

# VICTIMS OF CRIME AND THE PRISON

The purpose of this pamphlet is to provide information for those who have been affected by the trauma of crime or conflict. We hope it will provide you with support and practical advice about the hidden world of imprisonment so that you can find out what you may need to know. We hope also that it will help you to find out how you can be heard when decisions are made in the justice system.

## Preface

Although much has been done during the last decade to help victims of crime much more could be done to keep you informed, particularly while the perpetrator of the crime is in prison. While, for example, the initial contact with victims has been improved and your needs are better recognised during the trial, once the offender is in prison you as a victim often have great difficulty finding out what is happening. If we in the Criminal Justice agencies mean what we say about giving the victim due recognition and respect, then we must seek ways to ensure that throughout the process, from pre-trial preparation to arrangements following the offender's release from prison, you are kept fully informed. Perhaps the most constructive way to ensure this is to answer the questions that some victims ask:

- What is the aim of imprisonment?
- What happens during a sentence?
- What determines whether the person who made you a victim goes to prison?
- What is the atmosphere like in prison?
- Who does one find in prison?
- How many prisons are there in England and Wales and what kinds are there?
- Under what conditions can someone be released from prison?
- What say can the victim have in a prisoner's release?

This pamphlet is intended to answer such questions, and a great many more that may occur to you. It is set in the context of trying to repair the harm done by crime. By answering these questions the criminal justice agencies try to positively engage with the victim and enable the restorative process to begin. By placing greater emphasis upon repairing the harm we actually make the punitive purposes of the criminal justice system more effective. Unless you can be engaged in the process (should you want to be), the entire purpose of the criminal justice system is flawed.

## **Imprisonment: What is the aim of imprisonment?**

The sanction of depriving someone of their liberty is designed principally to protect society from those whom the courts consider as dangerous. As with all punishments, it can be argued that the purpose of imprisonment is threefold: first, retribution (a wrong done, requires a proportionate measure of punishment); secondly, deterrence (i.e. it is supposed to deter both the offender and others who might offend); and thirdly, reform (it should help the offender not to re-offend). What this classical justification of punishment does not explicitly address are the needs of the individual who has suffered the harm done by the offender – the needs of you, the victim. The retributive purpose of punishment is almost always expressed in terms of the harm suffered by society generally as a consequence of offending; and the reformative purpose of punishment too often is narrowly focused upon the needs of the offender to the exclusion of due consideration of the needs of the victim.

Furthermore, no complete reform of the offender nor any rehabilitation following his or her release from prison can occur without a restoration of the offender in the community and with the victim. This is not to say that the training prisoners may receive in prison is not useful - help with relationships with their family and assistance in retaining or securing accommodation and a job are also very valuable. In prisons it is often hard to achieve a modicum of purposeful activity of this sort, and even this omits consideration of the victim. The recent introduction of programs, which address very specifically the causes of offending behaviour and victims, is a welcome step in the right direction but even here victims themselves are still omitted from the process.

What we hope will happen through our work with victims and communities is that we will be able to meet your real needs as part of reducing the damage caused by crime and trying to prevent it. This is where 'reparation' is occupying a more central position in the development of prison thinking. Thus imprisonment could have as a primary objective, to repair the damage caused and to restore the troubled relationship between the offender, the victim and society. In this respect, victims occupy a central position with your need for information, recognition and for reparation of a material and a human kind. This requires that the offenders shake off their passive and defensive attitudes; assume an active responsibility towards victims and society; and thereby earn a chance to repair the damage they have done. In this way the relationship between the offender and the community can be restored.

The Prison Service is developing these ideas of community involvement and restorative work and will continue to need support in becoming open to new influences and interests.

## What happens during a sentence?

Essentially imprisonment involves the deprivation of the individual's liberty. What this means in practical terms depends to a large degree upon the type of prison in which they are held and the prison's regime. In some prisons, prisoners spend twenty-two out of twenty four hours in a cell of a few square feet, sometimes alone, sometimes with another prisoner. In other prisons they spend a large part of their time in workshops and in places of association or meeting. These different circumstances define, to a greater or lesser degree, what this loss of liberty means. But whatever the circumstances, all imprisonment involves the individual surrendering a responsibility: doors and gates are opened for the prisoner, meals are made for them and served to them; they cannot just go for a walk, or see a friend – even giving and receiving a kindness in prison is made very difficult. It is difficult to imagine what this loss of responsibility means and how it can inhibit prisoners from taking responsibility for the offences that brought them to prison. Imprisonment can be a very depriving experience with the loss of liberty and the ability to make decisions about small matters such as the daily routine, the places you can go to, the people you can meet, the food you can eat and when you get it and the time you can sleep. This regulation of your life can make people more dependent upon the prison – more childlike, whereas what is often needed to help people grow up and make better decisions when faced with pressure and temptation is an ability to make decisions as independent people leading to them becoming more interdependent with their community.

It is because of this possibility in prisons that regimes are increasingly becoming more sharply focused upon addressing the causes of a prisoner's offending behaviour and planning for their eventual release. The structure for this is 'sentence planning'.

Each prison has a planned approach to the sentence involving prison staff of different disciplines working together to develop prisoners' potential and plan their futures. This plan is to help concentrate on each prisoner and his problems. But they are concerned chiefly – and inevitably – on those prisoners whose freedom is near. At that moment, the reports must be finished. They will serve as a base that will help decide whether the prisoner is ready to leave prison. This planning process comprises the following key elements:

- Assessment of needs
- Purposeful activities to match these needs
- Offending behaviour courses to address specific needs
- Visits to maintain family ties

## **Assessment**

The Prison and Probation Services are developing a joint assessment procedure that will develop a more planned approach towards the use of time. This will look at all the factors that led to the offence and any areas of risk that may have contributed to that behaviour such as heavy drinking, use of drugs and regular gambling.

## **Offending behaviour courses**

There is a fully developed series of accredited courses that the Prison Service runs for prisoners in order that they can focus on aspects of their behaviour that put them into trouble through their offence. These range from courses to help people to think more logically and clearly when making decisions to more specific ones that address offence work such as the Sex Offenders Treatment Program (SOTP)

## **Purposeful activities**

It is important – especially in prisons which house prisoners with long sentences – that the time of detention is occupied in a rational manner and be fixed on the future, on allowing them to work and to gain a skill or some other course. Each prison will work to make opportunities within the limits of time and budget available.

The possibilities of work are always limited in prison. There are some skilled workshops where high quality work can be learned. But often it is a question of unskilled work, such as the cutting and folding of cardboard boxes, sorting of old clothes, laundry and sewing. Some establishments are equipped with a printing press, and other workshops, whilst others offer the chance to do bricklaying, cooking, painting or some similar trade. Those who work generally earn not more than £10 a week.

The offer of learning facilities varies greatly from one prison to another. All prisoners can improve their literacy and numeracy in an attempt to help them develop employability. Some prisoners have the opportunity to choose from language courses, reading courses, current affairs and business studies. Most prisons organise sporting activities. In certain places these are limited to football, basketball or weight lifting. Elsewhere the prisoners can have the use of a gym every day or a sports ground. These activities are included to help prisoners develop a healthy approach to living and occupying time with a purpose, rather than drinking and gambling.

Many prisons have cultural activities such as drama productions or musical evenings. All prisons enable prisoners to maintain or develop their faith through worship and learning during their sentence.

## **Visits**

In recent years, increasing attention has been paid to the relationship of the prisoners with their families. These relationships form

the basis of an offender's successful resettlement back into society. Therefore in many prisons special places and visiting hours have been arranged for family visits. Usually visits take place at a table in a visiting room. Sometimes a prisoner has to have the visit behind a grill, or glass, because of security needs if there has been a history of drugs being brought in to the prison.

## **What determines whether the person who made you a victim goes to prison?**

Far from all those who commit crime go to prison; and when the offender is sent to prison, the sentence starts often a long time after the event. A number of factors determine whether the offender will go to prison rather than receive a non-custodial sentence (a fine, a probation or supervision order, or community punishment, for example). The following are the main factors which courts take into account before passing sentence:

- the nature of the crime: some sentences, like murder and repeat violent and sex offences carry a mandatory 'Life' sentence;
- the age and previous history of offending of the offender;
- the offender's attitude to the offence for which they have been convicted (for example, a 'guilty' plea always attracts a certain reduction in the length of the custodial sentence);
- the offender's home and personal circumstances; (if, for example, they have nowhere to live and have a serious drug addiction, then the chances of them succeeding if they were given a non-custodial sentence might be small);
- the length of time a prisoner may have spent in custody on remand awaiting trial and sentence;
- the danger the offender presents to the public and the risk of them reoffending; and,
- precedent and sentencing directions issued by the Lord Chief Justice.

A custodial sentence may be suspended, which means that the offender does not go to prison unless they re-offend during the period of the suspended sentence.

## **What is the atmosphere like in prison?**

Each prison is a world apart: a closed and complex place in which cultures of prisoner relationships, prisoner and staff relationships, and staff relationships create and shape a varying atmosphere. And within and between each of these sets of relationships, cliques can develop –

some positive and supportive, some subversive and negative. Because of the lack of privacy, news spreads quickly.

### **Relationships between prisoners**

Although prisoners share a certain camaraderie, borne of adversity and the seeming presence of a common enemy or opposition (the staff, the 'screws'), too easily the atmosphere of a prison is dominated by suspicion and plots. The presence of drugs or the prevalence of violence or its threat can accentuate this atmosphere of uncertainty and lack of safety. For many prisoners it is not easy to know who to trust. Without friends it is not easy to survive behind bars.

When they are in a group the prisoners prefer to put on a macho front for it is too risky to appear weak. Some retreat into solitude in their cell. Others take full advantage of all that is offered in the way of work or education or relaxation. Sport is much appreciated because one can get rid of the frustrations of life in a prison. Prisons have developed ways of reducing bullying and trying to make the daily life in prison safer.

### **Relationships between the prisoners and the staff**

The quality of life in prison does not depend only on the possibilities of work and sport, education or visits but also on the relationships which exist between staff and prisoners. Prison is a little community made up of the prisoners on one side and on the other side, the people who come and work there everyday. It is sometimes tricky to find a balance between too friendly an approach to prisoners and being too authoritarian, particularly as in an enclosed environment little troubles take on large proportions. Training is given to staff to help them work with those who present provocative attitudes and hostile threats. Prison officers are skilled in peace-making after years of experience in managing a very complex setting.

## Insert from a Prisoner

A 'click' starts my day, the sound of the electronic bolt in my cell door telling me I can now turn the handle and let myself out onto the landing. I empty my bucket. After the 'whoosh' of the bucket comes the clatter of my shoes down the steel stairs, to pick up my milk carton, which goes towards my breakfast.

Jail is all noises and smells, it is all quick rushes of adrenaline and bouts of apathy, a brick and steel mask over a face of depression, a black gallows humour, laced with plenty of self pity. The occasional shaft of penetrating insight does happen. It happened to me. I suddenly thought to myself "It's all my fault" then I did something about it. In any jail there is the facility to sort yourself out, it does happen, sometimes. It also happens that the shaft of insight gets squashed, as the enormity of what people do to others is a fear too painful to face. Reluctance to face it is reinforced by other cons in the same boat.

Sometimes it takes others to hold a mirror up to the con and say look it is you; this is what you have done. Now what are you going to do about it? It is a paradox of crime that the offender goes into jail to hide, while all the victims of the crime have to carry on in the full glare of life. As a con the hardest thing I found was to face the truth, the truth should always come first. The victim of my crime is the truth and she should always come first. The other paradox about crime is that the victim has more power to change the convict than the bricks and bars of a jail.

The prison regime can only act as a toolbox. It can only give me the opportunity to find the tools that can help me. I only I can choose to pick up the tools and use them. Prison is not a holiday camp; it deprives me of doing what I want, when I want. Prison makes me mix with people who don't mix well. But a 'click' ends my day as I'm locked up for the next eleven hours.

I find prison a breathing space that helped to start a new life. It is a place where the victim can face the person who has hurt them and give them a piece of their mind, and thus change a mind, mine. I would argue that jail can be a hiding place, stopping people from facing the truth, let them see the truth and watch them change. I would argue that people who suffer crime, would feel themselves change as self empowerment takes the place of being left in the dark, if victims were encouraged to face, criminals.

As a coward and a bully I turned myself into a convict. It took a victim of mine to show me what bravery was and that helped me change into a caring person. Only people can change people.

## **Whom does one find in prison?**

It is not helpful to define prisoners only by their security category or by whether they are convicted or unconvicted. While the greater part of the prisoner population is comprised of adult (i.e. aged 21 years and over) men, there are significant other minorities. The under 21 year old, male prisoner population, of whom there are roughly 10,000, is now subdivided into those aged under 18 years (referred to as 'juveniles') and those aged 18-20, commonly referred to as 'young offenders'. All those aged under 21 who have been sentenced are held in Young Offender Institutions (YOIs), while those held in custody before being sentenced are held either in remand centres or local prisons.

The number of women prisoners has doubled in the last ten years and currently stands at about 4,000. In addition to the women prisoners and under 21 year old men, there are also small numbers of those detained by the immigration authorities. Overall, most prisoners are young, with 75 per cent of them aged under 40.

## **How many prisons are there in England and Wales and what kinds are there?**

There are about 140 prisons in England and Wales which currently hold about 75,000 prisoners. The likelihood is that the number of prisoners will continue to rise as it has inexorably in the last seven years, partly because prisoners are now serving longer sentences and partly because the courts are sending more people to prison. There are various types of prisons and essentially two groups of prisoners: those who have been convicted and those who are unconvicted:

the unconvicted represent about 20 per cent of all prisoners: they are held in custody 'on remand', either immediately following their arrest or while awaiting trial;

convicted prisoners are those who have been tried and found guilty. Once a guilty verdict has been returned, reports must be written before the court can pass sentence, and some prisoners are convicted but unsentenced while the great majority are sentenced and are undergoing punishment.

Unconvicted prisoners are held in Local Prisons or Remand Centres, which are generally located near the courts where the trial will be held. The Prison Service has to accommodate all those whom the courts detain and so the local prisons and remand centres are the prisons which are most overcrowded - at the end of 2001, 19,000 prisoners were sharing cells designed for one prisoner. Another characteristic of local prisons and

remand centres is that the prisoner population changes quickly: the pressure to receive the increasing number sent by the courts means that as soon as prisoners have been sentenced they are transferred to training prisons. For this reason, the facilities for work and training in local prisons and remand centres are often poor, which means that there is little purposeful activity for prisoners to do.

Although the term 'training prison' covers all those prisons in which prisoners serve their sentences, they vary a great deal. Prisoners are categorised according to the security risk they represent. There are four security categories: A, B, C and D. A Category A prisoner is someone who, if they escaped, would present a great danger to the public or the state (spies are often made Category A prisoners). Prisons which hold Category A prisoners, the high security prisons, are sometimes referred to as 'Dispersals' because of the long-standing policy to disperse high security prisoners in several prisons rather than hold them all in one 'super-max' prison.

Category D prisoners are those who are assessed as presenting no risk to the public. They are held in Category D prisons which, because they have no walls or fences, are often referred to as 'open' prisons. Category B and C prisons are graduations between 'Dispersal' and 'open'. Young offenders (those aged under 21 years) and women prisoners are not categorised in the same way, unless they are very dangerous, in which case they are made Category A. Most young offenders and women prisoners are categorised as being suitable to be held either in prisons which have perimeter security ('closed' prisons) or in 'open' prisons.

## **Release from prison**

### **Under what conditions can someone be released from prison?**

The law governing how prison sentences are served allows prisoners to be released temporarily before they are finally released or released early – on parole or Home Detention Curfew (HDC) arrangements. Such early releases are only authorised when prisoners (and each case is considered very closely on its own merits) have been carefully assessed as to whether they represent a risk to the victim, to the public generally or are likely to reoffend again in any way.

### **Escorted absence**

Exceptionally a prison governor can authorise a prisoner to be taken out of the prison under escort (that is with handcuffs on) for such reasons as to attend the funeral of a parent or child, or to visit a dying parent. Even these escorted absences have to be carefully considered although they do not involve the prisoner being at liberty.

## **Release on Temporary Licence**

Release on temporary licence is an authorisation for a prisoner to leave prison for a period of up to four days but usually for a single day. It can only be granted when very careful consideration has been given to whether the prisoner can be trusted not to re-offend and trusted to return. The views of the victim are taken into account. The reasons a prisoner can be released early, other than for compassionate reasons in exceptional circumstances (as outlined above), include helping a prisoner to re-establish his relationship with his family or to visit potential accommodation (usually official and approved hostel accommodation). There may be the possibility to be released in this way to meet victims of their crimes.

Before a prisoner can be considered for release on temporary licence he must have completed the major part of his sentence and be able to benefit from the temporary release. You will be informed about the likelihood of such a temporary release if you ask to be involved in this way through the Victim Contact Unit of the Probation Service. Conditions are applied to every temporary release licence and include, for example, requirements only to travel directly to the set appointments at the appointed time and place; and not to drink or take drugs. The assessment of the risk presented by each prisoner applying for temporary release includes consideration of whether the prisoner has addressed issues to do with the victim of his offence.

## **Home Detention Curfew (HDC)**

Home Detention Curfew has been used in England and Wales since 1998 and is available only to prisoners who are serving sentences of less than four years, who may apply to be released under HDC conditions up to but no more than three months earlier than their automatic release date. Before a prisoner can be released he must have suitable accommodation (as assessed by his local probation officer) and present no unacceptable risk to the victim or of reoffending generally. Release on HDC involves the prisoner being 'tagged' (having an electronic device attached to his ankle) which enables the authorities to check whether he is observing the conditions of the curfew – to live at a particular address and to be at that address usually from 9.00pm until 6.00am.

It thereby allows the prisoner to finish the custodial part of his sentence at home rather than in prison. He must observe a daily timetable which states when he will be at home and when at work or following an educational or training course. The prisoner's liberty to come and go is reduced, but the person has the possibility of maintaining and restoring his family, social and economic contacts.

When under electronic surveillance the person wears an ankle bracelet equipped with a transmitter. A central control unit verifies whether the wearer is in the right place as arranged. Not everyone can be

considered for this measure. The authorisation to be placed under electronic surveillance depends on the crimes committed (sex offenders are not considered for such tagging) and the length of the sentence. The risk of a further offence and the possibility of successful resettlement are considered as well in making the decision about Home Detention Curfew.

### **End of sentence release**

Only a very small number of the 75,000 prisoners currently in prison will never be released (it has been decided that at present about 30 prisoners will never be released). Most prisoners are serving determinate sentences – that is, sentences of a specified length. Prisoners serving sentences of less than four years less will automatically be released after serving half of their sentence (and may also apply for a release three months earlier than this under the HDC arrangements – see above).

Prisoners serving determinate sentences of four and more years may be released on parole after they have a half of their sentence and, if they do not get released on parole will be released after they have served two thirds of their sentence. However, all prisoners serving determinate sentences may have days added to their sentence by the governor if they misbehave. Parole is an early release given by an independent body (the Parole Board) based upon thorough assessments of a prisoner's prospects for a successful return to the community. The Parole Board also taken into account any representations made by the victim.

Every adult prisoner serving a sentence of 12 months or more, and all young offenders and juveniles, are released on licence and are subject to supervision by the probation service. Adult prisoners serving sentences of less than 12 months are not released on licence or under supervision. The evidence is clear that if they are supervised on their release they have a better chance of settling back satisfactorily.

An example may clarify matters. An offender has a prison sentence of six years. He is freed having done half his sentence but his freedom is conditional. He will have to spend a year on supervision respecting certain conditions and will be controlled by the probation service. If he does not respect these conditions he can be imprisoned again to carry out the rest of his sentence. This method allows him to be tested in conditions of freedom but with support.

The prisoner is also less likely to cause problems during his detention, because of this incentive; his behaviour plays a part in his early release. On the other hand, the person who must undergo his sentence to the last day has nothing to lose neither while he does his sentence nor afterwards ...

## **What is the aim of early release on licence or on parole?**

The aim of parole is to support a progressive transition from the stay in prison into complete freedom. The time limit for various conditions imposed on him allows an assessment to be made of whether the protection of society and also your protection as the victim is not compromised, and whether the resettlement of the prisoner is going well. If this is not the case, the judge has the right to put the man back behind bars to carry out the rest of his sentence.

## **Life sentence prisoners**

Prisoners serving 'Life' sentences have a different sentence structure and have different arrangements for their release on licence and under supervision. First, when they are sentenced to life imprisonment the trial judge and the Lord Chief Justice determine, based upon the gravity of the offence, what the minimum period must be served in prison by the prisoner to satisfy the retributive element of the punishment: this period is called the 'tariff'. Life sentence prisoners cannot be considered for release on licence and under supervision before the expiry of the tariff period. You can find out the tariff from the Victim Contact Unit.

Once life sentence prisoners have completed the tariff period, they may be considered for release: the Parole Board takes a close look at each prisoner's case and has a range of detailed assessments as to the risk the prisoner continues to present to the victim and the public generally. Lifers are released on licence with the Home Secretary's authority under the supervision of the probation service: this licence lasts for the rest of their life and life sentence prisoners never complete their sentences and remain subject to recall to prison if they re-offend or if their behaviour is deemed likely to result in their reoffending. Probation supervision usually lasts for a few years if the lifer makes satisfactory progress.

## **What are the conditions of parole?**

The Parole Board decides on the conditions and will consider if they are met or not through reports received from the supervising probation officer. The Parole Board is composed of judges, psychiatrists, independent members of the public and those who have worked in the criminal justice system as governors or probation officers. They only meet in the prison for Discretionary Lifer Panels, (for lifers who are not sentenced for murder) otherwise all decisions are made away from the prison setting.

## **How is the decision taken?**

The Parole Board takes its decision on the basis of advice from prison reports, from the probation officer, and other sources. It hears representations from the prisoner through an individual member of the Board visiting the prison and producing a report for the hearing. The victim can also write to the Parole Board and your views will be

considered. You can express your views through the Victim Contact Unit of your local probation service.

### **What does the decision mean?**

If the Parole Board decides on the conditional release of the prisoner he will have a general condition imposed on him not to commit further offences. In addition, specific conditions are introduced to help the social reintegration of the ex-offender, the protection of society, and/or your interests as victim (for example a ban on going to a certain street or district).

Sexual offenders may need to follow a supervised treatment program by a specialised service. Those paroled must declare explicitly that they are prepared to respect those conditions. Parole is a voluntary process.

### **What say can the victim have in a prisoner's release?**

The probation service responsible for contact with victims will record information if you (or those connected with you) are victims of serious violent or sexual offences for which the offender received a sentence of one year or more of custody. They will make contact with you to take your views into account about how much you wish to be kept informed during the sentence.

If you have expressly stated in writing that you wish to be involved in the procedure the probation service will contact you to check whether certain conditions that are in your interest (for example a ban on the ex-offender making contact with you) should be imposed.

It is the responsibility of the Victim Contact unit to answer your concerns to do with the sentence and the period of supervision on release, so that you feel informed, respected and that you have a say in what should happen during and after the prison experience.