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## Penal Agnosis and Historical Denial: Problematism of 'Common Sense' Understandings of Prison Officers and Violence in Prison

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**Penal agnosis and historical denial:  
Problematising ‘common sense’ understandings of prison officers  
and violence in prison**

David Scott

Over the last couple of years the service has been cut to the bone. We used to run a wing of 300 prisoners with 15 staff – now we’re down to eight. When there was an incident and we pressed the alarm bell the wing would be flooded with staff responding from other areas of the jail. I felt safe and in control. Now when the alarm is raised, we’re lucky if four staff are available to respond. The effect of this on the wing is that we struggle to maintain a safe environment. (Anonymous Prison Officer, *The Guardian*, 6<sup>th</sup> August 2016)

In recent years, savage budget cuts mean that over 30% of frontline staffing has been removed, and the net effect of this is a loss of control. (Mike Rolfe, POA, *The Guardian*, 18<sup>th</sup> November 2016)

It’s become ridiculous. Prisoners can do what they want. There aren’t enough staff to stop them. They’re running it, not the staff. You press an alarm and there are no staff there to come and help you. The service is being cut everywhere and the governors are ignoring what’s going on while the prisons are going to s\*\*\*. Staff are being pushed to their limit and they can’t cope. (Kelly Smith, former Prison Officer, *The Mirror* 20<sup>th</sup> November 2016)

We will invest to strengthen the frontline with 2,500 additional prison officers by 2018. This will provide prisons with the men and women they need on the frontline to bring safety and discipline back to the wings. (Ministry of Justice, 2016:7)

Staffing levels are too low. The situation is dangerous and violence against prison officers is rising ... We will recruit 3,000 more prison officers and review the training and professional development available. We will publish prison officer to prisoner ratios for all prisons. (*Labour Party Manifesto*, 2017)

On the 3rd November 2016 the Conservative government published its vision of the future of the Prison Service in England and Wales. The policies included in their white paper *Prison Safety and Reform* ranged from proposals aiming to: raise prison standards; enhance the autonomy and accountability for prison governors; intensify and increase the transparency of prison monitoring; further recognise the needs of vulnerable prisoners (specifically defined in the white paper as women and young people); expand capacity for adult prisoners by creating 10,000 new prison places; and build 5 new community prisons for women. Claimed to be the “the biggest overhaul of prisons in a generation” by the then Justice Secretary Liz Truss<sup>1</sup>, all the

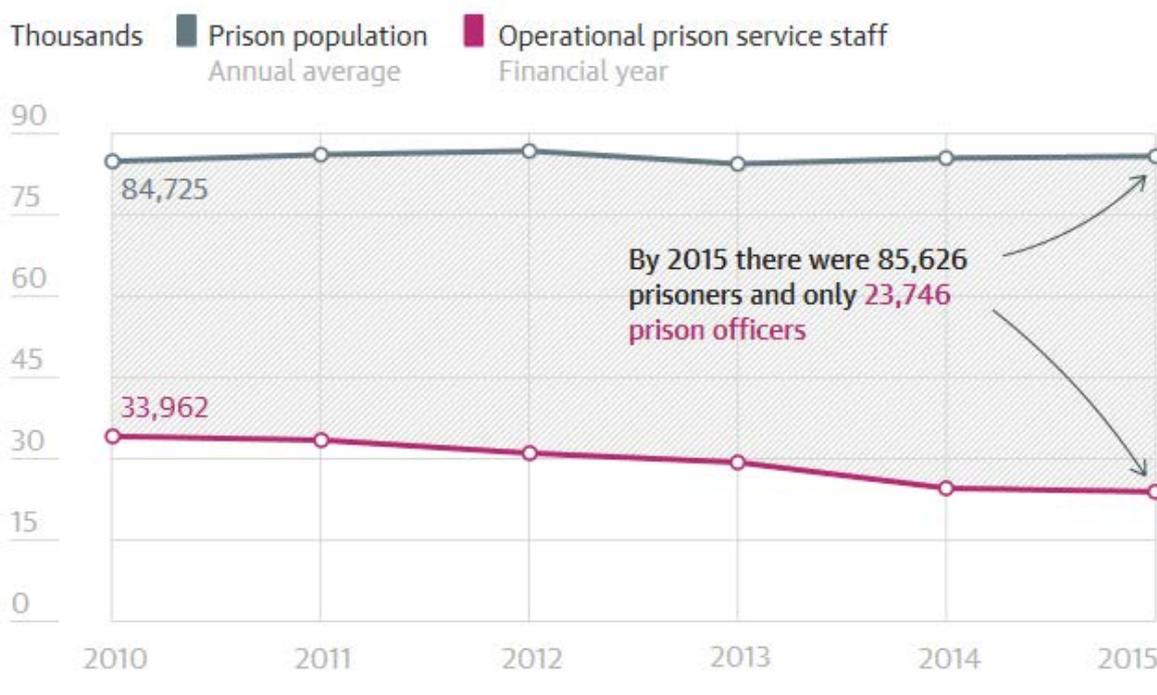
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<sup>1</sup> Liz Truss was replaced as Justice Secretary by David Lidington in June 2017

proposals merited careful consideration and critical reflection. Yet, public debate in the days preceding and following the publication of the white paper focused almost exclusively on one particular set of issues: prison officer staffing levels and prisoner violence.

The day before the publication of *Prison Safety and Reform*, Steve Gillan, General Secretary of the Prison Office Association [POA], received enormous publicity in the British media when he claimed that as a consequence of a massive reduction in the number of prison officers since 2010, prisons were now places of “carnage and bloodbaths” that might result in prison officers losing their lives at the hands of violent prisoners. His claims were evidenced with a mixed set of data pointing to the high levels of recorded prisoner violence, self-inflicted deaths and recorded assaults on prison officers.

**Figure 1**  
**The number of prison officers dropped by 31% between 2010 and 2015**



Source: *The Guardian*, 18<sup>th</sup> November 2016

This apparently intimate relationship between staff levels, prisoner physical violence and prisoner [self-inflicted] deaths has become ‘common sense’, with politicians, practitioners and media commentators alike assuming that such connections are obvious (Attard, 2016). Yet when examined through a (?) historical lens the apparent consensus that low staffing levels are the root cause of the humanitarian disaster confronting prisons in England and Wales looks overly simplistic, if not misleading. It is particularly important to consider the media here, as the media undoubtedly perform a key role in perpetuating myths and penal ‘agnosis’ / penological illiteracy.

The aim of this chapter is to consider if the much publicised ‘causal relationship’ between prison officer numbers and prisoner violence is a form of ‘penal agnosis’: the cultural production of penal ignorance (Proctor, 2008). My use of penal agnosis draws directly from the writings of Cohen (2001) and Mathiesen (2004). Mathiesen (2004) tells us that silencing techniques deployed in everyday life help to keep people quiet and neutralise criticism. Whilst these are varied, of particular concern here is when an event becomes “isolated in the present” (Mathiesen, 2004: 42). In this silencing technique, the historical context of the event is removed and ‘legitimate debate’ restricted to only the present, meaning that any dissenting voices wishing to draw upon evidence from the past are effectively silenced. Cohen (2001) noted that when such knowledge of the past is actively blocked off, repressed, lost or forgotten we are confronted with “historical denial”. This restriction upon debate occurs within a broader context of the social construction of ignorance and ‘penological illiteracy. This is because historical denial skews penal realities and insights in the broader field of penological knowledge identifying continuities in penal harms over the centuries are lost.

This chapter provides a theoretical context to the invisibility of historical evidence regarding the harms and violence of penal confinement. It focuses on how the narrative of prison staffing levels is not only time-locked but also how the current understandings of the relationship with violence are derived primarily from the perspective of prison officers. This is, in both senses of the word, partial knowledge at best. At worst it may comprise under-contested falsehood and fallacy. The chapter explores how the ‘historical denial’ of institutionally-structured violence generates not only creates a false impression of prison life but also leads to a situation where new myths, falsehoods and ignorance of the prison place can be manufactured. The end result of this historical denial (Cohen, 2001) is that solutions to the violence of incarceration are narrowed to increasing prison staff numbers whilst alternative ways of thinking about and responding to ‘crime’ and record prison populations in England and Wales are ‘silently silenced’ (Mathiesen, 2004).

### **Constructing the narrative**

The current dominant narrative on prisons incorporates a number of interconnected themes: individual pathologies and increasingly violent prisoners; reductions in prison officer numbers; significant increases in the use of psychoactive drugs. In short there is a crisis of penal discipline. The prisoner is undisciplined and lazy, a ‘less eligible subject’ whose plight is underserving of our attention whilst the prison officer should be the object of our sympathy. The prison officer is the “victim” in this prison narrative (Sim, 2004). There can be little doubt that in our historical conjuncture the prison officer union [*The Prison Officers Association aka POA*] have successfully accessed and influenced both the media and politicians regarding the legitimacy of their claims and demands for change. Yet evidence supporting the position of the POA is largely restricted to a time-frame stretching only from 2010 onwards (Sim 2017). The end result is not only that a skewed and partial picture is presented to the public about penal realities, it also shapes penal policy.

The vast majority of information about the prison place comes from official sources. Although the primary providers of information are government agents– the Justice Secretary, Ministry of Justice, Her Majesty’s Prison and Probation Service – in recent times the POA have proved to be an increasingly significant source of information for the media. This POA have become “primary definers” shaping the interpretations and understandings of penal realities (Hall et al, 1978). Yet through their contribution to making sense of the prison world, the POA cannot and should not be considered impartial observers. Rather they are an occupational grouping with a given set of vested interests and a clear agenda. The greater their influence in instilling a particular interpretive framework as the established and sanctioned knowledge of the prison place, the more likely their overall goals and objectives will be achieved. In this sense the POA are modern day moral entrepreneurs<sup>2</sup> speaking in the name of ‘common sense’ when it comes to reducing prison violence. The prison officers are becoming what Foucault called ‘authorities of delimitation’ (1972:41): that is people in positions of influence whose knowledge and interpretation of events successfully authorize the ‘true’ version of those events. Yet their world view is underscored with the commitment to create a new authoritarian consensus (Hall et al, 1978).

To explore how the media and political narrative is being constructed an analysis of media articles published in electronic form in 2016 was undertaken. 100 articles in total were selected via an internet search using a combination of key words like “prison officer”, “guards”, “prison staff”, “violence” “assaults”, and various references to prison weapons (eg. “knives”) and physical violence (eg. “prison riots”). The sample included articles from a range of newspapers, including national tabloids (*Daily Mail, Daily Star, Evening Standard, Express and Star, Express, The Mirror* and *The Sun*); national broadsheets (*The Independent* and *The Telegraph*); and local newspapers (*Birmingham Mail, The Chronicle, The Hull Mail, The Lincolnite, Manchester Evening Post, Nottingham Post, Peterborough Telegraph, The Wandsworth Guardian, and Yorkshire Evening Post*).<sup>3</sup> Without claiming to be a representative or scientific study, the findings are helpful in terms of understanding the now taken for granted connection between prison officer staffing levels and prisoner violence as ‘common sense’.

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<sup>2</sup> Thanks to Joe Sim who initially highlighted this role of the POA in current debates

<sup>3</sup> The articles, however, were primarily derived from a search of every story in *The Guardian* 2016 “Prisons and Probation” website archive, unsurprisingly resulting in this newspaper having most articles in the study (33 articles).

**Table 1: Proportion of Sampled Articles Including Prison Officer Voice**

Month (2016)	Number of media sources in sample	Number of sources citing prison officers	Number of sources directly citing POA
January	6	0	1
February	10	3	6
March	4	2	0
April	6	4	0
May	17	1	7
June	3	0	0
July	4	0	1
August	2	1	0
September	3	0	0
October	6	0	1
November	17	3	9
December	22	2	8
<b>TOTAL</b>	<b>100</b>	<b>16</b>	<b>33</b>

We need give only a cursory glance at newspaper headlines from 2016 (and included in the study) to gain an impression of how the current narrative on prison officers and prisoner violence has been constructed in the press.

'Perfect storm' leads to more jail violence (*Nottingham Post* February 20<sup>th</sup> 2016)

Prison officers walk out of Wormwood Scrubs over violence (*The Telegraph* 6<sup>th</sup> May 2016)

HMP Northumberland staff fearing for their safety following string of incidents (*The Chronicle* 6<sup>th</sup> May 2016)

The prison service has been cut to the bone and we struggle to keep control (*The Guardian* 6<sup>th</sup> August 2016)

Prison violence epidemic partly due to staff cuts (*The Guardian* 27<sup>th</sup> October 2016)

Banged Up: Furious prison officers threaten to 'take control' of every jail in the country in protest at explosion in violence behind bars (*The Sun* 1<sup>st</sup> November 2016)

Featherstone Prison: Violence escalates as jail staff dwindle (*Express and Star*, 19<sup>th</sup> December 2016)

In the study there are direct citations from prison officers of the POA in nearly half of the articles (49 in total). Virtually all accounts which drew upon the words of prison officers were sympathetic to their plight and often made direct connections to the decline in officers staffing levels and problems confronting prisons today. There were

also a number of articles which provide direct testimonies and accounts from prison officers.

Danger, overcrowding, no time to talk: a UK prison officer speaks out (*Open Democracy* 5<sup>th</sup> April 2016)

Sacked Lewes Prison whistle-blower 'not surprised' by damning inspection report (*The Argus*, 26 April 2016)

Whistle blower: Spice is rife in Lancaster Farms prison (*The Visitor*, 28<sup>th</sup> April 2016)

The Secret Warder - Prison officer reveals shocking inside story of life in Britain's crisis-hit jails (*The Mirror*, 28<sup>th</sup> May 2016)

Prison officers know how to run jails. Liz Truss needs to listen to us (*The Guardian* 18<sup>th</sup> November 2016)

Prison guard warns lags run the jails now as she admits officers have lost control in crisis (*The Mirror* 20<sup>th</sup> November 2016)

Inside Strangeways: What one prison officer thinks you should know (*Manchester Evening Post*, 14<sup>th</sup> December 2016)

Indeed the clamour to hear the voice of the prison officer was so strong that *The Guardian* on 8<sup>th</sup> July 2016 published an article asking "Prison officers and staff: what are your issues and concerns?" That so many articles in this small study included the voice of prison officers can, of course, be partially explained by the words used in the internet search, but it also indicates that the worldview of the prison officer and their union had a strong presence in the national and local media the months leading up to and shortly after<sup>4</sup> the publication of the white paper *Prison Safety and Reform* (MoJ, 2016).

### **Prison Safety and Reform**

With little critical scrutiny by the media of this prison officer and POA interpretive frame (POA 2016a, POA, 2016b), there has been very little questioning or contextualisation of the data behind the dominant explanation of our failing prisons and prison violence. Such a narrow focus not only distracts attention from the many other significant limitations of current penal policy, but also closes down opportunities for a debate on the problems confronting penal confinement and the need for alternative policies. It is also predicated upon a number of assumptions that do not stand up to historical scrutiny. Let us then carefully critically consider some of the key assumptions of the White Paper regarding the relationship between prison officer staffing levels, prisoner violence and deaths in prison within historical context.

### *Our dedicated and brave staff*

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<sup>4</sup> There were 17 citations of the POA in November and December 2016, which is approximately half of the number across the whole year in the sample.

*Prison Safety and Reform* is clear in how it identifies the problems facing the prison and how they can be solved by reversing the decline in prison officer numbers. It draws upon statistics which showed:

The number of Band 2 to 5 frontline operational staff reduced from 29,660 on 31 March 2012 to 23,080 on 31 March 2016. As violence has increased it has become harder to retain existing staff, thus creating a vicious cycle of staff pressure and violence. (MoJ, 2016: 41)

Reductions in prison staff have led to increased levels of prisoner violence and placed intolerable “operational strains on the dedicated and brave staff that work in our prisons” (MoJ, 2016:8). There was to be an immediate increase in prison officer numbers (in total 2,500 new officers) and in the first instance 10 prisons with the highest rates of violence will be targeted for staff-prisoner ratio increases. Overall the aim was to have a dedicated prison officer with a case load of six prisoners who would not just be “security guards and minders but also mentors” (MoJ, 2016:3). In so doing “frontline staff will be given the time and the tools they need to supervise and support offenders so they can turn our prisons into places of safety and reform” (MoJ, 2016:5)

When a more detailed and historical lens is used to view our failing prisons and the levels of prison staff within them, a number of difficulties with the assumptions of the white paper quickly became apparent<sup>5</sup>. The government proposals facilitate the construction of ignorance about the root causes of the problems of imprisonment. When we look at staffing levels (and certainly the numbers of prison officers employed in a given year) the claim that staffing levels are dangerously low becomes untenable. Prisons have never had high numbers of paid prison staff. In the eighteenth century it was common for jails and prisons, such as Clerkenwell Bridewell, Newgate Prison or Kings Bench Debtors Prison, to have only one or two paid turnkeys (as prison officers were referred to at that time) for every 100 prisoners and sometimes only 3 or 4 members of staff in total. By the early to mid-nineteenth century the vast majority of prisons still had less than 10 staff (of which not all would be turnkeys) and only very rarely were more than 20 staff employed at a prison.

**Table 2: Number of Staff in 143 prisons in 1835**

<b>Number of Staff</b>	<b>Number of Prisons</b>
<b>1-4</b>	<b>45</b>
<b>5-9</b>	<b>60</b>
<b>10-14</b>	<b>23</b>
<b>15-19</b>	<b>8</b>
<b>20-24</b>	<b>4</b>
<b>Over 24</b>	<b>3</b>

[Source: McConville, 1981]

<sup>5</sup> Although there is currently a clear coincidence of interests in highlighting the failed discipline in prisons there still remains considerable tensions between the POA and the UK Government. More than 10,000 prison officers have took part in at midnight on 15<sup>th</sup> November 2016. Prisons went into “lockdown” – operating on skeleton staffing levels. The relationship between the government and POA has traditionally been one of hostility and mistrust – so much so that in 1992 a previous Conservative administration tried to abolish the POA.

In the main, prisons at this time were not actually run by prison officers but rather by prisoners who undertook nearly all of the key functions, including locking and unlocking other prisoners. It was not until the Prison Act (1865) that it was legally forbidden to appoint prisoners as staff and the end of 'prisoner warders' was not completed until perhaps as late as 1877. From the 1870s numbers of paid prison warders (they were not called Prison Officers until 1921) increased and staff prisoner-ratios began to stabilise at around 1 member of staff for every 6 prisoners towards the end of the nineteenth and beginning of the twentieth century. Prison warders constantly complained of being understaffed. One early prison officer autobiography, *Men in Cages* by H.U. Triston written in the 1930s frequently refers to prison conditions at beginning of the century. It is particularly revealing about the differences between the official and the 'real' staff-prisoner ratios at that time:

... the number works out to about one warder for every five prisoners. That, at first glance, may seem plenty, but it is misleading. You have to allow for a small percentage being sick, more on leave, some on night duty, on clerical work, escorting prisoners to courts or other jails, and various other causes. So, in practice, it is rarely that you find more than one warder to twenty prisoners—often one officer has to supervise forty or fifty men. ... (Triston, 1938: 87)

These words of H.U. Triston in 1938 lead us to an important caveat when exploring prison officer and prisoner staff ratios and that is the amount of hours served in the prison at a given time and the quality interactions between prison officers and prisoners. From the 1800s through to the 1980s prison officers worked extraordinarily long hours often in poor working conditions and for relatively low pay. Officers, for the best part of the twentieth century, could be on duty for more than 72 hours per week (an average of more than 10 hours a day). From the 1930s the POA began to exert some influence and as prison conditions in general improved so did prison officer wages. Following the "Fresh Start" Initiative in 1987 contracted hours were reduced to 39 hours and compulsory overtime was ended. Prison officers have since worked longer than 39 hour weeks, but the amount of time they spend in the prison is certainly much shorter than over the previous 100 years. When thinking about prisoner staff ratios one of the key things to consider is the amount of actual contact between prisoners and prison officers, something which is conspicuous by its absence in the white paper.

With the exception of the war years (1914-18, 1939-45) when large number of prison officers were recruited into the army, the staff - prisoner ratio remained relatively stable in the first half of the twentieth century. In the 1950s there was 1 prison officer for every 6 prisoners. Significantly, no comparative decrease in prisoner reoffending rates can be mapped onto the falling prison officer-prisoner ratio over this extensive historical period. Indeed, the 'reformed' prisons have never been effective in terms of reducing recidivism rates throughout their 200 year history dating back to the opening of the 'General Penitentiary' at Millbank, London in 1816 (Scott, 2008a). There are of course problems when measuring reoffending rates (which are always an underestimate) and official data on the number of prison officers compared to prisoners, but there is no historical statistical evidence connecting rises in prison

officer numbers with improved rates in the rehabilitation of prisoners thus challenging the false claims made in *Prison Safety and Reform*. In the interests of the current government agenda, what we are presented with is the construction of ignorance around *why* prisons fail to meet their claimed goal of rehabilitation (Scott, 2018).

Alongside the concerns highlighted by H.U. Triston about the accuracy of the claimed staff-ratio levels, the prison officer-prisoner ratio is also different depending upon the penal establishment. This was especially the case following the increase in security and creation of different categories of prisons following the Mountbatten Report in 1966 and the following review of policy by criminology professor Sir Leon Radzinowicz (Scott, 2008). Thus, for example, data from September 1976 indicates that the prison officer-prisoner ratios were as low as 1 prison officer to every 1 prisoner at the dispersal prison HMP Gartree, but less than 1 prison officer for every 6 prisoners at the lower security HMP Appleton Thorn. Different staffing levels continue to shape the contemporary picture, with high security prisons having low staff-prisoner ratios and lower security category prisons having much higher ones (such as HMP Sudbury, which has 8 prisoners for every officer). The generalised conflation of recorded violence and staffing levels presented in the media, by the POA and Justice Secretary Liz Truss, is not then as informative as it first seems. It is not possible to link rates of daily violence across the penal estate with general data on staff numbers as the claims made can only really be asserted on an individual prison basis.

By 1990 the prison officer-prisoner ratio had decreased to its lowest ever level of 1 prison officer to every 2.3 prisoners. Since 1993, though the number of prison officers employed has increased, because prisoner populations more than doubled the prison officer-prisoner ratio increased to 2.8 prisoners by 2010 in public sector prisons. In March 2016 the ratio was 1 prison officer to every 3.6 prisoners, which brought public sector staff ratios largely in line with private sector prisons. If the proposed new 2,500 officer are factored in, the ratio will fall to 3.3 prisoners to every prison officer in public sector prisons. The closeness of staffing levels between public and private as of March 2016 is perhaps illuminating in understanding why the POA focussed so heavily on staff-prisoner ratios. Yet when located in historical context, they were (still by quite some margin) some of the lowest ever in prisons in England and Wales. Whilst the picture is distorted by hours worked, levels of contact and problems in comparing data compiled in different ways across the last two hundred years, what can be conclusively asserted is that the case has not been made for the claim that prison staffing levels have in impact of reoffending rates.

#### *Physical violence and pathologised prisoners*

One of the key goals of *Prison Safety and Reform* is to remove obstacles to prisons undertaking their central goals of rehabilitating prisoners and reducing reoffending. The explanation proposed for the failure of rehabilitation in prison is prisoner violence. It should perhaps come as no surprise to see that the White Paper blames prisoners themselves for the failings of the penal system. Unlike prison officers, they were denied a voice in the formulation of its proposals. The silencing of prisoners is a clear part of the process of penal agnosis – being prevented a voice allows ignorance and penal illiteracy about the prisoner experience to fester and grow. Further, explaining failing prisons through the lens of interpersonal physical prisoner violence is a way of both pathologising prisoners as dangerous people and distracting attention away from

some of the other more hidden but equally harmful forms of violence in prison. By drawing upon only a recent analysis of the data on prisoner violence, a particular and limited understanding of physical and interpersonal violence is presented as a 'penal truth'.<sup>6</sup> Through constructing an explanation grounded in notions of individual prisoner 'abnormalities', an opportunity was created for such a historically unlikely (though perhaps very short lived) alliance to develop. Though monopolising voice and promoting such a limited interpretation of violence, this 'coincidence of interests' has provided an important opportunity to further embed the deliberate manufacture of ignorance/agnosis.

The White Paper notes that since 2012 there have been significant rises in recorded incidents of prisoner violence. It boldly states that in 2016 there were 65 assaults in prisons every day. These alarming figures appear to support the claim that the key problem is prisoner violence. Consequently, we are told that as "reform can only take hold in a safe and disciplined prison environment" it is essential to reduce prisoner violence so we can achieve "a more stable estate, in which staff and prisoners have the time and headspace to address the causes of re-offending". To combat violence and reinvigorate the reformative potential of our failing prisons the white paper openly returns to the rhetoric and ideas of the Victorian era (and before): moral reform, habituated virtues, industry, discipline and control. These principles are considered of such great importance because they reflect the Government's understanding of the causes of violence in prison. It also points us towards a key (but misleading) assumption underscoring the reforms – that the problems confronting prisons, and especially prisoner physical violence, are the end result of a 'crisis of discipline'.

In the media coverage in the lead up to the publication of *Prison Safety and Reform* the POA General Secretary Steve Gillan highlighted the growing level of violence in prison, and especially the remarkable increase in the number of recorded assaults against prison officers. He noted the POA "will not stand by and watch our members become punch bags on a daily basis" (cited in Government Business, 2016). Various data has been presented to us as facts about the levels of prisoner violence against prison officers. These have been reproduced in the White Paper (MoJ, 2016:40).

Prison safety has declined since 2012. Levels of total assaults across the prison estate and assaults on staff are the highest on record, and are continuing to rise. Comparing the 12 months to June 2016 with the calendar year 2012:

- total assaults in prisons increased by 64%;
- assaults on staff rose by 99%;
- the number of self-harm incidents increased by 57%

Leaving aside for one moment the problematic juxtaposition of prisoner self-harm with acts of interpersonal violence against other people, the figure of greatest significance here is the figure that there has been a 99% increase in assaults on 'staff' in the last twelve months. This has led to POA claims that the situation has deteriorated so significantly that prison officer lives are now at risk. The White Paper has responded

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<sup>6</sup> This is a phrase is attributed to Joe Sim

to this concern by calling for “a robust and swift response” to the rise in assaults. It also highlighted that killing a prison officer would result in a life sentence.

Schedule 21 to the Criminal Justice 2003 – in which Parliament has set out guidelines for the courts on sentencing for murder – provides the starting point for the murder of a prison officer (like that of a police officer) in the course of their duty to be a whole-life order.

When we talk about violence against prison officers and their likelihood of being murdered by a prisoner we need to consider this in historical context, for this also provides an important example of the social construction of penal agnosis i.e. the focus on the extraordinary presented as ‘ordinary’. Indeed, since 1850 only eight members of staff (and not all of these prison officers) have been killed in prisons in England and Wales. For at least the last 160 years the role of the prison officer has been remarkably safe, at least from physical violence perpetrated by prisoners. In 1923 *The Stanhope Committee* compared the ‘fatal and serious accidents as a percentage of staffs in a representative year’ across five occupations, finding that prisons were actually one of the safest places to work.

**Table 3: Fatal and Serious Accidents and Occupations in 1923**

<b>Occupation</b>	<b>Percentage</b>
<b>Railways</b>	<b>2.13</b>
<b>Miners and quarries</b>	<b>7.41</b>
<b>Factories and workshops</b>	<b>1.66</b>
<b>Metropolitan Police</b>	<b>10.87</b>
<b>Prison staff</b>	<b>1.97</b>

[Source: The Stanhope Committee, 1923]

This has not stopped the POA largely crying wolf about the threat of prisoner violence in the past. In 1954 at the annual conference of the POA delegates passed a number of resolutions noting the increasing threat of violence against them by prisoners and the importance of the Prison Commissioners (who at that time were the bureaucratic body with oversight for the prison estate) to protect prison officer safety and to punish prisoners more severely. Eleven years later, in 1965, prison officer Derek Lambert was killed at Portland borstal by a prisoner. It had been the first death of a prison officer since 1923 in England and Wales. It proved to be an isolated incident and in the 53years since the death of Derek Lambert there has not been another murder of a prison officer (this is excluding the death of prison officers in the specific political context of Northern Ireland since the start of the troubles in 1969, where in the last 46 years 31 prison officers have been killed). The reality of serious physical violence upon an officer by one or more prisoners is rare. In fact, there are many examples of prisoners going to the aid of officers in dangerous situations rather than using violence against them (see for examples recent testimonies in *Ward*, 2017). Yet the consistent dominant narrative about prisoners – and one which shows just how deep the deliberate social construction of ignorance has become – is that prisoners are a pathological danger to prison staff.

On the 6th November, following disturbances at HMP Bedford, the POA were once again reasserting claims regarding prison staff numbers and prisoner violence In

another example of the process of ignorance construction (that is, ignoring contrary evidence), the media accepted their claims without question. During the HMP Bedford disturbance no prison officers were injured, but almost immediately the POA made claims to the BBC and The Guardian that the disturbance was directly linked to the lack of frontline staff and provided further evidence that prisoners are starting to take control of prisons. In so doing the POA ignored the fact that the largest prison disturbance in UK history in April 1990, which involved 25 different prisons, occurred at a time when staff-prison ratios were at an all-time historical low. Prison disturbances are generated by people living in inhuman and degrading living conditions, denial of voice, prison officer brutality and being treated like animals. They certainly cannot be reduced to staffing levels alone.

The current focus of the white paper on prisoner assaults on prison officers and prisoner violence has presented data on the rate of such incidents in the last 4 to 6 years. Again the hypothesis is that reducing prison officer numbers increases the dangerousness of prisons. This may well be the case, but the evidence currently presented by the Justice Secretary, the media and the POA does not actually do this. First, in the period from 2000-2009 – i.e. before the reduction of prison officers, there was a 61% increase in the number of recorded assaults in prisons. The *2010 POA Annual Report* informs us that there were 2,500 assaults annually on prison officers during a five year period from 2004 -2009 (POA, 2010). Indeed, certain prisons in 2009 had extremely high levels of assaults on officers before the staff reductions, such as Hindley YOI, then the largest child prison in Europe, where that year there was a 967% increase in recorded assaults on staff (Independent Monitoring Board, 2010).

In 2011 the POA noted that not only were assaults on prison officers by prisoners “subject to fluctuation” but that they were generally going down. It was also noted by the POA that in 2011 on average one prison officer each week required hospital treatment following an assault by prisoners, indicating that there were 52 serious assaults a year on prison officers at that time (POA, 2011). This evidence clearly does not fit the POA narrative of the prison as a place of danger, nor does the physical threat of violence by prisoners seem particularly large at this point. In 2011 the *Operational Highlight Report* section produced by the *Offender Safety, Rights & Responsibilities Group* [OSRRG] noted the following points: “The figures for assaults on staff are down, possibly explained by reporting inconsistencies, rather than a real reduction in numbers”. The POA later highlighted that no central records were held on the number of assaults on prison officers that were not prosecuted by the Crown Prosecution Service (CPS)

There are 2,800 assaults on POA members in England and Wales each year. A high proportion of those assaults are not reported to the police and the proportion that are, do not see support from the CPS. That scenario must change and change quickly. Assaults on our members are getting more and more serious. The National Executive Committee is on record as stating that our health and safety will never be allowed to be compromised in any circumstances.

Thus, on the 17<sup>th</sup> April 2012 POA General Secretary, Steve Gillan (2012), decided it was time to act to reverse the trend of a decline in recorded data on prison officer

assaults. The final part of his message to members of the POA is reproduced at length below.

**Always report assaults**

The POA will not allow it to treat our members as second class citizens. I accept the CPS may be under pressure to save money but we will not permit it to hide behind 'not in the public interest' just because the prisoner is already serving a sentence. POA members have human rights, they are not punch bags and prisoners and psychiatric patients held in secure hospitals should have no hiding place from the full weight of the law when it is broken, nor should they receive preferential treatment from the CPS. Where we find an injustice we will continue to hound the CPS until they get our message that an assault on as a POA member is very much in the public interest and should be pursued as such. If they are assaulted at work I urge all POA members to report the incident to the police and inform your local committee where the CPS do not prosecute, so that we in turn can turn our attention to the prosecutors in order that they are brought to task where they are abdicating their responsibility.

**Steve Gillan**

General Secretary

Prison officers have also allegedly been encouraged by the POA to seek medical assistance irrespective of obvious injury, the end result being that such incidents appear in recorded medical data sets. What we *do not know* – what is not actually indicated in such data - is the seriousness and harm of the recorded incidents. The apparently deliberate manipulation of data and information to suit the POA agenda therefore means we should treat such claims of evidence with considerable caution – as indeed should the UK 'Justice Secretary'.

The data on assaults on prison officers cited in the White Paper is detailed only from 2012 onwards; that is, after the above identification of failing reporting practices among prison staff and very low data on prison officers attending hospitals outside of prison with injuries. The large statistical increases in the number of assaults on officers reported in the media should be understood within the context of the low and declining numbers of prisoner assaults on prisoners prior to 2012 and a subsequent campaign to increase reporting of incidents. A much longer timeframe is required to get a more accurate picture of the dangers posed to prison officers from prisoners. In light of the April 17<sup>th</sup> message from Steve Gillan, any data on prison officer assaults since 2012 should not be taken as an incontrovertible truth, but rather subjected to the greatest of scrutiny. Such data certainly should not be adopted without question to inform penal policy.

In a further illustration of penal agnosis, what the POA has not called for in the last few years is for prisoners to 'always report assaults by prison officers'. There are considerable numbers of anecdotal accounts and published writings by prisoners, prison officers and other prison staff to indicate that prisons have always been places where physical assaults have been perpetrated by prison officers and prisoners. Official reports from the *Gladstone Report* of 1895 through to the *Woolf Report* of 1991

have received evidence testifying to prison officer brutality and investigative journalists, academics, activists and politicians have all recorded evidence of prison officers assaulting prisoners in the past. The latest scandal, at the Medway Secure Training Centre (*BBC Panorama*, 11<sup>th</sup> January 2016), even caught staff brutalising and assaulting child prisoners on camera. Recorded statistics, however, would indicate a significant under-reporting of such incidents. If prison violence is to be taken seriously, and if there is a genuine commitment to prevent those forms of violence that are likely to prevent prisoner rehabilitation, then one of the first policy initiatives should be the creation of safe opportunities for prisoners to report excessive force during control and restraint and other forms of physical and sexual violence perpetrated by prison officers. This means challenging the social construction of penal agnosis.

### *Carnage, bloodbaths and institutionally-structured violence*

Ironically, there is evidence indicating that prisons really can be deadly for prison officers. This data, however, refers to the life expectancy of prison officers following retirement. At only 18 months this is one of the shortest life expectancy rates of all occupations. The process of penal agnosis narrow the definitions of violence and harm, thus perpetuating penological illiteracy. The harm and danger of the prison place then comes not from violent and pathological prisoners, but from the prison place itself. The toxic and deadly fumes that prison creates are not restricted just to prison officers, but to those whose voice is generally not heard in the white paper *Prison Safety and Reform* – the prisoners. Whereas prison officers, and especially the POA, have been known to largely exclude from consideration the suffering, harm and death that prison systematically generates for prisoners, the current data on the self-inflicted deaths has been incorporated into the white paper narrative of pathological and violent prisoners blocking reductions in reoffending rates. *Prison Safety and Reform* notes that there were 119 self-inflicted deaths in prisons in 2016. It has also been reported that the number of attempted hangings rose from 580 in 2010 to 2,023 in 2015; the number of attempted overdoses over the same period rose from 1,414 to 2,523 (*The Independent*, 2016). In other words, in 2016 a prisoner attempts to take their own life in prison in England and Wales every five hours.

Between 2012 and 2013 self-inflicted deaths rose from 60 to 74 – a 23% rise - and this number increased to 83 self-inflicted deaths in 2014. There were 242 deaths in total in prison in 2014, approximately one third of which were self-inflicted. The picture was even worse in 2015. 257 prisoners died this year, 89 of which were self-inflicted (Scott, 2016a). Whilst this data appears to support the claims of *the White Paper* when placed in historical context the connection between prisoner deaths and prison officer staffing levels is much less clear.

Prisons have always been places characterised by violence, suffering and death. Prisons are places of institutionally-structured violence. Prisons are institutions which structurally deny human need and create harmful outcomes through their daily practices. As a result death has always haunted the prison place. For example, from 1795 to 1829 376 prisoners died in just one prison, Coldbath Fields, with an average of around 11 people dying every year (Sim, 1990). In the 15 years from 1848 – 1863, 423 prisoners were officially recorded as dying in prison, an average of around 28 each year. At Catham Convict Prison, 11 deaths were recorded in 1865 and a further 14 at the same institution the following year in 1866 (Sim, 1990). The first official

report into self-inflicted deaths in prison took place in the 1870s, where it found 91 official verdicts on prison 'suicides' over the seven year period 1873 to 1879 were recorded. There was not to be a follow up study until 1911, where it was found that 86 men and nine women officially recorded as suicides between 1902 and 1911 (Scott and Codd, 2010). In 1913 Charles Goring's study *The English Convict* also provided statistical data on prison suicides. The most significant finding here was that the suicide rate amongst prisoners was over four times as great as that of the general population. Indicative of the low level of political significance given to self-inflicted deaths of prisoners – and a further illustration of penal agnosis - it was over sixty years before the next major study of prison suicides was undertaken in the late 1970s. This study found that on average 13 people took their own lives every year in prison in the period 1958-1971 (Scott and Codd, 2010).

Whilst there is evidence that the recorded rate of self-inflicted deaths in prisons in England and Wales were in decline for much of the twentieth century, the officially recorded figure indicates that for the last four decades the rate of self-inflicted deaths has risen substantially. In 1986 there were 21 recorded suicides in prison. The number of recorded 'suicides', however, leapt by over 100% in 1987 to 46. Official data show that there was another major incline of recorded self-inflicted deaths only seven years later, in 1994 when, for the first time, more than 60 deaths were recorded; and yet again, four years after that in 1998, when data recorded self-inflicted deaths in prison of more than 80 people. From 1994-2004 804 prisoners were officially recorded as committing 'suicide' (Scott and Codd, 2010).

There are though difficulties with making historical comparisons around the numbers of self-inflicted deaths. As noted above, the data records are patchy and very few reports on deaths of prisoners have ever been produced. Further, the data prior to the 1990s refers only to those cases where there has been a suicide verdict from the coroner's court. This means that a hidden, but potentially very large, number of deaths of prisoners have not been recorded (Scott and Codd, 2010). What the data appears to indicate, which of course should be considered as only a guide to possible trends, is that there is no obvious correlation between a decline in the historical rates of self-inflicted deaths and rises in prison officers staffing levels. Death has always been a present in prisons, but since the 1980s there has been a notable increase in the number of recorded self-inflicted deaths of prisoners, something which predates the data cited in *Prison Safety and Reform* by a number of decades (INQUEST, 2016). Indeed, looking at trends over the last four decades what we find is that we have had record rates of *recorded self-inflicted deaths at the same time as there have been record high levels of prison officer – prisoner ratios*. What Liz Truss missed was that prisons have always been places of *harm and debilitation* rather than *safety and reform* (Scott, 2016b). This is the 'big lie' at the heart of penal agnosis – to ensure that prisons continue the public must remain ignorant about the total failure of prisons and illiterate about the deadly harms that prisons create on a daily basis.

### **Contextualising the past: beyond agnosis, silencing and denial**

The above discussion has highlighted how current debates on prisons are "isolated in the present" (Mathiesen, 2004: 42). This is of course a particular manipulation of the 'present' and the omission of certain evidence from the 'past' to manufacture ignorance. Barton and Brown (2015) have also observed how the past and present

are manipulated to create penological illiteracy. However, they noted that harms and violence of the present can be ignored in favour of brutalised images of the past as means to show how modern humane and civilised prisons are today. This selective presentation of prison life to distort the hideous nature of prisons has been part of the defence of the 'reformed' prisons from the early 1800s onwards (Scott, 2018). Penal agnosis, then, has a long and undistinguished history. This chapter has argued that the current penological 'common sense' unravels when staffing levels, prisoner violence and deaths in prison are located in historical context. Rather than seeing the problem of violence and death as directly associated with low prison officer numbers, when placed in historical context it becomes clear that the root of the problem is actually the structures of the prison place itself. The prison systematically generates harm, suffering and death. Penal agnosis is about hiding this terrible truth. Whereas the silencing of this critique through media and political debates informed by the POA interpretive framework point to solutions that focus on increasing staffing levels, when located in historical context the voice of the radical critic and prison abolitionist can be clearly heard. Prisons have been failed institutions for centuries and any excavation of their past points in only one direction: that they are ripe for abolition.

It seems to me that for the voice of the abolitionist to be heard and present an effective challenge to penal agnosis four things need to be in place. First academic abolitionists must recognise their ethical and political responsibility to step outside the class room and directly engage and attempt to change the penal landscape. Teaching and publishing in journals is important, but the abolitionist voice should be heard outside of the academy. Second, and relatedly, academic abolitionists need to have a direct and concerted engagement with the media so as to question the current forms of penal agnosis and open the debate to a more nuanced and informed debate about penal realities. Penal agnosis prospers in times of penological illiteracy and so public education campaigns are essential to challenge its insidious presence and abolitionists should be central to this. Third there needs to be direct engagement by abolitionist academics with grass roots abolitionist social movements so that they can, via democratic engagement through meetings, demonstrations and activist publications, directly challenge penal agnosis through critically informed and yet understandable dialogue and debate. Academic abolitionists should share their knowledge and analytical insights (as well as time and energy) with activists in one common struggle against the production of penological ignorance. Fourthly, abolitionist academics must not be 'silenced' within or outside the academy but prepared to take intellectual risks and to offer radically alternative policy suggestions of how we can deal with problematic, troublesome and wrongful human conduct in the here and now that operate beyond harm and institutionally-structured violence systemic within the criminal process.

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