment of consultative committees on which every section of the staff is represented. Second, an arrangement by which all new members who do not attend one of the normal initial training courses go to the Staff Training School at Wakefield for a two-day induction into the service. Third, an annual course of two weeks for all new assistant-governors and specialists so that each may understand the contribution of the various skills employed in the treatment of prisoners.

98. While the relationship between officers and prisoners has long been on a satisfactory and constructive basis in the open prisons and in training prisons in general, this has not been the case in all prisons. In the local prisons especially, in the difficult conditions earlier described, the tensions resulting from the traditional opposition between prisoners and staff have remained. In 1956 an experiment was started at Norwich prison to see whether by certain changes of routine and method, coupled with a fresh approach by the staff to their relationship with the prisoners, two objects might be attained. First, a relaxation of these tensions, second a feeling among the whole of the staff that each of them had a personal and constructive part to play in the rehabilitation of the prisoners in their charge. With the full co-operation of the staff, these objects were achieved with no loss of fundamental discipline and control, and this system has now been extended to the smaller local prisons and is spreading upwards through the larger.

99. It must be recognised that, especially among recidivist prisoners with long criminal histories, whose attitudes have evidently not been changed by many previous forms of treatment, this approach involves a type of social casework of an exceptionally difficult kind. If this is to be tackled by men who have, in general, no previous qualifications or training in such work, it is necessary to give them, so far as possible, the necessary techniques. Steps have already been taken to provide training in case-work for the assistant-governor grades. New techniques such as group therapy on the medical side and group discussion on the lay side are also being developed. In this connection the research projects now being carried out into the structure and group reactions of the prison community are of great interest and importance. The development of techniques above mentioned must depend on a much more informed appreciation of these fundamental problems of prison management.

100. To sum up, it is not too much to say that the success of the system will, finally, depend on the quality of the staff which will administer it. "A school is a teacher with a building round him, not a building with a teacher inside." To obtain such a staff three things are necessary.

101. In the first place, their pay and other material conditions of service, including their living and working conditions, must be such as are likely to attract and retain in the service men and women of the quality required. The conditions of service of the prison officer and governor grades had not been comprehensively reviewed for over thirty years, and a Departmental Committee was recently set up under the chairmanship of Mr. Justice Wynn-Parry to study these matters. The Committee made valuable suggestions about the qualifications, training and standards of remuneration which in their view will give the Prison and Borstal Service the men it needs. These the Government have, for the most part, accepted. The Committee's report* stresses the special nature of the prison and borstal officer's function, and the difficult conditions under which he has to work. He must combine a high

* Report of the Committee on Remuneration and Conditions of Service of Certain Grades in the Prison Service (Cmnd. 544—H.M. Stationery Office, 2s. 6d.)

degree of intelligence and human understanding with a capacity to maintain strict discipline without impairing the personal relationship with the prisoner which is the basis of all training.

102. Secondly, the Prison Service as a whole, from the Commissioners at the centre to each member of the staff in every establishment, must work together as a team inspired by a common purpose which every officer clearly understands and in the achievement of which he has a real concern.

103. Thirdly, the staff, wherever they serve, must be provided with the buildings, amenities, equipment and training which are necessary to enable them to carry out their difficult task efficiently and with a feeling of personal satisfaction in their work.

VI.—CONCLUSION

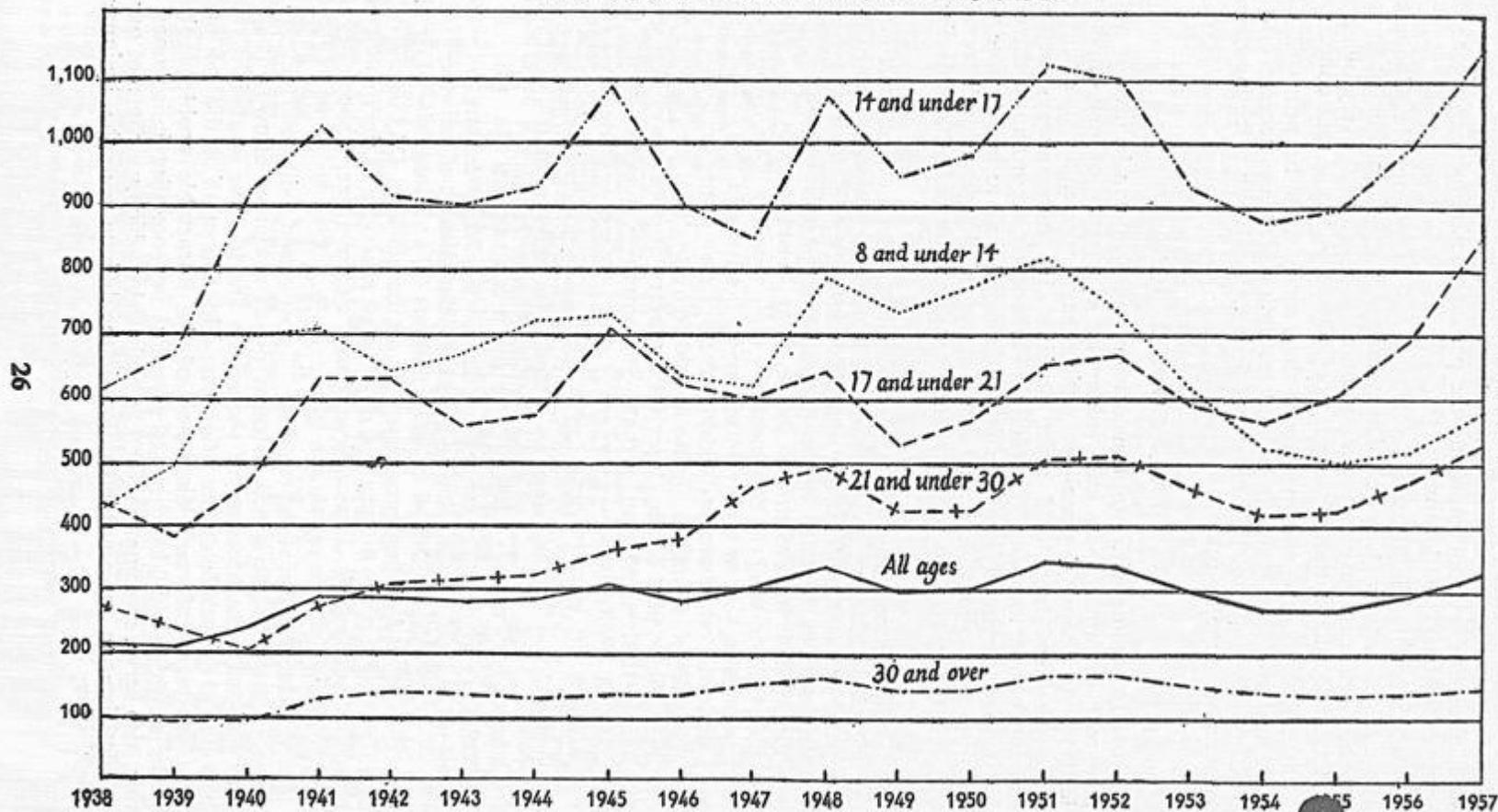
104. In dealing with problems arising out of human behaviour we cannot plan with certainty. New knowledge and experience of new methods may lead us to abandon principles which have seemed well established or techniques that have held great promise. We must always be ready to experiment and to adjust our thinking realistically according to the outcome. But there are many things we can do that are bound to be of value whatever changes come about. It is with these essential things, as well as with new ideas that ought to be urgently and frankly examined, that this Paper has dealt.

105. The Paper indicates the problem with which crime confronts us and the agencies which exist to deal with it. Reference is made to plans for newly conceived research and for the establishment of an Institute of Criminology. The Paper looks forward to the possibility of instituting schemes for compensating the victim and stresses the need for considering his plight. Proposals are made for adjusting the treatment of young offenders, which would introduce as a deterrent a fear of stricter punishment, and would at the same time give to the Prison Commissioners wider discretion than at present exists in dealing with individual offenders. These would require legislation. The proposals made in a later part of the Paper for statutory after-care would also require legislation. Indication is given that such prominent features of the Criminal Justice Act, 1948, as those concerned with preventive detention are under examination. In view of the variety and intricacy of the various proposals early legislation is not contemplated. It is hoped rather that the publication of the Paper will concentrate criticism and comment on the form which any fresh legislation may take.

106. It is made clear in the portions of the Paper dealing with the adult offender that much depends on improved classification of prisoners, of which the provision of more and better buildings is a prerequisite. For the first time a forward building programme is set out in Part IV. Similarly for the first time for 35 years the pay and conditions of service of the prison staff have been reviewed by Mr. Justice Wynn-Parry's Committee, whose recommendations are referred to in paragraph 101.

107. Much of what is required is costly and will take time. But the Government are determined to press on as resources allow with the steps they believe to be necessary if the courts are to have at their disposal the best means of rehabilitating offenders. This Paper, if it did nothing more than stimulate informed discussion of the intractable problems that have to be solved, would have served a useful purpose. But it is hoped that it may also serve, in some measure, as a chart by which we can plot our course in administering our penal institutions in the difficult years that lie immediately ahead of us.

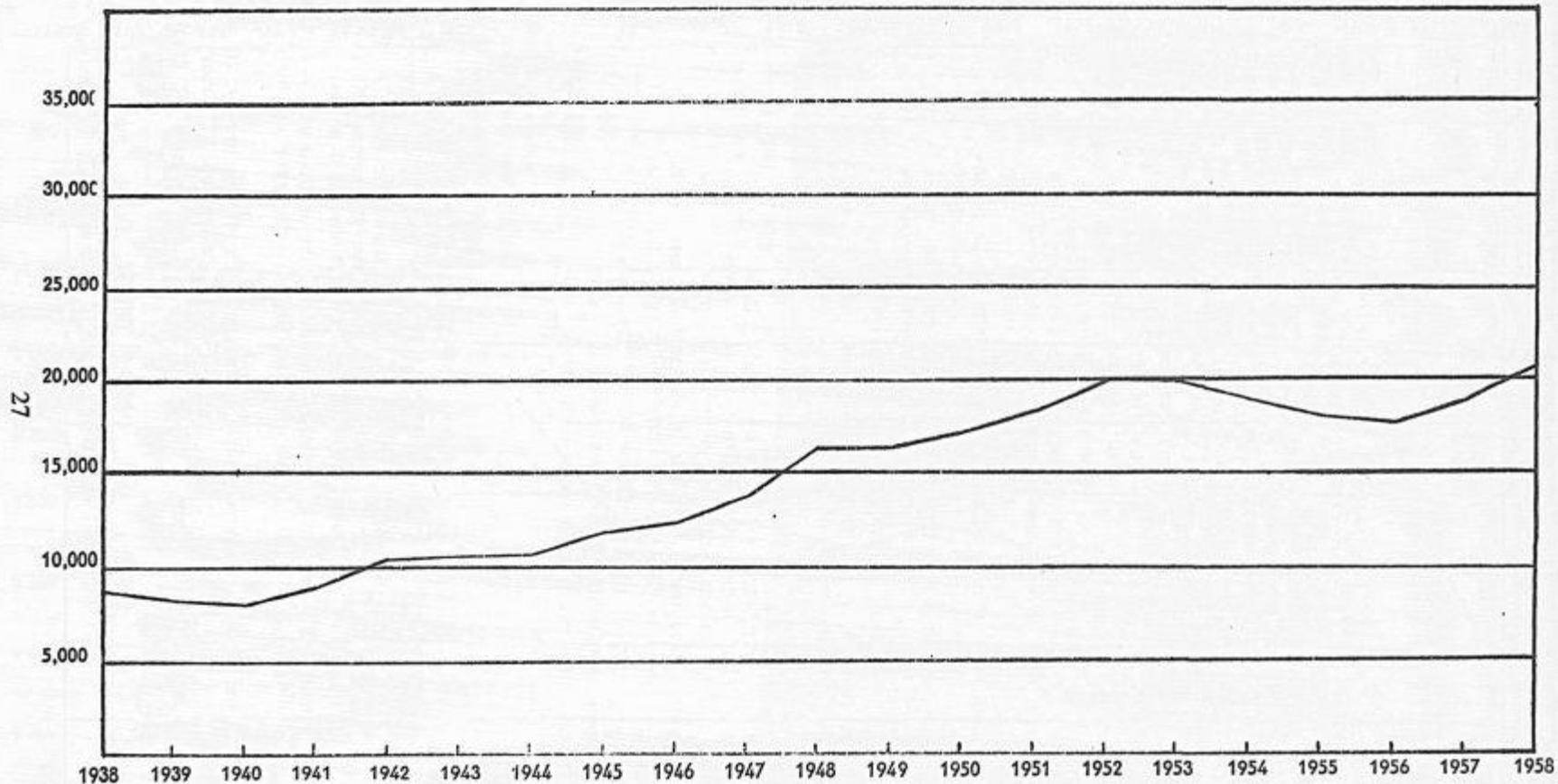
INDICTABLE OFFENCES 1938-1957. NUMBER OF PERSONS IN THE VARIOUS AGE GROUPS FOUND GUILTY PER 100,000 OF POPULATION IN THE AGE GROUP



26

APPENDIX A

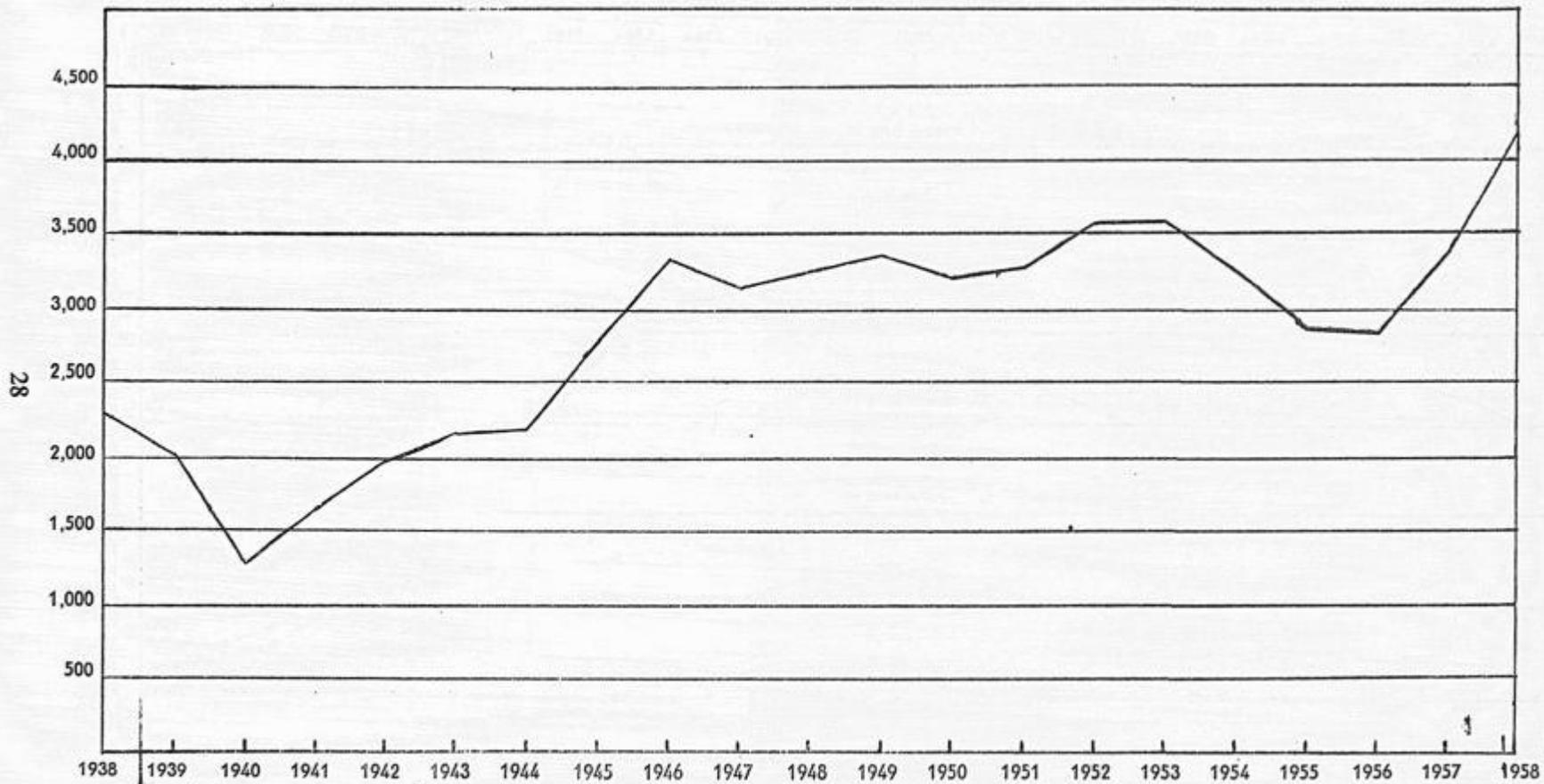
PRISONS 1938-1958 AVERAGE POPULATION



The average population includes all persons detained in prison except those awaiting borstal vacancies.

27

BORSTAL TRAINING 1938-1958 AVERAGE POPULATION



The average population includes persons sentenced to borstal training but temporarily detained in prison awaiting borstal agencies.

APPENDIX B

*Current Research on Crime**A. Projects undertaken by the Research Unit*

(1) Criminological Prediction Studies, developing the technique used in "Prediction Methods in Borstal Training" (Mannheim and Wilkins, 1955).

The records of offenders are analysed with a view to identifying groups of characteristics from which the probability of recidivism can be predicted, and assessing the effectiveness of different methods of treatment of offenders. The eventual object is to provide assistance in deciding the most useful treatment for each offender, but these methods have also been shown to have valuable uses within the prison and borstal systems.

The following prediction studies are being carried out:

- (i) A continuous study of the records of boys sent to borstal, which will be compared with their records after discharge.
 - (ii) A special study of borstal boys with no homes to go to on discharge.
 - (iii) A study of prisoners aged under 21 at Lewes and Stafford prisons (in association with Sir George Benson, M.P., Chairman of the Howard League for Penal Reform).
 - (iv) A study of young men sent to a detention centre (in association with Sir George Benson, M.P.).
 - (v) A study of offenders sentenced to corrective training (in association with Sir George Benson, M.P.).
 - (vi) A study of offenders put on probation.
 - (vii) A sociological and psychological study of offenders serving their first prison sentence compared with those serving their second with the object of predicting recidivism from the factors which differentiate the two groups (in association with the prison psychological service).
 - (viii) A study of preventive detention prisoners considered for release under supervision, with a view to identifying the factors influencing selection and assessing their reliability in indicating success.
 - (ix) A study of the effectiveness of different treatments among a sample of cases dealt with in Scotland.
- (2) A study of a sample of crimes of violence.
 - (3) A study of the after-care of prisoners released from local prisons.
 - (4) A comparison of the records after discharge of corrective trainees, and those young prisoners for whom after-care is compulsory, with the records of prisoners for whom it is not.
 - (5) A study of women's after-care in relation to recidivism.
 - (6) A study of the use of remands by magistrates' courts.
 - (7) A study of the interval of time between committal for trial and sentence at Assizes and Quarter Sessions.
 - (8) A study of the extent to which crime is the work of persistent offenders, and of the sentencing practice of the courts in cases where additional charges are proved at the same time or taken into consideration.
 - (9) A comparison of the characteristics and criminal histories of offenders sentenced to preventive detention with those of others eligible but not so sentenced.
 - (10) An enquiry into the extent to which sexual offenders are persons who have formerly been mental patients.
 - (11) The forecasting of trends in the populations of prisons, borstals and approved schools.
 - (12) Studies of the greater incidence of crime among children born in particular years. (Preliminary paper presented to the British Association for the Advancement of Science, 1958.)

(13) Participation in the National Survey of Child Health and Development, carried out at the Usher Institute, Edinburgh. Records have been kept from birth of about 5,000 children born in the first week of March, 1946. Information about delinquency will be examined in conjunction with records of the background of the children.

(14) A similar study of 270 illegitimate children born in Leicester in 1949 (in association with the Medical Officer of Health).

(15) A study of small sample of illegitimate children born in 1952 (in association with the Church of England Moral Welfare Council).

(16) A study of the number of previous recorded offences of children who come before the Courts.

(17) A study of "problem families" with special reference to delinquency (in association with the London County Council).

B. Research assisted by Government grants.

1. Cambridge University, Department of Criminal Science

(a) A study of crimes of violence in the Metropolitan Police District.

(b) A study of attendance centres and the after-conduct of boys sent to them.

(c) A study of the results of probation in London and Middlesex.

2. Oxford University

(a) A study of the short-term residential treatment of boys, in which treatment in detention centres will be compared with treatment in probation homes and approved schools.

(b) A study of the use made of section 4 of the Criminal Justice Act, 1948, by which mental health treatment may be made a condition of probation.

(c) A study of the treatment of delinquent girls and their later conduct.

3. University College, London

A study of the effect of approved school training on senior girls.

4. London School of Economics

(a) A study of the use of imprisonment by magistrates' courts.

(b) A study of a group of men sentenced to short-term imprisonment.

(c) A study of the use of imprisonment by higher courts.

(d) Research into the social consequences of crime for the offender.

(e) Research into group relations in prison, including relations between staff and prisoners.

(f) A study of the change in attitude induced in offenders by borstal training.

5. Tavistock Institute of Human Relations

A study of the results of the "Norwich experiment" in humanising relations between staff and prisoners, as applied in Bristol prison.

6. Dr. S. Schafer (formerly Professor of Criminology, University of Budapest).

Research on the legal aspects of restitution to the victims of crime.

C. Independent Research (the Home Office is associated with some of these studies).

1. Bristol University

(a) Department of Economics

The Department has participated in the Bristol Social Project which grew out of a concern for juvenile delinquency but was extended to a general survey of social conditions in two housing estates. The Department's report on the project is expected to include material on juvenile delinquency and its social environment.

(b) *Institute of Education*

Development of Social Adjustment Guides as an objective means of assessing the maladjustment of children.

(c) *Department of Psychology*

In a thesis on "Comparison of the Treatment of Juvenile Delinquents in Texas and Great Britain", comparison of matched samples led to the conclusion that treatment in this country is more enlightened and is related to the lower rate of recidivism.

2. *Durham University*(a) *Department of Psychological Medicine*

The Department has the results of psychological tests on children of 11 over a period of 25 years, and plans a follow-up investigation of a sample to ascertain how social achievement varies with social class at different intelligence levels. Delinquency will be one of the factors studied.

(b) *Institute of Education*

An investigation of the incidence of mental illness and delinquency in the different social classes is to be made from a survey of patients admitted to mental hospitals.

3. *Leeds University**Department of Extra-Mural Studies*

A study of the exercise of police discretion with particular reference to the cautioning of juvenile delinquents, to be carried out with the co-operation of the local police authorities and with the aid of Home Office statistics.

4. *Leicester University**School of Social Studies*

(a) A study of community factors in the causation of juvenile delinquency and crime in Leicester.

(b) A study of the group-psychological approach to the treatment of offenders in institutions.

(c) A study of the psychological factors in the institutional treatment of problem children.

5. *London University**Bedford College (Department of Sociology)*

Research on what the social sciences can say about people whose conduct is socially unacceptable, including research into popular hypotheses such as the theory that lack of maternal affection in infancy produces anti-social attitudes, or that problem families beget problem families.

Birkbeck College

(a) An investigation into the psychopathic personality with special reference to the failure to develop a sense of responsibility.

(b) A study of maladjustment in Grammar School boys.

King's College

Extensive research into family law and the legal position of children, delinquent or otherwise.

Institute of Psychiatry, Maudsley Hospital

(a) Statistical evaluation of criminological and other data available at a boys' remand home, as a basis for encouraging the standardisation of record-keeping in institutions, determining significant correlations and possibly constructing a prediction table.

- (b) A study of the attitudes of juvenile delinquents to their court appearance, and of such children and their mothers to Approved Schools.
- (c) A comparison of Approved School boys with maladjusted schoolboys.
- (d) A study of the relationships between sex-offenders and their wives and mothers.
- (e) A review of British research into delinquency over the past seven years.
- (f) A large-scale study of borstal boys to investigate the inter-relationship of psychological, psychiatric and physical factors and their bearing on the prediction of crime.
- (g) The application of personality tests to prisoners, with a view to investigating their use in the prediction of recidivism.
- (h) A follow-up of a previous study of criminal psychopaths. A further study is projected.
- (i) A follow-up study of a sample of wayward adolescent girls from a remand home. In particular, a study of those who were prostitutes.
- (j) A study of clients of prostitutes.
- (k) A study of the previous psychiatric history of the criminal insane.

University College

- (a) The development of criminal culture groups in the displaced, refugee and immigrant communities in England.
- (b) The effect of preventive detention on the recidivist and in particular any tendency to alteration in the form of criminal activity.
- (c) An extensive study of the success or failure of certain types of treatment for young offenders.

6. *Manchester University*

Department of Social Administration

- (a) A study of groupings among boys in North Sea Camp Borstal.
- (b) A historical study of prison reform.
- (c) A study of prison administration.

Department of Psychiatry

A study of the psychological, psychiatric and social aspects of illegitimate pregnancies among girls aged 14 and 18.

Department of Psychology

A study of the effects of alcohol on risk-taking.

Simon Senior Research Fellow

A study of "white-collar crime".

7. *Nottingham University*

- (a) Research on the rehabilitation difficulties of young men discharged from prison.
- (b) An investigation of probation records for evidence of any relationship between paternal illness and juvenile delinquency.

8. *Southampton University*

- (a) A study of problems involved in the psychological examination of persons charged with or convicted of crimes.
- (b) An investigation of the hypothesis that "deprived" children are likely to show aggressive behaviour problems.

9. *Broadmoor*

A comparative study of persons who have committed homicide and are in Broadmoor, and those who are serving sentences of imprisonment.