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LIFE ON THE BOOK

The lived experience of the high-risk, Category A
prisoner.

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Abstract

A Category A prisoner is a prisoner whose escape would be highly dangerous to the public or the security of the State, and for whom the aim must be to make escape impossible. The escape of two Category A prisoners by helicopter from HMP Gartree in 1987 was a humiliating blow for the Prison Service and a quick response was expected. The ‘solution’ was to introduce three new classifications for Category A prisoners which focused only on risk of escape and which are known as standard, high and exceptional risk. High and exceptional risk classifications had additional restrictions placed on them which were deemed to be proportionate to their risk level.

This thesis focuses on the lived experience of high-risk Category A prisoners (HRA). These men are known as being ‘on the book’, because of the small, numbered yellow book that is allocated to all high-risks. Their book number is what they are known as whenever they are moved around the prison. Every hour of every day, an entry is made to confirm where they are and what they are doing. They are subjected to one of the most restricted regimes the Prison Service operates. Drawing on qualitative data through semi-structured interviews with 16 HRA men across four high-security prisons, this thesis explores what it feels like to be a high-risk prisoner. The research seeks to understand the physical and psychological effects of this highly regulated world on the men themselves. Through the data presented, this thesis asks new questions about the defensibility, outcomes and effectiveness of a policy that places preventing an escape as its sole purpose.

Introduction

The journey to the current prison categorisation system was set in motion by a series of well-publicised prison escapes in the 1960s. The first was in 1964 when Charlie Wilson, part of the gang who pulled off the 1963 Great Train Robbery, escaped from Winson Green Prison in Birmingham. Several men actually broke into the maximum-security jail to free Wilson, who remained on the loose until 1968.

In 1965 another great train robber, Ronnie Biggs, escaped from Wandsworth prison in London. Biggs escaped by scaling a 30ft wall after a ladder was thrown over the wall from the outside during the prisoners' afternoon exercise session.

In 1966, the spy, George Blake, escaped from HMP Wormwood Scrubs. Blake managed to break one bar covering his cell window and jump down to the ground. He made his way to the perimeter and, with the help of a rope ladder that had rungs made of knitting needles, was able to scale the wall and make good his escape.

These highly publicised escapes were deeply embarrassing for the Prison Service who decided immediate action was required. Earl Mountbatten was duly commissioned to carry out an enquiry into prison escapes and security. In his 1966 report, Mountbatten concluded that 'a single, fortress-type prison needed to be built to house the most dangerous prisoners and that a system of categorisation was required to differentiate between prisoners' (1966, p56). Mountbatten proposed a system of four alphabetical categories from A to D. Category A was intended only for the most violent and dangerous prisoners in the system and the intention was that their escape must be made impossible.

The fortress proposal attracted considerable public interest, however it was challenged by an alternative ‘dispersal’ system proposed by Professor Leon Radzinowicz (1968). The system proposed by Radzinowicz involved dispersing the most dangerous prisoners amongst those seen as less dangerous in a small number of secure prisons across the country. Radzinowicz argued for a system that adopted ‘a liberal regime in a secure perimeter’. The dispersal policy was based on the belief that ‘lower security risk prisoners would offset the control problems that were assumed to follow if higher security risk prisoners were housed together’ (1968, p313). After much debate, the dispersal proposal was eventually adopted and remains in place to this day.

There are currently four dispersal prisons in England. While the fortress versus dispersal debate had been capturing all the headlines, the categorisation system also suggested by Mountbatten avoided serious discussion and quietly became policy. Perhaps because of the lack of publicity, the implications of this new approach to categorisation were not immediately recognised. However, they were significant and far-reaching and arguably none were more affected than those prisoners in the highest category. The implications for Category A prisoners increased significantly twenty-one years later when two Category A prisoners made a dramatic escape from HMP Gartree, a high-security prison at the time, although subsequently down-graded. This escape was achieved with the help of a hijacked helicopter that landed in the exercise yard.

This led to the Hadfield/Lakes Report and three additional layers of classification being incorporated into Category A namely, standard, high and exceptional risk. The sole purpose of these additional classifications was to identify those prisoners who had the motivation, intent and resources to mount an escape bid and who therefore required even more stringent security measures. High-risk Category A prisoners (HRA) received a series of additional

restrictions. These included hourly checks throughout the night, fortnightly searches and monthly cell moves. Visits were held in a separate room with an officer sitting next to the prisoner, listening to every word and noting every movement. All phone-calls were live-monitored and incoming and outgoing mail censored. Every hour, the whereabouts of the HRA and any observation of interest, was recorded in 'the book'. Exceptional risk prisoners were subjected to all of the same restrictions but were housed in separate small units, often referred to as Special Secure Units (SSUs) or Close Supervision Centres (CSCs). These units were effectively separate prisons within each prison.

Despite these additional restrictions, five, exceptional-risk, IRA terrorists and an armed robber escaped from the special secure unit at HMP Whitemoor in 1994. The subsequent enquiry by Woodcock (1994) was very critical of Prison Service security. Woodcock noted that 'So many things were wrong, so many procedures and policies totally ignored, and with such regularity, that the escape could have taken place on any day of any week with the same chance of success' (1994, p81). Woodcock left the Hadfield-Lakes restrictions in place but made 64 recommendations of his own after the Whitemoor escapes. These recommendations were wide-ranging and included significantly increased use of CCTV, restrictions on the amount of personal property that could be held by each prisoner, dedicated searching teams and searching schedules, a large patrol dog section, search dogs, electronically controlled gates and doors and airport style security in the access points of each prison.

Less than a year later, the escape of three Category A prisoners from HMP Parkhurst in 1995 led to yet another enquiry which also included a progress update on the Woodcock recommendations. The report, this time by Learmont (1995) made 127 further recommendations. Learmont was also tasked with ensuring that all of Woodcock's recommendations had been implemented. By the time all 193 recommendations had been

fully actioned, the physical, procedural and dynamic security arrangements with-in high-security prisons had been completely transformed. No Category A prisoners have managed to escape from prison since 1995.

With the availability of more sophisticated technology over the years, further improvements have been made to the security of the prison estate, but the process of categorisation has not altered and remains arguably one of the most important internal procedures for the security of the Prison Service. Its pervasive power and resistance to change is perhaps demonstrated most emphatically in the Category A population, which has grown significantly. The impact on the high-risk population is of particular interest in this research. Issues of faith, radicalisation and a new form of terrorism have changed the penal landscape and introduced new tensions. Liebling (2018), observed that the new penal context involved ‘two overlapping ‘security threat groups’, Muslim prisoners and black and mixed-race prisoners’ (2018, p3).

Little research is available on prisoner’s perceptions of security categorisation despite how significantly it appears to impact on a prisoner’s sentence. McDermott and King (1995) observed that ‘to a remarkable degree the determination of a prisoner’s security categorisation also determines the nature of his experience in prison’ (1995, p93). Morris (1989) was in no doubt that, with the introduction of categorisation, ‘Security became the dominant consideration when making decisions about prisoners’ (1989, p132). Preventing an escape is the sole priority of the high-risk policy. But escape should already have been made impossible for all Category A prisoners and the evidence shows that the policy has been successful in this aim. This research therefore explores how the extra restrictions imposed on the high-risk prisoner achieve the objectives of HMPPS, and with what consequences, through the lived experience of the men who are categorised as HRA.

Literature Review

This chapter explores the theoretical and empirical knowledge that frames our existing knowledge of long-term, HRA prisoners in conditions of maximum security. Three key areas of literature are considered.

The first area involves risk assessment and management. It provides a brief history of our relationship to risk and observes how risk now pervades all aspects of organisational decision-making. The implications for high-security prisons of new and often disabling forms of risk scrutiny are introduced. Increased anxieties about organised crime, terrorism and gang culture are noted and the potential for them to impact on decision-making for HRAs is discussed.

The second theme looks at the pains of imprisonment. Many of these pains have already been well-researched and documented. For the HRA prisoner however, there is almost no available research that seeks to understand the pains of imprisonment that are unique to this small group of men. The restrictions imposed on the HRA men and whether these are experienced as additional pains is therefore of significant interest and the findings from the interviews will provide valuable insight into this gap in the literature.

The final theme explores legitimacy. The subject of legitimacy in prisons arose after a serious riot in 1990 at HMP Strangeways in Manchester. The subsequent report, by Lord Woolf (1991), described the causes of the protests as ‘not just about the impoverished conditions in which prisoners were held and the way in which they were treated but also due to a failure by the prison service to meet common needs amongst prisoners’ (1991, p17). Woolf called these needs ‘legitimate expectations’. With these needs met, he asserted that prisoners would be more likely to accept the prison’s legitimacy and less inclined to cause disorder.

Links will be explored between the way that HMPPS risk-assess and manage the HRA offender, the pains of imprisonment that are subsequently experienced and how legitimate the men consider their treatment.

Risk

Organisations expend significant resources trying to manage risk and the Prison Service is no exception. Some of the investment has been reflected in the increased sophistication of actuarial tools, intelligence gathering and surveillance methods. However, predicting human behaviour is challenging and prone to error. The ability to act fairly and proportionately in the face of uncertainty poses a significant challenge.

Breakwell (2014) provides a comprehensive review of the empirical research that exists on the psychology of risk. She provides important insights into understanding how organisations assess and react to risk. Breakwell described the goal of risk management as providing ‘scientifically sound, cost-effective, integrated actions that reduce or prevent risks while taking into account social, cultural, ethical, political and legal considerations’ (2014, p217).

Breakwell described risk assessment as the term used ‘to label the systematic analysis of risk that is undertaken in formal studies or by ‘experts’. She further stated that, ‘What people without professional expertise in the area do is not called risk assessment. Traditionally it is called risk perception’ (2014, p21). The importance of carrying out effective risk assessments and understanding risk perception will be described from the available literature. This will help to assess the Prison Service’s effectiveness in managing the risk presented by the HRA prisoner.

One of the historical and ongoing justifications for the heightened security measures for Category A prisoners is their ‘dangerousness’ to the public should they escape. Category A prisoners are classed as so dangerous to the public that their escape must be made impossible.

HRA prisoners are deemed to have the extra resources and motivation to engineer an escape therefore the extra restrictions previously described are applied to reduce this risk.

Dangerousness, however, is not a static concept. Floud and Young (1981) observed that incapacitative, or protective sentences, were imposed only where an offender had 'done, attempted, risked, threatened or conspired to do 'grave harm' and had committed an act of a similar kind on a previous occasion to the instant offence' (1981, p156). This effectively meant that future behaviour was heavily based on past actions. However, since the terrorist attacks of 9/11 there have been major changes in criminal law and criminal justice. There has been a huge rise in imprisonment for supporting terrorism or being engaged in preparatory acts to commit terrorism that were disrupted before they were carried out. Many involved 'lone wolf' or self-radicalised offenders. These inchoate and pre-inchoate offences have become increasingly criminalised.

Policy makers have had to calculate how to maximise security against terrorism in a world of great uncertainty. This has proved to be a difficult task. Zedner (2012) noted that 'Seeking security rapidly came to mean only one thing, the security to the public from further terrorist attack' (2012, p118). This led to concerns that civil liberties were potentially being conceded too willingly in return for additional security. Liebling (2015) noted that 'A preoccupation with risk in some high security prisons in particular has generated precisely the kind of anger and alienation amongst prisoners that the Government aims to avoid' (2015, p21).

The effectiveness of pre-emptive decision-making on perceptions of dangerousness has previously been challenged. Bottoms and Brownsword (1982) argued that 'The legitimacy of taking action against individuals in advance of wrongdoing was a matter of profound controversy' (1982, p229). The notion of dangerousness became increasingly discredited and a more subtle and flexible tool, risk, came to the fore. Rose (2002) explained how 'Risk relies

not upon the legal designation of the individual but upon administrative techniques; it relies not upon binary distinctions but graduated assessments upon a continuum; and risk tools that are not static but capable of assessing and re-assessing dynamic risk factors over time' (2002, p211). Hood, and Shute, (2000) described how 'the rise of risk was promoted upon the grounds that actuarial assessments were more reliable than clinical judgements of dangerousness and more conservative in their estimates than those proffered by clinicians' (2000, p46). However, as Ashworth (2004) pointed out, the demand to avoid risk has led to 'a growing sense that the presumption of innocence, proof beyond reasonable doubt and the requirement of proportionality in punishment are legal luxuries ill-suited to present perils' (2004, p62). More recently, the popularity of risk has in turn been challenged by the logic of precaution in the context of uncertainty.

Donald Rumsfeld (2002), US Defence Secretary at the time, made an observation in regard to terrorist threats that 'There are known knowns. These are things we know that we know. There are known unknowns. That is to say, there are things that we know we don't know. But there are also unknown unknowns. These are things we don't know we don't know' (2002, p23). Although Rumsfeld's speech was criticised widely at the time, it arguably captured perfectly the critical place occupied by uncertainty in matters of security. Zedner (2012) stated that, 'Where the risk paradigm promised, but could not deliver, reliable calculations about the likelihood and severity of future threats, advertence to uncertainty acknowledges that the future is unknowable' (2012, p36). The adoption of a precautionary approach to terrorism and organised crime led to new measures that deviated from traditional legal principles by criminalising when faced with uncertainty. Waldron (2012) warned that 'The drive to precaution recognises that attempts to fix the future necessarily take place under conditions of imperfect information. Precaution thus places uncertainty, not knowledge, centre stage' (2012, p37).

Because of this uncertainty, criminal justice agencies often operate in a world in which the 'precautionary principle' can become the favoured approach for decision-making to minimise the risks. The precautionary principle was first defined at the Earth Summit in 1992 and stated that 'Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures' (1992, Principle 15). What this principle recognises is that absence of conclusive evidence of a threat is not the same as absence of the threat. Unfortunately, as Zedner (2014) observed, 'Whereas risk-thinking stimulated the development of profiling, targeted surveillance, categorisation of suspect populations and other actuarial techniques for managing high-risk populations, uncertainty promotes a different set of techniques geared at requiring public officials to act pre-emptively to avert potentially grave harms using undifferentiated measures that target everyone' (2014, p45).

Waldron has provided a large body of research on the effects of terrorism which resists the tendency to sensationalise and instead focuses heavily on objectivity. When describing the balance between competing needs, Waldron (2012) stated 'The balance we ought to be talking about is not so much a balance between one thing we all like (liberty) and another thing we all like (security). It is more like the balance that is sometimes referred to when we say we should balance the interests of a dissident individual or minority against the interests of the community as a whole' (2012, p34). Waldron warned that when we try to prioritise our own subjective feelings of security by trading off the security of those people we feel threatened by, we create a further hazard. Namely that, 'To the extent that counter-terrorism laws and policies appear unwarranted, they alienate those we target. We thus arrive at the paradoxical situation that seeking subjective security may make further attack more likely' (2012, p110).

Labelling is a common effect of risk assessment on individuals and these labels can sometimes be difficult to lose. It is a recognised problem with regards to previous offending because it impacts on how the offender, in our case the high-risk, Category A prisoner, is perceived and treated and how he will come to perceive himself. Simply labelling prisoners as ‘high-risk’ can assign them to a category they may find difficult to extricate themselves from and which can potentially become self-fulfilling. Zedner, (2009) observed that ‘Risk labels are arguably more problematic than those applied in respect of past offences because, being prognostic, they are apt to fix the future’ (2009, p41).

The present-day focus on protecting the public and the accompanying high media attention on dangerous offenders, transfers risk to the organisations responsible for managing them. This can in turn lead to disproportionality when agencies try their best to avoid bringing attention on themselves by getting it wrong. As Zedner (2014) argued ‘Decision making is liable to be skewed by attempts by criminal justice professionals to avoid reputational risks that call into question their judgement and expertise’ (2014, p119). She reinforced this assertion in her next paragraph by stating ‘Generally, underestimating a threat poses a greater risk to reputation than overestimating it. Little blame attaches to the public servant who takes too cautious an approach if no threat arises, whereas failure to take preventive measures may result in reputational loss or worse if harm eventuates’ (2014, p120).

Johnstone (2011) highlights that ‘Despite considerable technological advances in statistical modelling, the development of structured, clinical decision-making (or structured professional judgement) and increasingly sophisticated techniques of enquiry and data analysis, nonetheless risk assessment remains a precarious business’ (2011, p126). Other issues were highlighted by Crewe (2011) who stated that ‘Risk assessment processes also lack relational qualities. Reports about prisoners are sometimes written by people they have

not met or are conducted with neutral detachment. The standardisation of assessment practices increases consistency at the expense of humanity' (2011, p517).

The pains of imprisonment

The 'pains of imprisonment' was a term introduced by Sykes (1958) to mark the moment when the prison itself was no longer intended to be painful. Sykes argued that, 'Severe bodily suffering has long since disappeared as a significant aspect of the custodian's regime' (1958, p64). However, Sykes was quick to point out that the psychological pains of imprisonment could be just as harmful and damaging as the physical attacks endured formerly. Sykes observed that, while the psychological attacks are, 'Less easily seen than a sadistic beating, a pair of shackles on the floor, or the caged man on a treadmill, the destruction of the psyche is no less fearful than bodily affliction' (1958, p64).

The term has remained relevant over time, but the pains of imprisonment have been amended as the carceral landscape has changed. McDermott and King (1988) observed that the nature of confrontations appeared to be changing. A frequent comment from prisoners was 'They don't beat us any-more, they don't have to. They can win by using bits of paper. It's all a mind game now' (1988, p373).

In addition, prisoners are now serving longer behind bars than ever before. Crewe (2016) noted that 'The average tariff imposed upon people sentenced to life increased from 12.5 years to 21.1 years between 2003 and 2013. An increasing number are serving sentences which, until fairly recently, were not only extremely uncommon, but were also considered more or less un-survivable' (2016, p1). Many life-sentenced prisoners start their sentence as Category A prisoners and a smaller percentage as HRAs. This has important implications because, as Flanagan (1981) observed, 'The element of time exacerbates all of the

deprivations of prison life and transforms them into major problems of survival' (1981, p212).

The pains of imprisonment being experienced by long-term, indeterminate prisoners today have been described by Crewe (2011) as 'The pains of uncertainty and indeterminacy, the pains of psychological assessment and the pains of self-government' (2011, p509). An explanation of these pains is given below as they will form an important part of the findings and analysis.

Uncertainty and indeterminacy

Mitford (1977) wrote about the perceived 'tyranny of the indeterminate sentence and the total arbitrariness of the bureaucracy that rules every aspect of the prisoner's existence' (1977, p92). Weiler (1978) argued that, 'No other device has received more criticism from inmates than the indeterminate sentence' (1978, p302). The indeterminate sentence conveys above all else, a deep feeling of uncertainty. Prisoners become stressed and anxious as they worry about their future. Crewe (2011) argued that in particular, prisoners serving indeterminate sentences complained that 'The things required of them are unclear or unattainable and the prison's decision making is not always consistent or logical (2011, p514). They will also complain that they are being 'set up to fail' and that years of good behaviour carry less weight than minor mistakes when important decisions are being made about them. Crewe further noted that 'Decisions about categorisation are made at levels of the organisation that they cannot reach, and that the system cannot be challenged through inter-personal negotiation or direct appeals' (2011, p514).

Psychological assessment

Placing prisoners in psychological categories can feel dehumanising. Crewe (2011) argued that these categories ‘cannot capture subjective understandings, the ambiguities of identity, narrative progression or the social context in which personhood is enacted’ (2011, p515). Psychological discourse can compel prisoners to consider and even accept, descriptions that don’t fit with their self-perceptions. This can be stressful as they struggle to evidence that they have learnt and become better people while in prison. Lacombe (2008) observed that ‘Those who dispute the prevailing institutional discourse may be considered ‘in denial’, those who adopt it with too much enthusiasm may be suspected of insincerity and ‘people-pleasing behaviour’ (2008, p65). Psychological assessments can also lack relational qualities. The psychologists who write the reports are often trainees with little experience, young, female and middle-class. Crewe (2011) described that, as a result ‘Prisoners tend to be sceptical of their motives, scornful of their life experience and doubtful that they understand the power that they exercise’ (2011, p517). Prisoners can often feel that assessment is something that is done to them, in the name of public protection, and that they have few opportunities to present alternative versions of identity. Psychological power has replaced physical power and prisoners are aware that their lives can be changed irrevocably by the stroke of a pen. As Padfield (2002) observed, ‘Comments cannot be erased once committed to file and there is a danger that opinions formed early in a prisoner’s career are reinforced and built on as the years go by’ (2002, p85).

Self-government

When describing the loss of autonomy that prisoners experience, Sykes (1958) commented how often ‘the emphasis is on material constraints (gates, walls, searches), staff regulation and the strictness of the regime’ (1958, p73). Cohen and Taylor (1978) described ‘The

oppressiveness of situational security measures, such as CCTV cameras, and the endless rules about rules (1978, p20). Prisoners still find these limits placed on their autonomy difficult. But descriptions of power nowadays tend to be less about direct regulation and restriction. To the list above can be added additional management tools such as the incentives and earned privileges scheme and mandatory drug testing. These more modern methods of maintaining control do not always require direct and personal oversight. Prisoners are not left entirely to their own decisions but nor are they always directed to behave in very specific ways. Day (2004) noted that ‘Cognitive-behavioural courses assume the right to be highly intrusive, encouraging prisoners to expose their personal beliefs and private emotions’ (2004, p262). At the same time however, in being afforded a degree of choice with regard to encouraging responsibility, the prisoner is exposed to a higher level of risk. Crewe (2011) noted that, ‘Rather than succumbing to external orders and demands, they are obliged to govern themselves appropriately or risk the consequences of ‘irresponsible’ behaviour’ (2011, p519). This can lead to feelings of powerlessness and anxiety. The requirement to manage all of these social choices can seem over-whelming.

Summary

These pains are very real and have evolved from Sykes’s original descriptions because, as McDermott and King (1995) noted, ‘It is important to find descriptors which allow us to characterise the different components of the prison experience’ (1995, p90). It is also important therefore, to find descriptors for the HRA experience. The metaphor of ‘depth’ was coined by Downes (1988) to describe how psychologically invasive and oppressive the prison experience was understood to be or, ‘The overall degree to which prison life was an ordeal, an assault on the self’ (1988, p179). Subsequently, McDermott and King (1995) argued that ‘deep end’ custody related more to physical security and distance from release and that

‘weight’ was a more accurate term. They argued that ‘weight’ was a metaphor which prisoners frequently used to describe a vertical form of oppressiveness with the ‘sentence literally being a weight on the shoulders or a millstone around one’s neck (1995, p90). Depth was seen as being buried well below the surface of freedom. These are useful means of describing long-term incarceration however Crewe (2011) argues that neither word fully conveys the frustrations inherent in the highly regulated and restrictive world of the high-security prison. The metaphor suggested by Crewe (2011) is ‘tightness’ which he stated ‘Does not so much weigh down on prisoners and suppress them as wrap them up, smother them and incite them to conduct themselves in particular ways’ (2011, P522). Tightness helps to give a more nuanced description of modern penal power. Freeman and Seymour (2010) argued that tightness ‘captured the feelings of tension and anxiety generated by uncertainty and the sense of not knowing which way to move, for fear of getting things wrong’ (2010, 131).

The modern prison experience is seen as less heavy than in the past as power is employed less authoritatively. Yet, with increased sentences for long-term indeterminate prisoners, the experience has become deeper. Physical conditions have improved but psychological hardships remain. Crewe (2011) observed that ‘Movements are more restricted, security has been tightened and risk has become the trump card of the system. The carceral experience is less directly oppressive but more gripping. Lighter, but tighter. Instead of brutalising, destroying and denying the self, it grips, harnesses and appropriates it for its own project’ (2011, p524).

All prisoners must constantly find new ways of adapting to their sentence. The problem is particularly acute however for long-term, indeterminate prisoners in conditions of maximum security. These men are subjected to all the pains of uncertainty and indeterminacy,

psychological assessment and self-government as described but little is known about the extent to which these pains are distorted or magnified when applied to the HRA and new descriptors will be sought for this group during the research.

Cohen and Taylor (1972) noted, 'A long prison sentence is not a short intermission in the real business of life, it is the real business of life. One has to either face the fact that one's life was over at the moment of entering the prison, or that one's life is that existence which takes place within the prison' (1972, p90).

Legitimacy

Legitimacy is now a well-recognised concept in criminological research. Tyler (1990) generated significant interest in the subject when he demonstrated empirically that 'Human beings are norm-users, whose interactions with each other depend on mutually recognisable patterns that can be articulated in terms of right versus wrong conduct, or of what one ought to do in a certain setting' (2007, p20). Writing about the relationship between legitimacy and the treatment of prisoners, Sparks et al. (1995) argued that 'Every instance of brutality in prisons, every casual, racist joke and demeaning remark, every ignored petition, every unwarranted bureaucratic delay, every inedible meal, every arbitrary decision to segregate or transfer without giving clear and unfounded reasons, every petty miscarriage of justice, every futile and inactive period of time is deligitimating' (1995, p60).

The relationship between powerholder legitimacy and audience legitimacy is important and relevant to this research. Wrong (1995) stated that 'Powerholders have a need to believe that the power they possess is morally justified and that they are part of a larger collective goal or system of values surpassing mere determination to perpetuate themselves in power' (1995, p103). However, powerholders cannot be expected to operate by relying only on public opinion and, certainly in the case of the Prison Service, some information has to remain

secret and not in the public domain. Herbert (2006) argued that ‘A degree of self-separation by powerholders is often both appropriate and necessary in exercising authority responsibly’ (2006, p133). Powerholder legitimacy is vital for the effectiveness and stability of authority. However, unless powerholders believe they have a moral justification for being in office, they are unlikely to be effective. Boulding (1967) described how a loss of ‘internal legitimacy can lead to disorganisation of behaviour and an inability to perform an assigned role’ (1967, p299). Powerholder legitimacy is also regarded as a precondition for effective audience legitimacy. Barker (2001) argued that ‘It is necessary for powerholders to cultivate belief in the moral rightness of their own legitimacy before making claims to others to be their legitimate rulers’ (2001, p67). In order to analyse powerholder legitimacy effectively, the perceptions of the audience must be examined carefully. Within this framework, legitimacy is constantly in flux. When a particular audience rejects one or more aspects of the powerholder’s claims to legitimacy, the powerholder must amend their claim to legitimacy to retain the moral high ground.

There is also a distinction to be made between legitimate authority and de-facto authority. There are two types of de-facto authority. One has the powerholder in secure and effective command of an area, but the audience completely rejects it. The other is where the powerholder has a degree of acceptance but, as Weber (1978) argued, such acceptance might be based on ‘weakness and helplessness because there is no acceptable alternative’ (1978, p214).). This last type of authority is of relevance to this research as it is often found in prison settings where there is a disproportionate power differential between the powerholder and the powerless audience. In these circumstances the powerless are left in a moral quandary. They recognise the de-facto power of the rulers and accord them a minimal authority. They are limited in options to challenge the authority but find it difficult if not impossible to grant genuine normative authority or proper respect. The phrase of ‘dull

compulsion' was coined by Carrabine (2004) who argued that 'In the prison literature, it is well recognised that dull compulsion frequently exists, and some hold that prisoners' acquiescence to prison authorities is almost always of this type' (2004, p38).

Bottoms and Tankebe (2012) described four principal components, namely 'Effectiveness, distributive fairness, procedural fairness and lawfulness' which had to be present for legitimacy to exist;

- Effectiveness entails legal authorities exercising power that is normatively justifiable and effective in its tasks. Bottoms and Tankebe (2012) argued that it was vital that 'powerholders demonstrate, in addition, a capacity to obtain effective results' (2012, p147).
- Tankebe, (2013) described distributive fairness as being related to 'perceptions that the outcomes people receive are fair and that the distribution of outcomes is fair also' (2013, p111).
- Procedural fairness was described by Tyler (1990) as 'the fairness of the processes employed to reach specific outcomes or decisions' (1990, p92). Judgements about procedural fairness have been shown to be based on two inter-related elements. Tyler (1988) described the first element as 'the quality of decision making, which relates to judgements about honesty, provision of opportunities for representation and opportunities for error correction'. The second element is of a more personal nature and assesses 'whether legal authorities have behaved impartially' (1988, p103).
- Lawfulness was described by Beetham (1991) as 'the most basic level of legitimacy'. He added 'It is concerned with the question of whether power has been acquired and exercised in accordance with established rules in a given society' (1991, p16).

Using these four themes, this research will focus on the perceptions of legitimacy amongst high-risk prisoners to explore how the relationship between themselves and the prison is understood. There is an ongoing need for the Prison Service to convince the HRAs of their legitimacy which has been described in this literature review. The need to demonstrate legitimacy has been labelled 'self-legitimation'. Barker (2001) described it as 'An activity which compromises all those actions which rulers take, to insist on or demonstrate, as much to themselves as others, that they are justified in the pattern of actions they follow' (2001, p30). Self-legitimation is claimed to provide a sense of protection from internal and external uncertainty. Thus, the Prison Service must seek acceptance in its legitimacy from those it seeks to rule. Bourdieu (1996) stated that 'No power can be satisfied with existing just as power that is brute force, entirely devoid of justification, in a word, 'arbitrary' and must thus justify its existence' (1996, p265).

Within the context of legitimacy in high-security prisons this thesis will describe a small case-study that will have relevance to, and build an understanding of, the lived experience of the HRA prisoner. One of the tools used to report on and monitor the behaviour of prisoners in the UK are security information reports (SIRs). SIRs are submitted by staff who observe prisoners or interact with them in any way. A team of analysts use the information provided by SIRs to form a picture of each prisoner and this in turn is used to inform decision-making for overall management of the prisoner. This includes decisions on individual progression, and it is of great relevance regarding decisions on categorisation.

In 1990, McDermott and King observed the potential shortfalls of the SIR process first-hand. Kathleen McDermott asked if she could give one of the prisoners a geranium as a present. Unfortunately, regulations prevented this, however a compromise was arranged, and she was able to give the man some geranium seeds. The plants grew on the window ledge in his cell

and soon generated interest from other prisoners. The interested prisoners aroused the suspicion of staff and in more than one instance the activities were reported through the SIR process and investigations were carried out. Staff and prisoners were soon referring to the situation as 'the subversive geranium', Roy King was discussing this with a senior member of staff who, partly jokingly, suggested that a red geranium placed by the cell window could be a signal for a helicopter to land. McDermott and King (1990) felt this anecdote was worthy of mention 'because it characterised, albeit in an absurd way, the manner in which custody, particularly high security custody, can render almost anything liable to suspicion and set off a process of action in consequence' (1990, p446). Part of the findings of the authors regarding the management of trouble was that the prison authorities often accepted uncorroborated intelligence as factually correct. This in turn led to a number of 'underground' sanctions that 'had little or no accountability precisely because they are deemed to be purely administrative rather than punitive' (1990, p448). There does not appear to have been any direct research on how intelligence reporting affects the HRA prisoners. This highlights a distinct gap in the literature and will be discussed further in the findings.

Methods

The over-arching aim of this research was to explore the lived experience of the HRA prisoner. The researcher was fortunate to have comparatively easy access to the interview group due to his role within the LTHSE and position as Head of Security at one of the LTHSE establishments. Prior to commencing this research, the proposal was discussed with the Deputy Director of Custody (DDC) of the Long-Term and High-Security Estate (LTHSE). The DDC was enthusiastic about the proposal and keen to see the completed research. The researcher had initially become aware of the HRA system through his role as a practitioner and realised that there was a story to be told and a significant gap in the literature

related to this group. However, this meant the researcher was also an ‘insider’, with knowledge and experience of working with Category A prisoners in a high security establishment for many years.

It is necessary to acknowledge potential role duality when conducting research. Without the benefit of current position and background however, it is unlikely the research undertaken would have been possible. It is not uncommon for researchers to carry out a study in the area in which they work and there are obvious advantages to this type of ‘Insider research’. A knowledge of the context of the study and the participants can be invaluable along with comparatively easy access. There are, however, disadvantages as well which must be considered. Questions of power differentials, unconscious bias and motivation must all be examined, answered and overcome as honestly as possible. This will be achieved in part, in this study, by following the advice of Grady and Wallston (1988), who recommended adhering to the four guiding principles listed below;

- ‘Try to foresee likely conflicts.
 - Make a plan to deal with them.
 - Record your responses.
 - Ensure you gain the collaboration of researcher colleagues from outside the situation’.
- (1988, p31).

Additional mitigation included emphasising the benefits of organisational knowledge, experience and access in this highly restricted environment. All interviews were planned to be conducted away from the researcher’s home establishment. Interviewees were made aware of the researcher’s position, but it was emphasised at all times that the study was being conducted in his role as a student, not a practitioner. Visits to establishments were always conducted in student role and appropriate casual clothes worn at all times.

Liebling (2011) argued that ‘Research, understood as ‘authentic description,’ has a moral and explanatory value. Nothing gives us firmer credentials for forging change than having a firm empirical grasp of actual practices and experiences’ (2011, p518). Three key areas emerged from the literature review as being of central importance. These were the themes of risk management, the pains of imprisonment and legitimacy. From these three themes sub-questions arose. The first question focuses on risk and helps to form the context and framework for this research;

- How does the risk assessment and management process impact directly on the lived experience of the HRA prisoner?

The next question addresses the pains of imprisonment;

- What evidence exists to demonstrate that the HRA men experience the pains of imprisonment differently to other prisoners?

Lastly, by evaluating the information gleaned from the risk process and the pains of imprisonment, it is asked how fairly HRAs feel they are treated and whether they think the system is legitimate;

- Do HRA prisoners experience the high-risk process as a procedurally fair system?
- Is there a relationship between the four elements of legitimacy on the lived experience of the HRA?

This research adopts a qualitative, exploratory style that takes an inductive approach. An inductive approach was considered especially suitable given the study’s ambitions to understand the lived experiences and perceptions. The strength of employing experiential approaches in this respect was emphasised by Bachmann and Schutt (2014) who described it

as a method ‘to find out how people get along in the setting under question, what meaning they give to their actions and what issues concern them’ (2014, p10). The experiences of the prisoners themselves in response to the high-risk policy were at the heart of this research. As such, qualitative data gained through semi-structured interviews was the main source of data collection. Themes and questions emerged in an inductive manner as interviews progressed. This flexible approach was chosen because, as Bachman and Schutt (2011) stated, it ‘allows participants to be studied in depth and captures their perceptions on the legitimacy of the regime’ (2011, p44).

The HRA population has changed significantly since 1987 when a large proportion were IRA terrorists. A snapshot of the Long Term and High Security Estate (LTHSE) population reveals that, during the week ending 27/02/19, there were 872 convicted, Category A prisoners, of whom 49 were high-risk. (Category A Team, HMPPS Headquarters). Of the 16 interviewees in the study, nine were of Muslim faith with five classed as Islamic extremists, convicted under the Terrorist Act (TACT). Rather surprisingly, nine were in prison for the first time and only two had any escape history. Twelve of the HRAs interviewed had indeterminate sentences. Eleven were life sentenced prisoners with tariffs ranging from 15 to 40 years. The average age of the men was 34 and the average tariff was 30 years. Six of these men will have to spend longer in prison than they have been alive for. There were 49 convicted HRAs at the time the research was being conducted. In order to ensure generalisability and meaningful data, the sample size aimed for was between fifteen and twenty prisoners. By the end of the fieldwork, sixteen men had been interviewed which equated to 33 percent of the total HRA population. It was felt this number offered sufficient representational generalisation to be applied nationally. Regular emails were exchanged with the two policy leads and an informal interview was held with one of them. The researcher

adopted the role of a Cambridge University student at all times during research. Interviewees were made aware of the interviewer's present occupation, however, it was highlighted that this was not relevant to the research. There were no explicit or implicit rewards offered to any interviewee who participated in the study. It took two days at each prison to carry out the interviews which varied from 40 minutes to an hour.

To support the interview schedule and test the suitability of the research questions, one pilot interview was conducted with an ex-HRA prisoner in the establishment in which the researcher was employed. The pilot interviewee had been a high-risk prisoner for nine and a half years before being downgraded in 2018. He was provided with an information sheet and gave his informed consent prior to the interview commencing. To prevent any possibility of data contamination (Peat et al 2002), the transcript of this interview was not used as part of the data analysis. The interview was used to help shape and inform the researcher's thoughts and plans before the main interviews commenced. Prior to the pilot interview the researcher had assumed that the relationship between being HRA and also a long-term prisoner in maximum security would be the area of most interest and relevance to the men. In fact, even 18 months after being downgraded, the high-risk restrictions, implemented in 1987, remained the worst memories of the whole experience. The pilot interviewee spoke of feeling like he was on holiday and how much easier life had become since coming 'off the book'.

All semi-structured interviews were transcribed in full by the researcher and then arranged into themes, patterns and relationships. Framework analysis was employed to enable meaning to be extracted from the words and allow for interpretation of the findings. Framework analysis is a useful tool to assess policies and procedures from the very people that they affect so it is a well-suited methodology for this research. Cross-referencing to the research questions was also facilitated in this manner. As Bachmann and Schutt (2011) observed,

‘Explanations developed inductively from qualitative research can feel authentic because we have heard what people have to say in their own words and we have tried to see the social world as they see it’ (2011, p44).

It was decided to carry out one-to-one, semi-structured interviews as this was considered to be an appropriate way to find out about the lived experience of the HRA men. Surveys were considered but, in the end, not used as it was felt that it would be difficult to get really meaningful information from them. Focus groups were also considered. As a Head of Security, it was not unusual to meet with the HRAs as a group to have a discussion. It was also fairly straight-forward to risk-assess and facilitate. However, as a student, arranging a meeting of all of the high-risk prisoners in the jail at the same time, would have been logistically and practically difficult and almost certainly would not have been granted. If permission had been given, it would have required a large number of staff in the room where the focus group was being held. This would have severely inhibited the conversations and essentially rendered them meaningless.

Interviewing high-risk prisoners at the researcher’s own establishment was deliberately avoided in order to minimise the possibility of insider influence described earlier in this section. Unfortunately, due to two prisoners changing their minds on the day it became necessary to interview two HRAs at the researcher’s home establishment to maintain the desired numbers. Responses from these two were carefully checked against all other interview responses to ensure no evidence of bias was present. The other men were all interviewed in one of three other ‘dispersal’ jails. This group of prisoners were selected because, as far as could be ascertained, they have not been the subject of previous academic research. In addition, the more that was discovered about HRAs during informal conversations with the researcher at his home establishment, the more it was realised this was

a little-known, yet important, area of study which warranted further investigation.

Information on HRA locations were helpfully provided by Category A section in London. It was then possible to decide on three prisons to contact and use contacts in these prisons to explain the research and gain access to the prisoners.

To avoid any suggestion of bias, it was decided to offer an interview to all of the high-risks in each of the prisons visited. This would avoid any need to sample or apply selective criteria to manage numbers. Selective criteria would have been applied for any prisoners in crisis or segregated at the time of the visit. However, as it turned out, this didn't apply to any of the HRA men. All data from the interviewees was relevant to the research. No data or contributions from the men was excluded.

Research questions were adapted from other studies or constructed by the researcher. Experience of interviewing and interacting with prisoners over many years assisted in designing the interview schedule. An over-view of the interview schedule is provided below. Each question had a number of sub-questions attached to them. A copy of the full interview schedule is provided at annexe A.

Opening questions

- When were you made high-risk? How did you feel at the time you were told?
- Had you been in prison before? How long have you been in this prison?
- How many other jails have you been to?

Risk management

- Have you read the HRA policy or had it explained to you?
- How do you feel about the power the prison holds over you?

- How long have you been at this particular prison and what has been the biggest change you have seen during this time?

The pains of imprisonment

- What does it feel like to be a high-risk in this prison?
- What are your relationships like with other HRAs?
- Are the activities you do in this prison helping you to develop yourself?

Legitimacy

- What does it mean to you to be labelled high-risk?
- How does being high-risk affect your experience in prison?
- Overall, how fairly do you think you are treated as a high-risk prisoner?

As can be seen, three themes were covered by the questions. Risk management, the pains of imprisonment and legitimacy. These themes are repeated in the literature review and the findings. The feedback gained from the pilot interview was very useful and some of the questions were amended as a result. Once fieldwork commenced, the interview schedule did not change very much, apart from removing an 'ice-breaker' question which encouraged interviewees to describe their lives before they became high-risk. Many of the men were quite uncomfortable with this question and preferred to get straight on with discussing their high-risk experiences.

From an ethical viewpoint, it was acknowledged that discussing their situation may have caused some participants to become distressed as they acknowledged the pain and uncertainty of their situation. Before the commencement of all interviews, prisoners were informed that they could stop the interview at any time and avoid any questions they were uncomfortable

with. They were advised of the support options available to them after the interview which included listeners, mentors and key workers. There were no non-standard ethical issues with the proposed study apart from the sensitivity around preserving the anonymity of the interviewees being higher than average which has already been discussed. All participants were thanked for their contribution to the study and promised a copy of the final thesis.

The high-risk prisoner is a member of a small group. This group is usually well-known to the public through media reporting of their crimes and often carries a high level of notoriety.

Revealing the most basic of demographic information could enable recognition of many of the interviewees. Special care has been taken at all times to protect and maintain anonymity.

Pseudonyms in the form of Greek male names were used at all times. The research avoided the use of any quantitative information that could have inadvertently revealed the identity of any of the participants. Participants were informed of the limits to the protection of their confidentiality. This included the disclosure of any intention to commit an offence against prison discipline or the law which would be reported to the relevant authorities. Disclosure that a participant was intending to cause harm to himself was also explained as grounds for breaching confidentiality.

Informed consent was gained before interviews and all participants were over eighteen years of age. Information sheets were handed out which described the researcher's occupation and background, the purpose of the research, how confidentiality would be maintained and how all data would be stored securely. Further guidance was given on request. There was an option given of withdrawing from the study up to ten days after the interview and anyone choosing this option would have all related material destroyed. Consent forms were agreed and signed by both parties and copies retained. All participants were made aware that the research would have no impact on their personal circumstances or sentence progression.

There were two occasions where prisoners who had previously given their consent to be interviewed changed their minds. One said he didn't feel very well and the other just said he no longer wished to be interviewed. A predictable routine is very important to long-term prisoners, so every effort was made to give plenty of notice so as not to disrupt those routines. One prison had an unexpected lock-down on the morning of the visit which ordinarily would have meant cancelling all interviews for that session. However, my contact in the prison was able to arrange for staff to escort the interviewees and allow the interviews to go ahead as planned. This was extremely helpful and reinforced the advantages of insider research. However, it was difficult to avoid the suspicion that this probably would not have been facilitated as readily for a truly civilian interviewer.

Two methods were employed to make initial contact with HRA prisoners. One involved visiting the establishment, meeting each prisoner individually, explaining the research and answering any questions before gaining consent or declining to be involved. The other method involved emailing the participant information sheet to my contacts in the other two establishments. They then printed them out, gave them to the men who would read the information in their own time and would return the signed consent form if they chose to participate. Both methods resulted in similar return percentages.

The interviews were all face-to-face sessions which took place in interview rooms or spare offices on residential wings where the prisoners lived. The interviews varied in length from 30 minutes to an hour. Most interviewees were happy to describe their experiences and frequently gave examples to add depth to their stories. Some were more reticent and provided less detail. The generalisability and reliability of the research findings was contingent on the skill of the interviewer and the accuracy of transcribing and coding. The researcher

maintained a field guide and reflective journal throughout the study that was referred to regularly for insight and guidance.

Findings

The findings presented in this chapter have been organised in the same manner as the literature review, starting with the psychology and process of risk before looking at the pains of imprisonment and then finishing with legitimacy.

Risk

The section on risk has been divided into three parts. The first two parts cover the risk assessment and review processes. The third part describes the risk management process. If there are doubts about the fairness of any of these three processes, then the preventive measures in place demand greater scrutiny as they may prove difficult to justify. Yet, as the literature evidences, doubts are almost impossible to avoid. Were the restrictions viewed as still relevant in today's high-security prisons given all the improved technology that has been introduced since 1995? Was there evidence of the 'precautionary principle' being applied and, if so, was this being used as justification for current policies?

Initial assessment

'I was walking to education a couple of weeks back and an officer said under his breath to another officer, "they'll make anyone high-risk these days." I never said anything, but I smiled to myself and I thought, you're damn right mate!' (Leon).

The features of offences identified for Category A are based on identifying the offenders who are not just dangerous, but the most highly dangerous, and on the risk assessment principle

that past behaviour is a strong predictor of future behaviour (PSI 09/2015, 3.2). A number of additional factors are then introduced to determine escape risk classification. Standard escape risk states there is ‘no specific information or intelligence to suggest that there is a threat of escape’ (PSI 09/2015, 2.8). High escape risk identifies that one or more of a number of factors are present which suggest that the prisoner may pose a raised escape risk. These factors include;

- Access to finances, resources and/or associates that could assist an escape attempt.
- Position in an organised crime group.
- Nature of current/previous offending.
- Links to terrorist network.
- Previous escape/s from custody.
- At least one of the above factors plus predictable escorts to be undertaken (eg court production, hospital treatment).
- Length of time to serve (where any of the above factors are also present).

Prisoners reported becoming quite cynical about the high-risk assessment process from an early stage in the process. Many blamed the police for making them high-risk during their trials. One HRA reported that:

‘When we got put on high-risk during the trial it was because our trial was going really well. There was nobody to give evidence in the dock and no phone evidence. So, all criminals know what happens then. When the police think this is going a bit too well for them, they make them high-risk. That way the jury see them coming in with all the armed police and helicopters and that affects their view and helps the police to get a conviction. It’s a very common practice by the police’ (Vitalis).

Confidence was not necessarily restored once convicted. Prisoners almost universally reported that information about the high-risk process was not always readily available from the authorities. Most prison staff were described as well-meaning but lacking in knowledge. Prisoners generally had to seek advice from amongst their peer group who would add their own views to the mix:

'I just learnt from the other prisoners, they're the best way of finding out. They said it's just to unsettle you so you can't plan anything' (Otis).

The Category A unit at Headquarters in London was criticised frequently. Prisoners felt the unit had complete control over their lives yet made little attempt to communicate with them. One HRA questioned that:

'If the Governor doesn't know why I am high-risk then who does know? Someone that sits in some office in central London who has never met me face to face. Has probably not even taken the time to read my file. Why? How in this day and age is it happening?' (Andreas).

At the same time as trying to make sense of their HRA status, many prisoners were having to come to terms with imprisonment for the first time. 'Nobody explained anything to me, I was just told I was high-risk. This is my first time in prison' (Cicerone). A total of nine of the sixteen interviewees were in jail for the first time, a perhaps surprisingly high number given the fact they were deemed to be the most dangerous prisoners in the system. Some remained confused about their high-risk status irrespective of the length of time they had been in the system:

'You got people in this jail who have been cutting people's heads off and chopping people up and they're Cat B prisoners and I'm like, "What the fuck is going on here?" It's ludicrous how it works, you just can't get your head around it' (Niles).

Leon described how:

'They put me on the wing with three terrorists. One was doing 40 years for the 7/7 bombing situation and the other was a well-known hate-preacher, so I genuinely believed they'd made a mistake. I actually asked them. I said, "Is this a mistake?"

Prisoners often felt that the high-risk criteria was irrelevant to their escape potential. Odell argued that:

'High-risk should be your ability to escape not your dangerousness if you escaped. They don't apply the right criteria. So, I've had to apply for a judicial review myself. My first reviews in the start they never used to give you any information. They would hide it, so you couldn't challenge it. They would rely on it, but you would never see it'.

One prisoner who did have an escape history accepted his classification when recaptured seven years ago, but wondered how much longer it would be used against him to prevent progression:

'I think 100 percent I should have been high-risk for a few years after escaping from a Cat B van. So that justified being high-risk, but I've been in prison since I was 19 years old. So, I think, how long is justifiable? When will they say, okay, we've had enough out of him now' (Proteus, now 33).

Escaping from transport is a particular concern, especially when escorts have a degree of predictability. There are separate escape-list procedures available to HMPPS however which

can be implemented to manage the risk safely. There was also a sentiment that, with increased technology and worldwide communication any incentive to escape had been greatly reduced:

'It's not like even if we got out, we could go and hide. We would have to go on the run and that's no kind of a life either' (Vitalis).

Others commented that some of the criteria for being high-risk was historical data over which they had no control:

'One of the factors is length of time which, for me, will never change. Another is the type of crime, which will also never change for me. If two or more criteria are met, then you can stay high-risk, but these two criteria will never change for me, so the criteria aren't fair' (Odell).

How dangerous a person was deemed to be, was frequently confused with their escape potential:

'Yeah, they talk about how people have access to people outside that can break them out. But for me, I don't have any of that. They just say I have the motivation to become a martyr. Apparently, that enables me to have the ability to escape' (Orien).

Inchoate offences often supported the existing literature:

'I was given three life sentences with a 40-year tariff. I thought that was pretty harsh for somebody who didn't stab or kill anybody' (Spiro).

Reviews

'The reports are written by people who don't know me. Have never met me and they're just going on old history and I'm not the same person. I've been in jail for just

over four years now and I've got one proven adjudication, no fights, nothing, so am I really that dangerous?' (Otis).

Padfield (2002) observed, 'There is a danger that opinions formed early in a prisoner's career are reinforced and built on as the years go by' (2002, p85). High risk prisoners have an annual review of their status which is conducted by a caseworker in Prison Service Headquarters. The caseworker gathers all information and assesses the content to decide what is relevant to the prisoner's escape risk. This may include information from police sources. They then prepare a submission for consideration by the Deputy Director of Custody (DDC), which must be disclosed to the prisoner at least six weeks before the review to allow for representations. Two weeks prior to the review, the caseworker will pass the submission with representations to the Category A Review Team (CART). The recommendation of the CART along with all documents is then forwarded to the Head of High Security Prisons Group (HSPG). The submission will only proceed to the DDC if a recommendation has been made for down-grade or it is the third consecutive review where no downgrade recommendation has been made. The DDC and an advisory panel will then consider the submission and make the final decision whether to downgrade or not. The decision to take the prisoner 'off the book,' or not, is emailed to establishments.

Prisoners were highly critical of the review process. They claimed that reports about them were outdated and irrelevant:

'The criteria don't apply to me now in some ways. I don't have any associates. I did have but they have all moved on now. Even if I did want to contact them, I'm not allowed, because the police have to vet them all so I wouldn't even know how to contact anybody anymore. They're just basically going off the trial and ancient history really' (Vitalis).

When reports were received, it was difficult to challenge the contents, or have them corrected before the review. Suspicions that the police still had it in for them were common:

'It's police intelligence, saying there's an allegation made of an escape. But nothing's ever been made of it and to be honest I'd be crazy to try and escape on a nine-year sentence. That just doesn't make sense' (Nyke).

Others complained that their own submissions were edited by unknown report writers and therefore not representative of their original argument:

'I will write maybe a page and a half in my submissions, but the report will only be, like, one line. So, they condense my own words which end up not really having anything to do with what I put in my submissions' (Tassos).

Prisoners felt that the assessment process did not take any consideration of progression over time. Their experience was that it was impossible to demonstrate or evidence reduction of risk of escape:

'So, I've done 15 years as a high-risk with a 20-year tariff. But, as far as the system is concerned, it seems like I've made no progress at all' (Tassos).

Some simply considered giving up:

'Sometimes I feel there's no hope, just forget everything. I don't think they want to progress me. That's how I feel' (Keelan).

The risk assessment process adopted by the Prison Service for HRAs is predominantly clinical. Clinical assessments depend on set criteria and the practitioner's judgement and experience to assess the risk. The Prison Service does have complex, actuarial risk tools such as the Offender Group Reconviction Scale (OGRS3), or the OASys Violence Predictor but these are designed to assess risk of reoffending. The tools combine information about

prisoners in a structured manner. They are forward-looking in that they are weighted by the strength of links with future behaviour and based on large-scale research evidence.

One example of calculating progression over time was provided by The Ministry of Justice and University of Surrey who carried out a study in 2013 entitled ‘Surveying Prisoner Crime Reduction’. The purpose of the study was to identify factors that helped to distinguish between those prisoners who went on to reoffend after custody and those who desisted. One of their findings was that ‘Every year of incarceration was associated with a two-percent reduction in the likelihood of offending’ (2013, p4). The passage of time and therefore the potential reduction of their escape risk resonated with many high-risks:

‘As for my position in an organised crime gang, I’ve been gone for 15 years. There’s nobody can sustain their position in an organised gang for 15 years. They don’t need some old geezer from prison telling them how to be running their business’ (Ulysses).

An interesting perspective on the potential incremental reduction of risk was provided by one of the HRAs who had escaped and been made high-risk when recaptured:

‘I would say now, there’s no risk at all. I’ve been moved over 20 times and about 16 of those I didn’t even have a police escort and I haven’t escaped or even tried to escape, so where’s the logic in that? How many transfers without police does it take before they say, “He hasn’t tried to escape?” (Proteus).

HRAs often found it difficult to understand the difference between security risk and control risk. The United Nations handbook (2016) on the management of high-risk prisoners, describes security risk problems as ‘essentially based on factors external to the prison. An individual’s security risk rating will be determined to a great extent by the nature of the crime, the likelihood that he would try, and have the resources, to engineer an escape and the

danger to the public should he be successful. Control risks, by contrast, are essentially internal to the prison and about the behaviour of the prisoner within the prison' (2016, p5). The men had no control over many of the static factors that made up their security risk and concentrated instead on reducing their control risk:

'I've had loads of good positive entries from my wing staff for helping out and being cheerful, but none of them ever get onto my security file. The Cat A team are definitely not interested in that' (Nyke).

The distinction between security risk and control risk was not always recognised by staff either:

'Well it's not like I can do any courses or anything. It doesn't work like that. I mean for non-violent offences, there's nothing I can do. They've told me that straight. The Offender Management team just laughed at me. They said, "We can't tell you any courses to do, because you don't need to do any courses. You're going home in a couple of years, so what are you doing as a high-risk?"' (Nyke).

The increase of convicted terrorists amongst the HRA population, and the way in which they were assessed, seemed to support the literature surrounding the precautionary principle:

'But if you apply reason and common sense, you would have to conclude that it was impossible for me to still be a part of a terrorist group after 15 years as a high-risk Category A prisoner' (Tassos).

The widening of powers to affect other inchoate crimes was also reflected:

'Someone who's in for terrorism who's tried to blow places up, they do a course and they can get off the book. I'm in here for conspiracy to commit murder. No one's died,

no escape plans, no intelligence saying I'm going to escape. What course gets me off high-risk?' (Leon).

Management

'The high-risk restrictions don't have anything to do with me escaping. They're just purely punitive. They can't beat the shit out of people anymore, so they've come up with other ways of punishing you' (Odell).

As described previously, the high-risk restrictions imposed after the HMP Gartee escapes included hourly checks throughout the night, monthly cell moves, fortnightly searches, separate visits, live monitoring of phone-calls and the checking of all incoming and outgoing mail. Nearly all of the procedures for managing HRAs can be traced directly back to the Hadfield/Lakes, Woodcock and Learmont recommendations. The Woodcock and Learmont reports are readily available and often referred to. However, despite numerous conversations with the policy leads and many hours of searching, the actual Hadfield/Lakes recommendations could not be found. I was advised that the report had probably never been placed in the public domain. This was frustrating because it was the Hadfield/Lakes restrictions which clearly caused the most distress amongst the HRA men.

As interviews progressed, it became increasingly evident that HRAs understood and even accepted the logic and rationale behind the Woodcock and Learmont recommendations. The Hadfield/Lakes restrictions, by contrast, were seen as punitive, out-of-date, unnecessary and illogical:

'Every jail is different, but these dispersal jails you can't escape from. You shouldn't have to go through the torture of having a move every 28 days. Everything should be there for a reason and, for so many of the practices of being a high-risk, there doesn't

seem to be a reason. There's no logic even to it. It's just mental torture, you can't get out of these cells and they know that because they built them' (Niles).

When questioned regarding their thoughts about escaping, HRA men often looked bemused. It was generally felt that modern-day dispersal prisons were escape proof and little, if any time was spent even considering the prospect of escaping. Leon stated that, 'if you want me to be honest with you, whether you were a Cat C or a high-risk, I think it's impossible to escape'. The idea of life as a fugitive further discouraged thoughts of jailbreaks:

'You know, if I escaped, what sort of a life would I have? You've actually got more chance of building a life with your family while you're in jail, than if I was on the run. Here my mum can visit me, but she'd never see me if I was on the run' (Otis).

Prisoners were often well-informed regarding the history of the High Security Estate (HSE) and were certainly aware that Category A escapes had continued well after the Hadfield/Lakes restrictions had been imposed and only stopped after the Woodcock and Learmont recommendations had been implemented:

'I think a lot of it is excessive. Maybe back in the day it may have been necessary, but now they've updated technology, so most of the new technology does the job for them. For example, checking me every hour. Given the material of the bars and the walls there's no way that I could do anything in an hour to try and get anywhere even close out of that cell' (Orien).

The perceived senselessness of many of the restrictions caused a great deal of anger and resentment:

'Are they trying to break me? Is that why I've been on it for so long? I don't see why I'm still on it after 15 years. If you apply these conditions so that somebody can't

escape, then keep them current, but what's keeping me from escaping? Somebody sitting on my visits and listening to my phone calls? And monitoring my mail. Is that stopping me from escaping? It's not is it? So, what do they do that for really?' (Ulysses).

Criticism of the high-risk visits process appeared to hold some validity. What do staff, listening to every word, achieve in terms of reducing escape potential when mobile phones are so readily available in our prisons?

HRA men often struggled to maintain their identity and frequently felt stigmatised. When being escorted around the jail to any sort of activity, the men 'on the book' are referred to by their book number. Before they can move anywhere, permission is requested by radio to the control room to move the designated book number to the area they are being moved to. The same process is repeated once they arrive at their destination. Participants knew this and felt its weight. The feeling of being a number or a label intruded on many aspects of HRA life:

'When my family visit me, staff shout out, "Here comes the high-risk." That makes my family feel bad because everybody is then looking at them' (Keelan).

The pains of imprisonment

The pains of imprisonment are divided into uncertainty and indeterminacy, psychological assessment and self-government as described by Crewe and are used to break-down the experience into distinct elements. How painful were the extra restrictions that had been imposed? Which were the most painful restrictions and how did they manage to cope with them? How different was the situation of the HRA prisoner from a standard Category A prisoner? Did the system for managing HRA prisoners reduce or increase the pains of imprisonment?

Uncertainty and Indeterminacy

'High-risk is the worst experience anyone can go through. Seriously, it is the worst experience. I think mentally this high-risk thing is to just break you and it has done this' (Andreas).

Serge (1970) described the difficulties of facing a lengthy prison sentence. 'The unreality of time is palpable. Each second falls slowly. What a measureless gap from one hour to the next. When you tell yourself in advance that six months – or six years – are to pass like this, you feel the terror of facing an abyss. At the bottom, mists in the darkness' (1970, p56). Eleven of the sixteen interviewees were serving life sentences and one, Kosmos, was serving an Indeterminate Public Protection sentence (IPP). The combined length of their tariffs was 333 years which meant that on average, each man would have to serve at least 30 years in jail. Release at the end of that time, however, is not guaranteed. The IPP sentence was abolished in 2012 yet many IPP prisoners remain imprisoned. Kosmos was four years over-tariff with no sign that he was progressing off HRA despite being considered by the Parole board as potentially suitable for release.

These are the pains of imprisonment for all long-term, indeterminate prisoners as described by Crewe, but they were clearly magnified for the HRA men. While they shared the pains of uncertainty and indeterminacy with standard, Category A prisoners, they spoke of suffering from additional uncertainty and indeterminacy linked to the high-risk process. As long as they remained high-risk, they knew they couldn't even begin to tackle the risk reduction process involved in coming off Category A, or start their journey towards eventual release.

After 15 years as a high-risk prisoner, Ulysses observed that:

'In prison I have no control and have to do everything I'm told to do. I have no say in which prison I go to, I just get moved. I have no control over that. I can't downgrade myself to even get off Cat A. I've got to get off high-risk first, so I've got no control'.

Later in the same interview Ulysses spoke movingly about how he had learned to cope:

'I just don't allow it to get to me. I've got a good family and friends. I keep myself fit and healthy and stick to a routine. Whilst it bothers me to the degree I have to do it, I don't let it consume me. I've been on it so long that, I hate to say it, but it's just become normal'.

Being a HRA had a clear emotional impact on all of the interviewees. Uncertainty about the future seemed to keep the men permanently unsettled. Odell stated:

'Yeah, it does just make life torturous and it keeps you unsettled. It's hard to explain but it's like a cloud over your head and it makes it hard to focus. If there was a logic to it, it would be much easier to understand but there is no logic'.

The high-risk restrictions were frequently cited as contributing to an inability to settle:

'I can't sleep at night and my sleeping pattern is mad. I hear any noise and I get paranoid. I wake up mentally. It is a torture. I might not be able to say it in better words, I'm not very well educated. But believe me, someone in that office needs to come to prison and lock themselves up and move every 28 days for six months' (Andreas).

The monthly moves were universally criticised and seen as pointless:

'You can never settle into your cell. You can never say well, this is my home for the time being. I just live out of boxes. It is stressful, it is stress, stress, stress, stress' (Cicerone).

The pressure of being high-risk seemed to over-shadow all other aspects of their life:

'I have to accept lots of things because I know I can't change them. I constantly feel anxious though. My behaviour's changed because being high-risk affects you even more than the sentence, honestly' (Otis).

Those who could occasionally manage to see beyond the uncertainty came up against the formidable pain of indeterminacy:

'Because, the thing is, you just can't tackle the whole sentence. Even when say, five years have gone past you've still got it in the back of your mind that 40-figure, knowing I could die in prison, that would be more likely than my getting parole. You know, if I did get out then I'm going to be 70 plus. How am I going to interact with the outside world?' (Spiro).

Andreas has a 26-year tariff, but was trying his best to remain positive:

'I can bring up my son's kids, if I can't be there for him. Eventually he will get married and have kids, inshallah, and I will look after his kids if I can't look after my own kids'.

The fragility of his optimism however, became transparent towards the end of the interview:

'You know I do feel, I don't know, sometimes like giving up, just giving up on everything, calling it a day you know'.

Psychological assessment

'They never really see me as a person' (Keelan).

Prisoners often reported feeling misrepresented by psychological assessments. The specialist staff who should be assessing their progress and helping them to progress spent little time doing so and would sometimes write reports without having actually met with the prisoner:

'I've never met my psychologist. I've never spoken a word with any psychologist. The last report I saw just had a few comments taken from my wing report written by staff, but there was no interview or nothing like that' (Nyke).

When they did manage to meet up, the staff were often uninformed and unhelpful:

'I've asked my offender supervisor and he said he can't recommend me for a down-grade because I've done nothing to lower my risk. So, I said, "What do I need to do then to lower my risk?" And he said, "I don't know" (Othello).

Participating in courses was sometimes done in the absence of a progression plan and therefore didn't always guarantee progression:

'I've done my ERG (Extremism Risk Guidelines) and I did that prior to the HII (Healthy Identity) assessment. My Oasis (Offender Assessment System) should have been done by now, but I have no way of contacting my outside probation and nobody has bothered to contact me. So, it doesn't feel like the system is allowing me to progress even when I want to' (Spiro).

A common theme for HRAs was feeling stuck with the label of high-risk and having no information describing how to get off it:

'No, I mean there's nothing, there is nothing for me to do to be downgraded. There are no courses for me. They don't give me a booklet saying this is what you need to do to get off high-risk. This is what I mean about the ghost behind it' (Nyke).

The only apparent exception to HRAs not having identified progression opportunities were TACT prisoners who could engage in the HII course as argued by Proteus:

'Terrorists can do different courses to de-radicalise them but what can I do to show that I'm not going to escape now? I've been moved out of prisons because I've been caught with mobile phones years ago. They get worried with me because they say I've got a phone and because I've escaped before. So, say for instance, if I've been caught with five phones surely there is no threat of me escaping because I clearly haven't'.

The power that psychological assessments held over their future was immense and yet prisoners felt little involvement in the process:

'From where I'm sitting, I'm going to be kept high-risk until I get released because they don't think I've changed in the slightest' (Tassos).

Giving up hope was painful but sometimes seemed the best option to avoid further frustration and disappointment. There were inevitable consequences for this course of action though.

Styles, W. (2019) observed that 'A strong sense of hope was attached to having a belief in making progress through the prison system' (2019, p24).

Psychological assessments played a major part in annual reviews, so prisoners quickly learnt it was better to expect nothing than have their hopes repeatedly dashed by the Cat A unit:

'But I'm dealing with the Cat A team you know. I'm not dealing with rational people. They're not reasonable or rational' (Kosmos).

The pains of self-governance

'For me, well I hope just never to go through this again. But every day my brain is different. Some days I want to punish people for what I've had to go through. Some days I just feel sorry for myself, every-day is different. I've never felt like this before,

so up and down. It's like you're in a cage or a prison within a prison. Like being in that cage, just being poked and poked and poked all the time' (Nyke).

Trying to self-govern amidst all the uncertainty was difficult and mentally draining. Being watched constantly, knowing that every conversation was being assessed for hidden meaning or signs that could be used against you was stressful:

'Other prisoners see staff watching me all the time, so they think ah, I'll stay away from him otherwise staff might start watching me as well. Because I'm a tact offender, if staff see me talking to prisoners then they might think I'm radicalising them. That might prevent their progression' (Orien).

This constant suspicion clearly took its toll on emotions:

'I used to be a carefree person, now all of a sudden in the last few years I've become really touchy and really paranoid. There are some days where, you know, I do get pissed off. I do want to kick the wall, punch the wall' (Andreas).

Maintaining a tight rein on one's emotions was seen as essential despite feeling that, deep down, it was a futile exercise. The de-humanising effects of the high-risk policy epitomised by 'the book,' meant high-risk prisoners could never truly relax and be themselves:

'You know they have the book and every hour they have to know where I am and make a note in the book, so I'm just used to them watching me, looking at who I'm talking to and then writing in the book' (Keelan).

Feelings of powerlessness were openly acknowledged and supported by the literature. When commenting on high-security prisons generally, Cohen and Taylor (1972) noted that 'the security and control measures are so massive and pervasive that one would expect them to

induce a profound sense of powerlessness amongst the prisoners' (1972, p122). For HRA prisoners, with their additional restrictions, these feelings of powerlessness were magnified:

'The only control I've got really is whether I accept it or not and I have to accept it for my own sanity. I have to accept there's nothing I can do about it' (Ulysses).

Although HRA prisoners spoke of receiving information and limited support from each other, there appeared to be little solidarity in the HR population. Cohen and Taylor (1972) highlighted that, 'For cohesion and solidarity to flourish there must be prolonged interaction between individuals' (1972, p122). For the HRAs, dispersed amongst standard Cat As and Bs this prolonged interaction is optional and appeared to be of less importance than a common ideology or background:

'I don't speak with some high-risks and others I do. When you're in a small unit like Belmarsh you get on quite well with each other, but every now and then you do get annoyed and you just have to grit your teeth and get on with it' (Proteus).

Transfers between jails can happen suddenly and without warning, further undermining opportunities to build friendships and encourage solidarity.

It did not take long for HRA men to become pessimistic about their prospects for being downgraded. However, as difficult as they found their situation, they knew that causing a disturbance or protest of any kind would attract little sympathy from the outside world:

'The chief of police at the time was quoted as saying no matter what's happening in our area at the time or how busy we are, we will never be too busy not to kick him where it hurts!' (Ulysses).

The pains of imprisonment for HRAs feel dangerously close to breaching the United Nations Standard Minimum Rule 1.1 (2016) which states that, 'Subjecting prisoners to practices that

have no security justification constitute a breach of their fundamental right to be treated with the respect due to their dignity as human beings'. It goes on to add that 'Additional security measures required to ensure that high-risk prisoners do not escape and that they do not cause harm to themselves or others should never amount to inhuman treatment' (2016, p10).

Legitimacy

Analysis of legitimacy was sought through the four components identified by Tankebe, namely, effectiveness, distributive fairness, procedural fairness and lawfulness. What measures, if any, did they feel were legitimate? What means did the men have at their disposal to complain about their treatment? What power did they hold over the situation they found themselves in? How did the HRA prisoners learn to cope with the uncertainty of their situation?

Effectiveness

'I've moved cells every 28 days for 15 years. And nobody will tell me why. They just go back to hiding behind the security file. There's no reason for it. It's depressing' (Ulysses).

There appeared to be an understanding that the Woodcock and Learmont measures were necessary and proportionate in the circumstances. Although some of the measures were seen as oppressive or intrusive, they were accepted by prisoners, albeit grudgingly in some cases. As Andreas reported in an almost admiring way:

'These prisons are made to last everything you know, even Armageddon'.

However, the effects of the Hadfield and Lakes high-risk restrictions were much less enthusiastically received and were often complained about bitterly. Nyke was serving a nine year sentence and had less than two years to serve before he would be automatically released.

'I feel this is going to make me commit more crime than I've ever committed in my life because that's how I feel inside about the way I've been treated. It's like I'm bubbling up all the time. I just want to pay somebody back for the way I've been treated. It's a form of torture what they're doing to me' (Nyke).

Technology has advanced significantly over the last 30 years which has mitigated historical risks and arguably removed the need for some of the restrictions. Yet they remain in place, almost unchanged from when they were introduced in 1987 in a prison environment almost unrecognisable from that of today.

Monthly cell moves were heavily criticised. Prisoners pointed out that no damage had ever been reported in a HRA cell and it would be impossible to cause any damage without making a significant amount of noise:

'When was the last time someone actually dug out through the wall in 28 days, or forget 28 days, let's say the last 28 years, where anyone has escaped from HSE by digging through the walls? It is impossible. Is it just to mentally torture us?'
(Andreas).

Sleep deprivation is a known form of torture which is forbidden under The Human Rights Act (1998). This act sets out the fundamental rights and freedoms that everyone, including prisoners, is entitled to. Article 3 states: 'No one shall be subjected to torture or to inhuman or degrading treatment or punishment' (1998, article 3). Feelings of being tortured were mentioned frequently, often in relation to the hourly checks, and while this is an emotive word that can sometimes be used incorrectly, it was clear that the restrictions caused varying levels of stress:

'They're not achieving anything, and some staff don't even know how to check properly. Some check thoroughly, some don't look at all. Some do it maliciously and wake you up. You're lying there and they're looking at you and like trying to provoke a reaction until you end up saying "What?" "What do you want?" Then they just shut the flap and walk off. It's just a big wind-up' (Vitalis).

All high-risk phone-calls are live monitored. HRAs can only ring approved numbers and three-way calls are instantly terminated. This is an expensive procedure that has become more costly with the increased number of foreign national prisoners who also require their calls translated with-in 24 hours. There is also a flaw in this system in the unfortunate fact that mobile phones find their way into every prison in the UK, even in conditions of maximum security. The reality is that any determined and resourceful prisoner can ring anyone he likes during the long hours he is locked up unsupervised in his cell. The irony of the situation is not lost on the HRA:

'I know this is not a good way of showing it, but if you catch a prisoner with a phone and there's no escape intelligence on that phone, surely at least the evidence is there that he hasn't been discussing escaping to the people that he's been talking to?' (Proteus).

Distributive fairness

The Woodcock and Learmont findings affected all Category A prisoners so there appeared to be an element of distributive fairness which was acknowledged by prisoners. However, although all Category A prisoners are subjected to modern security practices, the ability to progress through the system seemed less clear to HRAs. There is no specific course available that reduces escape risk. HRAs can complete courses to address their offending behaviour but none of these will get them 'off the book'. Spiro complained that:

'All I know is that Cat As can do courses like Kaizen, Resolve and TSP and eventually they can move down their category over time. I've got no idea what makes a high-risk able to downgrade. I know there's a course for terrorists called ERG, but I don't know if that's going to downgrade anybody or not. I think it is contradictory that ERG is about your beliefs and ideology whereas high-risk should be about escape potential'.

It became clear during the interviewing process that aspects of the policy were being applied differently according to each prison. In one prison, the high-risks simply swapped cells with each other every month. Provided they didn't return to the same cell with-in a given time period this was technically compliant with the PSI and much less problematic. Others complied rigidly to the PSI and endured the inevitable backlash as 'settled' prisoners objected to being moved to accommodate the high-risks. Employment was a particular issue:

'The funny thing is when I was at Wakefield, they said you are a high-risk so we're not going to give you a job. Then another high-risk came along two years later and they gave him a job. He wasn't a terrorist but they gave him a cleaning job and then another one came along and they gave him a cleaning job' (Keelan).

Treatment of HRAs in visits felt particularly harsh compared to other prisoners. Visits took place in a separate room and staff supervision was felt to be intrusive and unnecessary:

'Even when my family came to visit me there would be two officers sitting there throughout the visit listening to every word and taking notes, staring at my family and me. So, my mum and dad said "Why are they doing that?" It felt really oppressive' (Keelan).

Perhaps because of the constant monitoring they were subjected to, some high-risks were tempted to access mobile phones despite the risk:

'Listen, they sent my phone to the police so if there's anything incriminating, I'm sure they would have taken that on board and sent it back. I was on the phone to ring my family. As a high-risk prisoner you're only allowed to use the phone for about 40 minutes a day which I don't think is fair' (Leon).

Sentencing practices also impacted disproportionately on HRAs. Joint Enterprise laws came under much criticism and there was a strong perception that the outcomes people received were not always fair:

'I'm convicted of joint enterprise by way of secondary which means I'm totally innocent of some of the criteria that has made me high-risk. So basically, I'm not the person who did the crime. I wasn't the shooter. I played a part, but that's not what I'm convicted of. I know somebody has lost their life and that's a big thing. Life can't be given back, but at the same time I don't feel I should have to lose mine. I don't have any co-defendants, nobody else was ever convicted and so I think I am being punished for everybody else to tell you the truth' (Otis).

Procedural fairness

In 1995, Learmont re-visited HMP Whitemoor to see how many of the Woodcock recommendations had been implemented and expected prisoners to be resentful and potentially disruptive over the tightening of security. However, he was delighted to find that 'From the moment the review team entered the prison, it was obvious that an air of calm and tranquillity prevailed, such as had probably never been experienced at that particular prison' (1995, p4). Learmont went on to observe that 'There was no doubt that a high level of harmony and agreement had been attained over the control of inmates, which ensured humanitarian treatment but kept security at the forefront' (1995, p5).

Unfortunately, Learmont's findings were not replicated 24 years later in this study. Instead, procedural fairness came under much criticism from HRAs. SIRs were a major factor when carrying out annual reviews but it appeared that prison authorities were still accepting uncorroborated intelligence as facts:

'It said my name came up regarding phones and challenging security procedures. So that's what I spoke to security about and they said "No, we don't agree with that."

"We've got no problem with you." The funny thing was, they even put that in writing' (Vitalis).

Concerns about the honesty of staff or their ability to misinterpret any behaviour they witnessed were also prevalent. The changing HRA population and the new risks of radicalisation and extremist violence in prisons appeared to have contributed to the anxiety felt by staff. In addition, it was not unusual for information to be withheld in the gist so that prisoners were not aware of it until after the decision had been made:

'They decided to keep me high-risk and when I saw the full report I saw they had attached a few SIRs and one of them said that I received a night check and they saw me laughing and smiling at the TV, and it was clear I was watching the London terror attacks. When staff look through the flap, they're looking at me and I'm looking at the TV which has its back to them, so they can't actually see what is on the TV' (Keelan).

Liebling (2018) argued that 'all prisoners in high-security conditions are subjected to new forms of 'dangerousness-thinking' and hurdle-strewn downgrading practices' (2018, p3). She concluded however that this was particularly likely for black and Muslim prisoners. The SIR system is a useful tool but Liebling (2018) warned that, 'Its over-use, or selective use, can also be dangerous, leading to tension and long-term labelling, as well as lack of progress of prisoners and it can be deliberately abused by malicious staff' (2018, p7-8):

'The biggest loophole there is, is that staff can make up what they want and there's no defence against it. If someone doesn't like me, I've got no chance, he doesn't have to prove it. It's all about their perception which seems to be taken as a fact' (Odell).

The elements of procedural fairness described by Tyler were often referred to by participants. It often took a long time to be made aware of errors and it was difficult to have them corrected. The onus was on the prisoner, once he became aware of reports he disputed, to appeal through legal channels, generally at his own expense:

'For example, when I was still in court I had to go to outside hospital, and they thought this might be a plot for me to escape. This was rubbish but I was never aware of it and eventually they had to disclose it. My solicitors wrote to the prison and said this is a serious accusation, and you need to provide evidence of it or take it back. There was no evidence, and they agreed to take it back. But this false information had been used in my file for the last eight years without my knowledge and was preventing me from ever getting a downgrade' (Odell).

For TACT offenders, evidence of the 'precautionary principle' was common:

'When I got shown my recent review, they said I have access to firearms and I'm a member of a terrorist network, but my crime was overseas! I don't have anyone over here. There is no network that I have ever belonged to in the UK, and I have no access and have never had any access to firearms in England. Everyone I knew overseas is now dead, so what are they talking about?' (Keelan).

Lawfulness

Beetham (1991) described lawfulness as being concerned with 'the question of whether power has been acquired and exercised in accordance with established rules in a given

society' (1991, p16). The following example from Keelan describes lawfulness apparently being compromised by the powerholders in order to convey a better impression during an inspection:

'I remember one time the staff said, "Do you guys want to use the sports field tomorrow morning?" We were like, "But we are banned from the sports field." They said "yeah, but would you like to play football?" We're like "yeah, cos we've never been allowed on there before, so yeah!" So, in the morning we go out and we're playing football and enjoying ourselves and then all of a sudden, we realise we could see inspectors walking around and they're watching us. And the Governors are showing the inspectors around and pointing out that they're letting us high-risks play football and then after the inspectors left we never ever played football again. Apparently, the inspectors had said that this is inhumane treatment by not letting us on the sports field. So, it was all just a lie and shows how they can change the rules whenever they want to'.

On its own this quote would be difficult to corroborate however it was repeated by Andreas while being interviewed in a different prison:

'In 2015 I was on the unit in Belmarsh and there was an inspection from the government and we actually played football for the first time in seven years. Outside on the astro-turf in Belmarsh. So, if it can happen on the unit at Belmarsh, the most secure unit in England, it can happen anywhere'.

Andreas also gave the name of a Custodial Manager (CM) who had been on duty that day who I was able to speak with. The CM said he remembered the situation very clearly and confirmed that the game of football had indeed taken place to impress the inspectors.

Andreas and others felt this highlighted a degree of hypocrisy by the authorities who didn't seem bound by the rules to the same extent as the prisoners themselves. There was often a perception that the authorities could manipulate the rules to prevent HRAs from progressing 'off the book'. A lack of transparency and frequent withholding of information on 'security grounds' added to this perception:

'I see some of the intel that says about their concerns or suspicions about me having a mobile phone or intelligence to suggest that, but I can't see where it's come from. So, I can't challenge it in any way' (Othello).

On other occasions, the authorities could seem to be simply inept, making errors but demonstrating little remorse when having the errors exposed:

'On my last LAP (Local Assessment Panel) they said I had refused an MDT (Mandatory Drug Test). I said "Where has this come from as I haven't had an MDT in the last 12 months?" So, they went away and then came back and said "Oh, sorry, yeah, we got that wrong!" So, if they can get that wrong you know, what else do they get wrong?' (Kosmos).

Conclusion

Learning about the lived experience of the HRA has been interesting but unsettling. The frustrations experienced by the men were expressed honestly. However, as Crewe (2011) stated, 'These frustrations cannot be eradicated through a simple swipe of the reformist blade. They are not intentional abuses of power or derelictions of duty, so much as side-effects of deliberate policies' (2011, p524). Most of the frustrations arose from the original high-risk restrictions and it is remarkable that they remain largely in place despite the passage of time and numerous improvements in so many aspects of security.

Those restrictions that cause the most pain whilst offering the least justification for their existence deserve further exploration. This may require some experimentation and the acceptance of a degree of risk. This risk can be managed however, and the precautionary principle should not prevent this from happening.

The lived experience of the HRA prisoner has been revealed in their own words as harsh and stressful. The risk assessment process was described as vague, poorly communicated and unwilling to allow for reduction of risk over time. Disproportionately affected by the high-risk policy, prisoners seemed unable to focus on the more 'traditional' pains of imprisonment.

HRA men complained frequently of lacking a set of directions that explained how they were to progress. There were no courses available that enabled HRAs to demonstrate reduction of their escape risk. This meant that energy was often used to manage emotions such as anger, sadness and shock but also to block out aspects of their situation that they had no influence over.

Legitimacy was denied at every turn and hope swiftly extinguished. Tyler (2006) explained how unfair procedures seriously undermine the role of legitimacy when he stated, 'Only if people can trust authorities, rules and institutions can they believe that their own long-term interests are served by loyalty towards the organisation' (2006, p172).

Given the depth of feeling amongst HRAs regarding the perceived lack of legitimacy of the high-risk policy, what maintains their compliance? Is it that they feel exhausted, unable to fight the system and thus have no option other than to grudgingly comply? In the context of prisons, Carrabine (2004) has used the term 'Dull compulsion' to describe situations in which 'Prisoners fatalistically accept or pragmatically put up with prison regimes even when the distribution of institutional power is patently illegitimate' (2004, p180). For the HRA, the term of 'Dull compulsion' seems particularly apt.

Cohen (1985) stated that, 'Social control has become a paranoid landscape in which things are done to us, without our knowing when, why or by whom, or even that they are being done' (1985, p6). Is this a statement that would resonate with most HRA prisoners today?

Implications

This study makes a novel contribution towards understanding the world of the HRA prisoner, but further research is required. The Hadfield and Lakes restrictions should be tested for relevance and effectiveness. This can be achieved by controlled experiments between prisons that look to establish a causal relationship between each restriction and find evidence that it prevents an escape. Where evidence is not forthcoming, they should be removed. It should not be incumbent on individual HRA prisoners to initiate legal action against HMPPS in order to remove a restriction that is no longer fit for purpose. It must always be remembered that men are in prison as punishment, not for punishment.

Protecting the public has become a dominant theme in today's world. However, as Boutellier (2004) argued, 'It is striking that nowadays, people don't so much demand protection from the state, they want protection from other people by the state' (2004, p5). The HRA have often achieved a high level of notoriety and media attention for their crimes and are unlikely to attract sympathy from the public which Boutellier describes.

The relatively small number of HRA men discourages a large-scale study of empirical significance. However, this does not mean that further research would not be of benefit to HMPPS. Longitudinal studies could be carried out on prisoners who have been downgraded to evaluate progress.

It is clear that the procedure for reviewing high-risk prisoners does not take account of changes an individual can make in his life in order to reduce risk. Referring to desistance

theory may be useful as this takes into account the effects of ageing, maturing, social bonds and protective factors on behaviour and could offer an alternative to a purely risk-based approach.

Some investment in legitimacy theory could also benefit both HMPPS and the HRA prisoner. Legitimacy theory tells us that, if people are involved and consulted, they will respond much more positively. Compliance is driven primarily by perceptions that authorities, and their laws, are legitimate and therefore should be obeyed. HRA prisoners clearly did not feel they were being treated legitimately.

HRA prisoners are one of the most dangerous groups in prison and their management is expensive. Understanding what maintains their compliance should be seen as a priority. The United Nations handbook (2016) on the management of high-risk prisoners advised that, 'In practice, there is a danger that high-security prisons become restrictive, repressive and brutal, based on a false view that there is no other way to securely hold high-risk prisoners (2016, p5). They concluded that 'The best investment all prison administrations can make is to develop an effective risk assessment system which ensures that only those offenders who genuinely pose a high risk are held in high-security conditions' (2016, p4).

The purpose of the high-risk policy is to prevent escapes and, since 1995, this purpose has been achieved. However, the price that the HRA prisoners have paid for achieving this goal has been considerable. This may be of little concern for those who believe that all prisoners should be punished rather than rehabilitated. However, Lord Woolf correctly identified that legitimacy is demanded by all prisoners to ensure compliance and avoid negative consequences. HRA prisoners do not feel they are treated with legitimacy but appear to comply due to the sheer 'depth and tightness' of their imprisonment. Getting through each day appears to be an exhausting process for high-risk prisoners. How will they be able to

settle back into the society that has meant so little to them throughout their long years of incarceration? The evidence from this thesis suggests that the success of the high-risk policy in preventing escapes may have created additional risks. Prisoners should be helped to address their offending behaviour and thus reduce their risk to the public. HMPPS (2019) has recently published a new business strategy which has a vision of 'Working together to protect the public and help people lead law-abiding and positive lives' (2019, p3). This vision should be applied to the HRA men as a matter of urgency.

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Annex A

Question Bank

- What sort of person were you before you came to prison?
- When were you made high-risk? How did you feel at the time you were told?
- Had you been in prison before? How long have you been in this prison?
- How many other jails have you been to?

Risk management

- **Have you read the HRA policy or had it explained to you?**
Do you know what the aims of the policy are?
What do you think the aims should be?
Do you know why you are high risk?
If you could make three changes to the policy, what would they be?
- **How do you feel about the power the prison holds over you?**
How hard is it to demonstrate reduction of your risk in order to progress 'off the book'?
How does your experience differ from everyone else's?
Do you feel motivated to take part in activities in this prison?
- **How long have you been at this particular prison and what has been the biggest change you have seen during this time?**
Does the regime here encourage you to think about and plan for your release?
Do you have relationships with outside organisations that are helping you to develop yourself?

Procedural justice (legitimacy)

- **What does it mean to you to be labelled high-risk?**
Are the rules and regulations in this prison made clear to you?
Are you always given reasons for decisions made about you?
Do you feel the process is fair?
- **How does being high-risk affect your experience in prison?**
Can you think of any times when you have felt frustrated?
Do you think staff understand the different pressures you face as a HR?
Do you feel supported throughout the process?
- **Overall, how fairly do you think you are treated as a high-risk prisoner?**
Do you know what you have to do to be downgraded?
How much control do you feel you have over your future?
What would make your experience more bearable?
In general, would you say that the staff in this prison show concern for your rights?

The pains of imprisonment

- **What does it feel like to be a high-risk in this prison?**
Are there any upsides to being HR?
Is there an automatic element of respect given to high-risks?
Are you able to maintain meaningful contact with your family whilst in this prison?
Do you feel you are given enough privacy in this prison?
Is there anywhere in the prison where you feel you are treated normally rather than as a HR?
- **What are your relationships like with other HRAs?**
What are your relationships like with all prisoners in general?
What are your relationships like with staff in general?

Do you feel you are treated as a person of value in this prison by staff/prisoners?

What coping strategies do you have to manage being a high-risk? Which ones work best?

- **Are the activities you do in this prison helping you to develop yourself?**

Are you being encouraged to work towards targets and goals in this prison?

Are your relationships with staff in this prison helping you to develop yourself?

On the whole, would you say you are 'doing time' or 'using time'?

Do you think that your time in here seems like a chance to change?

Do you think the prison recognises your progress?

What do you think the future holds for you?