Prisons Prisms: Policy's Objects in Scottish Penal Reform [1]

Sarah Armstrong (s.armstrong@lbss.gla.ac.uk)
Senior Research Fellow, Scottish Centre for Crime and Justice Research
University of Glasgow

Abstract

This paper reports on emergent themes from an 'ethnography of penal policy' I am currently conducting. In this larger research project, I have been following, and sometimes participating in, a major reform of imprisonment in Scotland. An ethnography of policy, as opposed to one of policy makers, treats policy as the agent which brings social actors to life and into relationships with each other. Policies also activate settings in which particular spaces, knowledges and materials are available for guiding action. For all actors in this policy process the recognised policy objects are prisons (how to reduce the populations they contain) and prisoners (how to stop them getting into prisons). Like boundary objects, the meaning imbued in these entities varies across settings as policy actors work in tandem (Lee Star). But differences may be more fundamental, for not only does meaning vary depending on one's perspective but the resources available in each setting to recognise the basic existence of these objects suggests that the object itself changes.

The paper identifies three distinct social settings in the current penal policy reform and considers for each of them how their particular knowledges, materials and spaces affect not just what prison (or the prisoner) means, but what it is. In understanding the policy object as changeable according to setting, it raises a problem of translation for a policy process which depends for its implementation on consensus. The aim of the paper is twofold: to give a substantive (though preliminary) account of how different actors conceive of prisons and prisoners differently in the debate about reform, and to consider what methods are best (i.e. credibly, robustly and legitimately) able to work in such a reflexive, constructionist environment.

Ethnography of *Policy*, not Policymakers

This paper draws on an 'ethnography of penal policy' in Scotland that has been underway for almost two years. An ethnography of policy differs from both prison-based ethnography and ethnographic methods of studying policy. In prison ethnography, the ethnographer immerses herself in the world of prison, closely documenting how its 'captive society' works (Sykes 1958, Crewe 2009). In ethnographically informed policy studies, the tools of close-up human group study are directed at *either,* and this separation is significant, policy makers (the world populated by civil servants, ministers, regulatory workers, see e.g. Rock 2004, 1994) *or* policy subjects (those for whom the policy is intended and the people they interact with in the process, e.g. front line workers). Ethnography of penal policy is neither a policy implementation study, an organisational culture study, nor a study of a total institution's inmates, though the leading characters in all these projects are present here: prisoners, civil servants, local residents. What an ethnography of penal policy seeks to do is to draw a line around all these actors, re-joining them as one tribe whose membership derives from being a part of the cultural

[1] This paper is based on research supported by a small research grant from the Economic and Social Research Council. Grant No. RES-000-22-2881.

system of beliefs and practices called 'penal policy', just as other tribes are bound together, willingly or not, by 'capitalism' or 'Syrian Orthodox Christianity as practiced in suburban Los Angeles'.

Redrawing the circle this way thus shows the connections among previously separated sites of action and in so doing brings into view new spaces, actors and practices. My aim in this paper is to identify some of these neglected actors and address how they interact with others to participate in constituting the meaning both of prison and prison policy. This work is informed by an actor-network perspective which recognises that some of the main characters in this story are not human, nor even tangible objects (such as policy itself) (Callon, 1986; Latour 2008). For example, penal policy makers are greatly interested in engaging with communities to realise aims of rehabilitating and reintegrating offenders. But how are 'communities' defined and how do 'they' participate in policy processes? As we will see, 'the community' which matters to prisons and prison policy makers takes a variety of forms including geographic areas (the neighbourhood in which a prisoner will reside once released, the village in which a prison will be built), social groups (the family and friends who might support a prisoner on release), or abstract and metaphorical concepts (the range of social services and monitoring strategies for managing a person's return to freedom, the polity to which government owes a duty of protection from harm). The different communities make their positions and interests known through mediators like consultation summaries, service workshops and academic research. I will argue that these intermediate actors are not merely representing those on whose behalf they seek to speak, but more important, various modes of speaking for and hearing about different kinds of communities is an act of bringing them into being. This is essentially, then, a paper about problems of translation in that the central concepts of the policy domain I am researching are differently understood, and even more fundamentally, differently constituted depending on where one stands in the policy world.

The empirical context of this ethnography is Scottish prison policy, and specifically the first stage of a major penal reform project currently taking place in Scotland, the start of which is roughly delimited by the publication in July 2008 of a key report on the state of Scottish imprisonment – known as the *McLeish Report*, and the end of which is the Scottish Parliamentary vote (anticipated to be early in the summer of 2010) on a major piece of legislation reforming the use of prisons and community sentences, the *Criminal Justice and Licensing (Scotland) Bill*.[2]

I have followed the reform, and been sole investigator in the ethnography, in three distinct roles. First, explicitly as an ethnographer, I have observed and researched the process of penal reform following the McLeish Report. This has involved observing day to day activities, attending meetings and events, interviewing key actors, and absorbing many other kinds of data (reading documents, diagramming spaces, mapping

[2] Scottish Prisons Commission (2008) *Scotland's Choice: The Report of the Scottish Prisons Commission*, Edinburgh: Scottish Government (referred to throughout this paper as the 'McLeish Report'); Scottish Government, *Criminal Justice and Licensing (Scotland) Bill [as introduced]*, available at: http://www.scottish.parliament.uk/s3/bills/24-CrimJustLc/index.htm

relationships). Second, as an academic researcher, I have participated in the penal reform project as part of an academic team working with the Government as a 'critical friend', reviewing and commenting on its Reducing Reoffending Programme (discussed below). Finally, I have also conducted separate prison research projects during the course of the ethnography which has provided opportunities to follow penal policy and reform as it winds its way through prisons and local communities.[3]

Penal Reform in Scotland: Background of the Current Study

Prisons are perennial targets of policy reform, and the current reform effort in Scotland can be traced predominantly to two causes, one a chronic issue, the other a new development. The chronic issue is that Scotland, a small country in Europe, has a big problem with imprisonment, imprisoning its people at a higher rate than nearly anywhere else in Western Europe. The fact that it sends twice as many people to prison than similarly sized countries nearby (such as Ireland, Denmark and Finland) is a pattern that has been well-established for many years.[4] The new development is the change of Government that occurred in the spring of 2007 when the Scottish Nationalist Party (SNP) was elected and took charge as a minority government in Scotland. Prior to their election – the first time the Nationalists have been in power – the Labour party had been for 50 years the dominant political force in Scotland, and its recent policies on crime and justice largely were harmonious with, though not reducible to, the populist punitivism of the UK Labour Governments since 1997 (Bottoms 1995, Simon 2007, McAra 2008).[5] The SNP-led Government has attempted to move away from a previously dominant discourse that had attributed the 'prison problem' to crime and disorder to one which focused on the problem of drink and drug use in Scotland and framed this as a public health issue. Early into its tenure the Government appointed an independent Scottish Prisons Commission, chaired by former First Minister Henry McLeish, to take stock of imprisonment issues and produce a report which would assist and inform the Government's plans to introduce major legislation on criminal justice reform.[6]

---

[3] A separate part of the larger ethnography also involves linguistic analysis of the use of metaphors in the texts of penal reform. See, S. Armstrong and A. Deignan (2010) 'Payback and Punishment: Metaphors in Scottish Penal Reform' paper prepared for presentation at RaAM8, Amsterdam, June 30-July 3.

[4] Scotland's current imprisonment rate (the number of people in prison per 100,000 people in the total population) is 149 (as of April 2010). By comparison, the rates of nearby nations is much lower: Ireland (85 in June 2009), Denmark (66 in May 2009), Finland (67 in May 2009). All data is from the World Prison Population Brief, Kings College London, url available at: http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/ (consulted in April 2010).

[5] While Scotland is part of the UK, its criminal legal system has always operated independently with its own laws and procedures and criminal justice matters have mainly been devolved. International literature that refers to 'penal practices in the UK' almost always is referring exclusively to England and Wales. Scottish criminal justice policy has often diverged greatly from that of the UK, for example in its rejection of a youth justice system, but since partial devolution in 1998, many of its policies have been similar to or modelled on the UK; see Lesley McAra (2008, 1999).

[6] The Commission's membership comprised a mixture of justice professionals (a judge, a former minister of justice, a European penal administrator and expert) and non-experts (a radio and broadcast journalist, a business leader, the head of a prominent charity). While the Commission's Chair Henry McLeish was a member of the opposition party (Labour), he and Cabinet Secretary MacAskill shared a passion for and built a friendship partly on football, an important aspect of both Scottish culture and politics…

The Commission completed its work and published a report (the *McLeish Report*) in July 2008. The McLeish Report's findings followed the Government's rhetorical move away from crime as an explanation, or justification, for penal expansion, and also adopted the Government's position that low prison populations are important for national well-being. The Commission quoted Justice Secretary Kenny MacAskill approvingly in the opening pages of its report: '"[t]he Government refuses to believe that the Scottish people are inherently bad or that there is any genetic reason why we should be locking up twice as many offenders as Ireland or Norway". Indeed, it is not inevitable that Scotland should have one of the highest incarceration rates in Europe….Scotland can do better' (*McLeish Report*, 2008: 10). The McLeish Report goes on to recommend a strategy for avoiding a dystopic future of even larger prison populations, weaker communities and demoralised staff. The strategy's main features are a legal presumption against the use of short sentences of imprisonment (specifically of six months or less), an expansion and reorganisation of community-based sanctions that would present a credible alternative to prison, and a target of reducing the Scottish prison population by 3,000 prisoners, or nearly 40% of the current population of around 8,000. The reform strategy set out in the McLeish Report was accepted almost wholesale by the Government as a template for the sentence and offender management proposals contained in its *Criminal Justice and Licensing (Scotland) Bill*.

The proposal of a prison reduction target is a radical one in the Anglo-American penal context, and it only became possible once the problem of prison was re-cast as a problem not just for criminals and criminal justice professionals, but for the entire nation. Secretary MacAskill played an active role promoting this re-casting of the prison problem, making numerous speeches throughout late 2007 and the first half of 2008 emphasising two distinct messages: first, that the major issue facing Scots is drug and alcohol misuse, (and hence, implicitly, not crime); and second, that prisons are only one kind of public service investment and choosing to have more prisons would mean choosing to have fewer schools and hospitals. 'Crime', in fact, was a word that rarely appeared in the speeches on penal reform he gave during this period.[7]

The attempt to re-frame the problem of prison, and the causes of its growth, is an essential feature the current reform effort, demonstrating the importance once more of causal stories for policy reform (Stone 1989). The new frame, however, has not entirely displaced older, persistent understandings of what prison is supposed to do and for what prison policy needs to be accountable. The purposes and potential effects of penal policy have thus multiplied and the Scottish policy reform process is happening at a time when prison policy is expected to take account of: crime, or at least reoffending; efficiency of operations; a sense of national citizenship; governance of other public services; protection of the public; and the human rights of those imprisoned.[8]

---

[7] See, for example, his plenary remarks to the European Society of Criminology in Edinburgh (September 2008).

[8] Even climate change targets have now been assigned to criminal justice policy, and at most meetings of just policy makers one will see people peering closely at papers which are printed half size and on both sides of sheets to minimise the amount of paper used.

Three settings, one world

Depending on where you stand, prison is: a place of punishment, a professional organisation, a violent offender, a provider of social services, a secure warehouse, a local employer, a number, a neighbour. The different meanings are generated according to the practices, actors and spaces available in different settings. By 'setting' I mean to indicate something more fluid than merely the places where particular actors have to deal with prisons (in practice or as a matter of policy). Rather, I mean a social environment that has a geographical focus but is also spatially and temporally dynamic. For example, in the policy setting discussed below, which I refer to by the title given to an ongoing policy programme run by civil servants (the Reducing Reoffending Programme), it is not simply a matter of noting that civil servants mainly work in central government offices, and tend to rely on abstract knowledge of prison and prisoners. The notion of setting as it is used here focuses our attention on how these abstractions are made more concrete, how those represented through abstraction are *present* in planning discussions, and how this presence matters differently when it is in offices, on a train ride or in a prison. In this case, prisons and their prisoners often show up at meetings on pieces of paper and in emails, and generally in the form of quantitative information: numbers of prisoner by type of offence, reconviction rates, annual cost of the prison estate, numerical risk levels.

In this paper three settings in the world of penal policy are described. Juxtaposing them exposes different perspectives on prisons, prisoners and penal policy. The first of these settings is the planning process that preceded the construction and opening in late 2008 of a new 700-bed prison (HMP Addiewell) in the central belt of Scotland. The second setting is the Government's current penal reform project, the Reducing Reoffending Programme. Finally, we move to a setting which places the physical entities of prison and prisoners at its centre: the problem of prisoners serving short sentences, a phenomenon perceived to be particularly characteristic of imprisonment patterns in Scotland.

Setting 1: A prison planning process

HMP Addiewell is Scotland's most recently built prison and is located in Scotland's central belt, the region book ended by Edinburgh to the east and Glasgow to the west that contains the vast majority of the Scottish population. Specifically it is in the county of West Lothian, once heralded as an area of economic regeneration fuelled by the high tech industry (and known before the dotcom crash of the early 2000s as 'Silicon Glen') but recently fallen on hard times as the tech industry has contracted, reorganised and outsourced operations to developing countries. The closure of factories run by Motorola and NEC led to the loss of over 4,000 jobs locally, and paved the way for the local West Lothian Council to revise its economic strategy to be 'less reliant on foreign owned inward investment' and instead 'to promote West Lothian as a location for public sector agencies' (West Lothian Council 2002: 4, 5; BBC 2001, 2003;).

At roughly the same time West Lothian was re-jigging its economic strategy, the Scottish Prison Service (SPS) published a long awaited review of its prison estate estimating the need for over 2,200 new prison spaces to be met partly through construction of new prisons (SPS 2002). West Lothian Council responded enthusiastically to SPS overtures of siting one of the new prisons locally, on a brownfield site between the villages of Addiewell and West Calder. Before the council had even decided on whether to approve the planning application for a new prison, Local Councillor Willie Dunn treated it as a done deal saying, 'It is a good day for West Lothian and in particular the people of Bathgate [the town in which the Motorola factory closure had taken place]' in light of the claim that 400 jobs would be created as a result of a new prison (BBC 2003).

What is a prison in this setting? Clearly it is a potential employer, but is there a sense in this setting of the prison *qua* prison? For the West Lothian local government, the prison had almost no physical existence potential or actual. It simply symbolized jobs, 400 to be specific. Prisoners – the people required for prisons to exist (though perhaps it is the other way around) – are only minimally present in this setting, manifesting instead as 'places' or 'beds'. A prison of so many places means X hundred new jobs, and not just any jobs but 'high-end jobs, well-paid and secure for the long term' (BBC 2003 quoting Willie Dunn). Assessing prison policy in this setting depends not on who is on the inside, but who is on the outside – locals in need of good quality employment. Hence the implications of a prison of a size holding 700 prisoners, large for a country where the average prison holds 400 prisoners, for security or rehabilitation (can such a large prison in a rural area manage order, community reintegration and offer effective programmes?) are not visible. These are irrelevant questions about the prison's insides. The prison in this setting became a box of jobs, just as the closed down Motorola factory did when the Council successfully proposed it as an Inland Revenue (income tax) processing centre. The larger the box, the more jobs it can hold.

Figure 1. Prison means jobs: excerpt from planning consultant's report

3.12 The prison development will **directly** generate employment during the construction period. It is anticipated that both national and local contracting firms will be employed to carry out the works, with the majority of the labour being sourced locally. It is anticipated that between 400 and 500 employees will be required for the construction process. The actual prison will require a staffing complement of approximately 400. 75% of the long-term jobs will be at prison officer level, with a remaining 25% provision for managers, clerical workers, medical roles etc. It is envisaged that the future operator will recruit and train new staff from within the local area.

Source: Montagu Evans (2003), p. 15

West Lothian's Councillors in all their enthusiasm for prison jobs were not, however, the only actors in this setting. Among the other characters were first, the prison design and the prison buildings, which existed symbolically for the local government but loomed much more concretely in the minds of local residents. Second, a key mover in the planning process was a meadow of Common Spotted Orchids, despite their name a protected plant found in a rare environment – the shale bings of Addiewell, and incidentally in the middle of ground where the new prison was to go.[9] It is through planning reports and the objection letters of local residents (over 80 such letters were received by the Council) that the prison's design and the rare orchids of the shale bing have their say.

Many of the letters of objection received by the Council describe the proposed prison as a 'monstrosity': 'I have no desire to have this monstrosity of a building imposed on the doorstep of Addiewell Village' (letter 3, West Calder resident). This particular label seems to refer both to the capacity of the proposed prison for 700 places, and to the physical look of it. 'I also would not like to see the countryside destroyed by a building of this size' (letter 48, Polbeth resident). 'This is a beautiful area at present and who will be able to say the same if a huge prison with large fences and walls is built in the middle of it.' (letter 1, West Calder resident).

The orchid meadow, in these letters, came to symbolise all that would be destroyed by the imposition of a large construction project: landscape, the rural way of life, beauty (see Figure 1). 'Why should the importance of Addiewell bing for this comparatively rare flower [the Common Spotted Orchid] be dismissed as irrelevant?...This site could be an enhancement to the immediate area of Addiewell and West Calder if the Council had the vision to promote its use for leisure purposes….Residents from both villages and those

[9] It was unfortunate that West Lothian Council had previously identified this orchid as its emblematic flower! Shale bings are the ground waste of mining which have then settled into hills and come to be valuable by supporting unique flora. In Addiwell a group of shale bings have become a popular walker's destination and are called The Five Sisters.

beyond would benefit from the conservation and schoolchildren could be educated on the importance of our countryside and its protection' (letter 40, West Calder resident). Ironically, the existence of this particular orchid, which thrives in shale bings, was dependent on the waste ground produced through large scale mining and industrialization in the area, activities still bitterly remembered in this community. '[T]he history of this site is a litany of activities from the mid 19th century which caused heavy contamination – brickworks, oilworks, coal mining, shale mining, the list goes on!' (letter 44, West Calder resident).

Figure 2 HMP Addiewell vs. The Five Sisters shale bings

vs.

And unlike their Councillors, who are concerned about who can get *into* the prison, the residents are worried about who can get *out* of it. As one concerned parent put it, 'The potential drug problems in the area surrounding the prison would be greatly increased and discarded needles/drugs etc in the footpaths leading to the prison will make it extremely dangerous for [my daughter] to play outside thus making her a prisoner in her own home' (letter 81, Addiewell resident). And, 'Prisons attract drug dealers who seek to ply their trade in the vicinity' (letter 44, West Calder resident).

At one level, the residential objectors are playing out a predictable NIMBYism, but it would be misleading to reduce their concerns to the simple slogan: Not In My Backyard! This setting exists as a point of eruption of a larger debate, when what we might refer to as the public discourse of punishment takes shape as it bubbles up through a particular vent, regulated by the specific topic at issue (a new prison siting process) and the rules of engagement allowed (planning department definitions about what constitutes a 'material', i.e. relevant, objection). Within the letters many issues beyond the simple question about a prison being built in Addiewell emerge, some echoing the arguments made by Kenny Macaskill about what kind of society we want to invest and live in. 'There is great controversy about Britain happily incarcerating more people than anywhere else in Europe. Therefore I object on the grounds that SPS should address these frightening statistics and release those prisoners who should not be in prison, instead of imposing

more prisons on innocent citizens in the south west of West Lothian' (letter 5, West Calder resident).

Despite their number and fervency, it is almost certain no one on the planning committee saw this correspondence. The only person in this setting certain to have read all of the letters was Richard Hartland, building control manager whose thankless job it was to summarise the evidence and make a recommendation for the committee's consideration. This he duly did, summarising 83 letters filled with anger, sarcasm, orchids, humour, references to Britain's industrial history, sadness, and descriptions of the walk to school as follows:

'Location

- 'The proposed site is regarded as being inappropriate for a development of this nature, given its semi rural location between two small villages and its physical relationship to existing houses. It is feared that it will stigmatise and erode the character of Addiewell in particular and be detrimental to the amenity of neighbouring residents in terms of security, privacy, noise and intrusive lighting. It is widely felt that there are other less sensitive sites which could have been chosen instead.

'Crime

- 'There are direct concerns about the security of local residents in the event of an escape and fears that the prison will act as a magnet for an undesirable element, particularly those involved in drug taking and dealing, thereby creating an influx of drugs and criminals into the local community.'

…[And, after considering these concerns against the economic case]…

'12.3 It is therefore recommended that the council indicates that it is minded to grant outline planning permission and that it does not raise any objection to the Notice of Proposed Development (NPD).'

Source: Richard Hartland, Development and Building Control Manager, Development Control Subcommittee Report (May 2004), pgs. 5, 6

The committee voted and in a minute of its meeting noted:

Decision

1. To approve the terms of the report.

2. To agree that the Development and Building Control Manager discuss with the Scottish Prison Service minimising the impact of the development on the community, the possibility of buying out residences in the immediate area and forming a liaison group with local residents at the detailed planning stage.

MINUTE of MEETING of the DEVELOPMENT CONTROL SUB-COMMITTEE of the ENTERPRISE AND DEVELOPMENT COMMITTEE of WEST LOTHIAN COUNCIL held within WEST LOTHIAN HOUSE, LIVINGSTON, on WEDNESDAY, 5 MAY 2004.

In the end, the orchid meadow delayed the process (by triggering the requirement for a more extensive environmental impact evaluation) but did not arrest it, and Addiewell prison is now open for business. Residential objections had the effect of encouraging the

site planners to adjust the design in order to minimise as much as possible the visibility of the prison by residents (through careful landscaping and moving the prison to the position furthest from residences). Hence, this box of jobs was treated also as a Pandora's box and sealed away as much as possible from community view.

Setting 2: The Reducing Reoffending Programme

The second setting concerns the process of policy development itself. The Reducing Reoffending Programme (RRP) was devised by civil servants to implement much of the strategy recommended in the *McLeish Report* by developing operational and implementation plans to achieve the Government's aims to reduce the use of prison, and to increase the use, credibility and effectiveness of community-based sanctions.[10] The RRP is a major site of activity for the larger ethnography of penal policy I am conducting and is visited only briefly here with the limited purpose of providing an example of a policy setting where the actors, practices and materials produce a distinctive meaning of prisoners and prisons. It involves nearly all staff in the Government's Criminal Justice Directorate assigned to criminal and community justice, as well as professionals seconded into government from relevant agencies including the prison service and criminal justice social work (which administers community-based sanctions in Scotland). One relatively senior manager described the RRP thus, 'It's going to be the only business in town for the next two, three years', and there is a pervasive sense among civil servants that this wave of reform represents an important and possibly unique window of opportunity to see through radical changes in how offenders are managed and prisons used. The overall Programme Vision for the RRP is:

> *'To break the cycle of reoffending by ensuring proportionate and early interventions with effective reintegration into the community'*

RRP has five 'workstreams', listed in November 2009 as the following:

- *Young people* (dealing with people early in their 'offending careers');
- *Pre-court disposals* (dealing with how people get into the criminal justice system in the first place);
- *Custodial sentence management* (dealing with people in prison);
- *Effective community disposals* (dealing with people under community sanctions); and
- *Community reintegration* (dealing with people as they pass out of criminal justice control).

The workstreams have coalesced people and resources into groups whose coherence is created by the area of their focus. The areas (prisons, young people, prison, community

[10] The public face of the programme is on the following Scottish Government's web page: http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management

disposals, community reintegration) determine the possibilities for action, and mark out boundaries of competence and jurisdiction. To some extent these workstreams reflect pre-existing groupings and boundaries of activity, but there is an emphasis on 'cross-cutting' and 'joined up working' (Scottish Government 2010). The need to work across groupings partly arises from a longstanding perception that one of the main failings of the criminal justice system is in its management of *transitions*, for example: as young people 'graduate' from the youth system (called the Children's Hearing System) to the adult criminal justice system; as adult offenders move from pre-trial to post-disposition status; as adult prisoners move from institution to community. The way the workstreams themselves are set out on paper creates a sense of flow through the system that charts the trajectory from being at the early stages of criminal or system involvement (the young people stream) to the first formal process of justice (pre-disposal) to the most serious sanction (prison) and back out and down to communities (community disposals and re-integration).

RRP exists through the activities of workstream staff working in their own groups, meeting periodically en masse, reporting to a strategic management board (the 'programme board') consisting of representatives from stakeholder agencies (such as the Prison Service) and Government, delivering their work through programme implementation boards (PiBs) and project control committees (PCCs). Additionally the interaction with the academics asked to act as critical friends of the project has involved a number of meetings in which RRP personnel have presented their vision and plans for the programme, while we academics have commented on the evidence base for various proposals.

Where is the prison and where are the prisoners in all this? They are present mainly through absence. Consider the programme vision, which limns the workstream areas (and was almost certainly devised by a committee of representatives from each). 'Early intervention' is code for work with young people and diversion strategies. 'Effective community reintegration' explicitly mentions the last two workstream areas. What hides behind the vision of 'proportionate' efforts to 'break the cycle of reoffending'? The McLeish Report (2008: 2) made much of Scotland's *disproportionate* use of prison for offenders who are 'troubled and troubling rather than dangerous', a concern that is picked up in the RRP's statement of its origins and purpose:

> 'Our prisons are quite literally overflowing [and it] is absolutely right that the public is protected from serious and dangerous offenders. These offenders are by no means the majority of the 8,000 routinely overcrowding our prisons on any given day. Instead the prison population is predominantly made up of low level offenders on short sentences' (Reducing Reoffending Programme website).

Hence the problem that RRP is designed to fix is all about prison, which are overflowing with the wrong kind of prisoners – those on short sentences for minor offences. The programme vision reflects this, expressing in nearly every word the aim to stop using prison routinely for minor offenders. The focus on early interventions is designed to reduce the need for late intervention, i.e. incarceration. Community reintegration is an attempt to ease the disruptive impact of institutionalisation. Even the ostensible subject of

the RRP vision – cycles of reoffending – has the prison at its centre. Substitute the word 'imprisonment' for 'reoffending' and nothing is lost. In fact, 'reoffending' and 'reoffenders' are examples of those particular terms of art which have an apparently comprehensible lay meaning but which in fact are precise, technical terms used by policy insiders, much in the same way as there are distinct lay and technical legal understandings of what it means to be a 'reasonable person' (Bourdieu 1987). Reoffending to insiders means the known criminal activity of people who are already or recently under criminal justice control. Hence, 'breaking the cycle of reoffending' is not (or at least not merely) about reducing crime, but about changing entrenched patterns of behaviour by people already known to criminal justice officials. This technical usage is borne out by noting that the Reducing Reoffending Programme sits as a sub-programme within an even larger policy programme called Reducing Offending.

The irony is that a policy programme that was initiated to de-centre the prison as the main response to reoffending, has prison at its centre. Diverting people before they get to it; efficiently managing their experiences within it; producing a set of effective alternatives to it. Perhaps awareness of this irony led to one subtle change in January 2010, when two workstreams, 'custodial sentence management' and 'effective community disposals' switched places in RRP literature, flowcharts and meeting agendas. Now the third of the five workstreams, 'community' is at the centre of this policy setting.

Prison, nevertheless, remains a central feature of the penal system and RRP actions that aim explicitly to contribute to reduced *re*offending, are at the same time and implicitly as much concerned about reducing what are deemed to be unnecessary uses of prison. This has entailed a bifurcation of temporality in penal policy, where actors in the setting are seeking to speed up processes for less serious offenders, so that they might slow down processes for more serious offenders. Among RRP's programme deliverables for the less serious offenders (i.e. those who are approriately diverted to or punished in the community) are to: 'implement a range of pre court diversion schemes and ensure their expeditious delivery to offenders'; [d]evelop and implement tools [so that] unpaid work orders…commence within seven working days of sentence'; and 'ensure the efficient and effective progress of breaches of community sentences through the criminal justice system' (RRP 2009).

Finding credible and speedy mechanisms of managing the least serious offenders outside of and away from prison, means that time and attention can be focused on 'serious and dangerous offenders'. For this group, slowing down processes means there will be more time for thorough risk assessment and management, more time to engage these offenders in treatment programmes, and more time for multi-agency groups to case manage their progress.

Using the prison more sparingly, in more focused ways, for only those who really need it (however this is defined) envisions prison as a permanent fixture of the policy landscape. Prison is not going to change, only the way others relate to it and use it can. Prison is treated as the hall table where everything is left – cluttered by mail, umbrellas, loose change and becoming a permanent place for things that were meant to be put away or put

to good use elsewhere. Policy changes aim to make those using it more organised and more disciplined by keeping the table tidy – going around it, leaving mail on it for less long, occasionally dusting it.

Compared to the Addiewell prison planning setting the concern here is neither with too many getting out (the 'criminal element') or not enough getting in (local employees), it is about stopping too many people getting in. An underlying theme, however, resonates between penal understandings in these two settings. In both, prison is an undesirable, and equally in both settings its undesirability cannot be addressed directly. The resident who writes to object to *this* prison's location in her village, will never have her comment about too many prisons in Scotland taken account of because it is not material to the planning process about a single prison. The belief by nearly all the RRP civil servants that there are too many people in prison who should not be there (and isn't this another way of saying there's too many prisons which make space for them?) have no authority to comment on, or make policy about, the number of prisons or the alarming size of the prison population. The McLeish Report's radical recommendation to set a target for reducing the prison population by 3,000 prisoners cannot be translated in this setting of government workers, specific operational responsibilities, and historical policy context.

And so rather than taking on the prison directly, the RRP emphasises the value and benefit of community-based punishments and community integration activities. A line of argument heard regularly around this setting is: 'The statistics show us that community sentences work and stop these offenders from going on to commit more crime in Scotland's communities. Three quarters of those given a sentence of six months or less go on to reoffend within two years of getting out. In comparison, three out of five offenders given a community sentence do not go on to reoffend' (Justice Secretary Macaskill, 2010). RRP's community reintegration workstream prioritises three areas of need for offenders: housing, health (dominated by dealing with addiction issues) and education/employment. But where does the prison end and the community begin? There is an ambiguity in RRP objectives and deliverables not only over the meaning and position of prison policy plans, but the meaning also of community.

Setting 3: Prisoners sentenced to six months or less

This setting exists because the McLeish Report and the RRP says it does: prisoners serving six months or less are the problem and therefore the main target for Scottish penal policy. As proof of this problem, we are pointed to the statistic that in Scotland more than three quarters (76%) of all prison sentences handed down in 2007/08 were for a period of six months or less (Scottish Government 2008). This is indeed a stunning fact – it turns out that it is not Glasgow's murderers but Greenock's shoplifters who have raised Scotland's imprisonment rate to the level of Moldova, Bulgaria and Slovakia. But the statistic has taken on a life of its own, a 'killer stat' mentioned in Parliament, in

speeches by major politicians and in newspapers as the argument itself for penal reform.[11] The predominance of so many short sentences has led to a phenomenon in Scotland called ‘doing life by instalments’ where petty offenders spend most of their lives in and out of prison on short sentences (Id.). If the numbers are the main actors in this setting, we must go to the place where the numbers live, to find these ‘troubled and troubling’ prisoners, who are filling up Scotland’s prisons. What do they have to say about prisons and prison policy?

Here they are – the 12,646 people who were sentenced to six months or less in prison in 2007/08.

Table 10 - Persons receiving a custodial sentence by main crime/offence and length

Main crime or offence	Total	Up to 3 months	Over 3 months to 6 months	Over 6 months to 2 years	Over 2 years to less than 4 years	4 years and over	Life	Indeter-minate detention
All crimes and offences	16,660	8,402	4,244	2,842	624	496	48	3

Source: *Criminal Proceedings in Scottish Courts 2007-08.*

But something happens once these 12,646 people leave court and make their way to jail – thousands of them disappear. When we move from the report on prison sentences ordered in Table 10 above (a report prepared using court-collected statistics) to the report on prison populations received in Table 27 below (a report prepared using prison-collected statistics), thousands of convicted persons have escaped. There are numerous hiding places within and between the reports, and one of the best is the different categorization systems for sentence length. In the report on prison populations below (Table 27), we do not know how many people got sentenced to 6 months or less, simply because prisoners are corralled into a group of those serving *less* than 6 months and another group of those serving 6 months *or more*. Both reports obscure how many people are serving *exactly* six months.

Adult direct sentenced receptions (1) to penal establishments by length of sentence, 1998/99 - 2007/08 — **Table 27**

Number

Length of sentence	1998/99	1999/2000	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Total	**9,887**	**9,217**	**8,943**	**9,470**	**10,571**	**10,255**	**10,299**	**10,746**	**11,684**	**11,846**
Less than 30 days	321	262	237	260	273	245	271	[illegible]	406	414
30-59 days	751	587	474	519	629	512	[illegible]	843	998	866
60-89 days	1,270	1,064	955	991	1,212	1,119	1,454	1,830	[illegible]	1,827
90 days/3 months	2,049	1,866	1,807	1,807	1,984	1,874	2,056	1,826	1,491	1,343
Over 3 months - less than 6 months	1,883	1,722	1,664	1,817	1,991	2,007	2,487	2,468	[illegible]	2,514
6 months - less than 2 years	2,539	2,570	2,626	2,855	3,101	3,036	2,214	2,241	2,989	3,430
2 years - less than 4 years	518	595	621	552	657	739	638	703	814	891
4 years & over (excluding life)	511	504	501	608	663	629	526	450	466	500
Life/Section 205	45	47	58	61	61	94	82	56	64	61

Source: Prison Statistics Scotland 2007-2008

[11] A senior politician at one point in the current penal policy process asked a group of us academics for a ‘killer stat’, the kind of number the public understands and that symbolises everything that is wrong with the status quo.

Many others fall out of view because the ‘persons’ leaving court in Table 10 of the custodial sentences table are not the same as the ‘receptions’ entering prison counted in Table 27 of the prison population table. The footnote (1) in Table 27 for the word ‘receptions’ states explicitly: “‘Receptions’ are not equivalent to ‘persons received’” (Prison Statistics Scotland 2007-08: 61). Why not? Well, if someone has been on remand (preventively detained pending trial) for several weeks, comes to court, is convicted and then sentenced to several weeks’ imprisonment, this person who first showed up in Table 10, will disappear on the way to Table 27 because rather than being ‘received’ into prison she will be released if the judge backdates the sentence (allows the time served prior to trial to count as time spent towards for the sentence). Alternatively, the same person might receive a number of short custodial sentences in the same year, and even while already in prison; if she is transferred to another prison to serve a sentence she counts as a reception, but if she stays in the same jail to serve multiple sentences she does not. This means that one person can translate into multiple receptions and one reception can cover multiple sentences.

The interest in alighting at this particular location in the setting is to underline how fuzzy and abstract are the ways of ‘knowing’ about short sentenced prisoners, where they are at any given time and whether their numbers are evidence of a problem. Prisoners voice their presence through the numbers, but the numbers have divided the one group policymakers wanted to hear from into two, and furthermore lumped in a bunch of people no one wants to hear from into one of these groups: a less-than-6-months group and a 6-months-to-less-than-2-years group. If the Government has its way and a law is passed which creates a strong legal presumption against issuing prison sentences of six months or less, will it make a difference to the next most important killer stat – the nation’s high imprisonment rate (which slowly but inexorably rises year after year)?

The short answer is, not much. To see this we need to consider one more way of knowing through numbers – how much of the prison population is accounted for by short sentenced prisoners at any one time.[12] On average in 2008-09, only 513 of the 7,835 total people in prison in Scotland were serving a sentence of less than six months.[13] The reason that 12,464 became 513 is because people in prison on short sentences do not stay very long; the person serving one year in prison will see her neighbour’s cell change four times if that cell is reserved for those on three month sentences. But those four prisoners will count as only one bed occupied over the course of a year. This means that if the policy aim of removing all of these people from prison and diverting them into community placements is fully achieved, the annual prison population would be reduced on average by less than 7%, which is far short of the 40% reduction desired by the *McLeish Report*.

[12] For penologists this is familiar distinction between measures of *stock*, how many are present at one time or during one period, and measures of *flow*, how many come through during a given period of time. Tables 10 and 27 measure flows. In other words, to know where the problems might be or to estimate how much prison costs, we need to know not only how many people come each year (flow), but how long they stay (stock).

[13] Alas, those serving exactly six months remain hidden from view here as well.

The 6-months-or-less prisoner speaks

Motivated by our contact with the RRP and intrigued by the repeated interest within this setting 'to engage with offenders' and 'include their voices' in the debate, a colleague and I decided to go and find some six-months-or-less prisoners and see what they had to say, as well as speak to some of the people it was hoped these prisoners would become: offenders on community sentences such as probation or community service.[14] The methodology was simple in the extreme: the only criterion for participation in the prison-based research was prisoners had to be serving a sentence of six months or less, regardless of age, gender, crime or criminal history. We ended up speaking with 22 prisoners who fit this criterion, were willing to speak with us and had not been released by the time we came to interview them.

The Scottish Prison Service provided access to one of their prisons, an institution holding mainly short-term prisoners and which has not featured much in prison research. This may be due to the fact that research on prisons and prisoners tends to be drawn to topics whose illumination has at least the potential of revealing the disgraceful or the horrifying: lifers, women, young people, sex offenders. Until the vociferous intervention of our killer stat, no one seemed to care much about a group of prisoners whose sentences are not very long, whose gender is not disproportionately unbalanced, whose age is dispersed widely from the very young to the very old, and whose crimes are not particularly upsetting.

Upon waiting for my first prisoner to be escorted from his cell up to the interview room the prison officers made me a welcome cup of coffee and were politely curious about the project:

> Prison Officer 1: 'Why do you want to talk to short sentence prisoners?'
>
> Me: 'Well, the Government's trying to change the law to stop them coming to prison, and there's a big policy being developed to put more of them onto community sentences, so ….'
>
> Prison Officer 2: 'Two strikes and you're out, that's what I say. They should lock them up and throw away the key!'
>
> PO1: 'Well, I think the only people who should be in prison are the ones who are dangerous, who would be a threat to the public if they were out.'
>
> PO2: 'But that'd be half the prisoners gone!'
>
> PO1: 'Exactly.'

I spent much time having cups of coffee and moments of chat with the POs before, between and after interviews with prisoners. We sat in a glassed-in office set within a larger hall called the Links Centre, Every prison has one of these centres and it is where prisoners come for offender management courses, to use the library, for meetings with drug addiction counsellors, housing advisers, education workers and so on. The hall is peaceful and brightly lit from above with skylights. Prisoners mill about between meetings, waiting for them to begin, or for POs to escort them back to cells. Whoever is about at any given time gets caught up in the prison officers' banter – prisoners, drug

---

[14] S. Armstrong and B. Weaver (2010) 'User Views of Punishment: Qualitative Research into the Comparative Experience of Prison- and Community-based Punishments', www.sccjr.ac.uk.

workers, senior managers, and researchers. There is a clear hierarchy and social order. It is evident in: who is allowed to sit down on the office chairs (only non-prisoners) and who gets the chair with arms near the computer (only POs and managers); in the different uniforms (prisoners in green or red tops, POs in black, outside workers in street clothes); in the cups used (prisoners have plastic, the rest of us have ceramic mugs) and, strangely, in their contents (prisoners drink tea, POs drink coffee, everyone takes milk). None of this takes away from the general ambience of amiability and camaraderie. The file cabinets are full of tea and coffee making supplies for everyone, including biscuits to have on the side, while files are piled up higgledy piggledy on the floor by a desk.

On a number of occasions a prisoner called 'Jimmy' comes by asking about one request or another. 'Oh, he's in here all the time!' says one PO. 'See, they can request anything – doctors, to meet with their drug worker, to find out about their ProForm, whatever. I think he just likes the company.' Over the course of the research, I become fond of the Links Centre as a place in the prison, it is bright, it doesn't have that prison smell that the wings do, everyone is there to help each other.

What are the negative aspects of being in here? I ask. Family, lost my job, dealing with my drug problem are the typical answers. What are you in here for? Being drunk in a public place … getting busted for shoplifting and having 130 previous shoplifting convictions … weapons possession … assault but also missing a court date and then having the judge sentence me when he was still angry about the missed court date. What are the positive aspects? Drying out … I don't do drugs in prison, they're here, but I don't do them, it's just not my thing … Nothing. And how many times have you been to prison? About eight times … two or three times a year … [more than 10?] Oh yeah, way more than ten … I've not been out a whole year since I was 16, and I'm 29 now … this is my first time, and I'm never coming back.

The prisoners who speak with me, ones who, on the outside, are habitual offenders, 'KTs' (known thieves) and hopeless cases, on the inside are active citizens – tenaciously working towards degrees and educational credits, working at whatever jobs are going in prison (as one of the only ways to kill time), returning their books of poetry on time, meeting regularly with their drug workers, thoroughly knowledgeable about how their sentence, and any change to it, will affect their right to housing, and hoping for homes, families and jobs.

Two things became gradually more clear in my mind on the train rides home after the interviews. The first thing is, this prison is a community, and a much more organised and better resourced one than the communities to which these prisoners will return. Goffman (1968) and Carlen (1983) have taught us that prison imposes a particular version of community, one which imposes institutionalised forms of work, life and play that are degrading and ultimately dehumanising. This kind of community, however, is also extraordinarily efficient. Attendance at appointments is guaranteed, and access to a library, a dentist, an addiction specialist, a priest (or rabbi, or imam), a lawyer, an employment counsellor, and now even a life coach are all available, and available quickly, through the same simple paper request form. The prison is already implementing

the dream of the RRP, delivering a multiplicity of services to people whose needs are complex and chronic.

The second realisation is that there is no embodied reality constituted by prisoners serving six months or less. Prisoners were allowed to take part in the research because they met the statistical definition of the policy problem. In their views of themselves, in describing the lives they are leading, however, they are not bound together by anything more than being caught in time with similar sentences. The kinds of offences they have committed, their previous experiences of prison and other forms of punishment ranged widely and their sense of solidarity with each other is minimal. What they have in common has nothing to do with prison: most are dealing with (more or less successfully) a long-term drug or alcohol problem, most have been motivated (now or in the past) to deal with this problem because of family, most want to be in stable jobs, housing and relationships.

There is the statistical existence of the six-months-or-less prisoner, and then there are the people serving sentences of six months. The risk of policy projects such as the RRP is that we confuse a statistical actor for a human actor. The people on sentences of six months or less have similar life problems – of drug and alcohol addiction, poverty, social marginalisation, and regular entanglement in the criminal justice system. But these issues are also shared by people not serving sentences of six months or less, people both inside and outside prisons. The penal policy project underway in Scotland seeks to change for the better the lives of people who are in prison for six months or less, but it mainly interacts with these people through a numerical doppelgänger.

Conclusion, for now

The aim of the paper has been to present a variety of penal policy settings and thereby show for the penal policy domain how 'the different commitments of participants from different social worlds reflect a fascinating phenomenon – the functioning of mixed economies of information with different values and only partially overlapping coin' (Star and Griesmer 1989: 413). The notion of boundary objects developed by Star and her colleagues is helpful in analysing this situation, but may not go far enough. The varying perspectives on prison's purpose, value and problems not only entail separate implications for policy but suggest there is a need to distinguish analytically between the situation where actors in different settings not only have their own values and knowledge about a common target of action, and one where these different actors, values and knowledges actually change the thing being targeted.

I have pursued an ethnography of penal policy as a strategy of following the oscillating perspectives on prison and prisoners as one follows penal policy around villages, offices and prisons. This is an attempt to employ a symmetric approach by socially analysing not just the subject of policy but the world in which it takes place. As I begin to produce findings from this ethnography, or rather become more adept at ethnographic description, I hope to develop the themes of resonance and contradiction across different policy settings. In all of these settings prison is perceived as something that can help or harm

people, communities and society, but controlling these effects depends on the resources and knowledges available to actors in a given setting.

Bibliography

BBC (2001) 'Fresh fears for 800 NEC jobs', BBC online (26 July 2001): http://news.bbc.co.uk/1/hi/scotland/1457904.stm

BBC (2003) 'Inland Revenue creates jobs boost' BBC online (26 November 2003): http://news.bbc.co.uk/go/pr/fr/-/1/hi/scotland/3239168.stm

Bottoms, Anthony (1995) 'The Philosophy and Politics of Punishment and Sentencing', in C. Clarkson and R. Morgan (eds) *The Politics of Sentencing Reform*, pp. 17–49. Oxford: Clarendon Press.

Bourdieu, P. (1987), 'The Force of Law,' Hastings Law Review, vol. 38: 805-853.

Callon, M. (1986) Some elements of a sociology of translation: domestication of the scallops and fishermen of St Brieuc Bay

Carlen, P. (1983) *Women's Imprisonment: A Study in Social Control*, London: Routledge.

Crew, B. (2009) *The Prisoner Society: Power, Adaptation and Social Life in an English Prison (Clarendon Studies in Criminology)*, Oxford: OUP.

Goffman, E. (1968), Asylums: Essays on the social situation of mental patients and other inmates, Penguin.

Hines, C. (2007) Multi-sited Ethnography as a Middle Range Methodology for Contemporary STS, Science, Technology and Human Values, 32(6): 652-671.

Latour, B. (), Reassembling the Social

Latour, B. (), The Pasteurization of France, Cambridge: Harvard University Press.

Law, J. and Singleton, V. (2005) 'Object Lessons,' Organization, vol. 12(3): 331-355.

Macaskill, K. (2010), published speech given 20 May 2010, available online: http://www.scotland.gov.uk/News/Releases/2010/05/20134230

Marcus, G. (1995) Ethnography in/of the World System: The Emergence of Multi-sited Ethnography, Annual Review of Anthropology, 24:95-117.

McAra, L. (1999) 'The Politics of Penality: An Overview of the Development of Penal Reform in Scotland,' in Duff, P. and Hutton, N., eds., *Criminal Justice in Scotland*, Aldershot: Dartmouth Publishing.

McAra, L. (2008) Crime, Criminology and Criminal Justice in Scotland, *European Journal of Criminology*, vol. 5(4): 481-504.

Montagu Evans (2003) *Supporting Planning Statement for a New Permanent Prison at Addiewell Prepared on behalf of the Scottish Prison Service*, Edinburgh: Montagu Evans.

Reducing Reoffending Programme (2009), '4th Programme Board Minutes – Annex A1'.

Reducing Reoffending Programme website: http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management

Rock, P. (2004) *Constructing Victims' Rights: The Home Office, New Labour, and Victims*, Oxford: OUP.

Scottish Government (2008) *Criminal Proceedings in Scottish Courts, 2007-08*, Criminal Justice Statistics Bulletin.

Scottish Government (2010) *Reducing Reoffending Programme High Level Process Diagram*, http://www.scotland.gov.uk/Topics/Justice/public-safety/offender-management/news-events/r-r-newsletters/processes

Scottish Prison Service (SPS) (2002) *The Scottish Prison Service Estates Review*, Edinburgh: Scottish Prison Service.

Scottish Prisons Commission (2008) , Edinburgh: Scottish Government.

Simon, J. (2007) *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear,* New York: Oxford University Press.

Star, S. L. and Griesmer, G. R. (1989) Institutional Ecology, '"Translations" and Boundary Objects: Amateurs and Professionals in Berkeley's Museum of Vertebrate Zoology, 1907-39,' *Social Studies of Science*, vol. 19(3): 387-420.

Star (1999) Ethnography of Infrastructure

Stone, D. (1989) Causal Stories and the Formation of Policy Agendas, Political Science Quarterly, vol. 104(2): 281-300.

Sykes, G. (1958) *The Society of Captives: A study of a maximum security prison*, Princeton, NJ: Princeton University Press.

West Lothian Council (2002) *West Lothian Strategic Action Plan 2002-2005*, on file with author.