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Prison privatization: *In search of a business-like atmosphere?*

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Abstract

This article explores one interesting finding emerging from early findings of studies comparing private and public prisons in the UK: the relationship between prisoners and staff. These relationships appear to be better in some private prisons than in the public sector, at least during the early years of privatization. After presenting these findings, the authors provide three possible explanations for the positively evaluated prisoner-staff relationships in many private prisons during these early years: first, an intentional focus on relaxed and less formal regimes; second, the distinct balance of power which is the outcome of more powerless and inexperienced staff working in private prisons; and third, the legacy of a punitive atmosphere which still persists in some public sector prisons. While these findings do not constitute an argument in favour of privatization, they provide an opportunity to be less romantic about public sector values and practices, and more circumspect about the dangers of imprisonment more generally.

Key Words

POA • prison • prison staff • prison staff attitudes • privatization
• public sector • staff-prisoner relationships

Introduction

Some have called the privatization of prisons in the UK (and elsewhere) 'the penal experiment of the century' (James et al., 1997: 3). As in other fields, when conducting a major experiment, the results can be surprising and may

differ from our original expectations. In some cases, these unexpected outcomes can be more meaningful or important than those originally hoped for. In this article, we discuss one such unexpected outcome of the prison privatization experiment. We try to explain how, although many proponents of privatization relied primarily on cost and effectiveness arguments (and the few that anticipated some improvement in the quality of prisoner–staff relationships, did not expect very dramatic changes), early findings indicate that staff–prisoner relations may be a significant factor distinguishing prisons under public and private management in the UK. In the early years of this so-called experiment, a surprising number of findings indicate that many (although not all) private prisons significantly outperform traditional public sector prisons in the areas of staff attitudes, and levels of fairness, respect and humanity towards prisoners (James et al., 1997; Liebling, 2004; and later).

These findings should be read with caution. It is not clear how widespread this feature is, or whether it is long-term. Few systematic and sociological evaluations of private sector prisons have been conducted.¹ There is a reason to believe that it is not a universal phenomenon. In the USA, there is evidence showing that prisoner–staff relationships in private prisons can go very wrong (Friedmann, 2003; Parenti, 2003). It is possible that this is a characteristic of the early years of privatization and things might look very different when budgetary considerations become more pressing and state regulation and monitoring less tight. In the latter case, we might find that private prisons that perform poorly are worse than the poorest public sector prisons (see, for example, NAO, 2003). It is also important to note that overfamiliar or close staff–prisoner relationships take their toll in other dimensions of prison life (see later).

Finally, even if similar findings emerge in the future, it is arguable that this apparent distinction says more about the defects of the traditional public sector prison system than about the advantages of privatization *per se*. Nevertheless, even when taking the above points into consideration, the positive findings are too significant to be left unnoticed or unexplored. In this article, we provide the first step in such an exploration.

Although the point about staff–prisoner relationships may be linked to questions of the legitimacy of privatization (see Sparks, 1994; James et al., 1997: 138; and later), this article will not focus primarily on questions of legitimacy, on ‘less visible instrumental practices’ of privatization (Liebling, 2004: 117) or on other dimensions of quality that are relevant to prison life (Logan, 1992; Liebling, 2004; and see conclusions later). Instead, this article will focus exclusively on the question of whether, and if so why, staff–prisoner relationships are ‘better’ in private than in public sector prisons. Here, ‘better’ means rated more positively by prisoners. There are complex issues here, which we highlight at the end. Such a narrow focus may provide only a small contribution both to the broad private–public sector debate and to the understanding of life in prison. This is so specifically when the correlation between well-disposed staff and quality of life in prison is not necessarily wholly positive. There may be a negative correlation between ‘good’ (close) staff–prisoner

relationships and other aspects of prison life that are crucial for prisoners and the staff such as: bullying and threats by other prisoners, security (escapes), and issues of order and control, drug abuse, self-harm and suicide, and staff satisfaction and/or stress about their job. We will discuss some of these issues below. However, it cannot be disputed that staff–prisoner relationships are a central aspect of prison life and exploring their nature and quality in the privatization context can provide us with significant insights into prison regimes and prison life at the beginning of the 21st century.

Privatization and staff–prisoner relationships

The previous experience of privatization in the late 19th and early 20th century in the USA was not known for its high level of humane or respectful treatment of prisoners. Under the labour leasing arrangements, prisoners were exploited, and were subject to conditions of neglect and brutality that were not far from slavery (Ryan and Ward, 1989; Shichor, 1995; Hallett, 2006). Although many years have passed since, the private sector is still suspected of having ‘selfish profit motives’ that will overcome any quality improvement considerations (Harding, 2001: 282). Commentators have suggested that ‘[I]t is naïve to imagine that a for-profit enterprise will regulate itself morally’ (Liebling, 2004: 480), and ‘the private sector is more interested in doing well than in doing good’ (Robbins, 1988: 4; see also James et al., 1997: 8). It is therefore not surprising that: ‘[I]mproving prisons and corrections regimes was not overtly prominent in US debates about privatization. Improvement was seen as a possible and desirable, but not essential, by-product of better and more cost effective management’ (Harding, 2001: 272). This is more salient if we refer to improvements in staff–prisoner relations (although exceptions exist, see later), rather than the (also important) issues of improving sanitary and medical conditions, overcrowding and other visible features of prison life. Although there are some differences between the privatization process in the UK and the USA (see Jones and Newburn, 2005), the above analysis of the US privatization experiment is relevant to the UK. Neither the practical problems that led to the decision to privatize some adult prisons nor the ideological reasons that were raised to support this move were significantly concerned with effecting an improvement in staff–prisoner relationships. This was not the main or primary aim. The practical and ideological problems that drove the system towards privatization in the USA and in the UK included insufficient resources, funding and management expertise (or power) to reduce operational costs, overcoming union resistance to changing working practices, and the need to execute a massive programme of construction of new prisons required to resolve over-crowding caused by the growth of prisoner populations (Harding, 2001: 269–73). There was also, in the UK, an explicit loss of faith in the public sector’s ability to do anything efficiently or well. Although improvements to prison regimes are mentioned as goals by some scholars (see Liebling, 2004: 97), efforts appeared to be

directed at the more visible, easily measured features of the regime (e.g. number of prisoners per cell, sanitary conditions and hours unlocked) rather than at staff treatment of prisoners. Neither did the ideological motivation for promoting the privatization of prisons have much to do with hopes for better attitudes towards prisoners. The Thatcher government that privatized the first adult prison in 1992, gained a reputation for being tough on crime (Gamble, 1994: 35; James et al., 1997: 37), not for being concerned with lack of respect to prisoners by staff. A Green Paper that discussed the options for private sector involvement in prisons stated that the objectives of the privatization would be: 'Making additional remand accommodation', 'reducing costs', 'releasing prison and police manpower for work which make better use of their skills', and these had to take place under the condition that the prisoners were treated '*no less* humanely than in the normal prison' (Home Office, 1988: sec. 51–2, emphasis added).

There have been some exceptions to this general picture of concern with costs and manpower. Peter Young, one of the advocates of privatization, predicted that private prisons would be more relaxed, less-militaristic and, consequently, friendlier to prisoners (1987: 32). In Queensland, Australia, one of the main aims of privatization *was* to create a change in prison culture, overcoming the resistance of traditional prison staff (Moyle, 1995: 51; Liebling, 2004: 111). But this was not generally the case. Even Logan, another proponent of privatization, agreed that 'excessive concerns with costs can jeopardize quality' if contracting-out is not followed by tight regulation (1990: 120).

Some recent findings

As we have explained earlier, privatization proponents expected prison privatization to have a significant effect on aspects of the cost-effectiveness of prison regimes, but less of an effect on other aspects of the quality of prison life, including staff–prisoner relationships. However, evaluations to date indicate that, at least in the UK, in many cases the most significant difference that distinguishes public from privately managed prisons is the relationship between staff and prisoners. Fewer differences are found in relation to the cost-effectiveness aspects of operation.² In many privately managed prisons, the staff treat prisoners significantly (Liebling, 2004: 117) and sometimes dramatically more respectfully compared to public sector prison staff.

In one of the first studies conducted by the Home Affairs Committee, attention was given to the special emphasis of the private sector on prisoner–staff relationships (Home Affairs Committee, 1997; Liebling, 2004: 100). In a more comprehensive comparison performed in 2003 by the National Audit Office between nine private prisons and twelve public sector prisons, the most significant difference between private and public sector facilities was the superior relationship between staff and prisoners in the private prisons (NAO, 2003). Similar findings were revealed in research by

James et al. (1997). The authors of this study investigated the Wolds prison—the first adult prison that was contracted out to a private firm (Group 4).³ They reported that prisoners ‘spoke highly of the staff working at Wolds’ (James et al., 1997: 85). Over half (63%) of the prisoners described their relationships with the staff as mostly good or very good and many of them felt that staff were very different from staff in other (‘POA’, or public sector) prisons (James et al., 1997: 85). Over half of the prisoners noted that the main difference between Wolds and other public prisons where they had been previously incarcerated was the greater respect shown to the prisoners by staff in Wolds (James et al., 1997: 85). One prisoner, for example, described the difference as follows: ‘Here they see me and other prisoners as a person—in state prisons, you are a number, an animal and that is it’ (James et al., 1997: 85).⁴

An inspection of Wolds prison carried out by HM Chief Inspector of Prisons (HMCIP, 2004b) showed that these aspects of the regime in Wolds had not changed significantly since the study by James et al. The report stated that: ‘Relations were relaxed and friendly. Most prisoners felt that staff treated them with respect ... 93% of respondents, against a benchmark of 78%, said that staff treated them with respect’ (HMCIP, 2004b: sec. 2.24–2.26).⁵ In many of these studies, prisoners are talking about being respected and treated as people. It is worth mentioning here the assertion that appears in the Woolf Report (written before the first prison was contracted out) that: ‘There is a fundamental lack of respect at all levels of the prison system’ (Home Office, 1991: sec. 1.153). Woolf had been inquiring into the reasons for the Strangeways and other disturbances in local prisons of 1990. His diagnosis emphasized staff attitudes and prisoners’ legitimate grievances. It may be historically relevant that the Woolf Report, with its very clear emphasis on justice and relationships, was published just as the first private prison opened. The first (ex-public sector) private prison Director took the Woolf Report as his ‘blueprint’ for running a model local and remand prison. He certainly emphasized the ethos of respect. Newly-trained staff with no prior prison experience were, it seems, more amenable to this kind of argument than were existing staff in the public sector.

A visit by HM Chief Inspector of Prisons to another contracted-out prison—Altcourse—in 1999 (HMCIP, 1999) produced one of the most enthusiastic reports ever written about a prison (as the inspection team described it). Among other things, they said that: ‘*Officers should be commended for the efforts they had made and the excellent relationships they had developed with prisoners*’ (HMCIP, 1999: sec. 2.31, emphasis in original). A recent report of the same body inspecting the same institution in February 2004 reported that: ‘The environment and the quality of staff–prisoner interaction were extremely good’ (HMCIP, 2005 (on Altcourse): preface).⁶ Other such reports have concluded that:

We were impressed by the examples of courteous interaction that we observed between staff and young people at Ashfield. The quality of relationships on the residential units, in education, PE and the workshops was

generally very good. Staff almost always addressed young people by their first names. The majority of residential staff we spoke to were extremely knowledgeable about the young people in their care.

(HMCIP, 2003 (on Ashfield): 17, sec. HP19)

The relationships between staff and prisoners were extremely positive and we found many examples of staff dealing sensitively and appropriately with difficult prisoners.

(HMCIP, 2002 (on Forest Bank): 3)

Relationships between staff and prisoners were good and generally respectful, supported by a relatively good personal officer system.

(HMCIP, 2004a (on Lowdham Grange): 13, sec. HP11)

It is perfectly possible, however, that particular Chief Inspectors of Prisons are well disposed towards private sector prisons. This has been suggested in the past, for example, when individual reports have been unexpectedly favourable, or when Chief Inspectors (in other jurisdictions) have stated that the moral arguments about private sector competition can be settled by quality and performance alone (Harding, 1997). Even if this were so, there is evidence (in most, but not all cases) to support these remarks. A comprehensive study conducted by Liebling, assisted by Arnold (2004), found that the atmosphere and culture were different at a private prison compared to its four public sector comparators. Unlike the previous studies mentioned, the main purpose of this research was not to compare private and public prisons, but to explore ways of measuring prison quality more meaningfully and accurately than existing official performance approaches. One of the five prisons studied (Doncaster) was privately managed, while the others belonged to the public sector. Liebling and colleagues wished to understand and evaluate what they came to call the 'moral performance' of prisons. In order to do so, the authors developed a carefully constructed and staff/prisoner-informed method to measure and compare various dimensions of prison life 'that mattered most' to staff and prisoners in five different prisons. The authors divided their prison quality measures into three main areas: relationships, the prison regime and social structures. In each area, several dimensions were evaluated. For example, the relationships category included the dimensions respect, humanity, staff-prisoner relationships, trust and support. The results were surprising: the privately managed prison (Doncaster) outperformed all other prisons on almost all dimensions including all aspects of the relationship category. These quantitative survey results carried out with 100 randomly selected prisoners in each establishment were supported by highly enthusiastic statements of prisoners in interviews who 'were keen to communicate ... how strongly they felt about the regime' (Liebling, 2004: 186).

Similar surveys of prisoner opinion in other private prisons carried out by the Prison Service Standards Audit Unit using a version of this questionnaire have found that prisoners rate 'the relationships between staff and

prisoners' quite highly, on the whole.⁷ It should be noted that Liebling and colleagues are clear that the picture was not straightforward and the positive relationships were obtained at a price, as we have already mentioned. Both in this study and in the study by James et al. (1997), staff complained of a sense of powerlessness and vulnerability relating to understaffing. Liebling and colleagues emphasize that good relationships that are a result of laxity, naivety and inadequate enforcement of rules might lead to lack of order, reduced security and safety, and the risk of disturbances and escapes (Liebling, 2004: 10–22). These concerns are supported by findings about high levels of assaults in some privately managed prisons, at least in the first years of their operation (Home Affairs Committee, 1997). We should take into account, in any overall evaluation, issues raised by the sensational BBC TV programme about Kilmarnock private prison in Scotland where, among other things, suicide watches went ignored, cell searches were not carried out, officers turned a blind eye to hard drugs and prisoners pushed staff to their limits (PPRI, 2005a).

However, in both the studies by Liebling and colleagues and by James et al., privately managed prisons were also rated highly on dimensions of order and safety. It is also important to note that, as Liebling suggests, this is not a zero sum game and 'there can hardly be too much decency ... respect ... humanity ... or fairness' (as well as too much safety or order, 2004: 444). Neither Liebling (2004) nor James et al. (1997) suggest that the very good relationships they found were simply a result of officers 'holding back' and not confronting prisoners. So, even if there is a price that has to be paid when the relationships between officers and prisoners are good, this price, or these 'side-effects', are not necessarily *independently* caused by the relatively high quality of the relationships. A more comprehensive explanation has to be given both for the existence of these relationships (the presence of respect) and for the relatively common 'things that go wrong' in private prisons. This will be our next task.

Explaining good relationships

So what might explain these findings about relatively better staff attitudes towards prisoners in many private prisons? What provided 'the edge on activities, relationships and treatment' (Liebling, 2004: 103) in some privately managed compared to public prisons? The possible explanations for these findings can be divided to three groups: 'intentional change' factors, 'powerless staff' factors and the 'we are here to do business (and not to punish) atmosphere' factor.

Let us consider the 'intentional change' explanation: the first group of causes concern intentional efforts performed by the State and private sector senior management to improve the quality of staff–prisoner relationships. The State has (at least until the recent population and financial crisis) imposed strict provisions in contracts with the four private companies

currently operating to allow unprecedented levels of out-of-cell hours and purposeful activities (although in fact, these provisions were based on the bid documents drafted by the companies themselves) and have maintained a tight rein using full-time contract monitors to verify enforcement of these provisions.⁸ The companies adopted the view suggested by the 'direct supervision' method (James et al., 1997) and by Peter Young ('Friendlier jails are more efficient jails' 1987: 32), and made a clear effort to develop a new, much friendlier ethos. For that purpose, they recruited staff with no prior experience who underwent careful socialization and who were generally enthusiastic about this kind of regime (James et al., 1997; Liebling, 2004). This point is important. As Crawley (2004) writes, executives and governors in the Prison Service have tried to alter the organizational culture and ethos of many prisons during the last decade. She argues that this alteration is possible but the pace of change is slow because public sector prison officers tend to resist attempts to change working practices and customs of many years' standing. The pace of changes can be faster 'when sufficient numbers of new staff are transferred en masse from the training college or from another establishment' (Crawley, 2004: 11). As James et al. found in their comparative research of Wolds and Woodhill, when public sector prison governors, chosen to operate a new prison, are determined to establish a new kind of ethos and base their staff mostly on less-experienced, newly recruited officers, they can also achieve high-quality and positive regimes that outperform more traditional establishments. Ratings by prisoners of these 'new model' prisons come close to, but do not match, ratings in better private prisons. As they are not matched, however, we need other or additional explanations.

There are two more points to make with regard to the first explanation. The first is that it should not be forgotten that in many private prisons the intentional change included not only the form of the regime (private and not public) but also the buildings and facilities. When prisoners move from overcrowded, Victorian prison buildings into modern, sophisticated, clean and 'user-friendly' buildings hosting one prisoner to a cell and the latest modern facilities, we should not underestimate the impact this physical transformation might have on the perceived quality of life. Prisoners' ratings on a 'decency' dimension support this and suggest that, by themselves, new buildings can contribute to a more relaxed atmosphere and to better staff-prisoner relationships.

The second point we wish to make is that the nature of such intentional changes is that they do not lead to inevitable and permanent improvement. As time goes by, the routine, the lack of public attention and the pressures from company directors (and increasingly competitive bids) to save money become more significant. The initial enthusiasm of the contractor, and the staff, as well as the tight regulation of the controllers can be eroded and relationships between staff and prisoners can deteriorate following the 'good early years' (see James et al., 1997: 121) and a feeling by staff that they are not respected by prisoners and they are too few in number.

Evidence of such erosions tend to be expressed in terms of ‘inexperience and inconsistency’ in some more recent Inspectorate reports (e.g. HMCIP, 2007), but was found more directly in recent survey research on attitudes towards prisoners (McLean and Liebling, 2008: 105; McLean, in progress).

Now let us consider the ‘powerless staff’ explanation more closely: understaffing—the dark side of the ‘direct supervision’ approach—may also explain these results.⁹ It is harder to develop a ‘them and us’ culture when there are not many of ‘us’. The powerlessness of the officers vis-a-vis prisoners coincides with their powerlessness vis-a-vis senior management. There are fewer unions to protect officers or opportunities to develop officer solidarity.¹⁰ The flatter management structure and lower level of protection for sick leave or malpractice allows better control of junior officers.¹¹ Officers who fail to comply with the new ethos are more easily removed or fired—actions that are more complicated to perform in the public sector. The salaries of private sector staff are lower. One report showed that the average basic pay for officers in private prisons was up to 43 per cent less than in the public sector (Prison Service Pay Review Body, 2004) and this is in a context where officers in the public sector already earn salaries that are less than other public sector workers in similar roles (for example, police officers, see Liebling and Price, 2001: 24 and forthcoming).

The relative lack of staff power and experience in private sector prisons reduces their willingness to confront prisoners and to enforce the rules regarding order, security and safety. Lower numbers of officers and less willingness to confront prisoners can have all kinds of negative side-effects on various aspects of prison life (see earlier), but these effects may be perceived in the studies we refer to as positive developments by prisoners. A lack of the irritants of authority and control may explain prisoners’ support of the new prison culture, although many prisoners, especially the more vulnerable, might seek order and security and fear its absence at least as much as officers do (see James et al., 1997: 123).

The two arguments above may provide much of the explanation for the findings we have reported but—important as they are—we do not think they provide the whole picture. Both the quantitative findings and the highly positive descriptions given by prisoners in many of the above studies imply that some of these findings may be related to more immanent and inherent differences between the public and the private sector. In the remaining part of this article, we suggest one insight we shall call the ‘we are here to do business (and not punish)’ explanation: we refer here to the impact of the punitive role of prisons and the historical and other problems of public sector delivery of punishment (see James et al., 1997: 121, 138).

John DiIulio, one of the opponents of privatization, argues that:

[T]he authority to govern behind bars, to deprive citizens of their liberty, to coerce (and even kill) them ... must remain in the hands of government authorities ... the message that ought to be conveyed by the offended community of law-abiding citizens through its public agents to the incarcerated individual.

(1991: 197; see also Christie, 1993)

DiIulio is not alone in this view. Although for decades, the official dominant view among senior managers has been that prisoners are sent to prison *as* punishment and not *for* punishment—the expectations that DiIulio and others have of the prison (and therefore of officers) that it ‘convey[s] the message from the law-abiding society to the prisoner’ cannot be ignored. These legitimate expectations may constitute part of the explanation for a more punitive tradition associated with public sector imprisonment. The expectation that the prison expresses state denunciation may impact on officer behaviour (and motivation) as well as prisoners’ perceptions of officers (see, for example, James et al., 1997: 121).¹² Carrabine quotes a prisoner talking about the Strangeways disturbances, for example, who said: ‘There were a lot of officers there who didn’t treat prisoners in a humane way because they were doing a job on behalf of the victim anyway so they could justify their behaviour’ (prisoner, in Carrabine, 2004: 113). In contrast, officers in privately managed prisons are not public agents and feel no obligation, conscious or otherwise, to convey a message of punishment.

This is a controversial point but it is worth making, especially in an increasingly punitive climate, and in the face of the existence of some very difficult-to-change traditional public sector prisons. We should say a bit more about the punitive tradition historically associated with public sector prisons. In order to do this, we look briefly below at the role of the Prison Officers Association in public sector prisons.

The role of the POA and ‘them or us’ conceptions of prison life

A distinctive feature of the prison staff culture in some public sector prisons, perhaps disproportionately in older local prisons, is the ‘them *or* us’ approach to prison life. We use this term to refer to what some officers see as a zero-sum game in which every improvement in prisoners’ conditions (usually initiated by senior managers) is considered to be detrimental to—if not a direct attack on—the officer and his or her status. Prison officers have frequently argued that senior managers are more concerned with prisoners than with officers. This argument, raised as long ago as 1883 before the Roseberry Committee (Thomas, 1972: 88; Crawley, 2004: 2), assumes that there is an inherent contradiction between the interests of officers and the interests of prisoners. It casts the prisoner as evil and the officer as good (Schrag, 1961), and implies that individuals must choose sides in a battle (see Becker, 1967). It is possible that the above complaint represents the problematic relationship between officers and senior managers in the public sector rather than their relationships with prisoners, but this perception has implications.

Crawley found in her study that in the past assaults by officers on prisoners stemmed ‘directly from the (widely shared) staff perceptions of the time that 1) prisoners in general were “the enemy” and 2) prison was for

punishment' (2004: 118). Crawley describes an incident in which an officer dragged a prisoner down five landings at the end of which he suffered from a broken shoulder and a broken arm. This hostile and anti-prisoner spirit by no means represents the views or behaviour of most officers and, as Crawley notes, today the norm of 'the prisoner as the enemy' is less pronounced, but from the point of view of many prisoners it still exists as part of the legacy of the public sector. One of the explanations prisoners assume for the lack of respect with which they feel treated, or for punitiveness in public sector prisons, is one of the unofficial 'trademarks' of the public sector: the Prison Officers Association (the POA). This is why prisoners in private prisons talking about their experiences often refer to public sector prisons they have been in as 'POA prisons'.

Since its establishment in 1939, POA representatives have been loud and clear in their resistance to various attempts to improve the life of prisoners. Stern argues that POA resistance is responsible for the fact that 'the most obvious reforms have been so long in coming' (1993: 64) and similar views were raised by the former Director General, Derek Lewis (1997; see also Liebling and Price, 2001). Stern provides important examples of the POA's effects on prison life. The POA protested harshly against the abolition of capital punishment in the 1960s and argued for its restoration in 1980 (Stern, 1993: 67). The POA also objected to the idea of allowing mothers at women's prisons to be visited by their children with adult female escorts (1993: 93). The POA were responsible for encouraging its members to censor prison mail regardless of security requirements as late as 1993.

In their defence, the POA often argue that prison outsiders have difficulty understanding how changes in prisoners' conditions can have dramatic effects on all aspects of prison life, including officers' tasks and security concerns. They usually provided detailed explanations as to why each of the suggested innovations would have a deleterious effect on officers' lives. For example, the POA arguments in favour of the death penalty in the past were based on the assumption that its abolition would remove the last deterrent against fatal assaults on officers (an offence previously punishable by death). It would add a class of prisoners to the system—lifers—who would have no incentive for good behaviour—early release (Thomas, 1972: 200).

Despite these explanations, a hostile attitude towards prisoners lay at the heart of some of the POA's historic campaigns. For example, as Stern reports, in the 1980 TUC congress the POA chairman Colin Steel clarified that the POA campaign for the restoration of capital punishment did not stem from any interest of the POA (as he said: 'there is nothing in it for us'), 'because there is not a more onerous duty, a worse or more horrifying duty than sitting on the condemned cell duty' (1993: 67). The *Prison Officer Magazine*—for many years now the official magazine of the POA—was one of the main sources in which this hostility was most frequently expressed. The most well-known editor of the magazine in the first half of the 20th century, before the POA was established, was Hurbert Witchard, writing under the name E.R. Ramsay (Thomas, 1972: 146). Ramsay was violently

antagonistic to the Commissioners, Governors and to other senior staff but 'he was at his most venomous when he wrote about the inmates ... He called them the scum of the earth and a pest to society, gutter snipes and jeered to governors who were frightened by prisoners' petitions' (Thomas, 1972: 147). These attitudes did not change altogether in the years to follow. A letter sent by an officer in Ranby prison and published by the magazine in 1988 began: 'The new hotel, sorry prison, is nearly finished and it's likely that by the time these jottings are published the first inmates will have been issued with the keys to their rooms' (Stern, 1993: 66).

This spirit did not go unnoticed by prisoners. One prisoner, Tom Shannon, wrote as follows:

I think the trouble with these old POA members is that years ago ... [t]heir power over cons was tremendous. They are reluctant to let go of these powers. Since the onset of Maggie Thatcher's fresh start, when their massive overtime was taken from them, they have fought against every humanistic change in the system. In the canteen mentality we are all animals, not worthy of decent treatment.

(Shannon and Morgan, 1996: 140–1)

Shannon's explanation of the hostility of the POA as a reflection of their frustration following the 'fresh start' programme is one of several possibilities (this argument finds some support in the Woolf Report (Home Office, 1991: sec. 13)). Thomas (1972: 147) suggested that the hostility of officers to prisoners stemmed from the unsolvable role conflict when the Prison Service expected them to pursue the two contradictory roles of control and reformative work when the latter came at the expense of the former and made their life harder. Liebling and Price, on the other hand, suggest that some of the robustness of prison officer union behaviour may be linked to the special circumstances of prison officer work. Indeed, the work of a prison officer is highly complex and can be very stressful. It demands various skills (Crawley counts among other skills the ability to serve as a parent, a mentor, a teacher, a social worker, a psychologist, a filing clerk, a probation officer, a fire fighter, a security guard, a police officer and a stock controller), and the payment is not high. Their public image is low, there is a perceived lack of support from senior management (see Home Office, 1991: sec. 13.8), and officers are working with a population many of whom have personality disorders and other behavioural problems. Prisoners are held in prison against their will together with other people whom they often dislike and fear.

However, all those characteristics of prison work also exist in private prisons (and certain features, such as pay, are worse). The fact that in the public sector these frustrations and dissatisfactions can be translated into punitiveness and hostility against prisoners could be related, in part, to the feeling described above that the officers hold the power given to them by the public *to punish*. There are other possible explanations: the historically prominent para-military background of some public sector officers, the fact

that they have been more numerous, the presence among senior managers of ‘through the ranks’ personnel, with old-fashioned cultural habits, may all have contributed to the persistence of punitive cultures in some public sector prisons: ‘Prison officers are our representative. We as citizens, have authorized their activities. Their uniform symbolises their representative character ... When a prison officer behaves in this way then his coercive police powers are justified’ (POA, 1987: sec. 20).

The argument above was intended to support the argument that public sector prison officers are more accountable to the court. It should also be acknowledged that the POA have also raised complaints about the unfit physical conditions of some prisons and have demanded some improvements for the benefit of the prisoners. They have also demanded that officers should participate in welfare and rehabilitation practices in prison (Thomas, 1972: 202; POA, 1985, 1987). The main activities of the POA have been in the field of industrial relations and not in anti-prisoner campaigning (although, of course, prisoners are often the victims of industrial activities that were targeted against senior managers, see, for example, Stern, 1993: 70; Rock, 1996: 268). Finally, in recent years the activities of the POA have become less militaristic and less aggressively anti-prisoner rights.

However, our argument is that the many years of a ‘them or us’ approach has left a legacy in the public sector that it is not easy to change. Prison officers in private prisons are not the representatives of citizens and they may be there only ‘to make business’ (or ‘help their bosses make business’). This clearly has its dangers. But early findings suggest that in the specific context of the prison, there is one advantage that has been underestimated, and which should raise questions about how the power to punish operates in the public sector. We shall say a few more words about the meaning of those findings and this explanation in the concluding part of this article.

Conclusion

In this article, we have addressed the issue of staff–prisoner relationships in prisons, in an attempt to analyse and explain what accounts for the apparently better staff–prisoner relationships in some privately managed prisons. This attempt still leaves us very far from providing a comprehensive or final account of the private–public sector debate. The specific dimension of staff–prisoner relationships warrants further study in a wider range of institutions and over longer periods of time, to examine the stability and the cost of such achievements. Other dimensions of prison life (such as safety and security, and *staff* well-being) should be evaluated as well (see, for example, emerging work by McLean and Liebling, 2008; and McLean, in progress). Furthermore, as noted earlier, if we wish to see the whole picture, we should remember that there are some ‘less visible instrumental practices that should be taken into consideration’ (Liebling, 2004: 117), beyond staff–prisoner relationships in individual establishments. Questions about

the contribution of privatization to the expansion of imprisonment and the creation of a penal lobby (see Lilly and Knepper, 1992; Sparks, 1994; but cf. Harding, 2001), or the possible consequences and meanings of phenomena such as 'export inmates', 'bed renting', 'spec prisons' or threats of system takeovers by private companies (Harding, 2001: 278), should all be considered as part of the private competition debate. So is the possibility that the international companies who win the contracts to operate private prisons in the UK will use their good reputation in the UK for a large-scale involvement in prisons in other parts of the world where regulation and control of the contractor by the Government are less tight. However, even if focusing on this narrow dimension fails to reveal much about privatization, it has the potential to provide insights into public sector management of prison life and some of its ills.

One of the prisoners interviewed by James et al. said the following:

I don't see it as a problem on the privatization side—I see it as the inmates respecting what they've got and appreciating it. It doesn't matter if it's run by a private company or POA, as long as it's run correctly. Run it fairly, talking to you as an adult and giving respect and they'll get it back.

(1997: 82)

This is a desirable vision for the Prison Service to adopt, but until public sector prisons with traditional cultures are able to abandon many of their bad habits, it seems that while generating profits from punishment is dangerous, privatization, where carefully controlled, and properly evaluated, could provide us with an opportunity to be less romantic about public sector habits, and more circumspect about the dangers of imprisonment more generally.

Notes

- 1 In 2007 one of the authors was awarded an ESRC grant, with Dr Ben Crewe, to conduct such a study under the title: *Values, Practices and Outcomes in Public and Private Sector Corrections*. This study is now under way.
- 2 In the UK the findings about cost-effectiveness showed the cost advantages of the private sector started at 9 to 15 per cent and came down every year at about 2.5 per cent (Home Affairs Committee, 1997). In the USA, a meta-analysis showed that cost-effectiveness was determined by age and design of the facility rather than ownership (Pratt and Maahs, 1999; see also James et al., 1997: 25).
- 3 Although not all private prisons produced such results, and some were worse (see James et al., 1997: 121, 135; NAO, 2003).
- 4 James et al. (1997) also studied a public prison under new management, which also provided high ratings of staff-prisoner relationships. Woodhill prison was newly built, and its new generation management and newly trained staff were committed to a new ethos. The managerial values

adopted included ‘competition’. Nevertheless, although the relationships in this prison were also quite good, they were still rated as less so than in Wolds, where 64 per cent of the prisoners perceived staff–prisoner relations as mostly or very good, compared to 52 per cent of the prisoners in Woodhill (James, 1997: 121). Fifty-four per cent of the prisoners in Wolds said it was better than other institutions compared with 36 per cent at Woodhill (James, 1997: 135).

- 5 The report editors criticized some other aspects of the regime. Among those were failures to document properly cases of bullying by other prisoners and concerns about the level of security at nights given the low level of staffing.
- 6 However, to emphasize the complexity of this subject, and to remind ourselves that even ‘well-performing’ prisons have their shortcomings and difficulties, it should be noted that in July 2005, six months after the inspection took place and a few days before the report was published, two prisoners were found hanged in this prison (PPRI, 2005b).
- 7 For example, where scores of ‘3 or above’ are positive, and the public sector mean for local prisons is around 3.02, staff–prisoner relationships at Altcourse were rated by prisoners at 3.32. Other private prisons scored lower, however.
- 8 One of the outcomes of this tight monitoring was the imposing of very heavy fines (up to £440,000 in one case) that were deducted from the payments paid to the private companies running the private prisons whenever they failed to perform their contractual obligations fully (see Coyle, 2003: footnote 22 and the referred text). These monitoring arrangements may of course be weakened when all prisons operate to Service Level Agreements, requiring monitors to work from Area Offices rather than from establishments.
- 9 Prisoners referred to this model as the ‘no supervision’ approach at Wolds during its early years. Likewise, the ‘direct response team’ were referred to by prisoners as the ‘no response team’. Staffing levels were eventually increased.
- 10 Currently, some prison officers in the private sector are able to join the Prison Officers Association (POA). Some companies recognize the POA, and others do not.
- 11 There was no club or canteen at Wolds, for example, and officers ate meals with prisoners.
- 12 Another indication of the resentment of prisoners to images that are identified with the public sector is their resentment of the use of uniforms in Woodhill. According to prisoners, the state uniform was not consistent with a non-authoritarian philosophy and atmosphere (James et al., 1997: 122).

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