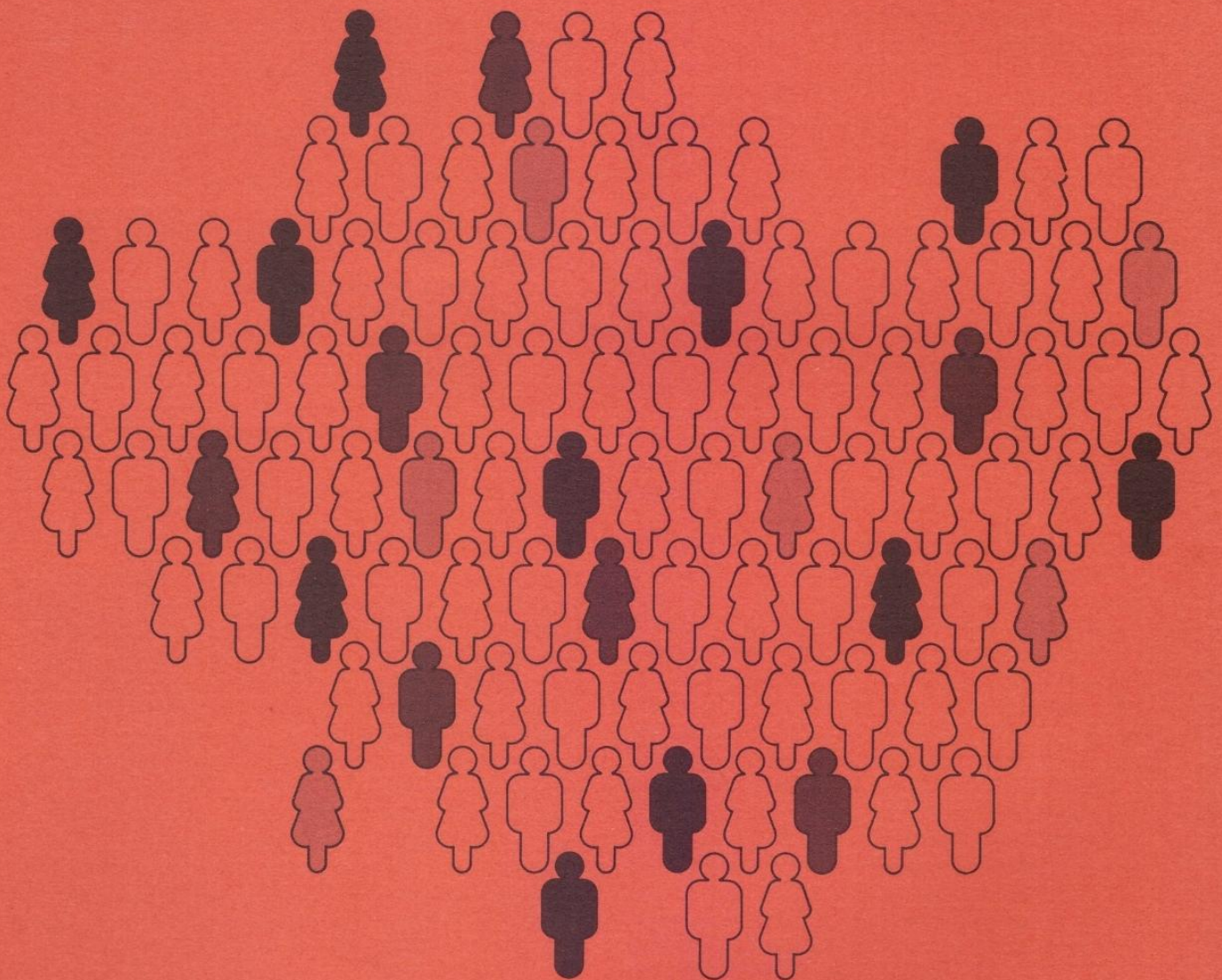


Policy Report

Local Authorities and Penal Establishments A Race Dimension



GLC Ethnic Minorities Unit

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This report is an initiative taken by the GLC's Ethnic Minorities Unit to determine the GLC's policy on local authority involvement in penal establishments examined in terms of the racial dimension. The report was presented to the council's Ethnic Minorities Committee on 13 May 1985 who approved its content and agreed that it be widely circulated for comments and further consultation.

This publication consists of a brief summary of the report and the full report on the race dimension of local authorities and penal establishments (parag. 1.1 to 21.2). This is followed by the suggested courses of action for local authorities (parag. 22.1 to 41.9).

If you have any observations on the report please write to:

**Ethnic Minorities Unit
GLC (DG/EMU)
County Hall
London
SE1 7PB**

The Council acknowledges the existence of institutional, individual and cultural racism and the widespread racial discrimination that it sustains. It is therefore seeking to make a contribution in the fight against racism through its role as the strategic authority for Greater London and would like to see Central Government and all other public authorities acknowledging the endemic nature of racism and giving an equally high profile to combating it. The Council is also attempting to respond to the particular needs of ethnic minorities in London by supporting self help and voluntary projects, adopting effective policies and practices and through advocacy work with and on behalf of the ethnic minorities themselves.

The Ethnic Minorities Committee has overall responsibility within the Council to ensure that the GLC's duties under the Race Relations Act 1976 are carried out as well as monitoring the successful implementation of anti-racist programmes. It is chaired by Ken Livingstone and meets every three weeks. Other committees also have explicit responsibilities for ensuring that the race equality dimension is fully taken into account in their work. The Ethnic Minorities Committee is serviced by an Ethnic Minorities Unit.

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Summary of Report

1 Over the past year, a number of institutions have indicated their willingness to evaluate the role and responsibilities of local authorities in relation to penal establishments. Council received an enquiry from the Association of the Local Authorities (ALA) for comments on a National Association for the Care and Resettlement of Offenders (NACRO) report entitled 'Furthering links between local authorities and penal establishments'. Very little work has been done in investigating the relationship between London local authorities and penal institutions in London and in formulating an agreed position on what links should and do exist between local authorities and the prison service. It was therefore necessary to seek a wider consultation on the issues.

In addition, as part of the Council's Section 71 responsibilities in ensuring appropriate arrangements are made to reflect the specific needs of ethnic minority communities and in developing its own race equality strategy, it was recognised that because of the failure of any agency – Governmental or local authority – to seriously consider examining a race dimension of the relationship between penal establishments and local government it was necessary to commission this report.

2 The specific concern with the services being provided by the Home Office Prison Department for Black and other ethnic minorities in penal establishments in Greater London led officers to undertake (under delegated authority EM 587) a series of consultative exercises to investigate these issues in order to determine the strategic view of what local authorities and specifically the GLC ought to do about incorporating and monitoring a race dimension in penal establishments in London. A working party consisting of representatives from Black and other ethnic minority organisations, ex-prisoners, prisoners' rights groups, specialist workers and interested individuals was established to guide and assist officers in this exercise. Two successful consultations were held at which the draft policy paper was reviewed and amended.

3 The attached policy report thus represents the result of this London-wide consultation. In addition, the views of relevant government departments, prison officers and local magistrates have also been taken into account. In preparing the report, visits were made to a number of

prisons and the views of prisoners sought. A number of written submissions were also received from a wide range of individuals and agencies and consideration was given to all the submissions and views expressed.

4 The purpose of the research work undertaken has been to enable the Council to examine the situation in penal establishments in London in response to enquiries by local authorities in London on links between local authorities and penal establishments. The research will directly benefit Londoners as it identifies the needs of Black and other ethnic minority prisoners and the matters in respect of which a deeper and more formalised input by local authorities could promote the provision of an improved penal system in Greater London. Much useful information has been collected and the research has provided an in-depth understanding of the issues. The information collected concerns Greater London as Greater London has five prisons within its boundary where a large proportion of the prisoners are Londoners or the relatives of Londoners.

5 There are local authority services in Greater London which are directly relevant to prisoners and ex-prisoners, e.g., Education, Library, Social Services, Housing Services. Details of the links between local authority services and penal establishments will be examined in the Welfare sections of this report where it is suggested that local authorities expand and extend their existing service provision. Local authorities in the Greater London area, unlike local authorities outside London, are not police authorities but may be campaigning to be involved in a watchdog capacity in view of the rates paid to the Metropolitan Police and to ensure the accountability of the Metropolitan Police to Londoners. Similarly, particular sections of this report examine the sentencing policies of the courts, the remand system, the role of Boards of Visitors, Health issues, etc., in prisons as these are issues which are of concern to and affect London prisoners and are areas in which local authorities should have a more direct role because a prison may be within their boundary or there are ex-prisoners or their families residing within their catchment area.

6 The report also refers to the situation in penal establishments outside the Greater London area.

This is due to many convicted prisoners from London being held in prisons in the south of England, e.g., Camphill and Parkhurst prisons, and many London youth on remand generally being held in remand centres or detention centres such as Ashford Remand Centre or Dover Borstal. It has also been necessary to examine the relevant issues in a wider context in order to fully appreciate the issues such as they affect Londoners. The relationship between local authorities outside London and penal institutions in their area are matters of concern to Greater London as there is very little information at present on the links existing between London local authorities and penal institutions.

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Introduction

1.1 This report seeks to examine the role of the British penal system in a multi-racial society and the failure or inadequacy of local authorities to respond to the reality of this multi-racial society, due in part to a lack of any statutory role in penal institutions. Increased local authority involvement is hampered at a policy and political level despite the strategic role local authorities play in inner city areas throughout the country. As the pattern of police operations continue to hone in on Black people, it is important that all local authorities who wish to implement anti-racist policies, ensure a more equitable distribution of resources and eliminate discrimination should increase their knowledge and involvement in prisons and penal institutions. Any initiatives which are undertaken by local authorities in this area must furthermore incorporate a race dimension, in line with of Section 71 of the 1976 Race Relations Act. This Act places a duty on every local authority to make 'appropriate arrangements' to ensure that their functions are carried out with due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups.

1.2 The very least local authorities can do is to take these duties very seriously. The object of this document is to enable local authorities to address themselves to the iniquities of the penal system. It is important that local authorities make use of this document in view of the disproportionately high numbers of ethnic minorities in prison, particularly those from the Afro-Caribbean community. Black prisoners today represent 25% of the whole prison population whereas Black people constitute only 4% of the total population of Britain. It has been estimated that some prisons, despite the dispersal policy of the Prison Department, have a Black population of 40% (e.g. Wandsworth Prison) or 50% (e.g. Holloway Prison) and 70% in the case of Ashford Remand Centre.

1.3 The reasons for the high numbers of Black people ending up in prison need to be urgently examined. It is clear that the police, the courts and the press have combined in the criminalisation of the Black community. Policing strategy and practice which equates Black people with criminals and targets the Black community for attention while fully supported by the racist press, results in Black people being more likely to arrive in court, to be charged with more serious offences

and to have longer criminal records. Sentencing policy in the courts also contributes to higher numbers of Black people going to gaol. And furthermore, from the nature of magistrates courts and the background of most magistrates and lawyers, it is evident that the law and the prevailing ideology of justice uphold a class system where Black people are at the bottom. A repressive and authoritarian society such as Britain's sees Black people as a problem and the problem as one of numbers. The discrimination and harassment faced by Black people throughout the criminal justice system is accompanied by racist immigration laws which contribute to the break up of Black families and effectively constitute repatriation by the back door. Economic and social factors also have a major role where the majority of people who are in prison are from the most disadvantaged groups in society. Of the working classes in Britain suffering from unemployment, poor living conditions, etc, it is the ethnic minority communities who take the brunt of deprivation.

1.4 The situation has declined unchecked by any local authority intervention but will only improve if local authorities begin to intervene in the light of the jurisdiction they exercise over these factors. For many, going to prison is part of a vicious cycle where the experience of being held in prison causes so much damage to the individual's psyche and social relations with friends/family that when s/he is released s/he may be without hope and deprived of the tools required to survive in the world outside. Before long s/he is back inside and the cycle is complete. This situation is also of little benefit to society as it leads to a gross wastage of taxpayer's money. The cost of keeping a prisoner in London prisons for one week is £200 compared to £11.15 on parole (Economist 6.4.85). It has been argued that locking away even those who need to be locked up is harmful to society. Many successful criminals learnt their skills inside. It is disturbing to learn that 50% of prisoners released go back within two years because they can no longer cope in the society outside. Britain consigns a larger proportion of its population to prisons compared to other countries in Europe with the exception of Germany. Even more worrying are the long-term social costs. When prisoners are released they have urgent housing and employment needs which have yet to be recognised and catered for by local authorities.

This will be discussed more fully in the following sections.

1.5 There are formidable legislative barriers surrounding the penal system, e.g. Official Secrets Act (1911), Prisons Act (1952) and Prison Rules (1964). It is these barriers which allow it to operate away from the community but also from the European convention and contribute to the lack of visibility of prisons in the public eye. The European Convention, to which the UK is signatory, applies the European Standard Minimum Rules (1973) to all penal establishments. British prisons fall well short of these rules. Discrepancies can clearly be seen in the use of restraints, the use of prison work, health and safety conditions, etc. The Home Office has complete autonomy in running penal institutions as they are Crown property. The Prison Department of the Home Office has maintained a near monopoly on information about what goes on inside the prison. The Official Secrets Act (1911) envelops the penal system to such an extent that it is an effective deterrent to the uniformed or civilian staff working in penal institutions from expressing justifiable concern and thereby contributing their skills and experience to the penal debate as it covers almost every possible action staff can take. There has been a crisis in the penal system since the 1970s when the Prison Officers Association (POA) began to wage a disruptive and militant campaign in support of pay claims. Prison officers in addition saw their authority being undermined by outsiders performing specialist tasks and felt that there was an overriding concern for prisoners at the expense of prison staff. The militancy and industrial action by the POA in support of such pay claims has thus also reflected their uncertainty about the nature of their role in the prison system, although it may have been backed by legitimate grievances. However, in a society where prisoners are made invisible to public view, dehumanised and considered worthless, industrial action tends only to punish prisoners more in addition to the statutory penalty already imposed. The public is largely unaware, unconcerned or untouched by their plight.

1.6 There has been serious concern regarding the severe overcrowding in the prison system expressed not only by prisoners' rights groups but also by the Home Office and the POA. However, the insanitary conditions, the squalor, the lack of proper ventilation, poor working conditions and

the overcrowding that have been carefully publicised by the Home Office as the cause of the major problems in prisons today, while relevant, disguise the more fundamental and basic causes. Recent events at Gartree, Hull and Albany have shown that clean, antiseptic conditions do not reduce tensions or prevent major disturbances. It is important to consider this when looking at disturbances in the London prisons, e.g. Wormwood Scrubs in 1979. Most of the London prisons are old, crumbling Victorian relics with the exception of Holloway which has recently been rebuilt. Wormwood Scrubs is also in the process of rebuilding but there is little evidence to suggest that disturbances will then cease. Overcrowding may explain but not excuse or cause the crisis in conditions facing the penal system. It is the view of many that the issue of overcrowding is used to conceal the increasingly vociferous protests by prisoners in relation to the conditions they are forced to live in. Demonstrations have occurred since the 1970s in over 100 prisons. It is the oppressive nature and legalised repression of penal institutions of an arbitrary nature with no recourse which are more likely to be the causes of most frustration and anger amongst prisoners and this is compounded by the lack of hope. It is also revealing that 46% of men and women nationally are imprisoned for the non-payment of fines and that the majority of the prison population is sent to prison for 18 months or less. Furthermore, it is relevant that the type of people going to prison and the type of offences they are imprisoned for, as mentioned earlier, indicates that the majority come from the most disadvantaged groups in society – the ethnic minority and working class communities. It is also interesting to note that 95% of prisoners are serving sentences for offences against property and that two-thirds of these offences are against property worth less than £100.

1.7 The very real crisis in the penal system accompanied by the deterioration of the remand system (see Remand System section) indicates the urgent need to drastically reduce the prison population. The Home Office's answer to overcrowding is to build more prisons. Imprisonment in a democratic society should be the most serious sanction available to the courts and should only be used in extreme cases where the individual, incapable of rehabilitation, is liable to cause harm to her/himself and/or others. It is vital that local authorities challenge the popular view, encouraged by the media, of prisoners as

'dangerous criminals' who should be locked up for society's benefit and punished for their own in view of the detrimental effect this has on those in prison and particularly on those who leave prison. This fallacy is of course the underlying philosophy underpinning the policy of the Government of today. This is based on punishment, not rehabilitation, and places the blame for laws broken totally on the individual her/himself, thereby absolving society of its responsibilities to its most disadvantaged members.

1.8 The prison system is isolated legally from the democratic and statutory obligations that apply to other governmental departments, e.g. Environmental Health Officers of local authorities have no right to go into prisons and have no legal force when allowed in. Local authorities have no right of entry to prisons and even MPs find it difficult to gain entry. It is crucial that local authorities begin to take their responsibility to prisoners seriously and challenge the Home Office's jurisdiction over penal institutions. Local authorities are uniquely placed to do this. Three distinct processes for action can be outlined. Firstly, local authorities can extend and expand their existing provisions within prisons, e.g. in the Education and Library Services, and outside in the community for ex-prisoners, e.g. Social Services, Housing, and other welfare services. These services will be discussed more fully in later sections of this document. Service provision in prison could be monitored by the Race Relations Unit of the local authority to ensure that the question of race is addressed satisfactorily.

1.9 Secondly, there is, at present, a lack of statistical evidence on the functioning of the courts, making it extremely difficult to challenge and bring about change in the criminal justice system. Local authorities are ideally situated to assess and monitor sentencing and remand patterns in the courts in addition to their present campaigns to have a watchdog role in policing practice. The third important process is where this information is then used to support local authority campaigns at the local and national level for extensive legislative revisions regarding future practices and conditions in penal institutions. Without proof to substantiate the need for legislative revisions and to back the argument for local authority statutory involvement in penal institutions, long term change will not take place.

The squalor, appalling conditions and oppressive nature of the regimes (e.g. the Prison Rules which cannot be challenged in the outside courts; the discretion allowed to the prison authorities with respect to education; association; exercise; prison work, etc; the high level of security and control out of proportion to the level of incidents against discipline and the lack of recourse open to prisoners) in closed penal institutions are only made possible by their autonomy. Local authorities must take on board the issue of the civil and democratic rights of prisoners. In the recent case of Raymond vs Honey (1982) it was revealed that prisoners should retain all civil rights with the exception of those taken away expressly or by necessary implication (Prison Reform Trust 1984). But it is widely believed that prisoners in British prisons have no rights, only privileges. Prisoners have no right to legal representation in internal hearings except at the discretion of the Board of Visitors and do not even have the right to vote. Local authorities who are committed to reform in this area will need to develop a combined strategy to press Central Government to make the Home Office more accountable to the public and demand that the public has access to information on issues relating to prisoners.

1.10 The subsequent chapters demonstrate the areas requiring change in the penal system and outline ways in which this can be achieved. The report begins with an examination of the possible role of local authorities in the prison in their area and illustrates ways in which local authorities could begin to be involved in a monitoring and advisory capacity. This is then followed by a discussion of the issues pertinent to specific groups of ethnic minority prisoners. The groups focussed on are Afro-Caribbean, Asian and Irish prisoners who make up the majority of ethnic minorities in prisons. Issues affecting these groups are generally relevant to all ethnic minority prisoners. Some of the issues affecting ethnic minority prisoners may not be dissimilar to those affecting the remainder of the prison population. Consequently, efforts have been made to cover as many aspects of the penal system as possible of concern to all prisoners, with a consideration of the racial dimension in each case. Other groups looked at are women in prison and immigration prisoners. The differential treatment of women prisoners and the legislation specifically affecting women and greatly affecting ethnic minority women is outlined. Immigration prisoners are a

forgotten minority of prisoners whose situation, until recently, has been completely overlooked in consideration given to penal institutions or race specific issues on immigration and internal controls.

1.11 The report continues by examining sentencing policy and the process leading to the disproportionately high numbers of ethnic minorities in prison in Greater London. The crisis in the remand system is considered in relation to the quality of bail decisions, trial delays, the overall efficiency of courts and the conditions of remand prisoners. Internal policy and decision-making occurring within prisons/penal institutions is also reviewed, with reference to the Boards of Visitors and the parole procedure. This is followed by an in-depth examination of the policies of the Home Office on race relations which are put into the context of actual practice and the experience of Black and other ethnic minority prisoners.

1.12 The report then examines welfare provision and the rehabilitation needs of prisoners and ex-prisoners which are considered in relation to the appropriate local authority departments involved, e.g. Education, Libraries, Social Services and Housing. In addition, there are welfare needs of prisoners, ex-prisoners or their families which do not fall under any specific local authority department but where it is suggested that local authorities ought to have an important role. The areas covered are Health, Employment, Culture/Recreation and Families. The support services required by ex-prisoners in which local authorities should be taking initiatives are of relevance to all local authorities in the Greater London area.

1.13 All prisoners within London prisons have been considered. However, this report does not include the experiences of Londoners who are imprisoned outside the GLC area. Many young Black Londoners in custody are held in the complex of prisons on the Isle of Wight, namely Camphill, Parkhurst and Albany or in Remand Centres in the South-East of England, e.g. at Ashford or Dover.

1.14 Finally, the report concludes by outlining the key areas of concern which were highlighted at the consultations held and constitute proposals for future local authority involvement in penal

institutions. As will be demonstrated in subsequent chapters there is a need for change in the role of local authorities in penal institutions and a need to ensure that the question of race is addressed adequately.

Monitoring of Local Authorities

2.1 It has been suggested by members of the Black community, probation officers and other professionals working with ex-prisoners that local authorities should take an interest in what is happening in the prison situated within their boundary. At present, a prison is like an autonomous state within a borough where only the Home Office has jurisdiction. Health and Safety standards do not apply inside prisons, NHS standards need to be maintained, etc, and local authorities have very little information on activities taking place inside. With local authority involvement the prison will become less isolated from the community. Local authorities could increase their involvement in prisons by monitoring various aspects of prison life and offering advice/support to the prison establishment.

2.2 It has been proposed by the National Association for the Care and Resettlement of Offenders (NACRO) that local authorities should press for at least three seats on the Board of Visitors of its local prison as of right with the individual appointed reporting back to the Council. At present local authority Environmental Health Officers have no sanction in prisons because they are Crown property. Local authority Environmental Health Committee could take an interest in the health and safety standards of the prisons, looking at sanitation facilities, overcrowding, work conditions, etc.

2.3 The Principal Race Relations Advisor of local authorities in Greater London should be involved in monitoring the treatment of ethnic minority prisoners within that prison in terms of discrimination and specific needs. The PRRA and his unit could also act in an advisory capacity for Race Awareness Training Programmes for prison staff and act as a resource for expertise in other areas, e.g. cultural/religious needs.

2.4 Social Service Departments of local authorities are affected by family breakdowns/problems which may occur when a member of the family is imprisoned. Social Services also have statutory responsibility for certain categories of youth offenders. There should be close liaison between Social Services and the Probation Service working in prisons. Social Services Committee's could send a representative to monitor the welfare needs of the prisoners. The Education Department/ILEA

employs teachers in prisons. Although the cost is borne by the Home Office the ILEA has responsibility for maintaining a high level and quality of education. Members of the Education Committee should interest themselves in whether their staff can maintain proper standards and what support they can give them in negotiations with the prison authorities. The local authority's library service is linked to the Education Department in prisons organisationally and is another area where prisoners' needs can be monitored. It has been proposed that the local authority's Housing Committee should have strong links with their local prison in order to discuss and better meet the needs of homeless prisoners on release. Hammersmith and Fulham Housing Department at present run pre-release courses in Wormwood Scrubs which are welcomed by prisoners. The Chair or Vice-Chair of the Housing Committee could visit the prison with the aim of setting up such schemes.

2.5 Local authorities who have adopted the Equal Opportunities Statement as advocated by the Commission for Racial Equality and legislation under the Race Relations Act 1976, and are committed to an anti-racist policy should be practicing ethnic monitoring in all aspects of their work. It has been observed that Lambeth, which does have an anti-racist policy does not carry out ethnic monitoring due to Union action blocking computerisation. Ethnic monitoring is essential to determine the effects of Council policies on the ethnic minority communities and to identify the needs of various groups, and would be accompanied by adequate safeguards protecting the identity of individuals.

2.6 Local authorities in Greater London should be involved in monitoring courts/sentencing procedures to determine the racial breakdown of those appearing before the courts. Local authorities should also be monitoring the situation of immigration prisoners, whether in prison, detention centres or police cells to ensure that they are aware of the numbers of immigration prisoners within their area and can offer them support and advice as in the case of other prisoners. It is important that local authorities in Greater London monitor the numbers of Black & Afro-Caribbeans and other groups of ethnic minority prisoners detained under the immigration laws, in view of their responsibilities to Black and other ethnic minority communities in their areas.

Afro-Caribbean Prisoners

3.1 The Black population in prisons is concentrated in two ways. It is mainly in the south-east of England and is largely young. It is Afro-Caribbeans who form the largest Black group in British prisons today – Ashford Remand Centre contains high numbers of Londoners and the Home Office acknowledges that it holds 50% Black youth – but the unofficial estimate is nearer 70%. In Wandsworth prison, it is estimated that there are 40% Black prisoners. It is difficult to give estimates for the remand population of the Scrubs but the trend continues. The lifers wing of Wormwood Scrubs is estimated to have 25-30% Afro-Caribbean lifers.

3.2 There are strong feelings in the Afro-Caribbean community that most of their youth inside prisons should not be there at all and have been criminalised by the racist attention and harassment they face from the police. It has been shown that the numbers of Black people arrested increases with the level of police operations. The 'Sus' law was directed against Afro-Caribbean youth, many of whom were constantly picked up and later not charged. This 'Sus' law was repealed due to vociferous campaigning on the part of the Black community but has now been superseded by the Police and Criminal Evidence Act which gives police more extensive powers.

3.3 The next stage of the criminalisation process occurs in the courts where many people in the Black community feel that the judiciary only too often favour the policeman's word against the defendant. Black youth consider Magistrates Courts as 'police courts' and many opt for trial in Crown Courts, placing their faith in the jury system. However, it is widely felt in the Black community that the institutionalised racism and the biased attitudes of many judges does not offer much improvement. Social enquiry reports when requested by the courts can be crucial in deciding sentence and custody is often bestowed when they are not available. Probation officers and social workers have a direct influence on the sentencing patterns of courts which has been shown by many studies (See Courts/Sentencing section).

3.4 A study by Carrington and Denney¹ showed that probation officers lacked an understanding of Rastafarianism, viewing it in psychological terms as a form of deviance which stems from inadequate socialisation, or in sociological terms

as an ethnic solution to an identity crisis! They observed that these assumptions of them are apparent to Rastafarians who find them irrelevant to their experience of living in what is a hostile and racist society. These methods effectively work to divert attention from structural inequalities towards so-called inadequacies in the family or the individual.

3.5 It has been shown that there is a strong correlation between homelessness, unemployment and a history of in care and custody for Black youths.² The highest levels of unemployment are experienced by Afro-Caribbean youth due in part to racist employment practice and partly the result of the failure of the education system to teach them the skills they need. Stamford House, the remand and assessment centre in London has a population of 60% Black youths, many of whom have been in care. Local authorities in Greater London need to seriously reconsider their role in the incarceration of Black youth by reviewing the procedures of assessment in the light of the study cited above and taking positive steps to eliminate discrimination.

3.6 There is evidence that police practices and court disposals towards Afro-Caribbean youth lead to their disproportionate representation in penal institutions (Policy Studies Institute 1983). Once there, their high numbers are seen as the problem and as a threat. The racism and authoritarian nature of many prison officers has been well documented. The Home Office recognised racism as an issue in its Circular Instruction on race relations in 1981 and later in its policy statement on race relations in 1983. However, commitment to tackling racist activity has not been the result – racism is still not a disciplinary offence. 'Race relations' and not racism is looked at in terms of making information available, learning about cultural diversity, etc (see Race Relations section). Furthermore, there have been numerous complaints of racial abuse and assaults on Black prisoners which have not been dealt with by the Home Office.

3.7 Many Afro-Caribbean prisoners in London prisons today are by the very nature of their situation becoming increasingly politicised and militant. This takes the form of solidarity with other Black prisoners like Asians and also with Irish and English or other groups. The prison authorities feel

threatened and try to divide prisoners by tactics like blaming one group for privileges denied to the majority. Expressions of racism between prisoners may often be encouraged by prison officers. It has been alleged that sometimes prisoners who start to fight back are subdued by the use of drugs – the notorious 'liquid cosh'. For example, incidents at Wandsworth prison have led to complaints from prisoners of frequent physical assaults and forcible injection with unknown drugs. Scotland Yard is presently investigating allegations of brutal assaults on prisoners at Wandsworth prison which occurred from January to July 1984. Out of the 21 prisoners named, seven are Black (New Statesman 14.9.84). The British state not only seems to incarcerate high numbers of youth because they are Black, unemployed or homeless but is seen by many in the Black community to be increasingly using imprisonment as a deterrent to political activity. For example, Black activists in the Stoke Newington and Hackney Defence Campaign are being increasingly targetted, e.g. Cyrus Noor and Ace Kelly. Cyrus Noor, who is now serving a prison sentence and has continued to resist the control of the prisons authorities has been threatened by the ultimate sanction – that of being declared insane. The Home Office sectioned him and then were forced to withdraw by campaigns led by Stoke Newington and Hackney Defence Campaign. He has now been returned from the hospital wing to his usual wing in Wandsworth, but the threat is ever present. The campaign continues. Ace Kelly, who was involved in the campaign to prevent the sectioning of Cyrus Noor, has now been acquitted of a charge of assault after police arrested him for kidnapping his own daughter!

3.8 In the last few years, many Black prisoners have been harassed by the prison authorities, accompanied by a number of unexplained deaths of Black youth in custody, e.g. Richard Campbell and Michael Martin. The case of Richard 'Cartoon' Campbell a young Rastafarian has been well publicised. Richard was labelled schizophrenic by the authorities at Ashford Remand Centre because of his 'socially inappropriate' behaviour. He died in March 1980 of 'self-neglect'. A campaign and independent enquiry mounted by his family concluded that he had wrongly been labelled schizophrenic and that "Ashford bears full responsibility for his death".

3.9 The recent case of Michael Martin has also

raised many questions about the safety of Black prisoners. Martin, a mentally ill patient held at Broadmoor (who had never been convicted of any offence) died in July 1984. The inquest into his death held in October 1984 led to the verdict of 'accidental death aggravated by lack of care' – a powerful indictment of the medical officers and the 'medical treatment' provided for their patients. It remains to be seen if the Home Office will now modify or re-examine its treatment of Black prisoners.

3.10 A large group of Afro-Caribbean prisoners are Rastafarians. Rastafarianism is a religion with accompanying codes of behaviour and observances. Today, the issue of allowing Rastafarians to keep their dreadlocks has been resolved because the prison authorities realised that they were creating a group of rebels unnecessarily. The dietary concessions have been such that pork is excluded from their diet. However, the Home Office still does not regard Rastafarianism as a religion and this has caused many problems. It is suggested that local authorities could join with Black groups in putting pressure on the Home Office to recognise Rastafarians' religious beliefs and cultural practice. Rastafarianism is also a highly complex phenomenon which embodies a clearly articulated political position and may be regarded by some as a culture of resistance to both capitalism and racism.

3.11 Regarding diet, it is not adequate that a no pork diet is provided. For many Afro-Caribbeans, the monotony of the English diet is a constant source of grievance. There have been calls for Caribbean and African food to be provided for the whole of the prison population as a variation of the menu. This is already being implemented at Camphill Prison in the Isle of Wight.

3.12 There is a call from the Black community for a representative of the Afro-Caribbean community to be present when requested in situations where an interpreter is required for other ethnic minority prisoners. This representative would facilitate awareness and sensitivity to the cultural modes of expression of Afro-Caribbean prisoners.

3.13 And the group of Afro-Caribbean prisoners frequently overlooked are the high numbers of West African immigration prisoners who are mostly detained at Ashford with the overflow

being kept at Pentonville. There are about 8-9 immigration prisoners at Holloway at any time. Local authorities should be monitoring the situation of immigration prisoners as part of its anti-racist policy. (See Immigration Prisoners section).

Asian Prisoners

4.1 The number of Asian prisoners in the London area is increasing and is likely to increase further. Asians seem to be over-represented in domestic violence cases. The prison in the GLC area containing the highest number of Asians appears to be Wormwood Scrubs, which has the only lifers wing in London and also has a large number of prisoners on remand. At Holloway Prison 1 in 15 women are Asian, a great proportion of whom are in for drug offences. The numbers of Asian women on remand fluctuates – earlier this year there were more Asian women than Afro-Caribbean women on remand out of the Black women prisoners in Holloway. Again, the charges are mostly drug-related. A large percentage of these Asian women are unable to speak English and are unable to eat the food provided for them. Those who only eat Halal meat tend to become vegetarian in prison but vegetarian food provided consists of servings of the vegetables of the day. This means a regular diet of cold or boiled food mainly consisting of leafy vegetables and some are left feeling that they are not treated like humans. Asian prisoners have called for Indian tinned food and non-perishable groceries, e.g. dhal, rice, etc, to be available in the prison shops.

4.2 The Southall community has experienced heavy police presence including the Special Patrol Group since the events of 1979. In recent months, Southall has been saturated with police forces from all over the country due to the occurrences in India – ostensibly to protect the community from itself. 20% of the youth in Southall have recently been detained, arrested or charged at some time. As in other parts of the country Southall has been subjected to racist raids by Immigration Officers on the grounds of searching for illegal entrants. Today the Asian community is also harassed by random raids by Customs Officials looking for drug dealers.

4.3 A recent case highlights the collaboration between customs officials, the police, the courts and the prison system in criminalising the Black community. Baldev Gill was arrested at her place of work with her sister (a juvenile) and a number of other workers. She alleges that she was separated from the others and interrogated for 4 days without being offered food or water. On the second day she was bleeding heavily having just had a miscarriage and spent the night in Ealing hospital under police guard. She was then transferred to another hospital and interrogated until she signed

a false statement that she was guilty of three charges – importing of heroin, conspiracy to supply, harbouring and possession of heroin. She was not informed that she could ask for a solicitor to be present and claims that the police lied to her about the consequences of not pleading guilty and subjected her to racist abuse. She was taken to Holloway prison and denied bail even though it was a first offence and she had two small children. She spent eight weeks in Holloway on remand until a campaign by the Southall Monitoring Group managed to get her released on bail. Her case came up at the Old Bailey one year later and she was acquitted of all charges. She is still suffering psychologically from having been in prison and has been advised by her local hospital to see a psychiatrist!

4.4 It is in the young prisoners grouping that the numbers of Asians is increasing significantly as the experiences of Asian youth come to mirror the experiences of Afro-Caribbean youth and like them are seen by the State as a threat. H. a 20 year old was having a playful fight with his best friend and accidentally stabbed him with a pen-knife. He called an ambulance for his friend and then called the police believing he ought to report the incident. The police at first refused to take him seriously and on his third call came to arrest him, took him down to the station and charged him with grievous bodily harm (GBH). In court his friend shouted out that he did not wish to press charges. This was disregarded by the Judge who gave him seven years – the first part to be at Dover Borstal. At Dover, he was given a lot of support from Afro-Caribbean youth (60% of the Borstal population) who considered him to have been 'stitched up'.

4.5 One of the major problems for Asian families, as with other families, is that the youth who are sent to custody centres are miles away from their homes. It is particularly difficult for relatives who don't speak or speak English poorly to know how to get to the youth custody centre or prison and what the visiting rules are. As visits tend to be just once-a-month it is not possible for convicted or unconvicted prisoners to get the necessities like shampoo, sugar, cigarettes, coffee, etc.

4.6 Language problems may occur at court or in prisons. Local authorities could provide interpreters for court proceedings and even more important at the stage where solicitors need to

translate statements for their clients. There should be interpreters from the community ready and available to be called in who also have some legal knowledge. The interpreters should not be linked to the Home Office but should come from local community groups with funding coming from either the local authority or Central Government. Voluntary interpreting services should not be solicited unless in emergency. Interpreters should be paid the salary due to their skills – along similar lines to Metropolitan Police interpreters. The need for interpreters is shared by other ethnic minorities who are also non-English speaking, e.g. Afro-Caribbean, Turkish, Greek, Iranian, etc. Interpreters are also needed inside prisons, e.g. on a wing. There is no interpreter at present at Wormwood Scrubs. It is crucial that interpreters be present when prisoners come before Local Review Committees or at internal disciplinary proceedings.

4.7 Communication to the outside world is very bad for Asian prisoners who feel isolated from their own communities. English newspapers and radio reinforce this and the availability of ethnic minority newspapers would alleviate it to a degree. In Wormwood Scrubs, while some Asian papers are available, not all the languages requested are supplied and this was also the case for Turkish papers. Asian prisoners also would welcome Indian films on video to be available with other films.

4.8 A cause for considerable anxiety for Asian prisoners is the plight of their wives and children. The DHSS allows one visit a month and families are often not able to afford additional visits. A family may have to travel a considerable distance for a one hour visit and the safety of his wife and children is a constant worry. For this reason Asian prisoners feel that they would prefer to serve their sentences nearer to their homes.

4.9 Regarding religious observances in prisons, in some prisons, although the local Imam is usually allowed in to conduct the Friday service, he is not allowed in at the correct time set for prayer but may come in two hours later – so the prayer time is actually missed. During Ramadan, Muslim prisoners are allowed to observe the fast but have to eat cold food in the evening. It was felt that the Home Office should allow the Imam to bring in special food for Ramadan from local muslim community centres if the prisoners spend their

own money, e.g. at Wormwood Scrubs. Asian prisoners have requested that religious leaders from the Asian community be allowed to sit on Prison Board meetings where the six-monthly progress of all prisoners is assessed.

4.10 As many Asians in custody may never have been in trouble before and being in prison is a new experience as with many other prisoners, it was felt that they would need advice on employment prospects, housing, etc, when they leave prison which could be provided for by local authorities or community organisations.

Irish Prisoners

5.1 The Irish community in London makes up an estimated one-sixth of the population and is considered as an ethnic minority group having its own unique and identifiable cultural heritage. The 1981 Census did not include a question on Irish descent and consequently precise figures cannot be given. The GLC Policy Report on the Irish Community³ (1984) states that the London Boroughs should adopt the definition of Irish for use in ethnic monitoring procedures. Historically, there has long been antipathy and hostility to the Irish community in London and although some of this can be attributed to anti-Catholic prejudice, many believe that it is mainly due to Ireland's historic resistance to British rule. The mass media in Britain today has been responsible for a systematic distortion of events in Ireland and things Irish that reinforce racist stereotypes of the Irish as a violent, stupid and drunken race.

5.2 It is a commonly held view in the Irish community that media reports of events in Northern Ireland are often inaccurate and this has had a marked effect on the safety and well-being of members of the Nationalist community. By publishing the names of those allegedly suspected of terrorist offences on uncorroborated evidence, the Irish community feels that the British media have put people in danger of retribution by 'Loyalist' paramilitary groups. This has resulted in several civilian deaths.

5.3 The Prevention of Terrorism (Temporary Provisions) Act 1974 (PTA) was a specific piece of legislation aimed at a specific part of the population – the Irish. This 'temporary' legislation, with minor amendments, is still with us. Although it was amended in 1984 to include people allegedly suspected of political violence in any foreign country, it is still used primarily to harass and intimidate Irish people who feel that the objective is to prevent legitimate political activity around the National issue. The legislation has been condemned by all of London's major Irish organisations and other organisations genuinely concerned about racism and attacks on civil liberties, e.g. MPs, MEPs, the GLC, Haringey Council's Police Sub-Committee and by local Councillors throughout Britain.

5.4 The Act gives the Home Secretary and the police draconian emergency powers which cannot be challenged in court and are a complete denial of civil and human rights. These powers

include the banning of organisations, the possibility of deporting those suspected of involvement in terrorist acts from Britain to Northern Ireland (or vice-versa), and give police extensive powers to arrest and detain people for 48 hrs and increase this to 7 days if authorised by the Secretary of State. The Police are not required to give any evidence as to why someone is arrested under the PTA. Deportation or serving with an exclusion order is seen by the Irish community as a system of internal exile (which can be compared to the banning of African National political activists in South Africa). From the Home Office's latest figures (Jan 1985) the total number detained from the time the legislation came into force to 31 December 1984 was 5,905. Of these 275 (4.6%) were served with exclusion orders, 152 (26%) were charged with offences under the Act and 294 (5%) were charged with other offences. Of all the people arrested 344 were found guilty under some charge or another which gives an astonishing conviction to arrest success ratio of 1:17.

5.5 What is of particular concern and affects local authority provision in terms of the placing of children in care and medical treatment, financial problems, etc. is the effect and impact of the arrests and detentions on those individuals concerned. In statements from 122 detained individuals, officers of the Ethnic Minorities Unit discovered that all had been denied access to a solicitor and in each case relatives/friends were not informed, i.e. the individual just disappeared.⁴ 35 of the detainees were held for over 48 hrs, one person for 6 days and a number of detainees were physically mistreated, subjected to severe mental pressure or threatening behaviour. In some cases, families were placed in acute financial difficulties, some resulted in children being placed in care, and a few individuals had to seek medical treatment. There have been several cases of mental breakdown following interrogation and one suspected suicide. The net result of the PTA is therefore a greater stress on local authority services, as the detention of family members contributes to family breakdown.

5.6 Under the PTA, exclusion orders have been served to Irish people resident in Britain for up to 20 years. Now this has been changed to 3 years for citizens of the 32 counties of Ireland. A person born in Northern Ireland can be exiled to Northern Ireland from Britain even though

officially it is part of the United Kingdom. Someone born in London can be exiled from London if s/he has not lived in London for the last three years.) Exclusion orders are also used to prevent Irish people entering Britain. The frequent use of police informers, one of the latest infamous tactics used by the British State, means that uncorroborated evidence can lead to the exclusion of people not even remotely connected with terrorism as well as those engaged in legitimate political activity. For the individual concerned, this may mean loss of employment, separation from family, problems of accommodation, transfer to a hostile environment and the stigma of involvement in 'terrorism'.

5.7 The Irish In Britain Representation group in its policy document states that:

'The PTA is used unjustifiably and indiscriminately against the Irish community in Britain. Many MPs, the NCCL and many Area groups support its repeal.'

The Federation of Irish Societies states that:

'We take grave exception to the existence of repressive legislation which is generally perceived as institutionalised terrorism.'

5.8 There are two other aspects of this legislation which have caused resentment in the Irish community. One is the prohibition of the wearing of any emblem which indicates support of the IRA such that display of the Irish tricolour or harp now leaves one liable to 'summary conviction'. It is also feared by the Irish community that the powers of the Act are used for information gathering. There is evidence that all the people detained and then cleared of any offence still have their photographs, personal details and fingerprints on police files. This has been a deterrent to members of the Irish community getting involved in legitimate political activity.

5.9 The detaining of thousands of people under the PTA has led to the imprisonment on remand of many innocent people. Some have been held on remand for 18 months before being cleared. Most of the defendants of a recent case involving the evidence of a 'supergrass' have spent up to three years on remand. All Irish political prisoners on remand are given Category A status. Category A prisoners, including those on remand, are only allowed visits from their families and family friends. They refuse to accept visits in order to protect their families from the oppressive nature of the visits and the harassment, including the fear of

arrest and strip-searching when entering and leaving the country. Because these prisoners come from Ireland, some have not seen their families since their conviction.

5.10 It is the experience of many Irish prisoners that the Probation Service within prisons shows a lack of commitment and interest in the welfare of Irish prisoners. Unlike all other prisoners, Irish political prisoners held under Category A serve the whole of their time under this Category and therefore are never allowed parole. Category A prisoners are often denied education facilities and in cases where courses such as Open University are followed, it has been alleged that they are subjected to consistent harassment by prison staff. Irish political prisoners are constantly victimised by the arbitrary use of Rule 43 which enables the prison authorities to place a prisoner in cellular confinement for up to 28 days in the interests of good order and security. Rule 43 is used for voluntary segregation of those at risk in the general prison population but is also used as punishment (British Prisons 1982). Irish prisoners, like Black prisoners, are faced with the institutionalised racism of the British penal system and may be subjected to vicious assaults from officers who can openly boast of their allegiance to the National Front without fear since membership of a racist organisation is not seen by the Home Office as interfering with their work or qualifying for dismissal.

5.11 The Repatriation of Prisoners Act gives foreign prisoners the option of transfer to prisons in their own countries. It has been alleged that only Irish prisoners are excluded from this. British soldiers serving sentences in Northern Ireland are given the option of being transferred back to Britain to serve their sentences nearer home. Very few Irish prisoners have been repatriated. This has had detrimental emotional, physical and economic effects on the families of the prisoners and has been accompanied by concern about the treatment of Irish prisoners in British prisons.

5.12 It is the families of Irish prisoners who suffer greatly when a member of the family is imprisoned. The prisoner's spouse who has not been charged with any offence has to serve the same sentence and suffers considerable hardship. For the monthly visit of 15 minutes a spouse and children may have to travel 300-400 miles by which time they are in a state of collapse. There

are no hostel provisions at any of the London prisons which may necessitate staying overnight in a bed-and-breakfast and being forced to walk the streets during the day. (See Families Section).

5.13 It is difficult to estimate the numbers of Irish prisoners in the London jails but it does appear that they are over-represented in relation to their numbers in the population. In Ashford Remand Centre, where 50-70% of the youth are Black, there are always large numbers of Irish youth present. Despite the divide-and-rule tactics of the penal system, where it has been alleged that prisoners are not discouraged from having confrontations with each other, the events at Gartree in 1978 when prisoners took over 3 wings in the protest of the forced drugging of a Black prisoner Michael Blake or the Hull Prison disturbance of 1976 have shown the solidarity and identification between Black and white, British and Irish prisoners.

5.14 The PTA has been used almost exclusively against the Irish community but the powers gained by the police under the PTA will affect the Black community as similar powers have been introduced in the Police and Criminal Evidence Act (1984). Another example of criminal charges directed against Black and Irish communities are conspiracy charges where it is extremely difficult to defend oneself due to the circumstantial evidence used. However, the Bradford 12 case (1982) is one of the few examples where the defendants, twelve Asian youths, were acquitted of conspiracy to cause explosions.

Women in Prison

6.1 In June 1982 there were 1,318 women in custody, 329 of whom had not been given a custodial sentence.⁵ Overcrowding is a feature of all closed women's prisons as in men's prisons. There are four closed prisons for women in England – Durham, Styal, Cookham and Holloway. Within the GLC area there is one closed women's prison – Holloway prison which serves the South East of England. In 1982 Holloway Prison had places for 247 women but held an average of 315 women, and the cost of keeping a woman in prison was £263 a week. The number of women imprisoned reached its highest level in England in 1979 where the largest increase was in short term sentences of 6 months or less. Holloway prison serves as a remand centre and local prison for London. The only exceptions are category A women who are remanded in custody at Brixton prison and serve their sentences in the H wing of Durham prison.

6.2 Although penal establishments for women operate in the same way as those for men, women are subjected to more oppressive regimes. The prison authorities aim to provide individualised treatment for women prisoners and emphasise the continuity of personal relationships, education, and the constructive use of privileges. There is a much higher staff to prisoner ratio than in men's prisons. The underlying philosophy behind this is that whereas men who commit crimes are generally bad and in need of punishment, women who commit crimes are seen as mad or sick and in need of treatment. This has resulted in women's regimes tending to be very coercive and where non-co-operation of even the most minor sort is regarded very badly. Hence Holloway prison until recently was seen as a hospital in which the medical and psychiatric features were a central feature. Many visitors to Holloway have commented that it seems more like a hospital than a prison. Women are denied self-determination, their crimes are seen as a cry for help, and they are thought of as neurotic and unstable. Holloway prison has the highest dosage of drugs per prisoner of all British prisons followed closely by other women's prisons. This is an area where local authorities and health authorities input is crucial. Unless adequate educational and recreational facilities are available, women will opt to sleep their time away.

6.3 Holloway Prison also has a mother and baby unit, with places for eight babies, who can live

with their mothers until they are 12 months old. Even this unit is regimented – mothers cannot decide feeding times and are not permitted to pick up babies between feeds. The rationale behind the unit is the prison authorities' conception of the role of women in society where taking a woman from the family to send her to prison is to contribute to family breakdown. As women are the homemakers they must have an unstable home breakdown if they commit a crime. It has been recently reported by the campaigning group Women in Prison that pregnant women are not getting their daily allowance of one pint of milk (they often get half a pint) and fresh green vegetables in Holloway Prison. Proportionately more women than men are remanded in custody for medical reports and are treated as disturbed because they have committed a crime. So more women than men are refused bail. The Women in Prison group argue that more than two-thirds of women in prison would not be there had they been men.

6.4 The lack of ethnic monitoring in Holloway (or the refusal to publish what information there is) means that estimates of the numbers of Black and other ethnic minority women vary greatly. A psychiatrist put the figure at 44% but there have been reports of 60% of women being from ethnic minorities. This would also include women who are being detained under the immigration laws prior to deportation – of whom there are an average of 8-9% at any one time. These women have for the last two years been mostly of West African origin and there have been no Asian women held for deportation in this time. There are, however, a number of Asian women in Holloway on remand for drug offences and some are also in the convicted wing. Earlier this year, a prisoner reported that in the remand wing there had been high numbers of Asian women. This was probably a result of police operations in the area of drug offences. Many of these women do not speak any English and tend to be very withdrawn. They often do not like the food served to them and eat very little. There is an urgent need for interpreters and a review of the dietary needs of non-English prisoners. The high numbers of Black women in Holloway is an issue which has not yet been addressed by the Black community, but there are signs that this is changing as Black women organise themselves to give support to their sisters who have been detained.

6.5 Holloway Prison has recently been the centre of a controversy surrounding the C1 or psychiatric wing in the prison. It has been estimated by Women in Prison that 75% of women held in the C1 wing are diagnosed as mentally ill, 18% of whom suffer from dementia, epilepsy, alcoholism or sub-mentality. Most of these women should be having treatment in a hospital instead of being criminalised. There have been alarming incidents of self-mutilation recently, where one woman put out her eye, another attempted to do the same thing later, another woman slashed her breast and one woman continued to bang her head on the cell walls (until only recently the prison had no padded cells). 51% of these women have been punished for 'offences' against good order and discipline and for absenting themselves without leave – despite the fact that they are disturbed. The C1 unit is also used as a national resource for women who constitute a prison control problem.

6.6 A high percentage of women are in prison for offences related to prostitution. Although loitering and soliciting are no longer crimes (since January 1983) the number of prostitute women who go to prison has increased rather than decreased. Massive clean-up operations by police accompanied by a policy of 'deterrent fines' from magistrates courts has meant the arrest and conviction of thousands of women, many of them Black and maximum fines of £400 being given. The number of convictions for prostitution has risen from 3,000 in 1981, to 5,800 in 1982 and 10,000 in 1983. This has resulted in the imprisonment of many women in some cases for months, who cannot afford to pay their fines which may accumulate to several thousand pounds when a woman is arrested several times a month or week.

6.7 During the occupation of the Holy Cross Church in November 1982 by the English Collective of Prostitutes to protest against police illegality and racism it became clear from evidence received from prostitutes present that police were arresting prostitute women whether or not they were working. Furthermore, Black women were being arrested more often than white women, racially abused and given higher sentences in court and less time to pay them. It was also reported by Black women that the police were not arresting the pimps reported by the women but if they were Black men were being harassed and accused of pimping. Men who are

financed or imprisoned for living off immoral earnings especially if the woman is white and the man is Black are often the boyfriends/husbands of the women rather than pimps.

6.8 The Sexual Offences Bill was recently debated and defeated in Parliament (May 1982) and included a clause to criminalise kerb-crawling. The Campaign Against the Kerb-Crawling Legislation consisted of a mixed group of women and men from women's, Black, gay and lesbian groups, civil rights groups, trade unions, the probation service and the legal profession. They argued that this Bill would further endanger the women's safety as they would have less time to assess a client before going with him, although the Government is using the issue of women's safety to increase police control of the streets. There is existing legislation to protect women from assault but in the experience of the Legal Rights for Women Group based in King's Cross this is given low priority by the police. They call attention to the fact that very few men are charged with assaulting women despite the high frequency of reported assaults. It has been argued that this Bill is an attack on women generally and is an additional weapon used as was the 'Sus' law in the criminalising of the Black and working class communities. Another reason why women end up in prison, although loitering and soliciting is no longer a prisonable offence, is because they are denied legal aid due to the other so-called minor crimes of which they are convicted (Legal Aid for Women 1985). There is a call for local authorities to encourage the Home Office to make legal aid more readily available to all women who cannot afford to pay a lawyer, regardless of the offence they are charged with.

Holloway prison has been reported to have an excellent education department with a full complement of 17 staff. However, very little education has been taking place due to its subordination to the needs of 'security and control'. If the Governor is one who favours discipline over welfare matters this is reflected throughout the prison. Due to a recent change in administration after much campaigning by Women in Prison and other groups the education facilities have now re-opened to a limited extent.

6.9 There are reports that a high number of the nursing staff at Holloway are Black, but it is not known how many of the prison staff are Black.

There is a need for further research into the whole area of Black women in prison. The GLC Women's Committee will be preparing a policy report on women in prison later this year which will include contributions from Black women prisoners' organisations.

Immigration Prisoners

7.1 There are a group of mainly ethnic minority prisoners who are truly a 'forgotten minority'⁶ in the debate on the crisis in British prisons or in the immigration debate. Detention has never become a major issue due in part to the very little information on this subject which has been shrouded in secrecy by the Home Office. The few statistics or sources of information available are parliamentary questions, only a proportion of which successfully elicit answers.

7.2 There are 2 main types of detention: deportation cases and airport detentions. The majority of deportation cases involve people who have never been charged or convicted of a criminal offence, who are in prison by an administrative order and who are being treated like unconvicted prisoners with fewer rights, e.g. the right to bail. Only 15% of immigration prisoners are being held after conviction for an offence and because recommended for deportation. It has been estimated that since the 1971 Immigration Act came into force nearly 11,000 people including 653 women have been detained under immigration powers. In 1982 alone, 963 people were held in prison for deportation, including women. The average number of people held each day was 113 and the average length of time spent in prison was 6 weeks.

7.3 In Airport detentions, in a sample of 230 studied by S. d'Orey (1984) of those temporarily detained at Heathrow and Gatwick – 47 were Nigerian, 40 Asians, 14 Ghanaians and 13 US citizens. Altogether there were 49 different nationalities. Over 50% of sample were given 1 month's permission to stay, 26% for 2 months. American businessman however are automatically given 6 months. 130 of the sample were visitors of whom 53 were refused entry. 34 in the sample were transit passengers who were refused permission to enter for a few days if they could not show a return ticket and acceptance by the country of destination. In the last 3 months 1,500 Ghanaians have been refused entry.

7.4 People detained temporarily can be held in the same places as those refused permission to enter. The 6 major ports of entry have their own secondary examination areas staffed by Securicor guards. Most passengers are detained at Heathrow's Terminals 2 and 3, Gatwick, Dover and Folkestone.

7.5 The conditions in which the majority of immigration prisoners are held is a matter of great concern. Detainees may be kept in port detention centres for up to 5 days, after which they must be removed to Harmondsworth Detention Centre. Details on nationalities detained at Harmondsworth showed that Asians and Africans were consistently the most often detained. In 1978, the majority detained were Indians and Pakistanis, while from 1981-1982 it was Ghanaians and Indians, then Nigerians and Pakistanis were the most detained. Conditions at Queens Building, in the Terminal 2 building, are appalling with lack of space, lack of activity and monotonous surroundings. At Harmondsworth too a common complaint of detainees is that bedrooms are locked all day. At Gatwick people are forced to spend the whole day in the day room with opaque glass windows that create the impression of being in prison, and are constantly watched by Securicor guards. The common feature of all day rooms in Detention Centres is the TV set. Detainees are rarely allowed to go out, even for exercise which is the right of other prisoners. Detainees at Harmondsworth may be kept indefinitely – in practice this varies from a few days to a few months.

7.6 There is little reading material provided for those who don't speak English, although Asian newspapers are now available at Harmondsworth. An Inspector when questioned on this replied 'most Asians can't read, it would be a waste of Home Office money'.

7.7 The personal impact of detention and removal, the distress and strain caused by uncertainty, boredom and frustration is likely to remain with the detainee all her/his life. One source of conflict with Securicor guards is that they are not allowed to discuss detainees cases with them and detainees may spend weeks or months not knowing the reason for their detention.

7.8 Detention aboard ship is an area which has largely been overlooked until recently when the Immigration Prisoners report highlighted the disturbing treatment of Asian members of crews. Foreign seamen say that Britain is the only country which does not accord the traditional hospitality to seamen in distress. This has implications for Greater London as London is a major port. In 1980, five Asian seamen rescued from their ship at Shoreham were detained in a police station, and

later at Queen's Building, while the rest of the crew were put up in hotels. The Home Office revealed that in the last 3 months of 1979, 199 Commonwealth and 99 foreign seamen were refused shore leave, which means that 1,200 seamen could be detained in one year. Britain is thus depriving men who have been at sea for long periods of the internationally recognised right to go ashore and imprisoning them if they are simply suspected of not intending to travel back with their ship. In the majority of cases it is Asian seamen who are affected and they themselves say that Britain is the only country which places such restrictions on them.

7.9 It is the Home Office who is responsible for running all holding areas and immigration detention facilities. There is no independent system for making complaints or independent inspection of accommodation. The lack of public accountability is even more worrying given the use of the private security firm Securicor – an organisation with a paramilitary structure, of whom numerous criticisms have been made.

7.10 The final stage of immigration control prior to expulsion may be imprisonment. Britain imprisons about 1,000 people each year under the immigration laws, as a result of internal controls rather than controls operating at the point of entry. People alleged to be illegal entrants (people who have unlawfully entered the UK or breached deportation orders) can be arrested without a warrant and are liable to be imprisoned until their removal from this country. There is no release on bail except for temporary release if granted. Detainees can apply for a writ of habeas corpus to the courts but the courts have shown a marked reluctance to grant this since the Immigration Act of 1978 (JCWI/Runnymede Trust 1981). There is another category of people who have stayed in the country longer than the time allowed them, who are termed overstayers. They may be detained because they are convicted by a court and recommended for deportation or summarily arrested if a deportation order has been made. People who are not British citizens, certain categories of Commonwealth or Irish citizens and over 17 can be recommended for deportation if convicted of an offence. There is growing evidence that deportation is being increasingly used by the British State as a system of induced repatriation. The Home Secretary also has powers to deport anyone on the grounds that it is

'conducive to the public good'. In cases where no custodial sentence is imposed and a recommendation for deportation has been made, the deportee is detained automatically. Work permit problems can also lead to imprisonment if employers fail to renew permits or jobs are changed without Home Office permission. Foreign students who cannot afford to pay their fees are also liable to be deported. Arrests of people in any of these categories can occur at any time and at any place – work, home, police station, Home Office. Many are arrested while making enquiries to the Home Office regarding their immigration status. The number of people detained, mostly men in 1982 was 963 and for one month in 1984 the numbers detained in all prisons was 201).

7.11 The practices of the courts based on case law have been encouraged by the hard line taken by the Home Office on immigration at the present time. The Zamir case (1980) widened the definition of illegal entrant to include cases where deception was practised by a third party and not the immigrant her/himself, where a pregnancy was concealed and where someone when entering did not know they really wished to apply for political asylum. For example, a young Indian widow was detained following her husband's death for 10 weeks in Holloway in 1981 when it was discovered that he had not divorced his first wife. In 1983 the Home Office ruling in the Khawaja and Khera cases narrowed the definition again. Although the ruling did not completely reverse the decision it did change the burden of proof from the applicant to the Home Office and means that a person is only guilty of deception if s/he deliberately concealed information. There are many political refugees from, e.g. Eritrea, Pakistan, South America, etc, who are defined as illegal entrants if/until their refugee status is recognised. Immigration Control has been used, even by a Labour Government to subordinate the position of workers in a dispute over conditions and has also been used to intervene to assist the employer. The SS Calypso case in 1978 showed how 16 Punjabi seamen were arrested on board ship after the captain had dismissed them over their complaints regarding hours and conditions. The police, immigration officers, Securicor and prison officers co-operated together to remove them to Harmondsworth Detention Centre and then Pentonville prison.

7.12 Immigration prisoners can be held in 120 prisons in Britain. The majority of men were held

at Pentonville prison until 1980 when a new 'deportation block' was opened at Ashford Remand Centre for immigration prisoners. Today, Pentonville is still used to house the overflow from Ashford. Women detainees are kept at Holloway prison and usually number about 6-8, mainly women from West Africa. In the last 18 months according to the experience of the Joint Council for the Welfare of Immigrants (JCWI) few Asian women were treated as immigration prisoners. Women deportees in Holloway tend to spend about 15 hours a day locked up and have access to a wide range of facilities available to other remand prisoners. They can choose to work and there is no discrimination between immigration prisoners and other prisoners. However, in Ashford Remand Centre the detainees spend 20-23 hours a day locked in their cells. On one hand, they experience the overcrowding and unhygienic conditions other prisoners are subjected to, e.g. 'slopping-out' with plastic, lidded pots. In addition immigration prisoners in Ashford are denied access to education facilities available to remand prisoners and have restricted visits and letters. They are allowed half the minimum time for exercise and complain of low standards of medical care. Many are unaware of prison rules or the reasons for their detention. Until recently no welfare schemes operated for deportees in the Ashford Deportation Block.

7.13 The decision to deny access of deportees to education facilities does not lie with the Home Office but is an action taken by the local Prison Officers Association who refuse to co-operate on this. In their view 'it would be a waste of taxpayers' money educating people who will soon be deported anyway' to quote (Times Educational Supplement 28.3.80). The grim conditions faced by immigration prisoners at Harmondsworth have been compared to those of concentration camps by ex-detainees. In addition, deportees being black and foreign are also affected by the racism prevalent in the attitudes of the uniformed staff (d'Orey, S. 1984). This manifests itself in racist abuse isolation and discrimination, and inadequate provisions for ethnic minority groups needs.

7.14 The final indignity of being an immigration prisoner is experienced when s/he is told of her/his imminent removal only a short time before which does not allow for time to sort out affairs, make farewells or consult legal representatives. There have been reports that those who don't wish

to go are forcibly removed using strait-jackets and even tranquillisers.

7.15 Unconvicted prisoners are not automatically referred to the welfare services within prisons provided by the Probation Service. Probation Officers are consequently unaware of immigration prisoners who may be in need of assistance and advice regarding their cases. Immigration prisoners are also disadvantaged in that they are not eligible for bail, unlike other unconvicted prisoners. The Government has given an assurance that all prisoners would be eligible for parole when they have served one third of their sentence or one year but immigration prisoners in practice are discriminated against. This may be due in part to the absence of social enquiry reports from probation officers on which Local Review Committees base their recommendations and to the official view of regarding parole as a privilege not to be used to simply return to one's country of origin. Prisoners who are to be deported at the end of their sentence often have to wait for long periods after. In 1977, of 74 people released from Pentonville prison 19 people spent over 9 weeks in custody and over half spent more than 6 weeks at the end of their sentences. This is due to the inefficiency and bureaucracy of the Home Office in processing deportation orders which should be ready before the prisoner comes to the end of his sentence so that s/he can leave immediately after. Detainees are subject to indefinite detention with or without being sentenced and the uncertainty generated in addition to the experience of prison life often leads to anxiety and despair. There have been cases where detainees have tried to commit suicide. For many, it is an experience they will never forget.

7.16 The majority of detentions are unnecessary as there are existing release mechanisms which could be utilised while cases are being considered by the Home Office. JCWI has shown that if the Bail Act 1976 was applied to immigration prisoners, 70% would be eligible for temporary release. This is one area where the overcrowding prevalent in British penal institutions could be reduced, and £200 per week per prisoner saved. Changes in law and policy regarding immigration prisoners while they may ease some of the problems experienced, will not effect any significant decrease in the numbers of Black people facing detention. The 'paternalistic' clause in the 1971 Immigration Act was a mechanism which

ensured the continued unrestricted immigration of white Commonwealth citizens while it strictly controlled the immigration of Black people. (An individual is a 'patrial' only if s/he has a family connection here, i.e. one of her/his grandparents was born in Britain which means that Black people are least likely to qualify.) It is the whole system of immigration controls that is directed to certain groups of people, in particular those who are Black which must be examined at its roots, and challenged in its basic assumptions.

7.17 The lengthy and long-delayed Commission for Racial Equality (CRE) report 'Immigration Control Procedures – A Formal Investigation' was published in February 1985.⁷ The report found extensive discrimination against Black people at all levels of control, both in Britain and in overseas posts. Unfortunately, apart from very brief references, the investigation chose to ignore the whole question of immigration act detention – even detention within the immigration area itself, which much of the report was researched. The system of control, based on 'group stereotypes' of certain nationalities who are always regarded with suspicion, was condemned by the CRE report. It is a great pity that, for whatever reasons, their research did not take advantage of their detailed monitoring of detention and imprisonment – which is the ultimate weapon available to the immigration service.

Courts/Sentencing

8.1 A report by the Inner London Probation Service (ILPS)⁸ in 1980 on social enquiry reports and sentencing patterns arising found that West Indians were over-represented in the sample examined and were more likely to receive recommendations for supervision, and more likely to receive custodial sentences than whites. It was agreed that on the evidence received the criminal justice system does disadvantage West Indians. It is the view of many Probation officers that racism insidiously permeates all parts of the criminal justice system, at both an individual and organisational level. In addition, discretion operates at every level and this allows injustice and inconsistency to creep in, e.g. in what arrests should be made, whether bail should be granted, what sentences are passed, etc, and results in a racist society, in putting Black people at a disadvantage.

8.2 The West Midlands CRE report on 'Probation In A Multi-racial Society' (1982)⁹ reinforces the findings of the ILPS study (1980) and further states that Black offenders are likely to receive custodial sentences at a far earlier stage in their 'criminal' careers than are other offenders. Phillipa Merriman (Sending Young People Down) identified 3 main factors associated with Black offenders: homelessness, unemployment and a history of being in local authority care. This is an area where local authority input is crucial. A combination of positive action programmes and the re-allocation of resources in inner city areas are required. Local authorities should monitor and review their procedures relating to admission into care – to remove any institutionalised racism and build up support systems to keep Black youngsters in the community. Liaison between Social Services and the Probation Service should be improved and particularly social workers should consult probation officers before recommending custody for young people in their care. It is interesting that it is Lambeth Social Service's policy that no social worker may recommend custodial sentences.

8.3 The West Midlands report also noted that 'racist remarks are heard at all levels within legal and penal systems including the magistracy and judiciary'. It was observed that a group of Black defendants – Rastafarians often have a policy of non-co-operation and non-acceptance of 'white justice' because from their experience they expect to face a racially prejudiced sentencer.

This influences decisions of the court – magistrates and judges may fail to recognise their own prejudices especially when faced by a complete breakdown in communication (CRE 1981).

8.4 Alternatives to custody do not appear to be alternatives for Black young people and increasing numbers are being sentenced to custody. This is a common view shared by many in the Black community who have direct or indirect experience of the courts, and is supported by evidence such as that quoted above. However, some academic studies which have recently been done deny such perceptions. The Baldwin and McConville study in 1982 on 'The Influence of Race and Sentencing in Magistrates Courts in England'¹⁰ comes to the conclusion that Black defendants are not dealt with any more severely than white defendants in Crown Courts.

8.5 This view was supported by a survey carried out by Crow and Cove¹¹ of NACRO and NAPO in June 1983 to investigate whether there were 'any grounds for believing that different ethnic groups are treated differently by the courts'. Their findings were that the different ethnic groups presented 'similar patterns of crime, their cases were handled in similar ways and the sentences they were given were similar'.

8.6 It has been argued by the Runnymede Trust that there are very real problems with the NACRO/NAPO research in that probation officers were asked to fill in a very rudimentary questionnaire which excluded cases of drunkenness and highway obstruction. It has been shown by Cain and Sadigh that these are the crimes that more Black people than white are charged with and therefore exclusion of these cases must distort the sample used by Crow and Cove. The latter were however reassured enough by the results to conclude that 'offenders from different minority backgrounds who are convicted are treated equally. This may serve to contribute to the development of confidence in the court system amongst ethnic minorities'. Such claims of impartial treatment by the courts is clearly contradicted by the ILPS report (1980), the West Midlands report (1981) and as shown later by Whitehouse (1982) and Pitts (1984).

8.7 Another area of concern is the discrimination faced by Black youth in police decisions on the use of cautioning by referral to the juvenile

Bureau. A study by Landau and Nathan (1983)¹² discovered that white juveniles were significantly more likely to be cautioned than their Black counterparts. A white juvenile with previous convictions was over four times as likely to be cautioned than her/his Black counterpart. This means that Black youth are being referred to the Juvenile Court for first and second offences whereas white youths could have a list of offences before referral. The police in referring Black youths to Juvenile Courts may present a negative image to magistrates. These magistrates who themselves may be racist, tend to readily accept recommendations from police who have usually much discretion in decisions relating to bail. It has also been observed that high numbers of Black youth are being remanded in custody and hence sent to secure units by the police. Periods spent in secure units do not count towards a sentence, e.g. a youth custody sentence. Secure units are mini-prisons run by the local authority for violent youths who may harm him/herself or others, or are likely to abscond.

8.8 Concern has been expressed in the probation service that the area of probation practice regarding pre-trial social enquiry reports for Crown Courts may be contributing to the greater likelihood of Black people receiving custody. It suggested that a higher proportion of Black clients are 'missed' at this stage than whites, for which there could be many reasons, and pointed out that the absence of a report may make a custodial sentence more likely. The assumption made here is that social enquiry reports are of benefit of the Black youths concerned.

8.9 A report by Whitehouse (1982)¹³ looking at racial bias in social enquiry reports started with the premise that the cause of Black people being unequally represented in various categories of supervision was a cumulative process of racial disadvantage in available sentence options for Black people. This begins at the referral stage for reports, continues in the proportion of recommendations for probation and in the concurrence between recommendation and sentence by the court. Whitehouse examines the qualitative nature of descriptive material in social enquiry reports and acknowledges that social work practice is dominated by white values and attempts to describe other cultures, which may have no bearing on the case, can seriously affect the outcome of the sentence. Black parents may

be seen as overprotective, over religious or over-punitive. Expressions of emotions like anger or affection may be misinterpreted. Value judgements made about sexual or family relationships, work status, parental responsibility, etc, based on a Euro-centric view of society are then used to deprive an individual of her/his liberty. These observations confirm the widespread feeling amongst the Black community that many probation officers and social workers are racist in the assumptions they make about Black families. One of the examples of a psychiatric social enquiry report given by Whitehouse includes the following excerpt: "Admittedly there is about him a mild paranoid attitude which I believe to be part of a cultural more associated with his ethnic propensities. As far as I am able to ascertain, his personality is that of a normally developed person considering his background and origins". The status of the author would have meant that the sentence or attitude of the sentencer would have been influenced by the racism in this report.

8.10 Whitehouse examines the structural factors within the content of reports and observes that although probation officers may describe the context in which the individual finds her/himself, they rarely mention inequalities within society. He argues that this predisposes disadvantaged groups to harsher sentencing and by the fact of racial disadvantage Black people will tend to suffer most. Sentencers are known to take into account the consequences of sentencing when determining which sentence to impose. Employment increases chances of avoiding custody as the courts do not wish to jeopardise income and the housing situation is similarly considered.

8.11 Whitehouse expresses concern at the lack of awareness among probation officers of the extent that personal and institutionalised racism in society affects sentencing patterns. He argues that there is a need for strategic report writing where the emphasis is on maximising the opportunities for Black defendants to improve their position in all the structural areas which have left them disadvantaged. Some probation officers who have attempted to restructure the social enquiry report have tried to eliminate those traditional content factors which tend to disadvantage the Black defendant, and are seriously examining their own values. It has also been recommended that

occasionally, in the interests of the client, probation officers should advise their client against having a social enquiry report in cases where a solicitor could better represent her/him. However, it must be recognised that it is financially rewarding for solicitors if their client pleads 'not guilty' and that solicitors also carry their own cultural assumptions. Sentencers, who may themselves be racist tend to be highly influenced by probation officers and at an earlier stage by the police. A re-examination of the whole process of social enquiry report writing by the Probation Service and Social Services is urgently called for.

8.12 It has been suggested by some probation officers that the strategies presently used by the Probation Service based on a social work model are inappropriate for probation work in a multiracial society. The majority of those who work in the Probation Service and those who frame probation policy are unfitted to recognise and respond to the qualities of a culturally diverse, racially divided society, due to a monocultural upbringing and education. White people are often incapable of comprehending the logic, depth and strength of Black mistrust of 'white law'. The Probation Service, although it may have a 'helping' role, is not a social work agency but one which derives its meaning and significance from the courts of law and the systems of criminal and domestic justice in this country. However, for the last few years strategies that are social work in orientation have tried to turn ethnic minority groups into a special 'client' group who have 'needs' to be met. The failure of probation officers to establish the conformity of Black defendants with client status and the lack of credibility of such an agency with the Black community are indications that alternative strategies must be developed.

8.13 It has been argued that the Probation Service's work in preparing social enquiry reports on Black defendants lacks any explicit, adequate framework for recognising Black experience within British society and in particular, Black experience of and response to racism. Furthermore, the dominance of a social work ideology (individualist and need-orientated) means that attention is diverted from questions of justice. Justice is a pre-occupation of Black people living here and distrust of 'white law' is part of a wider process of resistance to incorporation within

British society and the British State and also to the criminalisation of the Black community. It is the view of many working in this field that unfair treatment of Black defendants in social enquiry reports does not result from merely chance of 'bad practice', but from a set of conventions which systematically exclude Black defendants from sentencing alternatives available to whites. Any alternative strategies for probation work in a multiracial society must begin with the recognition that the anachronistic 'client' concept is fundamentally inappropriate for Black defendants. The focal point of such strategy must be the issue of social justice and the experience of Black people of the institutionalised racism of British society, the naked force of which is seen in the criminal justice system.

8.14 Local authorities obviously have a very important role to play in the chances of Black youth being sentenced to custody. At the stage of social enquiry reports value judgements and racist attitudes have a strong influence on sentencing options. Social workers have a responsibility to review the process of the preparation of social enquiry reports to eliminate racial bias. Local authorities must review and investigate the high numbers of Black youth in care who end up in custody. Liaison between Social Services and the Probation Services needs to be improved with local authorities taking a greater interest in youth who have been adjudicated and/or in youth who have been released from youth custody centres or detention centres. Local authorities should initiate and support mandatory racism awareness training programmes for social workers, probation officers, and the magistracy and judiciary. Local authorities need to have greater involvement in effective alternatives to custody provisions and where Intermediate Treatment should be geared to Black youths as well as white youth. Local authorities have responsibility to Black youth in view of Section 71 of the Race Relations Act (1976) to monitor cautioning at the Juvenile Bureau and sentencing in courts. A recognition of personal and institutionalised racism operating within the local authority itself and a commitment to its elimination is a necessary first step.

The Remand System

9.1 The chronic overcrowding in prisons today is compounded by the increasing numbers of remand prisoners being held for longer and longer periods. This is nowhere more apparent than in the London prisons, e.g. Brixton and Wormwood Scrubs prisons. As a result of haphazard bail decisions and long delays in bringing cases to trial, the prisons are bursting with untried prisoners who may have to spend a few weeks to a few months in custody. This has drastic effects on families of prisoners, inflicts unjust and undeserved punishment on the unconvicted and causes irreparable damage and hardship. This crisis facing the penal system can only be resolved if the remand system is reformed as a matter of urgency. The Home Office well aware of this, produced its first report on 'Remands in Custody' in 1983. Any improvement of the remand problem must involve consideration of the following factors: the quality of the bail decision, trial delays, the overall efficiency of courts and conditions for remand prisoners ('Lacking Conviction' – Prison Reform Trust 1984).¹⁴ This report, whilst providing a valuable insight into the remand system, nevertheless lacks a racial dimension and hence fails to account for the disproportionately higher numbers of Black people on remand.

9.2 The Bail Act of 1976 established a presumption in the favour of bail putting the onus on the court to satisfy itself that there are substantial grounds for denying bail. Magistrates have to consider the defendant's previous criminal history and previous bail, the nature and seriousness of the charge, the likely outcome of the trial and the links of the defendant with the community. Magistrates may impose certain conditions on the granting of bail, e.g. residence requirements, and if bail is refused, reasons for the refusal must be given in writing. The police, allowed much discretion in objections to bail, usually give the principal evidence against granting of bail, and are not subject to cross-examination, do not have to give proof and are not heard under oath. Police practice, which appears to victimise the disadvantaged, the unemployed, and the homeless, and young Black people in particular means that the bail system also works unfairly against Black people. The remand system is sucking up more Black people than white. At Ashford Remand Centre about 70% of the youth are Black.

9.3 Although remand prisoners are allowed the privilege of wearing their own clothes, having food brought in and receiving daily visits, the conditions they are held in have been described as squalid and inhumane. Three prisoners are routinely held in a cell built to accommodate one in the oldest and most ill-equipped establishments. Over one hundred and fifty men are often expected to share two toilets. Remand prisoners may end up serving over a year in prison but find that there are few provisions made for them. They need not be offered educational facilities, the use of the gym or the library and as the Prison Department is not obliged to find work for unconvicted prisoners it usually does not do so.

9.4 The quality of the bail decision is determined by the factors which persuade magistrates to refuse or grant bail, the accuracy of the information presented at the bail hearing and factors peculiar to the magistrates themselves. At present bail decisions are often arbitrary and unreliable. The Home Office's own statistics in 1982 showed that 15% of those charged were remanded in custody at some time during the proceedings. 7% of the defendants dealt with by magistrates courts were acquitted and 45% were given non-custodial sentences. Therefore, half of all cases involving a remand in custody during summary trial did not result in a custodial sentence in the end.

9.5 'Lacking Conviction' a comprehensive document, recommends that the United States model of the very successful pre-trial services agencies be adopted in this country. Some of the duties would be to collect and verify information relating to defendants and make recommendations regarding the granting of bail, to operate or contract facilities for custody or care of bailees, informing the court of violations of bail conditions, giving welfare advice/support to bailees and preparing pre-trial reports on those in its care. The Prison Reform Trust recommends that the Probation Service would be the most appropriate body to take on these tasks in view of their skills and links with the criminal justice system. An essential proviso would be that pre-trial services would not compete for resources with post-conviction services but should be separately funded by the Home Office.

9.6 It has been proposed that the present practice of one early bail hearing should be

replaced by a schedule of hearings at fixed intervals where possible before different magistrates. It is also argued that objections to bail should be heard under oath. These proposals aim to allow courts to make more accurate bail decisions, improve their overall efficiency and remove one of the pressures from the prisons, the police and from the courts without being at the expense of the rights of citizens. It has been recommended that the defendant's first custodial remand be treated in a similar way to the defendant's first custodial sentence under Section 20 of the Criminal Courts Act 1973 where a custodial sentence can only be given if all alternatives to other sentences have been explored and put in writing if not acceptable. What is also required to improve the quality of bail decisions and to achieve greater consistency of practice is the urgent training of magistrates.

9.7 The Prison Reform Trust proposes the setting up of a Courts Inspectorate, independent of any control by a government department, with responsibility directly to Parliament, and able to make recommendations to all departments involved with the courts. Administrative and judicial policy of magistrates and Crown Courts would come under the province of the Inspectorate. The duties of the Inspectorate would include collecting and interpreting data for all courts regarding their functioning, collecting and disseminating of information on best Court practices, fixing goals and issuing guidelines and acting as liaison between the Home Office, the Lord Chancellor's Department and the Attorney General in matters concerning the courts. This would include legislation to ensure consistency in the way courts operate and any other duties involved on the running of the courts.

9.8 It is in the area of compensating citizens for wrongful arrest that Britain lags behind many other countries. It should be a minimum requirement for any truly just system of justice to establish compensation by law to those mistakenly deprived of their liberty. It is recommended that there be a statutory compensation for wrongful imprisonment before trial and that legal aid be available for both application and appeal procedures.

9.9 Local authorities are one of the three bodies who provide funding for magistrates courts (with the Home Office and the local Magistrates Courts

Committee) and are involved in the decision regarding use of resources. The MCC, in consultation with the local authority, decides what it will need to maintain the courts in its area each year. The local authority supplies the funding and is then reimbursed for up to 80% of all the expenditure properly 'incurred'. Local authorities thus already have a structure within which they can endorse the recommendations made, campaign for their adoption by the relevant bodies and monitor their implementation.

Race Relations

10.1 In response to numerous allegations of racist abuse and discrimination in penal institutions from prisoners and prison reform groups, highlighted by a few incidents which hit the headlines (e.g. Gartree 1978), the Prison Department in 1981 issued a Circular Instruction on Race Relations.¹⁵ The basic philosophy explaining the existence of prejudice has not changed greatly since then: 'Research generally into the problems faced by ethnic minorities has shown that they experience a great deal of prejudice based on lack of knowledge of their culture, their beliefs and of their entitlement to be settled here, and on their own misunderstanding of authority'. A memorandum sent out to all Governors in August 1982 entitled 'Racial Comments in Parole Reports'¹⁶ expressed concern by the Chairman of the Parole Board that some of the confidential reports on prisoners applying for parole submitted by prison officers included 'offensive, prejudicial or irrelevant references to racial or ethnic origin'. The Board and the Prison Department took the Governors to task for allowing these type of comments expressing overt racial prejudice and hostility to be included in their assessments. Examples given were 'typical YP (young prisoner) and black boy to boot' and 'all the Asian traits, all smiles, eager to please and as dishonest as possible'. As the memorandum points out, epithets like 'arrogant coloured man' or 'surlly coloured man' imply a connection between coloured people and arrogance and surliness in the writer's mind. The Prison Department gives the instruction that comments based on racial stereotyping or generalisation should never be included in parole reports. It then absolves its officers by adding that references to race and ethnic origin have only been observed in a 'handful of cases' – a very small proportion. If the number of these cases is small, it is hard to see why this would justify a memorandum. There is a general feeling amongst the Black community that such racist comments are fairly widespread.

10.2 In 1983, the Prison Department issued a policy statement on Race Relations¹⁷ for the attention of all staff in which it claimed to be 'committed absolutely to a policy of racial equality and to the elimination of discrimination in all aspects of the work of the Prison Department'. It states that in the challenge faced it is not that they lack sufficient goodwill but whether there are the 'necessary skills, resources, and information to bring a proper professionalism' to working with

ethnic minority prisoners. It notes comments from HM Chief Inspector of Prisons (1983) which found that Race Relations Liaison Officers (RRLOs) within a prison were frequently junior staff who were not best suited to the job and recommended that Governors should ensure that RRLOs be sufficiently senior for the post. The Report makes two further recommendations: to recruit more members of the ethnic minorities into the Prison Service and to hold further training in race relations issues. The Policy Statement endorses these recommendations but adds the proviso that it would be wrong if operation of a race relations policy had the 'contrary effect of actually producing unfairness or inequality against any racial group black or white' – which is patently to stifle reactions from prison staff. The paper then goes on to criticise the use of derogatory language towards prisoners – 'it is hard to believe that there are any who do not appreciate that words like 'nigger', 'wog' or 'coon' are grossly offensive'. It is hard to believe that these epithets are the exception rather than the rule and not indicative of a prevailing ethos of racism.

10.3 There have been reports of the extreme right-wing affiliations of some prison officers (City Limits, May 1982). From the 1970s on prisoners have been complaining that high numbers from the Prison Officers Associations are members of the National Front, or Column 88 at Strangeways, Pentonville, Wormwood Scrubs. Even in 1984 there have been reports of officers wearing union jack badges or tiepins and it has been argued by the prison establishment that they cannot be prevented from showing their 'love for their country'. The wearing of such emblems should constitute a dismissible offence if Blacks and ethnic minority prisoners are to have confidence in the impartiality of prison staff. Racism amongst prison officers is probably no more widespread than in the society outside (which says a great deal about the society outside) with the crucial difference that within prisons, prison officers wield considerable power over inmates and have more opportunities to put their feelings into action. It has been argued by PROP that if all the NF supporters were kicked out of the prison system little would change. It is the racism and the brutality in the prison system that attracts NF sympathisers. It is significant that the policy statement of the Prison Department does not mention the existence of racism but instead sticks to the terms 'discrimination', 'unfairness' and 'inequality'. At no

stage does the Home Office mention disciplinary action against prison officers who breach 'race relations'. It is perceived by many that the appointment of Race Relations Liaison Officers in 1981 poses the question entirely as one of making information available, rather than dealing with the attitudes, practices and structures through which racism is perpetuated. In addition, as in case of similar appointments in the Metropolitan Police, this means relegating responsibility for racial matters to one specialist officer and thereby absolving other officers of their own responsibilities to Black prisoners.

10.4 The Home Office has stated its commitment to appointing more members of ethnic minority communities on to the Boards of Visitors. This has so far only resulted in a few token Black people being appointed who are nearly all magistrates and usually selected from local Community Relations Councils. It is the Home Secretary who appoints a Board of Visitors and any claims that this could possibly be an 'independent' body have to be challenged. There have been criticisms of the appointment of RRLOs despite the latest moves by the Home Office to appoint senior officers. (RRLOs in London are all Assistant Governors.) There has yet to be an undertaking to examine attitudes on race and hence suitability for this job when appointments are made. A major problem has been encountered by the Home Office in its attempts at recruiting uniformed staff from the ethnic minority communities. Despite spending £30,000 on a recruitment drive the Prison Department failed miserably and made few appointments. If the Home Office were to examine the reasons for this failure, it may realise that it does not have a very positive image or credibility in the Black community and that Black prison staff may find themselves ostracised. To date, 1% of Prison Officers only are Black. There is a need for mandatory racism awareness training for all prison staff – uniformed and civilians alike, where staff are enabled to confront their own racism and see it in the context of a society which has institutionalised racism into every facet of life. Some local authorities have already implemented racism awareness training programmes and there are many qualified Black teachers with experience in this field. It has been proposed that local authorities could act in an advisory capacity to the prison in their area for such programmes. It is the popular belief of some people who have attended a racism awareness training courses that

this means that they are no longer racist. It has to be emphasised that it is not only attitudes which need to change but also anti-racist practices which have to be adopted, accompanied by the incorporation of racism as a dismissible offence in the Disciplinary Code of prison staff and its implementation as recommended by Lord Scarman (1981) for the police force.

10.5 Black and ethnic minority prisoners are not recognised in London prisons as having any separate needs but are treated the same as other inmates. Concessions if made are on religious or cultural grounds and do not take into account different norms of behaviour, e.g. Rastafarians are regarded with suspicion by psychiatrists who see them as exhibiting 'abnormal behaviour'. When specific needs of ethnic minority prisoners are recognised it is stereotypically in terms of ESL (English as a Second Language) and remedial classes. The high numbers of Black prisoners in some prisons is now seen as a threat to control and security in prisons. Black prisoners played an important part in the major demonstrations of the 1970s. In the Gartree riot of 1978, prisoners took over 3 wings in the protest at the forced drugging of Michael Blake, a Black prisoner. The demonstrations at Wormwood Scrubs in 1979 protesting about the appalling conditions also involved Black prisoners who were later in a Prison Department report published in 1982 to be blamed for what had happened (P. Gordon 1983).¹⁸ This report also mentioned the existence of racism within the prison and acknowledged that the development of Black prisoners as a 'cohesive political force had some connection with the growth of Black political consciousness generally, but also had to do with self protection and an attempt to secure a degree of institutional power'.

10.6 The Home Office operates a policy of dispersal whereby the proportion of ethnic minority prisoners is kept to a maximum of 30%. In practice, this is sometimes exceeded, e.g. in Wandsworth the figure is nearer 40% and in Ashford Remand Centre it is over 50%. It is not racism which is seen as the problem in prison but Black people who are the problem. The problem therefore becomes one of numbers and the assumption is that strict control of these numbers will lead to better race relations, an assumption racist by its very nature. The Home Office in 1981 gave an undertaking that it would institute ethnic monitoring procedures in all prisons.

establishments and have the statistics ready by 1984. These statistics do not seem likely to be available even in 1985 because of the 'political' nature of the information. Previous disclosures of the high percentage of Black and other ethnic minority prisoners in prison led to public uproar and indignation – particularly amongst the Black and other ethnic minority communities. In some prisons, ethnic monitoring does not work because prison officers refuse to fill in the relevant cards as required. The compilation of statistics on the ethnic minority prison population is important in order to establish where discrimination may be occurring. At Camphill prison in 1983 it was admitted that a disproportionate number of Black prisoners were called up before the Governor for disciplinary offences – 46% Black prisoners compared to 6% white prisoners, where the Black prisoners constituted 25% of the prison population.

10.7 As Ron Phillips commented in 1974¹⁹ from his experience of custody: 'The Black prisoner in a British prison cannot be socialised in reality away from that feature which a racist society has defined as his most offensive attribute – his blackness as a result of which he finds himself in a position of extreme danger.'

Board of Visitors

11.1 Each prison has a Board of Visitors who are men and women from the community doing voluntary service. The Board of Visitors has three functions:

- (a) to keep an independent eye on the state of the establishment and the treatment of inmates;
- (b) to hear complaints and requests from inmates; and
- (c) to act as a disciplinary body dealing with serious offenders against prison rules.

The Home Office in its leaflet on Board of Visitors states that each Board 'is totally independent of the management of the establishment and has its own Chairman. It is responsible to the Home Secretary, who appoints each member'. Members are required ideally to live within a 20 mile radius of the establishment.

11.2 There has been much criticism levelled at the structure of the Board of Visitors and the contradictory nature of their functions. Until the street uprisings of 1981 and disturbances at the Dover and Rochester Borstals where there were disproportionately high numbers of Black youth, the Board of Visitors consisted almost entirely of white, middle-class men over 45, more than 50% of whom were magistrates. Today, in the London prisons there are now individuals of ethnic minority origin on the Board of Visitors of each prison – ranging from one at Holloway prison (recently appointed) to a maximum of three at Wormwood Scrubs. The Home Office's stated policy, in response to demands from the Black community, Board of Visitors Association and prison campaigning organisations, is a commitment to increasing the representation of ethnic minorities on the Board of Visitors and is accompanied by a commitment to increasing the numbers of women, and working-class people. However, this is seen by some of the ethnic minorities on the Board of Visitors as tokenism – if only one out of 13-20 members of the Board of Visitors is Black it is dubious how effective that one is likely to be. The latest estimates for the proportion of ethnic minorities in prisons in England and Wales is put at 25% of the whole prison population. In some prisons, e.g. Holloway, 40-60% of the women are estimated to be Black, Ashford Remand Centre – 50% official figures – unofficial 70%, Dover Borstal 60% Black. Although the Home Office operates a dispersal policy if the

percentage of ethnic minorities exceeds 30%, this limit is not always kept. The dispersal policy affects young Black people who are sent to Dover Borstal from South London where the Board of Visitors is usually white.

11.3 There is a need for significantly higher numbers of ethnic minorities on the Board of Visitors of the local London prisons given that 25% of the population is Black. There is a danger of falling into the trap of the numbers game frequently used by the Home Office – it is not enough to have x number of ethnic minorities because there should be no limit. This allows for the possibility of a majority of the members being from ethnic minorities. Also, there are very few Asians on the Board of Visitors which is of particular concern where there are large numbers of Asians in prison – e.g. in Wormwood Scrubs. Another factor which needs to be considered is the selection of the Board of Visitors. The Home Office's position is that it gives every encouragement to any individual and community organisation to nominate people for the Board of Visitors using the Commission for Racial Equality and Community Relations Councils to spearhead recruitment campaigns. In practice, those appointed to the Board of Visitors are selected by the Home Secretary tend to be CRE material or working in the Race Relations field rather than from a cross-section of the Black community. What is also important here is the possibility of lack of accountability to the community – those who are approved by the Home Office may not necessarily have the Black community's interests at heart. This situation is paralleled in the selection of Black magistrates and it is Black magistrates who make up the majority of ethnic minority Board of Visitors members. There is some confusion in the minds of many between the Board of Visitors and Prison Visitors. Prison Visitors are volunteers appointed by the Home Office to counsel and befriend prisoners. There is a need for more Black volunteers to be Prison Visitors. However, unlike the Board of Visitors, Prison Visitors do not need to be recommended and may apply directly to the National Association of Prison Visitors, who do not need to be accredited by the Home Office. There are very few Black prison visitors at present.

11.4 It is the contention of Radical Alternatives to Prison, National Prisoners Movement, Prison Reform Trust and Women in Prison that the Board of Visitors should be reformed as recommended

in the Jellicoe Report and that local authorities should press for this. Most prisoners, ethnic minorities or white, place little confidence in Boards of Visitors. The dual role of hearing complaints from inmates about anything to do with the prison and being a disciplinary body for inmates' misbehaviour is one which fails the people it is there to protect. Boards of Visitors are often regarded as 'prison puppets' as the majority of Board of Visitors tend to too readily believe what they are told by the prison officials.

11.5 The Board of Visitors are not independent of the prison administration and the Prison Reform Trust (1984)²⁰ has argued that their role as watchdogs is seriously impaired by their association with the disciplinary system. It is no longer practical to entrust the conduct of serious disciplinary proceedings to a body the majority of whose members have no legal training or experience. It is therefore recommended that Boards of Visitors no longer be empowered to conduct adjudications on offences against prison discipline but confine their duties to watchdog activity. When this occurs there will no longer need to be the legally required complement of magistrates and the Prison Act (1952) would therefore need to be amended. Boards of Visitors could then extend and fulfil their obligations to prisoners regarding complaints, health, food, privileges, removal from association and use of restraints. The Board of Visitors' role could be strengthened by the appointment of a Prison Ombudsman to take up cases and investigate complaints from Board of Visitors members or prisoners themselves.

11.6 One young Black ex-prisoner who served 3 years and 2 months and stayed in five different prisons during his sentence has reasons to remember his contacts with the Board of Visitors. In one of the prisons, the prisoners went on hunger strike for the day to protest about the monotony of the diet offered to them. As he was due to be released shortly X did not join in the protest although he abstained from eating the food prepared in the kitchen. A few days later he was told that he had instigated the hunger strike and he was brought before the Board of Visitors. The prison officers or 'screws' gave evidence that objects were found in X's room which were used as weapons. These were in fact a water spray for plants, meths from the art teacher for oil painting, and a tap for turning on hot water. The screws

alleged that the tap was a 'knuckle-duster' and the water-spray was a spray-gun for the meths. The Board of Visitors adjudicating believed what they were told and gave X 90 days loss of remission. This prisoner knew of no case where the Board of Visitors found the prisoner not guilty. It is the common experience of many prisoners that prisoners are not usually allowed to give evidence and when they do it is often dismissed. If a prisoner loses remission there is no recourse and s/he is absolutely powerless. If a prisoner wishes to write to her/his MP s/he is 'advised' against it. From 1978-1982 X did not see one Black Board of Visitors member at Lewes, Ashford, Wormwood Scrubs or Wandsworth.

11.7 Ex-prisoners and some members of the Boards of Visitors who gave evidence to the Jellicoe Review of the Boards (1975) felt that the system was loaded against the inmate. It was admitted that in circumstances where there is some doubt and where it is the prisoners' word against the prison officers, Boards usually favour the prison officers. Some of the ethnic minority members of Boards of Visitors felt that the Board of Visitors have a lot of power but they do not choose to exercise it and tend to bend over backwards to please the prison authorities. Although the Chairman of the Board of Visitors is able to go over the head of the Governor this rarely happens. This view has been confirmed by the Home Office's own report in November 1984 which looks at the watchdog role of the Board of Visitors. The report states that prison Boards of Visitors are overwhelming middle-class, do not reflect a cross-section of the community, put too much trust in Government staff and undertake their watchdog role superficially. The Board of Visitors lacks credibility in the prisoners' eyes and in many cases prisoners complaints are not followed up sufficiently. The report strongly criticises the Board of Visitor's deferential attitude to Governors and states that most Board of Visitor's members are caught up in so-called 'Cook's Tours' of their prison. This only confirms what prisoners have been arguing for years – that just before the Board of Visitors arrive in the prison the whole wing is cleaned up. Although they are permitted to come unannounced Board of Visitors usually give 2 days warning and are taken around their wing by prison officers. It has been recommended that members of the Board of Visitors arrive unannounced at 7.30 am – the best time – to see over 100 prisoners slopping out in 2 recesses.

11.8 There is a need for an independent team of Inspectors to strengthen the role of the Board of Visitors and is an area where local authorities need to be involved in view of the valuable monitoring role local authorities can play with regard to prison conditions. There are also calls for a local authority with a prison in its area to press the Home Office for the representation of at least three Council Members on the Board of Visitors, e.g. Members or Chairs of local Environmental Health and Police Committees who would report back to the full Council. It has been proposed that the Board of Visitors should hold regular 'clinics' at which prisoners can raise questions or problems in strict confidentiality. The Board of Visitors memberships should be widened and be selected by the community to whom they should be accountable. It has also been proposed that this would be furthered by publishing the names of all the members of the Board of Visitors and publishing the annual report of the Board of Visitors to the Home Office and placing copies in local and prison libraries.

11.9 It has been suggested that local authorities should be responsible for the selection of members of the Board of Visitors such that the Board of Visitors is completely independent of the Home Office. The local authority could present to the Home Office the nominations made by the local community.

11.10 Far from being an independent body the Board of Visitors in practice is an important part of the institutional apparatus of control in prisons. The Board of Visitors is empowered to sentence an inmate to cellular confinement for up to 56 days and/or loss of remission up to 180 days in addition to other 'awards'. Although prisoners in England and Wales now have the right to appeal to an outside Court against sentences imposed by Board of Visitors the procedure is the same as in disciplinary hearings.

11.11 The Prison Reform Trust (July 1984) recommended that local panels of magistrates take over the disciplinary functions of the Board of Visitors. The panels could be elected at regular intervals by the magistrates themselves in the same way as they now elect licensing committees and domestic panels. These local disciplinary panels with all cases of mutiny, gross personal violence, assault and escape, and all serious cases, referred on the Governor's discretion or at

the prisoner's request. Governors should retain discretion for the referral of cases to the panel except where prisoners have requested a disciplinary panel adjudication.

11.12 In the interests of 'good order and discipline', the central overriding tenet of the prison system (British Prisons 1982)²¹ and one of the consequences of the secrecy which surrounds imprisonment is that prisoners are not allowed access to the rules and regulations imposed on them. Although prisoners are supposed to be given a copy of the rules these are only summaries of the prison rules and regulations that the prison authorities think are suitable for prisoners to know about and are only brief guides which exclude or conceal several other rules, e.g. the censorship of prison letters (Prison Rule 33(3)). Prisoners are not allowed to see a full copy of the Prison Rules and have no right of access to Governors' Handbook, Circular Instructions or Standing Orders which cover all aspects of prison life down to the minutest detail. The Government recently gave a commitment to publish new Standing Orders in response to calls from the public but before this can happen all Standing Orders are being revised for security purposes. These rules, which may not be challenged in outside courts. The Prison Reform Trust (1984), amongst many others, calls for the urgent revision of the twenty-one offences against prison discipline listed under Prison Rule 47. For example, Rule 47 (12) states that a prisoner shall be guilty of offence against discipline if s/he 'makes any false and malicious allegation against an officer'. The Prison Reform Trust argues that while this particular rule remains there can be no effective complaints procedure for prisoners. A report by Justice (Justice in Prison 1983)²² recommended that the Prison Rules be extensively amended and it is proposed that local authorities should endorse these recommendations. In the successful case of Tarrant against the Board of Visitors of Albany Prison (1984), it was held that while no prisoner had automatic right to representation, or assistance at an adjudication, the Board of Visitors nonetheless have the discretion to grant such representation or assistance. This very important case enjoined Boards to adopt the standards of proof required in criminal courts – the case had to be proved 'beyond reasonable doubt'. This ruling merely brought the prison disciplinary system more in line with the tenets of natural justice.

Parole

12.1 Parole was introduced in the Criminal Justice Act of 1967 and is a system whereby prisoners are eligible to be released under supervision before completing their whole sentence, with the aim of enabling ex-offenders to fit back into society, and become 'decent citizens'. Until recently, prisoners became eligible for parole in cases of over 18 months imprisonment when they had served one third of their sentence or 12 months, whichever expired the later. The Probation Service has statutory responsibility to supervise prisoners on parole. The first stage involves prisoners being interviewed by the Local Review Committee (LRC) consisting of a member of the Board of Visitors, the prison Governor, a probation officer, and two 'members of the public'. Recommendations from the LRC are sent to the Parole Board which is made up of 36 members who are allegedly an independent body recommending suitability for parole to the Home Secretary. Only the Home Secretary has the power to release a prisoner on parole, and the right to revoke a parole licence if breached without explanation, and at any time. Parole is a privilege, not a right and is a very drawn-out, bureaucratic process sometimes taking up to 6 months. Prisoners have no right to an explanation if refused parole and no right of appeal.

12.2 Recent changes in parole regulations by the Home Office have led to 2000 prisoners being released on a single day with the prospect of 12,000 prisoners becoming eligible for parole every year. This has been achieved by dropping the minimum length of sentence which qualifies for parole from 19½ months to 10 months. This would have serious implications for local authorities housing departments who were not consulted before these measures were taken. The National Association of Probation Officers in July 1984 accused the Government of adopting 19th Century attitudes about deserving and undeserving poor in its treatment of the prisoners freed under the Home Secretary's new measures. They argued that crime will increase due to the lack of provision of extra hostel places for the 2,000 released prisoners. The Home Office has admitted that it has not allocated any additional resources for this purpose. There is very little information on the proportion of ethnic minority prisoners who become eligible for parole or on the numbers of ethnic minority prisoners doing life or long-term sentences. However, it has been alleged by some ex-prisoners that Black prisoners have less

chances of getting parole compared to whites. This also applies to loss of remission (time off for good behaviour) which is 'awarded' by the Governor or Board of Visitors for internal disciplinary offences. In Camphill prison, Isle of Wight which has high numbers of ethnic minority prisoners from London – 46% of the Black prisoners in 1983 were charged with disciplinary offences and 'awarded' loss of remission compared to 6% of the white prisoners. Black prisoners made up 25% of the prison population.

12.3 There are two other factors influencing the chances of parole for ethnic minority prisoners. Research has shown that Local Review Committees (Inner London Probation Service Study 1980) are more likely to recommend parole if the prisoner has a home to go to. Homelessness is thus a significant factor in the granting of parole which could disadvantage Scottish, Irish and young Black people. It has also been shown that language difficulties (Roshan Horabin 1978)²³ can prejudice a prisoners' chances of parole. There is a need for a detailed research study into the whole area of race and parole which examines the role played by probation officers in the parole procedures. There appears to be some bias in the granting of parole to prisoners liable to deportation and further detention at the end of their sentences. Local Review Committees base their decisions on social enquiry reports provided by probation officers which are not made for the above prisoners. It seems that it is a privilege too for a prisoner to be paroled simply to return to his/her country of origin (Immigration Prisoners d'Orey 1984).

12.4 It has been proposed by the Inner London Probation Service that there should be representation of different racial groups on Local Review Committees and the Parole Board. When a prisoner is interviewed by the Local Review Committee and does not have a good command of English, interpreters should be provided.

Education

13.1 The Education Department in prisons is run by Education Officers seconded from local Adult Education Institutes and consists of a team of full-time tutors and part-time tutors. Education in the London penal establishments is provided by the Inner London Education Authority (ILEA) and fully reimbursed for agreed expenditure by the Home Office. Professionally the Education Department staff are accountable to the Chief Inspector in ILEA and operationally are accountable to the Prison Governor. ILEA sees itself effectively as an agent of the Home Office. The prison education departments in all the five London prisons are given support by the Local Adult Education Institute.

13.2 Education as a whole in a society based on class is clearly a 'privilege'. In a penal regime although it is a statutory entitlement, access to education in prisons becomes an institutional privilege. Education provision is an important part of the control system in prisons and is oriented to suit management concerns rather than the educational needs of prisoners. It is widely accepted that withdrawal or threat of withdrawal of education constitutes an effective punishment. Conversely promise of educational facilities is often used as a 'reward' to goad prisoners into conformity (Prison Education – RAP and PROP (National Prisoners Movement) December 1982). Prison education thus becomes a system of double privilege. There is much evidence to suggest that very few education services in prisons tackle the life experience, problems and release aspirations of prisoners or are able to provide a useful bridge between the prison and the community. This failure often leads to prisoners depending on the institution due to the low priority given to developing their personal resources.

13.3 A report by Radical Alternative to Prison (1982)²⁴ argues that the content of prison education reinforces racial and sexual stereotypes in a self-defeating manner. Women are provided with education facilities which reinforce their domestic role. Racial stereo-types of Black prisoners where there are typically low expectations of educational ability implicitly or explicitly affect the education provision for Black prisoners. It is the view of Radical Alternatives to Prison that prison Education Departments generally misuse their limited resources, interpret education in the narrowest sense and operate without accountability to either individual or social needs.

Local education authorities have the wide experience and links with the community which makes them well-suited to providing education to equip prisoners for community life. This aim cannot be achieved while prison education is used as a weapon by prison management and is a 'double privilege'. Local authorities need to seriously consider assuming total responsibility for education policy, programmes and staffing in prisons.

13.4 The Education Department in prisons is part of the welfare service provision in prisons and has close association with probation officers. One of the major problems faced by the Education staff is the fluctuation of the prison population.²⁵ Brixton prison (London's main remand prison) is highly overcrowded, with a population that changes from day to day. Education is one of the few services available but manages to reach very few inmates. There has also been a reduction in staffing. Wormwood Scrubs now houses high numbers of prisoners on remand in addition to short-term and long-term convicted prisoners. It has undergone enormous change in the last year. At the end of 1983 the establishment consisted entirely of convicted prisoners on remand. There is a great demand for evening classes but the Education Department is limited to one hundred prisoners. For prisoners to be taken out of their cells to go to the Education Department in the evening requires overtime by prison officers. Due to staff shortages the demands for evening classes cannot be met. It is typical of the prison system that tutors are given keys to carry but are not permitted to collect prisoners or run unsupervised classes. This can lead to a situation where, as observed by the National Association for the Care and Resettlement of Offenders (NACRO) in a report on prison education in 1981,²⁶ 'there has recently been occasional unilateral action by prison officers who do not approve of it to prevent education taking place by refusing to unlock or escort prisoners to their classes, or by locking teachers out of their place of work'.

13.5 Wandsworth prison, an allocation prison for long-termers has a large Education Department. This prison is characterised by the lack of the facility for association provided for inmates – which is the informal meeting of inmates during the evening for recreation. This has implications also for the evening class programme. Recent changes in the administration of Holloway prison

have had a profound effect on the Education Department which has had to adapt to a new regime that does not consider welfare as one of its priorities. The Education Officer was excluded from the prison for some months in 1983 and in August 1983 it was decided to allow only 40 inmates into classes at any one time. Despite the excellent services this department has been known to provide, there is very little education taking place in Holloway at present. The situation has recently improved with the resuming of education due to a change in policy by the prison administration. This is an area where local authorities should be supporting their staff employed in prisons and assisting them in negotiations with the prison establishment.

13.6 The basic philosophy of the Education Department in prisons is one of integration. Ethnic minority prisoners are given the same provisions as other prisoners. It has been acknowledged, however, that racism is an issue within prisons and that the Education Department is very sensitive to it and is attempting to combat it. The Education staff are expected by ILEA to give priority to less advantaged groups. This may take the form of ESL classes (English as a Second Language) or the provision of basic education programmes including literacy and numeracy skills which may be required, due to the failure of the Education Department in schools to provide young Black people with basic skills. In Wormwood Scrubs there is also the provision of Urdu, Hindi, Punjabi classes in the lifers wing which are very popular. It has been acknowledged that there is a demand for ESL classes in other prisons, for example in Wandsworth, which has yet to be met. One of the problems that prisoners face in terms of ESL classes is that teachers are usually English and may have little conception of how to teach foreign language students. Wormwood Scrubs in addition has recently started an evening class on Caribbean Studies taught by a West Indian teacher. There were no classes on Black history for Black people in Wandsworth prison in November 1984. There is a call for the appointment of more Black tutors from the community to teach in prisons.

13.7 There is a need for the Education Departments in prisons to recognise that Black people in prisons should be given the opportunities to discuss their history, their culture, and their experiences in this country in the light of

the discrimination they face, not only outside in society but also within the prison. Courses in Black politics/History should be available in all prisons in response to demands. Education Departments should review the demand for foreign languages, particularly amongst those who speak no English, and these classes should be accompanied by ESL classes and be offered to all inmates according to demand.

13.8 It has been suggested that prisoners should have education classes in the community, i.e. outside the prison walls. This could be facilitated by employing special prison officers to escort prisoners to classes, possibly along similar lines to the Special Constabulary in pre-release training schemes and follow-up schemes for ex-prisoners. Ex-prisoners are often left with a low sense of worth or self esteem as a result of being in prison. They may need encouragement to find employment and to make full use of educational services available to them outside.

13.9 Some prisoners in London have expressed the need for a weekly or monthly newsletter on issues relating to prisoners and by prisoners both within a prison and inter-prison. This is an area where the prison Education Department could have a possible role.

Libraries

14.1 The prison library service is closely associated with the prison Education Department. The local authority may have a Special Needs librarian within whose remit the prison library service falls. The borough library provides librarian hours to the prison and is responsible for the selection of books. The prison library is usually under the Education Officer managerially and is run by prison officers supervised by the librarian seconded for a few hours from the borough library. Wandsworth prison is the only London prison which has a full-time tutor/librarian. The prison library is linked to not only the borough libraries but also to the whole library network in the country.

14.2 The prison library service is limited by the funds allocated from the Home Office. Censorship has been lifted to some extent and certain political books are now available. In terms of meeting the needs of ethnic minorities, each library appears to have a large stock of books in foreign languages. However, the choice of books available to, e.g. Urdu speaking prisoners will be limited and is usually confined to novels. Prisoners have complained that these books are not appropriate and that the library staff have little concept of what to make available. It is suggested that the prison library make more use of ethnic minority librarians in borough libraries than at present and also examine which books prisoners themselves wish to read. There are a few books on Black politics in prison libraries but prisoners have complained that they are not adequate. Further research is required in this area. There is a demand for the provision of Black newspapers in English or in other languages to be provided and funded by the prison library according to demand.

14.3 It is important that a local authority library service already have a serious commitment to users from ethnic minority groups in its wider community if it is to tackle the needs of such groups in local penal establishments. The restrictions placed on the way librarians in prisons may operate and the institutional and individual racism which exist within the prison services, make it much more difficult to achieve a satisfactory level of service.

14.4 There is a call for substantial improvements to take place in the overall library services within most prison establishments. There is a need for better accommodation and facilities, an enhanced

quality and range of stock, regular opportunities for prisoners to use collections, more contact between prisoners and librarians if the service to ethnic minority inmates is to meet the level of demand that is already being experienced, and if this aspect of the library service is to be recognised as of major, permanent significance.

Health

15.1 The Prison Medical Service (PMS) has responsibility for the physical and mental health of those in custody. Each prison has hospital facilities of some sort but serious cases are taken to local hospitals. The PMS is completely separate to the NHS and doctors working for the PMS – the medical officers in prisons – are subject to the Official Secrets Act (1911). Medical officers have an important and influential role covering all aspects of imprisonment. They have responsibility for each convicted prisoner deciding on the fitness to work, giving advice on hygiene, food, working conditions, fitness of staff, accidents to and assaults on prisoners and staff and fitness of prisoners for disciplinary awards (Fitzgerald and Sim 1982). The PMS makes considerable use of NHS facilities, out-patient and in-patient treatment. Medical officers are generally assisted by hospital officers who are prison officers given a rudimentary and inadequate nursing training, although in Holloway and other womens' prisons the Chief Medical Officer is assisted by NHS trained agency nurses.

15.2 Despite the dependance on the NHS, the PMS has resisted all attempts to incorporate it into the NHS, which has serious consequences for the prisoners. A prisoner is not allowed to choose his/her doctor and complaints have to go to the Governor or Board of Visitors as there is no independent scrutiny of medical care. Prison doctors are not accountable to the Regional Health Authority and this body does not have the power to investigate conditions in prisons. Community Health Councils do not include prisons in their terms of reference. The BMA and GMA show marked reluctance to trespass on Home Office territory. Prisoners frequently complain of medical maltreatment. Due to the security nature of his work, the medical officer experiences conflicts in the demands and interests of security and in the individual prisoner's health interests. It is a punishable offence if a prisoner refuses to work unless certified sick by doctor – a prisoner can lose more than a day's remission. Information on patients' health which is strictly confidential on the outside, is available to the Governor and prison staff. Prison doctors are usually seen by their patients as another type of prison officer. There is a very high morbidity rate in prisons and in May 1979 it was the view of the Royal College of Psychiatrists that medical services provided for prisoners are often minimal. The medical officer has complete and unchecked autonomy unlike in

the NHS where prescribing patterns are checked and doctors work scrutinised by other professionals. There is a call for a full and independent enquiry into prison medical facilities, and prisoners should have the right to consult any doctor within the area in which they are imprisoned. It has been proposed by prisoners rights groups that the PMS should be disbanded and the medical system come under NHS jurisdiction.

15.3 Local authorities need to concern themselves with the working of the PMS in order to fulfill their obligations to Black and other ethnic minority prisoners under Section 71 of the Race Relations Act (1976). There is a mass of evidence to show that psychiatry/mental health practice is being used as a means of social control in a process which begins with the police, continues through the courts and ends with prisons. This is by the use of compulsory admission procedures under the Mental Health Act (1983) whereby police officers, social workers, prison officials and family members have the sanction to use legally justifiable force in the name of mental health. The psychiatric services are seen by the Black community today as a custodial system instead of one offering care. Police, who have a great influence on custodial sentences and share responsibility in the criminalising of the Black community, under section 136 can arrest anyone who is found in a public place and who is judged to be dangerous. It has been estimated that Black people are twice as likely to be detained by this section and for this reason it is called the 'Mental Health Sus law'. In prisons where Black people are greatly overrepresented, Black people are increasing being certified as insane. This is seen as a response of the prison establishment to challenges to its authority and the increasing politicisation of Black prisoners. Black prisoners are also the more likely to be given sedative drugs to control them. Visitors to the London prisons have remarked that many Black prisoners walk around like 'zombies' because they are so heavily sedated. One Black ex-prisoner called it a trap set for the Black prisoner where s/he may be constantly taunted and subjected to racist abuse by prison officers and if the prisoner responds s/he is likely to be assaulted and forcibly drugged.

15.4 There is the current case of Cyrus Noor who was involved in the Stoke Newington and Hackney Defence Campaign (calling for a public enquiry

into the death of Colin Roach) who is presently being held in Wandsworth prison after being moved five times in the last few months. The day following a protest by Black prisoners in Wandsworth Prison it is alleged that he was forcibly drugged anally and sectioned under Section 47 of the Mental Health Act (1983) and kept in the prison hospital under compulsory detention indefinitely on the grounds of mental health. One month later in response to demonstrations by the Black community in support of Cirus, the Home Office denied ever sectioning him. An independent doctor who has seen him has stated that he should not have been sectioned. Many in the Black community feel that it is the most politically active prisoners who are the ones likely to be drugged constantly. Wandsworth prison has the highest level of drugging for male prisons with 121 doses per head of population (Home Office Prison Department 1982). This is accompanied by allegations of frequent physical assaults, and frequent instances of racist abuse against prisoners (New Statesman 14.9.84). Women's prisons generally have the highest level of drugging within the whole of the prison system. Holloway Prison is at the top with the highest dosage of drugs per prisoner. This is due in part to the differential attitudes of the Prison Department to women prisoners. The latter are deemed disturbed and in need of treatment while men need to be punished.

15.5 Social workers also have the authority to section people under Section 135 of the Mental Health Act. Contradiction in the role of the social worker must be recognised. On one hand, they are providing support/advice on welfare benefits and on the other are the agents of the state surveilling families and homes with the power to take children into 'care' from their parents. Many social workers tend to be reluctant to intervene in situations until they have reached a crisis point, by which time it may be too late. It is the view of many Black workers that the factors influencing the use of these powers is not the mental illness of the person but rather the lack of community facilities and half-way homes for families who can no longer cope which has serious implications for local authorities (Black Health Workers and Patients Group 1984).²⁷

15.6 There are many mentally ill patients in prisons who should not be there at all. These people who should be receiving a high level of

treatment are treated like prisoners which sometimes results in serious consequences. The recent outbreak of self-mutilation by mentally disturbed women in Holloway prison (Nov 1984)²⁸ highlights the failure of the NHS and the Social Service departments of local authorities to make adequate provisions for the mentally ill. Due to staff shortages and for reasons of 'security and control' these women are kept locked up in their cells for up to 24 hours a day with no work, no exercise or education. Women have tried to hang themselves, one has gouged out an eye, one has slashed her breast, and one has injured her sight. These last three women have now been transferred to Broadmoor and Rampton secure 'hospitals'. The Women In Prison Group has called on the Home Office to employ Registered Mental Nurses and set up an inquiry into conditions. They argue that women who need care under the NHS, are being criminalised and punished when they are mentally ill and need treatment.

Culture/Recreation

16.1 In most prisons, inmates are allowed the facilities of association for two to three hours every evening for recreation. Wandsworth Prison is an exception. Facilities for recreation are usually minimal in the London prisons – an area in the wing with cells on either side may be the only space available. Here, inmates are expected to be able to play table-tennis, a game of darts, cards, etc. Sports are available in some prisons, e.g. Pentonville which has a large gym. Association is also the time when evening classes take place. There is usually a high demand for evening classes which are limited by the availability of prison officers to do overtime.

16.2 Recreational facilities should be geared also to the needs of ethnic minority prisoners, such that Black cultural activities are available. Groups of artists from the community could be invited inside the prison to perform to interested prisoners. The emphasis should be on creative and educational activities which are not limited to 'culture' in the artistic sense but also involve participation. Prisoners would be able to explore their role within society and express this understanding in a fresh and challenging medium, e.g. drama, music, art. This is the long term aim of the Stamford House Secure Unit Drama Project which works with youth who are on remand for serious offences, or those for whom containment is deemed necessary. Stamford House is a remand and assessment centre run by the Borough of Hammersmith and Fulham with a catchment area of Greater London.

16.3 This is the first time that such work has been tried in a secure unit. The project is a novel and exciting development pioneered by the staff in Stamford House and the Riverside Studio, the theatre and arts centre in Hammersmith. Workshops in theatre, poetry, design, music, etc, are held twice a week and have been very successful. Artists from the community are involved in every workshop. The techniques used are 'methods of simultaneous narration, role-playing and disciplined physical exercises as a base for creating material, rather than improvising from shared reality'. Stamford House has been reported to house 60% Black youths and the success of the unit must be its commitment to involving Black artists with strong links with the Black community in running workshops, e.g. the resident poet of Riverside Desmond Johnson. Such activities could be developed for penal institutions.

16.4 Although some entertainers who visit prisons are Black, there have been problems for the Black groups wishing to perform in prisons in terms of access. This is an area where local authority support is needed. There have been complaints by Black and other ethnic minority prisoners that TV programmes or films on video cater for the needs of the white prisoners only, and Black programmes are rarely shown. It is found that the FM wavelength on radio which broadcasts many Black programmes is not available in prison, contributing to the isolation felt by Black prisoners.

Social Services

17.1 Local authority Social Services Departments do not have any policies regarding ethnic minority ex-prisoners or any other ex-prisoners who they see as the responsibility of the Home Office and the Probation Service. They do not consider it their role to make provisions for ex-prisoners and argue that due to spending restrictions they are unlikely to get involved in the near future. Existing resources are presently being stretched to meet the needs of other vulnerable groups in the community like the elderly, the disabled, under-5's, etc, who would have higher priority than ex-prisoners. It has been stated by the Probation Service that in the last 25 years local authorities have not taken any interest in prisons in their area or in prisoners' welfare. However there is one aspect of the penal system in which Social Services have a direct and pivotal role and where their involvement is crucial.

17.2 Social Services have a statutory responsibility to juveniles coming into contact with the criminal justice system which does not extend to adults. Although the Probation Service works with juveniles, work is also done with adults. In this section we are looking at juveniles on the whole. When youths are picked up by the Police they are either instantly charged, cautioned or referred to the Juvenile Bureau who can either formally caution the juvenile or send the case to court. If there is a court hearing, the case is picked up by the Social Services Court Section who are responsible for preparing a social enquiry report when requested by the court (on the youth's family circumstances and background). The social worker allocated follows the case through to the order made by the court. Depending on which sentence is given, the Social Services has the discretion of keeping or dropping the case from the caseload.

17.3 Under the Criminal Justice Act (1982) new provisions were established for the custodial sentencing of youth. These provisions consisted of sentencing to Detention Centres (DC) or Youth Custody Centres (YCC). DCs are for the age group 14-17 (males only) and are for short sentences of up to 4 months (the short, sharp, shock treatment). YCC are for youth from 15-20 years given sentences of 4 months and over. The Act stated clearly that youngsters given custodial sentencing should have proved themselves unable or unwilling to respond to community alternatives to custody. However, the effect of the

Act has been a toughening-up of provisions for young offenders. The Home Office's own studies in May 1984 indicated an increase of 70% in the use of YCCs in the first 6 months. Since the 1982 Act Juvenile Courts, which could previously only give sentences of up to 3 months in Detention Centres can now give sentences from 3 weeks to 6 months. Recent Home Office figures indicate that 84% of convicted 15-17 year olds are reconvicted within 2 years. The London IT Federation in 1984 noted that the reoffending rate from DC was 75% and from YCC 84%. In view of these alarming statistics which show that custody is ineffective as a deterrent and the accompanying 70% increase in the use of YCCs it is imperative that local authorities reexamine the lack of impact of community alternatives to custody on reoffending rates.

17.4 Until youth reach the age of 18 the responsibility for preparing a social enquiry report (SER) for the Juvenile Court lies with the social worker allocated to the case. Statutory responsibility then passes to the Probation Service. Effectively, the handing-over process begins earlier – sometimes at the age of 15. Concern has been expressed by probation officers that social workers tend to 'fob off' their clients on to the Probation Service as soon as possible. On the other hand, many probation officers do not prefer to work with juveniles. A report carried out by the Inner London Probation Service (ILPS) in 1980 showed that Black youth were more likely to get custodial sentences than white youth. It has also been observed by Pitts (1929) that community alternatives like IT are mainly being used as a resource for white youth while DC and YCC develop into a dumping-ground for Black youth. It has been shown by P. Whitehouse (1982) in a study of race bias in social enquiry reports that social work practice dominated by white cultural values can influence the sentences given to Black people (See Courts/Sentencing). The West Midlands report on the 'Probation Service in a Multiracial Society' (1982) reinforces the view that Black youth are discriminated against by the courts. It was found that Black youth were being given custodial sentences at a far earlier stage in their 'criminal' careers and were getting far heavier sentences than white youth. The study by Phillis Merriman identifying three main factors common to young black offenders: homelessness, unemployment and a history of being in care indicates that local

authorities are thus again in a position where their supervision of the youth can lead to an increase in the likelihood of going into custody. Local authorities can also have a great influence on the diverting of youth from custody in the provision of alternatives to custody. Social Services have statutory responsibility for running Intermediate Treatment (IT) activities for youths when specified under supervision orders.

17.5 Intermediate Treatment Centres are generally the community alternatives to custody provided by the Social Services Dept. Research by Pitts (April 1984) noted that very few young Black people in an area with a high Black population were being referred to IT. Workers suspected that social workers and police saw IT as suitable for whites but saw Black youths as only being able to benefit from a vigorous and clear discipline. This form of racism appeared to be deeply rooted in welfare agencies. As a result of this work and the West Midland report (1981) IT centres in London are now beginning to look at the whole question of race. The majority of IT centres cater for white youths primarily and are not alternatives to custody projects but in effect are alternative education projects. Local authorities should be taking on for the responsibility for making alternatives to custody real. The need for this is evident from the increasingly high custodial rates observed all over the country. Local authorities have to be looking at the role of IT workers and IT projects within the criminal justice system. If IT is working as an alternative to custody there is a need for IT projects to be actually intervening in the process rather than merely relying on face-to-face work which in the end brings about little change.

17.6 Since the Criminal Justice Act 1982, NACRO statistics on custodial sentencing comparing the first half of 1984 with the second half of 1983 show a 21% increase nationally whereas Lambeth has experienced an 18% drop. This is not due to any specific policies of the local authority in terms of IT but is due primarily to the type of work being done at the Junction Project. This borough IT project is operating an alternatives to custody scheme which reflects a different attitude to IT as a whole. Their caseload is approximately 40% Black to 60% white youth. IT workers at the Junction Project are not only providing a real alternative to custody but also influence the type of sentence given to the youth by liaising with probation officers and

sentencers. This latter became crucial when it was discovered that Black youth were being referred to the Junction Project earlier than their white counterparts, hence being criminalised at a far younger age and then being accelerated through the system. They also were faced with a demand for after-care services by youth newly released from YCC and DC and felt that local authorities could be playing a more important role.

17.7 Alternatives to custody are crucial in diverting youth from custody but for the youth who do go to prison (and similarly adults) there is much concern amongst probation officers who have observed the progressive decline in through and after-care provision in the Probation Service. In 1983 the Home Office Probation Rules were published giving official 'low' status to the welfare of prisoners. This was soon followed by a policy statement by NACRO on the future of after-care which focusses attention on the failure of the Probation Service to rehabilitate ex-prisoners, and outlines a highly optimistic strategy for co-ordinating and developing employment schemes to this end. The underlying assumption here is that the withdrawal of a statutory services obligations will be offset by an increased commitment from a voluntary sector agency. It has been argued that both the Home Office and NACRO have overlooked the racial implications of their policies in view of the disproportionate numbers of Black people in custody. The Home Office has also omitted consideration of the welfare work done by probation officers with the families of prisoners. As the Probation service is running down after-care services and Social Services have responsibility for juveniles under 18 (19 if in care), Social Services will need to take on the responsibility for doing after-care work with juvenile ex-prisoners on a national scale.

17.8 Local authorities have the use of secure units for those youth deemed to be at risk of causing harm to themselves or others while on remand. Stamford House, a remand and assessment centre run by the Borough of Hammersmith and Fulham has a catchment area of the whole of Greater London. It is disturbing to hear reports that 60% of the youths in Stamford House are Black (Pitts 1984) at any one time, even though the turnover rate is high. These youth may be of Afro-Caribbean, Turkish, Irish, Greek-Cypriot, or Asian origin and many have been in care. It has been observed that the highest proportion are from the

Afro-Caribbean communities and that the proportion of Asians is steadily increasing. Workers have observed that high numbers of Black youths are recommended to secure units by the police. The role of the Social worker/Probation officer here should come under scrutiny. It is in the areas of bail that local authorities could provide a valuable service in monitoring decisions and also in assisting the setting up of some form of Pre-Trial Services Agency. The quality of bail decisions should be a cause for major concern.

17.9 Local Authorities should also be looking at their role with youth before they get into the criminal justice system – an area in which they fail miserably. There is a need for a structure where youth can meet Councillors, Officers, etc. of the local authority to whom they can put their point of view. Because youth are given no opportunities for participation in the decision-making process at a policy level on service provision for youth, they become more at risk from the criminal justice system. Some local authorities have established adolescent panel groups which meet weekly, but these as yet are ineffective.

17.10 It is evident that given the role of Social Services in increasing the changes of young Blacks going into custody, a number of positive measures need to be taken. Local authorities need to monitor and review their procedures leading to admission into care in view of the high correlation between care and custody. At the social enquiry report stage Social Services need to confront their own white cultural assumptions in evaluating Black lifestyles and monitor what work is done with young Black people. Local authorities need to be involved in monitoring sentencing patterns in Juvenile Courts to examine the influence of race. Liaison between Social Services and the Probation Service will need to be improved. Local authorities need to extend their parameters of work to include all youth at risk including youth newly released from custody. In order to have some influence on sentencing trends, mandatory racism awareness training programmes should be organised by local authorities for social workers, probation officers, the magistracy and police. This would include exploring issues such as race and the juvenile justice system and the developing of strategies for intervention. A lasting effect on custodial sentencing can only be achieved if local authorities ensure that social realities get on political agendas.

17.11 It has been suggested by a number of Black workers that Social Services should be providing welfare services to adult prisoners on release who get referred to them from the Probation Service as a matter of routine. This is an area which requires immediate attention because, as mentioned earlier, the Probation Service is running down its services in through and after-care which will affect those not subject to a statutory licence. Social Services need to decide whether this work will be integrated with IT in the case of juveniles or whether to set up projects specifically for welfare work. In the West Midlands there have been efforts made to get Probation Orders used more as alternatives to custody. But it was observed that custodial sentencing rates were still increasing and research is presently being conducted into the possible reasons for this increase.

17.12 There is a role local authorities can play in providing advice and assistance to the families of prisoners whose financial situation may drastically change when one of the family members goes to prison. Families may also need advice or information regarding prison visiting, regulations, etc. In the situation of non-English speaking families, e.g. Asian families, assistance may be required for the interpretation of prison regulations, information requested for social enquiry reports, etc. Where families have to travel long distances to visit a prison, it has been suggested that there should be hostels provided near to the prison run by local authorities – with Social Services and Housing Dept co-operating with each other. Funding could be allocated by the Home Office. Alternatively, the families of prisoners could be given allowances for hotel accommodation near to the prison.

Housing

18.1 Although a local authority may have an anti-racist policy and an Equal Opportunities policy and is committed to their incorporation in service provision, in many boroughs these policies have yet to be implemented.

18.2 Housing Departments in the London Boroughs of Islington, Lambeth, Wandsworth and Hammersmith and Fulham do not have any special provision for ethnic minority ex-prisoners or any other ex-prisoners, although they may have a policy on rehousing of Black householders, e.g. in Lambeth.

18.3 A Commission for Racial Equality (CRE) report 'Race and Council Housing in Hackney' (January 1984)³⁰ investigated institutionalised racism in the public housing sector. Their findings were that householders from ethnic minority groups were consistently allocated poorer housing than white householders. The CRE also found that the GLC allocates disproportionate numbers of Black and Cypriot families to pre-war housing estates, often the poorest quality properties. It is argued by the CRE that the findings of the Hackney report are relevant to other inner-city boroughs with a high percentage of ethnic minorities and that the GLC should introduce ethnic monitoring of prospective tenants while ensuring that allocators do not know the ethnic origin of these prospective tenants.

18.4 Ethnic minority prisoners on release will therefore be faced with discrimination and disadvantage due to their origin and also suffer from the lack of provision made for ex-prisoners in the Housing Departments of local authorities. The Housing (Homeless Persons) Act 1977 places a statutory obligation on local authorities to rehouse those unintentionally or potentially homeless, those in priority need or vulnerable. Ex-prisoners would have to be vulnerable or have a priority need. Most ex-prisoners would not be defined as vulnerable and would join the housing waiting list with other single people. The Act instructs local authorities that being in prison (as being in the Army) does not give a local connection in a borough. A local connection comes from having been normally resident in, being employed in or having family associations with that borough.

18.5 The Probation Service based in penal institutions has links with the Housing Departments of local authorities, as probation officers are

frequently called on to find housing for the prisoner on release, particularly those who have served long sentences and have no family ties remaining. The Probation Service runs a number of hostels, some in association with voluntary organisations or local authorities. It has been proposed by some probation officers consulted that local authority Housing Departments should establish a quota of housing places for ex-prisoners. There is a call for ex-prisoners to have a special relationship with the Housing Department when they are newly released as their need at this time may be acute, i.e. they should be treated as a special category. It has been suggested by one local authority Housing Department that local authorities should have some responsibility for the housing needs of prisoners who do not come from that area. This would mean widening of the Housing (Homeless Persons) Act 1977. The recent changes in Parole Regulations (1984) resulted in 2,000 prisoners being released on a single day, and in future, an extra 12,000 prisoners will become eligible for parole every year. This has obvious rehousing implications for local authorities although there has been no consultation between the Home Office and the Department of the Environment and local authorities.

18.6 Research carried out by NACRO shows that there is a strong correlation between homelessness and custody for young, Black people who are over-represented in penal institutions. Local authorities are denying the access of young people to housing and consequently they are more vulnerable and at risk of getting into trouble. Vandalism is a criminal offence for which youths can be imprisoned and a major problem for local authorities in housing estates. It has been suggested that local authorities provide facilities for activities to take place on the local housing estates which would have the effect of decreasing the incidence of vandalism and thus lessen the chances of the contact of youths with police. Local authorities could also provide more housing for young single homeless run not by the Probation Service or organisations like NACRO but run by the community themselves. Balham Boys Hostel is a hostel which houses 12 Black youths of whom 3-4 are likely to be ex-prisoners. The work done by the staff of the hostel in terms of counselling and support and the contacts developed are often vital and the only lifeline for these youth. Local authorities should also be

involved in setting up and supporting housing associations – emergency, short-term and long-term accommodation.

18.7 There is another aspect of local authorities housing policies which adversely affects prisoners. This is where the tenant, if s/he is the sole occupant of the property will be persuaded to relinquish the tenancy if imprisoned for 6 months or more, with a written guarantee that s/he will be rehoused on release. Although local authorities do not bother getting a possession order if the tenant refuses to give up the flat (unless s/he is serving a long term sentence) tenants frequently are 'persuaded' to give up their flats easily because they may not be aware of their rights.

18.8 Although Wandsworth and Hammersmith and Fulham are Tory-controlled boroughs, and Lambeth and Islington are Labour-controlled, there do not appear to be any significant differences between the policies practiced. Hammersmith and Fulham Housing Department is the only local authority out of the above who run pre-release training courses inside the prison where they give advice on housing to all prisoners due to be released from Wormwood Scrubs, regardless of in which area they intend to live.

Employment

19.1 Employment in prison appears to incorporate both goals of punishment and rehabilitation where all people who are fit to work and over school age must be provided with employment, and refusal of work is a punishable offence. However, prison work can reasonably be described as an instrument of control in the hands of the prison establishment where the rehabilitative process has long since been abandoned. Prison work consists of farming, domestic work, industry, outside work and full-time education. Most of the work is monotonous, boring and repetitive, e.g. the sewing of mailbags which despite assurances from the Home Office is still one of the largest single tasks of prison employment. Farming is the most profitable part of prison work and is associated with open prisons. Farming produce, and industrial work produce is mostly sold to the prison department itself. Domestic duties include kitchen work, officers' mess, hospital work and laundry and has been described as 'dull, soul-destroying and labour-intensive' (British Prisons 1982). An extremely low proportion of prisoners are involved in full-time education which is linked to the low priority status accorded to education in prisons and the tiny proportion of the total prison budget it receives. The total amount spent on education is exceeded by the expenditure on staff training, travelling and removal expenses.

19.2 There is much resentment amongst prisoners against the wages they receive. For working a 5 day week the standard pay today is approximately £1.50 and the maximum is about £2.50. Education courses are not very lucrative. Out of this prisoners have to buy their essentials like shampoo, sugar, stamps, newspapers, etc. There is no actual flow of money within the prison – each prisoner has his/her own account.

19.3 There have been demands made by prisoners and prisoners' rights groups for an end to the exploitation and forced labour of prisoners. They also demand to be paid full Union rates and be permitted to withhold their labour i.e. to strike if they so wish, and to form a Prisoner's Union. If rehabilitation is to be taken seriously, proper industrial facilities and training schemes to learn new skills should also be provided.

19.4 In recent years, widespread industrial action by members of the Prison Officers

Association (POA) over pay rises, overtime, etc, has contributed to a crisis within the penal system which has yet to be resolved. Those most affected and treated like pawns are the prisoners who find that workshops and education facilities may be closed for days and they may be forced to spend 23 hours per day, 7 days a week, in the cell, as prison officers refuse to do overtime. It is hardly surprising that prisoners are eager to do any job/education course which enables them to leave the cell and forgetting to open the cell is an effective sanction against individual prisoners. It is a frequent occurrence today that due to industrial action by prison staff, out of a 5 day week a prisoner may only work half a day and spend the rest of the time in the cell. It is reported by the Prison Inspectorate that workshops may often be open only 5 days in a six month period. Industrial action also cuts down on the amount of association allowed in the evenings (usually 2-3 hours) which is another way of hurting prisoners.

19.5 The allocation of jobs in prison is determined by the power relationships between prison officers and prisoners themselves. The most lucrative and relatively easier jobs are kitchen-work, laundry and officers' mess duties. Generally, Black prisoners are discriminated against in this area and are rarely found these 'soft' jobs. White prisoners who are in control of these jobs have been known to sabotage the work of and assault Black prisoners who are appointed until prison staff no longer recommend Black prisoners to this work in the interests of 'good order'. What is less commonly known is that in some prisons, Black prisoners do not work at all.

19.6 Employment schemes for ex-prisoners are at present being run by voluntary agencies like Apex Trust or statutory agencies like the Probation Service. It has been proposed that local authorities should also be involved in the rehabilitation of ex-prisoners more directly, than at present. This is even more urgent in the case of youth, particularly Black youth whose employment prospects are bleak. Prisoners should have the right to education, training and adequate pre-release preparation, including special leave to seek accommodation and attend job interviews.

19.7 In terms of employment practices, local authorities should be looking at their policies towards employing ex-prisoners. Under the Rehabilitation of Offenders Act (1977) a prisoner

who has served a sentence can regard the conviction as 'spent' according to certain criteria relating to the nature and length of the sentence, and the time that has elapsed since imprisonment. However, different crimes could be weighted differently, such that a shoplifting conviction even if not spent is regarded more lightly than a violent conviction. Individual cases would have to be treated sensitively. Local authorities should employ ex-prisoners as a matter of policy and to set an example to other employers. If one is Black and an ex-prisoner today one has very few chances of being employed. It has been proposed that the Equal Opportunities Policy of local authorities as employers should include the category 'and past convictions' with other groups for whom the Council is committed to eliminating discrimination. Local authorities again can set an example to employers in the public and private sectors. It has been noted that the Apex Trust which is a voluntary organisation with local authority and NACRO funding has no anti-racist policy and has very little information on the employment needs of ethnic minority ex-prisoners.

19.8 There is a need for constructive employment schemes for the rehabilitation of Black youth. It has been suggested that workshops could be run by older Black ex-prisoners who have skills and experience to impart to younger ex-prisoners or youth at risk of entering the criminal justice system. This would be one means by which Black long-termers/lifers could be rehabilitated back into their community and given back their sense of worth by contributing something to the community.

Families

20.1 The parent/spouse of a prisoner is highly vulnerable, and also serves the sentence even though s/he has never been accused of any offence. Suddenly s/he becomes a one-parent family, s/he is alone and has to keep her/his family together despite the stresses placed on it. S/he has to pay the bills and the family may suffer considerable hardship if they are unaware of the welfare benefits they are entitled to. The institutionalised racism of the DHSS experienced by Black and Irish families when they apply for social security acts as a deterrent and may be the reason why there are millions of pounds worth of unclaimed benefits each year. Those who are vulnerable to the value judgements and prejudices of DHSS officers because they are forced to be dependant on them, may also in the case of Irish families suffer from the abuse and hostility of the host community when they make their claims. These men/women are often subject to threats and harassment when members of their families are arrested.

20.2 The spouse of a long-term prisoner by no choice of her/his own has to become celibate. Life sentences put great strain on marital and family relationships and a high proportion of prisoners experience family breakdown. There is a strong feeling amongst families of prisoners that life sentences should be of a determined length because one of the most important factors in family breakdown is the uncertainty, the waiting, and the depression it causes. It is difficult to maintain relationships on 9 hours visiting time per year. Prisoners and their families have demanded the provision of conjugal visiting facilities for all inmates and also demand an increase in the permitted number and length of visits to at least 2 hours visiting weekly.

20.3 Irish (political) prisoners are all classified as Category A and in the majority of cases have families in Ireland who find it almost impossible to visit them. The DHSS provides the cheapest and most inconvenient form of travel and families who do make the trip have to travel long distances, over one or two days with visits to prisoners on remand limited to 15-20 minutes. However, if a spouse/parent has even a low paid job they would not qualify for this benefit. By the time they reach the prison they may be in a state of collapse and in no fit state to travel back. The Friends and Relatives of Prisoners Group demand that local authorities in London

should set up hostels near the prison in their area for the families of prisoners who have to travel long distances. These hostels should be self-catering and open during the day. At present, for families staying at a bed-and-breakfast this means walking the streets during the day. The Friends and Relatives of Prisoners Group give the example of the hostel attached to Parkhurst Prison as a model. It is also felt that families of prisoners are an unknown quantity to local authorities who should be providing support services for them. Decent travel allowances for at least two visits a month would be welcomed by many families (see Social Services). In cases of hardship, travel expenses should be paid for all visits.

20.4 Prisoners and their families have applied for transfer to prisons in Northern Ireland to make visiting easier. Foreign prisoners can serve their sentence in their own countries but the Home Office has refused this for the majority of Republican prisoners. However, between 1968 and 1983 52 soldiers convicted in Northern Ireland were transferred back to Britain to serve their sentences.

20.5 Irish political prisoners, by demonstrating on rooftops and by going on hunger-strike have consistently complained about oppressive visiting conditions and the refusal to transfer them to prisons nearer their homes. There are several Irish prisoners who refuse to accept visits from their families because they will not subject them to the humiliation of strip-searching on entering or leaving Britain, or to oppressive visits where physical contact between the prisoner and visitor is not allowed. There are cases where Irish political prisoners serving long sentences have not had any visitors for over 9 years.

20.6 The families of youth in prison require support from local authorities Social Services when a family member goes to prison. This may be advice on welfare benefits or support in terms of adjusting to the new situation. Where Social Services have contact with families through the youth's involvement in the criminal justice system, there should be through-care and follow-up work done with the families. Asian or other ethnic minority families may require assistance with interpreting in the courts, with prison rules or visiting hours. Local authorities could ensure that experienced interpreters are available from the local community with some legal knowledge who

would be paid at the standard rates for local authority interpreters. The Probation Service may have a role here in assessing the level of legal knowledge an interpreter should have which must be acknowledged in the pay scale.

Conclusions

21.1 As a result of the consultations held, a number of areas of major concern have been identified. These areas should form the basis for discussion between local authorities and the Home Office, other statutory agencies and voluntary organisations, in order to determine how these concerns can be resolved and the policies suggested implemented.

21.2 The suggested courses of action for implementation by local authorities begin with the general areas of concern highlighted. These are followed by the specific issues relating to each section of the preceding report commencing with Afro-Caribbean Prisoners and ending with the Families section.

Suggested courses of action for local authorities

General

22.1 In fulfilling their Section 71 responsibilities under the Race Relations Act 1976, local authorities should be asked to accord a high priority to liaising with Central Government and its appropriate departments in seeking to influence policies, strategies and programmes of action which would ensure due consideration of the issues and concerns outlined in this report as well as the implementation of the recommendations.

22.2 A high priority should be accorded to providing the necessary resources for campaigns and organisations in the independent voluntary sector, particularly in the Black and other ethnic minority communities, seeking to secure compliance with the contents and recommendations of this report and to network among these communities in pursuance of this.

22.3 This report should be widely circulated to all local authorities and their service departments, statutory agencies and voluntary and community organisations for further consideration.

22.4 Local authorities should designate responsibility for their role in ensuring an adequate race dimension in policies and practices in penal establishments to a specialist adviser situated in the Chief Executive's office, with the aim of consistency between local authorities in the policies adopted.

22.5 Local authorities should adopt an Equal Opportunities policy similar to that of the GLC and endorse the CRE's Code of Practice and effectively monitor their implementation by appropriate and realistic targetting as well as through specialist workers or race relations advisers.

22.6 Local authorities should establish representative bodies elected from each of the communities with administrative support, to monitor general conditions within prisons and issues related to the treatment of prisoners and their families. These bodies should facilitate those who are campaigning to improve conditions for prisoners.

22.7 Local authorities should monitor and record all racial attacks occurring in prisons whether perpetrated by the prison authorities or other prisoners.

22.8 Local authorities should call on the Home Office to ensure that all prisons keep a record of the staff membership of racist organisations.

22.9 Local authorities should condemn the overcrowding and inhumane conditions faced by prisoners in the London prisons.

22.10 Local authorities should call on the Home Office to drastically reduce the numbers of prisoners on remand or imprisoned for minor offences by withdrawing or reducing custodial sentences for certain crimes.

Monitoring of Local Authorities

23.1 Local authorities should implement ethnic monitoring procedures in all aspects of their work with adequate safeguards for the identity of individuals.

23.2 Local authority Environmental Health Officers should monitor conditions in prisons with reference to Health and Safety standards. Regular visits by Environmental Health Officers or members of Committees should be made.

23.3 Local authorities should investigate how prisons within their boundaries are approaching the treatment of the prisoner population and how the local authority's anti-racist policy is being implemented.

23.4 Local authorities should press for seats on the Boards of Visitors as of right in order to participate in Boards of Visitors 'watchdog' activities.

23.5 The Principal Race Relations Officer of the local authority should monitor the position of Black and other ethnic minority prisoners in the local prison and act in an advisory capacity on Black and other ethnic minority matters to the penal establishment, in addition to acting as a resource for expertise in running racism awareness training programmes for prison staff.

23.6 The Social Services Committee of the local authorities should monitor the welfare services provided in prisons and have close liaison with the Probation Service with emphasis on the needs of ethnic minority prisoners.

23.7 The Education Committee and Committee Library Service could monitor the maintenance of a high standard of service delivery and ensure that the needs of ethnic minority prisoners are being met.

23.8 The Housing Committee of local authorities should visit the prison regularly to determine the needs of homeless prisoners on release with a view to running pre-release training schemes within the prison.

23.9 The Social Services Committee of local authorities should have links with Courts within their boundary and monitor courts/sentencing procedures to determine evidence of racial bias and take steps towards its elimination.

23.10 Local authority Social Services Committees should ensure that there is monitoring and information collected on the immigration prisoners within their boundary with the view to offering advice/support, and to provide information on the numbers of Asian, Afro-Caribbean, and other ethnic minority prisoners detained under the immigration laws.

Afro-Caribbean Prisoners

- 24.1 Local authorities should encourage the Home Office to recognise Rastafarians religious beliefs and cultural practice.
- 24.2 Local authorities should monitor the needs of Afro-Caribbean prisoners, and support campaigns on their behalf.
- 24.3 Local authorities should monitor incidents of racial abuse and assaults on Black prisoners.
- 24.4 Local authorities should monitor the inquests of Afro-Caribbean youth who die in custody.
- 24.5 Local authorities should monitor the cases of Afro-Caribbean prisoners who are sectioned under the Mental Health Act 1983.
- 24.6 Local authorities should support campaigns by the Black community for Black prisoners' rights.
- 24.7 Local authorities should encourage the Home Office to recognise Afro-Caribbean's different cultural modes of expression. There should be a representative from the Afro-Caribbean community present for facilitating dialogue between Afro-Caribbean prisoners and prison staff, if requested.

Asian Prisoners

- 25.1 Local authorities should monitor the needs of Asian prisoners and support campaigns on their behalf.
- 25.2 Local authorities should monitor the detention of Asians under the immigration laws.
- 25.3 Local authorities should provide interpreters for all non-English speaking prisoners with some legal knowledge at the courts and provide translation of statements and information required for social enquiry reports. These interpreters should be suitably qualified and paid at the standard rates for all local authority interpreters and should come from the local community with proven commitment to that community.
- 25.4 Local authorities should provide support and advice to Asian families who have a family member in prison in terms of welfare advice or information about prison visiting hours, etc, making use of interpreters where necessary.
- 25.5 Local authorities should press for the Home Office to provide interpreters for Asian and other non-English speaking prisoners either on the wing or when the prisoner comes before the Governor/Board of Visitors for disciplinary hearings or when she/he is interviewed for parole by the Local Review Committee. These interpreters should also be provided by the local authorities from members of the local community.
- 25.6 Local authorities should encourage the Home Office to allow cooked food from local Asian community centres to be taken into the prison during religious festivals, e.g. Ramadan.
- 25.7 Local authorities should provide or make funds available for community organisations to offer advice on employment prospects, housing problems, etc, for prisoners newly released.

Irish Prisoners

26.1 Local authorities should recognise the existence of Irish political prisoners imprisoned as a direct result of the war in Ireland.

26.2 Local authorities should condemn the PTA and its use to harass the Irish community, and call for its abolition. LAs should declare 'PTA-free' zones.

26.3 Local authorities should give support to all Irish prisoners seeking repatriation or relocation to prisons of their choice in Ireland so that it is more convenient for families to visit.

26.4 Local authorities should campaign against the use of Solitary Confinement, Special Control Units, the abuse of Rule 43 and the harassment of Irish political prisoners and any other prisoners.

26.5 Local authorities should campaign against the use of strip-searches on women – whether they are prisoners on remand or serving a sentence, or visitors harassed under the PTA. Such searches are a reprehensible attempt to use a woman's body as an additional weapon against her.

26.6 Local authorities should campaign against the strict vetting system of visitors to Category A prisoners which is not necessary. Local authorities should note that no such control is exercised in prisons in Northern Ireland.

26.7 Local authorities should ensure that Category A Irish prisoners be allowed access to leisure and association facilities, and to education in subjects of their choice at all levels without harassment.

26.8 Local authorities should be monitoring how many wrongly convicted Irish prisoners there are in London prisons and campaigning for their release.

26.9 Local authorities must protect their citizens from racist assaults – whether by the NF and similar organisations, the judiciary or the Special Branch.

26.10 Any attempt to wrongfully convict people should be strenuously opposed by local authorities.

26.11 In accordance with normal practice, local authorities should only keep the children of detainees in care as a last resort. Every possible effort must be made to place children with other members of the detainee's family or friends even if they are living overseas.

26.12 Local authorities should campaign against unnecessary restrictions on bail conditions for Irish detainees, simply because they are Irish.

26.13 Local authorities should campaign for normal usage of categorisation procedures for Irish political prisoners. Present abuses keep Irish political prisoners in Category A, with all its severity throughout. This causes particular problems for the families and for prisoners, especially those nearing the end of their sentence, as it does not provide for the normal readjustment process prior to release.

26.14 Local authorities should campaign against the dispersal of Irish political prisoners throughout the prison service, and within individual prisons. They should be allowed to associate freely with one another.

Women in Prison

27.1 Local authorities should monitor the numbers of ethnic minority women in Holloway prison and their needs.

27.2 Local authorities should oppose the criminalisation of kerb-crawling.

27.3 Local authorities should campaign for the abolition of all laws against prostitute women.

27.4 Local authorities should call for legal aid to be available to any woman who cannot afford to pay for a lawyer, regardless of the offence she has been charged with.

27.5 Local authorities should ensure that women who have been assessed to be mentally disturbed by the Area Health Authority be sent to hospitals and not to prisons and be given appropriate treatment.

27.6 Local authorities should oppose the high usage of drugs in Holloway prison which is the highest dosage level per prisoner of all British prisons.

27.7 There should be an enquiry into the C1 wing of Holloway prison in view of the self-mutilations which have recently been taking place there.

27.8 Local authorities should ensure that women on remand are given the opportunity to work and do exercise in Holloway with the proviso that this work/training is other than domestically orientated.

27.9 Local authorities should ensure that pregnant women receive their full allowance of one pint of milk a day in Holloway prison. There should be an enquiry into the mother and baby unit of Holloway prison.

27.10 That local authorities call on the Home Office to ensure the implementation of Rule 29 for the provision of evening classes and full educational facilities in Holloway prison.

Immigration Prisoners

28.1 Local authorities should condemn and actively oppose the use of all immigration controls used primarily to harass Black people settled in this country.

28.2 Local authorities should campaign for people experiencing immigration difficulties to not be categorised as prisoners. Alternative accommodation for them should be found.

28.3 Local authorities should monitor how many immigration prisoners within their boundary have been detained under the Immigration Act and make this information available to the public.

28.4 Local authorities should call to the Home Office's attention that immigration prisoners can be detained indefinitely without being brought before any court of law and the great majority will never have been convicted of an offence.

28.5 Local authorities should recommend to the Home Office that non-discriminatory bail criteria be applied to all detainees, including immigration prisoners.

28.6 Local authorities should ensure that immigration prisoners be offered the services of probation officers from the beginning of their detention.

28.7 Local authorities should ensure that immigration prisoners be offered access to work and education facilities in prisons and detention centres.

28.8 Local authorities should ensure that specific needs of immigration prisoners in terms of culture, diet and religion be catered for.

28.9 Local authorities should ensure that those in breach of the immigration law not be considered liable to criminal sanctions but be dealt with by judicial reviewable administrative powers.

28.10 Local authorities should ensure that immigration prisoners be given the right to waive their rights to appeal and effect voluntary departures in order to reduce time spent in prison or to avoid imprisonment.

28.11 Local authorities should call on the Home Office to make decisions about the deportation of convicted prisoners before the earliest date of

release to avoid unnecessary periods of extra detention.

28.12 Local authorities should support the call for an independent complaints system to be established for immigration detainees, linked to an independent inspectorate which regularly inspects immigration detention facilities.

28.13 Local authorities should support all anti-racist and anti-deportation campaigns and also provide funding for these campaigns.

28.14 Local authorities should oppose the deportation of political refugees who may face execution or imprisonment if deported, until another country can be found to receive them.

28.15 Local authorities should campaign for immigrant women to have the right to independent legal status.

Courts/Sentencing

29.1 Local authorities should monitor cautioning rates in the Juvenile Bureau and referrals to the Juvenile Court by the police for evidence of racial bias.

29.2 Local authorities should monitor the sentencing process in the courts at every stage with the intention of eliminating racial bias.

29.3 Local authorities should consider adopting a policy of not recommending custodial sentences for youth referred to them or in their care.

29.4 Local authorities should review the preparation of social enquiry reports to determine racial bias by probation officers and/or social workers.

29.5 Social enquiry reports should be monitored and checked for racial bias by the local authority before being sent to the Juvenile Court.

29.6 Local authorities should ensure the employment of more Black social workers of all grades to work with the Court section of Social Services and support the call for more Black probation officers.

29.7 Local authorities should encourage the awareness of institutionalised racism and personal racism operating throughout the criminal justice system by providing or supporting mandatory racism awareness training programmes for the Police, the Probation Service, the magistracy and the judiciary. This would include exploring issues such as race and the juvenile justice system and the developing of strategies for intervention.

29.8 Local authorities should set up and support Intermediate Treatment projects which are providing real alternatives to custody for Black and other ethnic minority youth.

29.9 Life sentences are too freely given for non-capital offences. Local authorities should campaign against life sentences being given for political reasons.

The Remand System

30.1 Local authorities should investigate and monitor the high numbers of Black people on remand and ensure that any research undertaken on the remand system incorporates a race dimension.

30.2 Local authorities should recommend that no remand prisoner be classified as Category A – the assumption being that prisoners on remand are innocent until proven guilty.

30.3 Local authorities should recommend that research be undertaken immediately to determine what factors make someone a good or bad bail risk.

30.4 Local authorities should recommend that the Home Office set up a pre-trial services agency run by the Probation Service to provide bail information, make bail recommendations and supervise bailees.

30.5 Local authorities should recommend that comprehensive guidelines to magistrates and judges be issued regarding the conduct of bail hearings.

30.6 Local authorities should recommend that current initiatives to streamline changes be welcomed so long as the defendant is protected from any undue pressure to plead guilty which may result.

30.7 Local authorities should recommend that Section 20 of the Criminal Courts Act 1973 regarding a first sentence of imprisonment be extended to cover a first custodial remand.

30.8 Local authorities should call on the Lord Chancellor's Department to address itself immediately to the inadequacy of the training of all magistrates and judges.

30.9 Local authorities should recommend that a Courts Inspectorate, accountable directly to Parliament, be established.

30.10 The statutory compensation for wrongful imprisonment before trial should be introduced, according to strict guidelines decided by the High Court.

30.11 Legal Aid should be available for both application and appeal procedures.

30.12 Local authorities should demand an end to remand being used as selective internment.

Race Relations

31.1 Local authorities should recommend that racism amongst prison or detention centre staff should be included in the disciplinary code and constitute an offence which can lead to dismissal – as recommended in the Scarman Report (1981) for the Metropolitan Police.

31.2 Local authorities should call on the Home Office to institute mandatory racism awareness training programmes for prison staff which could be conducted with the help of local authority officers/Race Relations Advisors, and Black community representatives and should be independent of the Home Office.

31.3 Local authorities should recommend to the Home Office that ethnic monitoring be implemented in all prison establishments and statistics made public in regular reports, with adequate safeguards to protect the identity of individuals.

31.4 Local authorities should encourage the Home Office to actively seek applications from ethnic minorities to all grades of prison staff.

31.5 The Home Office should be encouraged by local authorities to consult them through the Principal Race Relations Adviser on race relations matters and the provisions made for ethnic minority prisoners.

31.6 Local authorities should call for the wearing of NF badges or racist emblems to constitute a dismissable offence.

31.7 Local authorities should recommend that prisons not employ those who are members of racist organisations.

Board of Visitors

32.1 Local authorities should recommend to the Home Office that the Board of Visitors no longer be empowered to conduct adjudications on offences against prison discipline.

32.2 Local authorities should recommend to the Home Office that the Prison Act (1952) be revised to remove the requirements as to the complement of magistrates on the Board of Visitors.

32.3 Local authorities should recommend to the Home Office that the Board of Visitors develop their role as watchdog of the prisons and should expand their position within the complaints system. Board of Visitors should be supported by a Prison Ombudsman appointed to investigate complaints about the treatment of prisoners however received.

32.4 Board of Visitors should statutorily include at least three councillors from the relevant local authority.

32.5 Local authorities should take on the responsibility of making nominations for the appointment of Board of Visitors members by and from the local community and establish a forum for the accountability of the Board of Visitors.

32.6 Membership of Board of Visitors should include significantly higher numbers of ethnic minority representatives, avoiding tokenism. More Asians and ethnic minority women need to be represented.

32.7 The requirements for Board of Visitors to pay frequent visits to the prison and hear complaints should remain unaltered. Board of Visitors should continue to supply the Secretary of State with an annual report, but these should be published, made available to the press and copies placed in the local and prison libraries.

32.8 The watchdog role of Board of Visitors should be strengthened and supported by an independent team of inspectors provided by the local authority.

32.9 Local panels of magistrates should take over the disciplinary functions of Board of Visitors.

32.10 Local disciplinary panels should deal with all cases of mutiny, gross personal violence, assault, and escape, in addition to all cases referred on the Governor's discretion. Governors

should retain discretion as to the referral of cases except where a prisoner has elected a panel adjudication.

32.11 The Press should be free to attend adjudications carried out by the panel.

32.12 There is a need for the urgent revision of the twenty-one offences against prison discipline listed under Prison Rule 47.

32.13 Local authorities should endorse and support the recommendations referring to the Prison Rules put forward by the Justice Report (1983).

32.14 Local authorities should call on the Boards of Visitors to monitor the use of Rule 43 and ensure that it is not abused.

32.15 Local authorities should encourage the Boards of Visitors to bring pressure on the Home Office for the immediate disbandment of the MUFTI squad (Minimal Use of Force Tactical Intervention).

Parole

33.1 Local authorities should campaign for the abolition of the parole system and its replacement by reduction in sentences or the withdrawal of custodial sentences for certain offences. Until this has been achieved the following recommendations apply.

33.2 Local authorities should recommend that parole be automatically available to all prisoners as of right.

33.3 Local authorities should recommend that if a prisoner is refused parole, s/he should be given the reason for the refusal and have the right of appeal.

33.4 In view of the new parole regulations and the implications for local authority. Housing departments, local authorities should make representations to the Home Office with respect to the allocation of resources for providing extra hostel places for homeless, newly released prisoners.

33.5 Local authorities should recommend that there be significant representation of the ethnic minority communities on the Local Review Committees and the Parole Board.

33.6 Local authorities could initiate/support research on race and parole looking at the role of probation officers in the parole procedures.

33.7 Local authorities should recommend that parole be available to immigration prisoners liable to deportation or further detention at the end of his/her sentence.

33.8 Local authorities could ensure that interpreters from the local community are provided for non-English speaking prisoners who come before the Local Review Committee.

33.9 Local authorities should encourage the Home Office to provide statistics on the granting of parole to different groups of prisoners so that the numbers of ethnic minority prisoners applying for or granted parole can be determined.

Education

34.1 Local authorities should recommend to the Home Office that education be available as of right for all inmates, and not as a privilege.

34.2 Prison Education Departments must become entirely accountable to the community. Local education authorities must assume full responsibility for prison education policy, education programmes and deployment of educational resources within prisons.

34.3 Education programmes for prisoners should be developed which incorporate community needs.

34.4 Local authorities must provide an education programme which does not reinforce institutional values and institutionalisation, but is student-centred and responsible to the needs of prisoners on release.

34.5 Local authority education programmes should be made available to as many prisoners as possible without being subject to the overtime worked by prison officers.

34.6 The Education Committee of the local authorities should provide support and guidance to education officers in their negotiations with the prison authorities and obtain regular access to ensure that their staff are able to maintain professional standards of education.

34.7 Local authorities should recommend that all inmates be given the facility of association as of right.

34.8 Local authorities should ensure that courses of Black politics/history be available in each prison and be taught by a Black tutor.

34.9 Local authorities should ensure that the demand for ESL classes be met in all prisons.

34.10 ILEA should seek to encourage applications from more Black staff in line with its Equal Opportunities Policy.

34.11 Local authorities should recommend that classes in the languages of different ethnic minorities be available to all inmates according to demand.

34.12 Local authorities should ensure that there be pre-release training classes for all inmates.

34.13 Local authority members and officers should be examining provisions for ex-prisoners to continue on release education and training begun inside.

Libraries

35.1 Local authorities should ensure the provision of a much greater range of material of special interest to Black and other ethnic minority prisoners, including Black fiction and poetry, history, politics and arts, be made a high priority by library service staff. Stock should be obtained from specialist Black bookshops as well as general library suppliers.

35.2 Where items of particular interest to Black and other ethnic minority prisoners are not allowed to be stocked within the prison library, librarians should request clear reasons why such a decision has been taken, and challenge any cases of arbitrary censorship.

35.3 Local authority librarians responsible for service provision to penal establishments should have themselves received racism awareness training. Also, as part of the training programme they receive from the local library service, prison officer librarians should be introduced to materials available, and have the opportunity to discuss the way in which it is selected and used with prisoners.

35.4 The local authority library service should recognise that it has a vital role to play in supporting prisoners when they return to the community. Serious considerations should be given to providing direct library services to organisations such as bail hostels, probation offices, and ex-prisoners' training projects.

35.5 The local authority library service should ensure that it is providing information in support of prisoners' families – e.g. on welfare benefits, accommodation, legal rights, prisoners' support groups – and, where appropriate, delivers direct services to staff and users of Prison Visitors' Centres and similar organisations.

35.6 The prison library service should do a review of the foreign language books available to meet the needs of foreign language speakers and publicise the prison library service with leaflets and posters in relevant first languages.

35.7 The above recommendations, and all other aspects of library services to ethnic minority prisoners, should be discussed as a matter of urgency at the senior management level meetings between the Governor, the Assistant Chief Education Officer of the Home Office, and the Chief Librarian of the local authority, which have now been established in most penal institutions.

Health

36.1 Local authorities should call on the Home Office to abolish the Prison Medical Service and transfer the responsibility for prisoner-patients to local doctors operating through normal NHS channels.

36.2 Local authorities should recommend that all prisoners be allowed access to independent doctors of their choice and be assessed by the Area Health Authority before being sectioned or deemed fit to work, etc.

36.3 The actions of prison medical staff should be monitored by local authorities, Community Health Councils, the GP's Council and the District Health Authority.

36.4 Local authorities should recommend to the Home Office that Legal Aid be provided for the inquests of prisoners who have died in penal institutions.

36.5 Local authorities should support the call for a prisoner's right to an independent medical opinion.

36.6 Local authorities should provide for adequate community resources for those individuals who are mentally ill but do not need to be in hospital and those who are disturbed but not mentally ill or dangerous in order to divert them from the penal system.

36.7 Local authorities should support campaigns around the Mental Health Act (1983) by giving assistance in gaining access to prisons and by providing facilities for campaigning work.

36.8 Local authorities should challenge present Trade Union practices of refusing treatment to certain categories of prisoner patients. There should be no discrimination in the treatment available to patients in the interests of human rights.

36.9 Local authorities should investigate, as a matter of priority, the use of compulsory admission procedures.

36.10 Local authorities should condemn the high level of **drugging in prisons**, particularly in Holloway and Wandsworth prisons where drugs are clearly **used to control patients**.

36.11 Local authorities should make and encourage the **provision for the treatment of mentally-ill prisoners in hospitals or community homes**.

Culture/Recreation

37.1 Local authorities should encourage the provision of creative and educational activities inside prisons/penal institutions.

37.2 Local authorities should support the call for ethnic minority Black and other performers to have access to penal establishments.

37.3 Local authorities should encourage that Black prisoners be allowed the use of the FM radio programmes.

37.4 Local authorities should make representations to the Home Office and individual penal institutions to commit themselves with the relevant local authority to a general policy on providing resources and ensuring that the cultural and recreational activities of relevance to the Black, Irish and other ethnic minority prisoners are provided.

Social Services

38.1 Local authorities should monitor and review their procedures relating to admission into care to remove any institutionalised racism and to build up appropriate and relevant support systems to keep young Black and other ethnic minority people in the community.

38.2 Liaison between Social Services and the Probation Service should be improved.

38.3 Local authorities should call for and support a far-reaching enquiry into the workings of the Criminal Justice Act (1982).

38.4 Local authorities should monitor sentencing patterns of Black and other ethnic minority groups in Juvenile Courts.

38.5 Local authorities should extend their parameters of work to include all youth at risk of going into the criminal justice system, those who have entered the criminal justice system, and those newly released from custody.

38.6 Local authorities need to reorganise Intermediate Treatment to reflect its changing role such that they offer real alternatives to custody and can cater for Black youth.

38.7 Local authorities should organise mandatory training programmes for social workers and probation officers in racism awareness.

38.8 Local authorities should provide welfare services for the housing, unemployment, benefit needs of ex-prisoners who on release should be referred to Social Services as a matter of routine, if they so wish.

38.9 Local authorities should provide advice and financial assistance to the families of prisoners.

38.10 Local authority secure units be replaced by more open, unrestricted regimes or community houses.

38.11 Local authorities should monitor the recommendations of police for young Black and other ethnic minority people to be denied bail and those on remand admitted to secure units to detect any racial bias.

38.12 Local authorities should investigate the low rate of cautioning of youth particularly Black youth,

by the Juvenile Bureau in London compared to a significantly higher rate outside London. Local authority Social Services should not participate in the cautioning panels set up by the police.

38.13 Local authorities should ensure that the Equal Opportunities Policy is utilised to encourage applications from black staff in Intermediate Treatment projects and Social Services Departments who have some influence on decision-making. Tokenism should be avoided.

38.14 Local authorities should ensure that the reality of the excessive imprisonment of Black youth is put on political agendas.

38.15 Local authorities should involve the Black community at the policy-making level on work with Black ex-prisoners and support/provide funds for Black voluntary schemes for ex-prisoners.

Housing

39.1 There should be strong links between the local authority's Housing Committee and the local prison to better understand the problems of homeless ex-prisoners.

39.2 The Housing Committee Chair of the local authority or other members should visit the local prison to encourage the setting up of housing advice and assistance to prisoners on pre-release schemes in Wormwood Scrubs.

39.3 That local authorities should consider homeless ex-prisoners on release as a priority group or one with special needs.

39.4 Local authorities should establish a quota of housing every year for ex-prisoners.

39.5 Local authorities should run hostels for ex-prisoners – in addition to those run by voluntary organisations.

39.6 Local authorities should provide more short-term, long-term and emergency accommodation in conjunction with housing associations for homeless Black youth who are the group most 'at risk'.

39.7 Local authorities should review and reassess their housing policies with regard to the high numbers of ex-prisoners who are to be eligible for parole each year.

Employment

40.1 Local authorities should recommend that prisoners have enough work, and that this work should be directed towards rehabilitation – i.e. to motivating and building confidence, and towards acquiring useful skills.

40.2 Local authorities should recommend to the Home Office that prisoners not be given meaningless work (eg sewing/repairing mail bags) that is soul-destroying.

40.3 Local authorities should ensure that prisoners have education or training, and adequate pre-release preparation, as of right, including special leave to seek accommodation and attend job interviews.

40.4 Local authorities should condemn the exploitation and forced labour of prisoners and support their demands for full Union rights within prisons.

40.5 Local authorities should support the prisoners' calls for an end to any action by prison staff which results in prisoners being locked up for 23 hours a day, 7 days a week.

40.6 Local authorities should condemn the racial discrimination practiced in job allocation in prisons by prison staff and racial harassment of Black inmates by other inmates.

40.7 Local authorities should have a policy of employing ex-prisoners.

40.8 The Equal Opportunities Statement of local authorities as employers should include the category 'past convictions'. The statement should thus read no less favourable treatment on the grounds of sex, race, colour, nationality, ethnic or national origins, marital status, sexual orientation, age, trade union activity, political or religious beliefs, or past convictions'. This refers to convictions which under the Rehabilitation of Offenders Act 1974 have been 'spent'.

40.9 Local authorities should be involved in the setting up of programmes for the rehabilitation of ex-prisoners.

40.10 Local authorities should support schemes for ethnic minority ex-prisoners who are trying to set up their own businesses.

Families

40.11 Local authorities should make funding available to community groups running employment schemes for ex-prisoners.

41.1 Local authorities should recommend to the Home Office that prisoners' contacts to families and friends be assisted by abolishing censorship.

41.2 The use of telephone and regular home leave contact should be allowed to all prisoners.

41.3 Imprisonment should be as near home as possible for all prisoners.

41.4 Local authorities should put pressure on the DHSS to the effect that travelling expenses be paid for visiting partners and children in cases of hardship for all visits (in excess of once a month as at present).

41.5 Local authorities should provide self-catering accommodation (open all day) attached or near to each prison with accompanying creche for the families of prisoners who have to travel long distances.

41.6 Local authorities should be providing support services for families who have a family member in prison. In cases of the wage-earner being in prison, families would require additional advice on welfare benefits entitled to them, and may need counselling and support.

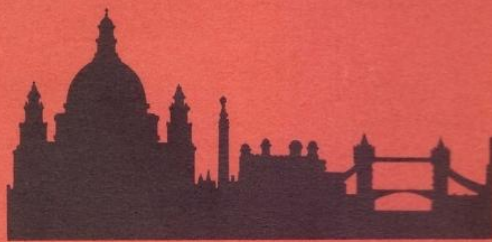
41.7 Local authorities should ensure that Irish prisoners are not 'ghosted', i.e. transferred at short or no notice to other prisons, thus depriving prisoners of visits and acting to punish both them and their families. This causes particular hardship for families who travel long distances.

41.8 One of the financial implications of imprisonment is that child benefits tend to be withdrawn. Local authorities should demand that child benefit claims not be affected by imprisonment.

41.9 Local authorities should recommend to the Home Office that there be adequate provision made for small children in the waiting rooms of the new prisons being built.

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