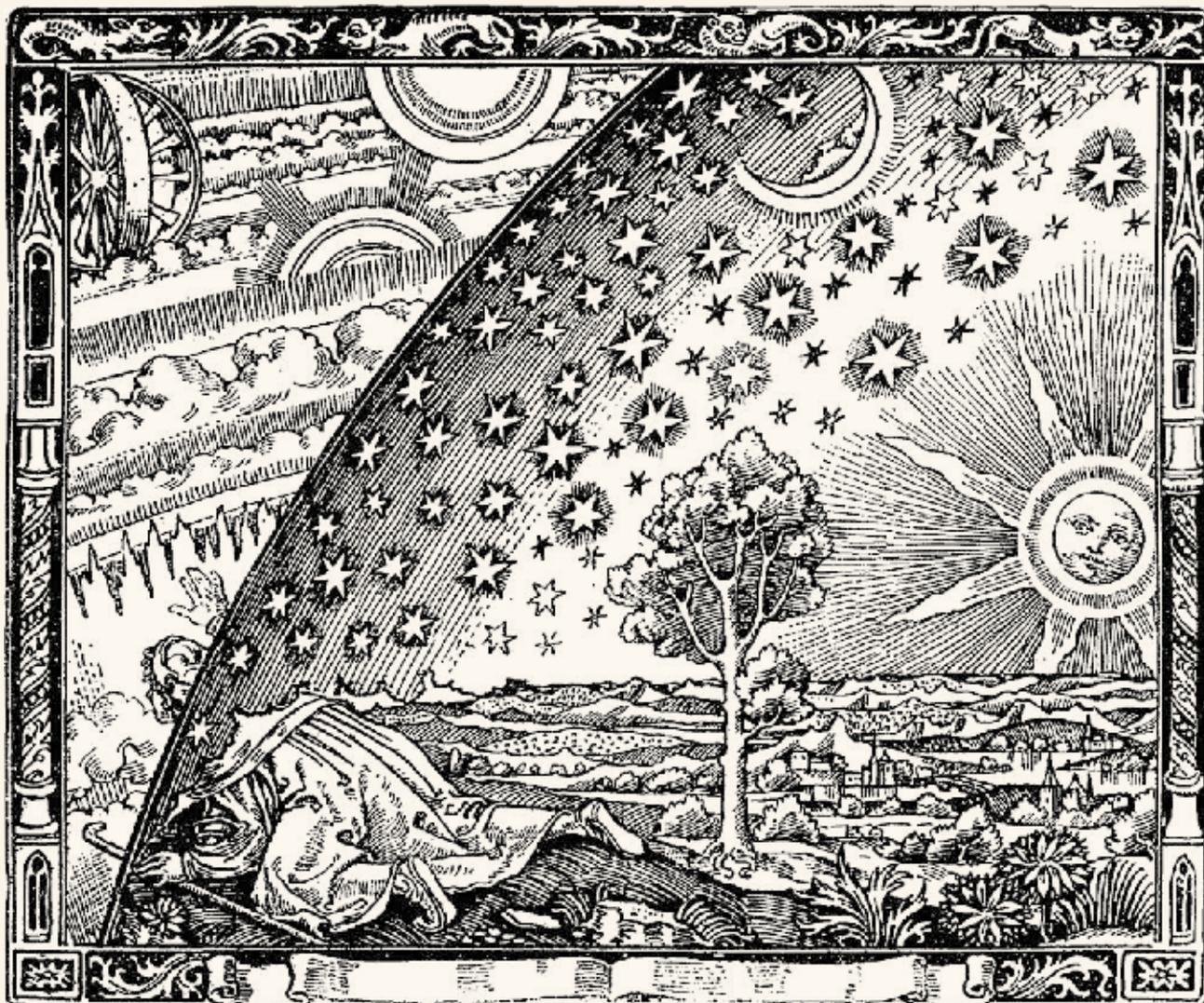


scottish justice ' matters

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REIMAGINING PUNISHMENT AND JUSTICE



What is imprisonment for?

To answer the question ‘what good does prison do?’ we need to identify why we send people to prison. I am clear that imprisonment is an essential element of an effective criminal justice system, which contributes to the rule of law and the security and safety of our society. For many serious crimes, imprisonment may be the fair and just sentence for the court to impose. To mark the seriousness of the crime, particularly when a life has been taken or serious harm and damage has been done, imprisonment is the appropriate penalty. It is a reflection of the value that we place on a human life. Justice demands imprisonment.

But we also use imprisonment to protect the public in general, and the most vulnerable in particular, from further harm, damage and loss. Imprisonment may be necessary to prevent further serious offending in the community.

We all want people who leave prison at the end of their sentence to return to the community less likely to reoffend. Ideally we want them to reintegrate as responsible citizens. So, while the **purpose** of a sentence is punishment as a consequence of crimes committed and for the prevention of further offences, the **effect** should be to do as much good as possible.

One criticism I often hear is that ‘prisons are too good’. Life is too comfortable inside it is suggested. Modern prisons are bright, well-equipped spacious buildings; prison cells have been likened to student accommodation, with en-suite toilet and shower, equipped with televisions. Prisoners are encouraged to make the most of the opportunities in prison to work, to learn new skills, to engage in leisure activities. These critics argue that prison should be a hardship, an unpleasant experience, uncomfortable. They say that modern prisons are not a deterrent.

I inspect prisons and report on the condition in prisons and the treatment of prisoners. It is a fundamental principle of international human rights that people detained by the state should be held in conditions of decency, reflecting their intrinsic value as human beings, irrespective of whatever crime they may have committed. No prison in Scotland is luxurious.

WHAT GOOD IS PRISON?

By **David Strang**

“The degree of civilisation in a society can be judged by entering its prisons.” *(F. Dostoyevsky)*

AS HM CHIEF INSPECTOR OF PRISONS FOR SCOTLAND I regularly enter Scotland’s prisons and I make judgments. Not so much to judge the degree of civilisation in our society, but to examine and report on the conditions in which prisoners are held and the treatment they receive. I am assessing to what extent they are treated with respect and dignity and what opportunities are provided to support their rehabilitation.

My work in prisons raises a number of important questions: “Do we want our prisons to be good?” “How good?”

To help our thinking, I want to look at three questions relating to **imprisonment, relationships and hope.**

I am certain that imprisonment is a punishment. The punishment is the deprivation of liberty. However modern or well-equipped prisons are today, imprisonment is undoubtedly a punishment and an unpleasant experience that very few would choose. Being deprived of your liberty is a severe penalty. Denied the freedoms that people not in prison enjoy, can you imagine what it would be like to be taken from your home, family and friends, removed from society, with no choice where you sleep, little choice about how you spend your day, and what you eat? How well would you cope with no access to emails and the internet, or the outside freedoms and activities that you currently enjoy?

In 2008, the report of the Scottish Prisons Commission *Scotland's Choice* identified that too many people are sent to prison each year. This is still the case. I meet people in prison who should not be there. Too many people with mental health problems, addicted to alcohol and drugs, who are vulnerable to self-harm or suicide end up in our prisons. Many have themselves been victims of abuse and trauma earlier in their lives, especially women who have suffered sexual and physical violence. Compared to other European countries we imprison approximately 50 per cent more than the average and about twice those that imprison the fewest.

The reality is that imprisoning people does harm. It may be necessary, and it does some good, but it does cause harm. Lives are wasted in unproductive years of inactivity, at great public expense. A prison sentence in your personal history makes it more difficult to find employment. Prisons breed bullying, intimidation, fear and resentment. But perhaps the greatest harm is that it damages relationships.

What about relationships?

Imprisonment damages relationships. Families are at risk of breaking up, children deprived of a mother or father. In a wider sense, we see evidence of broken and damaged relationships in nearly every aspect of the criminal justice system. At the root of most crimes lies a broken relationship either as a cause or a result, most obviously in assault, violence or abuse. Victims of crime often suffer lifelong effects as a result of the harm and damage done to them.

I speak to people in prison who feel pain: the pain that *they* have inflicted. They know that they are in prison as a result of their own actions, as a consequence of their own behaviour. They have damaged the lives of others, most directly the victim of their crime: but they have also caused suffering to their families and damage to themselves. Their lives are often littered with fractured relationships. And not just broken relationships, but broken lives: characterised by poor health, a lack of education, employment and constructive opportunities, and often an inability to trust.

For many people in prison in Scotland the level of poverty in their background is undeniable. For many, their backgrounds and life experience before their involvement in the criminal justice system are characterised by a lack of education and employment, by poor health and housing, by a lack of support for their vulnerabilities: all factors which contribute to offending.

The solution to these problems lies not with prisons and the criminal justice system, but with wider services and society.

Are there grounds for hope?

Across prisons in Scotland, I see many areas where prisons do a great deal of good.

Our prisons care for some very vulnerable people, providing protection from harm to themselves and to others. They tackle poor health and provide treatment and support for those with addictions and mental ill health.

Staff/prisoner relationships are always key in a prison. I have been very impressed with the commitment of staff to build positive relationships with prisoners, building trust, sticking with them, not judging them on their past record, yet challenging their behaviour. All prisons in Scotland encourage and facilitate positive links with families and the wider community: relationships which can assist and support a successful return to the community.

Much good work is done in prison to prepare people for successful reintegration into the community as responsible citizens. Opportunities are provided for education and training, learning new skills and equipping prisoners with qualifications which will assist them in gaining employment. Throughcare support is provided for people leaving prison, with support not ending at the gate but continuing into the community, linking up with organisations who work with prisoners prior to their liberation.

Prisons provide opportunity for creativity including art, drama, poetry, writing, music, drawing, painting. Hidden talents are uncovered and powerful avenues for change are opened up. The important task of restoring, or building for the first time, a sense of positive identity, purpose and confidence for people in prison is key to enabling them to make a constructive contribution to their community on release.

What good is prison?

My conclusion is that prisons can do good and in Scotland they are. Scotland is sending fewer people to prison. After an inexorable rise over the last two decades, the number of people in prison has begun to stabilise and shows signs of reversal. The daily average population is at a seven year low. Most encouragingly, the number of young men detained in HMYOI Polmont is half the level it was in 2008.

There are other measures which can make further contributions: an expanded presumption against short sentences, increased use of non-custodial sentencing to encourage community payback, and diversion from prosecution. All of these are more constructive than imprisonment, are able to address underlying problems and are more likely to lead to a reduction in reoffending.

There is also hope for individuals who are imprisoned. Prison provides opportunities to make a fresh start and can be a potential turning point. Everyone deserves a second chance.

I have argued that imprisonment is both necessary and harmful. It should be reserved for the few for whom it is absolutely necessary.

But prisons also have the potential to do significant good: for individual lives and to contribute to a safer Scotland.

David Strang is HM Chief Inspector of Prisons for Scotland.

See also *Scottish Justice Matters* (December 2013) *Testing Times* (1MB) David Strang talks to Nancy Loucks about his new role as Chief Inspector of Prisons for Scotland: also audio on: <https://soundcloud.com/sjmjournal/nancy-loucks-interviews-hm>
