



The Prison Reform Trust is an independent UK charity working to create a just, humane and effective penal system. We do this by inquiring into the workings of the system; informing prisoners, staff and the wider public; and by influencing Parliament, government and officials towards reform.

# TITAN PRISONS:

## *a gigantic mistake*

### a Prison Reform Trust briefing

On 5 December 2007 the government published Lord Carter's review on prisons announcing it had accepted the proposal to build up to three giant Titan prisons, each holding up to 2,500 prisoners.

This briefing finds:

- ▶ there is little or no evidence to support Titans
- ▶ that Lord Carter's review was flawed, partial and arguably predetermined
- ▶ there is overwhelming evidence that large prisons are less effective than smaller prisons
- ▶ that the total costs of Titan prisons are high and rising
- ▶ that building more prisons is a failing strategy.

## INTRODUCTION

### OVERCROWDING – THE STATE WE'RE IN

- ▶ Prisons in England and Wales have been overcrowded for the last 15 years.
- ▶ At the end of July 2008 the total number of in-use places – the good, decent standard of accommodation that the prison service aspires to provide all prisoners – stood at 73,618. The actual population was 83,601.
- ▶ The government estimates that by the end of June 2014, the demand for prison places is to increase to between 88,800 and 101,900.
- ▶ Two-thirds of people leaving prison re-offend within two years.

## LORD CARTER'S PRISONS REVIEW

In June 2007, Lord Carter was asked by the government to consider options for aligning the supply and demand of prison places and to make recommendations on how this could be achieved. Or, as Justice Secretary Jack Straw put it, Carter looked 'at the potential economies and benefits from large prisons. He was employed to do that.'<sup>1</sup>

Lord Carter's report 'Securing the Future' was published on 5 December 2007. Its central recommendation was for a significant acceleration and expansion of the current building programme to meet 'the unprecedented demand for prison places'.<sup>2</sup> At the heart of this expansion would lie three 'state of the art' Titan prisons, each holding around 2,500 people. This recommendation was primarily driven by cost – the argument of economies of scale.

The government immediately accepted Lord Carter's proposals and announced a programme for building 10,500 prison places to be delivered by 2014. These places would be in addition to the commitment to build 9,500 prison places previously announced.<sup>3</sup> The government's aim is to achieve an overall capacity of 96,000 places by 2014; a total reached through the addition of these new places and the closure of some old and ineffective prisons.<sup>4</sup>

The proposal has been 'almost universally condemned'<sup>5</sup> by everyone from politicians and the Chief Inspector of Prisons, to both the Prison Governors' Association and Prison Officers' Association. There have been widespread calls for further debate and examination of the case for proceeding with Titans.

In response, on 30 January 2008 Gordon Brown confirmed that 'we will go ahead with these prisons following the consultation ... that will take place.'

## TITAN PRISONS: PROPOSALS

Lord Carter has recommended the building of three so-called Titan prisons as a key part of the strategy for the modernisation of the prison estate.

Each Titan prison would provide up to 2,500 places, comprising five units of approximately 500 offenders. Each unit would hold different segments of the prison population.

Carter argues that these prisons will be 'state of the art' institutions 'offering better value for money and much improved chances of reducing re-offending and crime'. Both of these claims in favour of Titans are made with little or no evidence.

Conversely, Carter has acknowledged from the outset the disadvantages of large prisons, reminding us why prisons holding 2,500 people have never before been considered:

***There are some operational challenges associated with large prisons, including the possibility of large scale disturbance, the difficulty in meeting the needs of specific groups of prisoners (e.g. female and young offenders) and the management complexities associated with a large staff complement and challenges of managing a number of potentially different prisoner segments on the same site.***<sup>6</sup>

The government plans to build these prisons in London, the West Midlands and the north-west of England – areas where demand far outstrips supply.

The Titans consultation paper appears to have excluded any meaningful debate on whether Titans are in fact the right option. The government is purely focusing on 'the development of Titan prisons and how these will fit with the overall prisons estate strategy'.<sup>7</sup> There is no opportunity to raise any objections to the Titan policy itself.

## TITANS: NO EVIDENCE OR SUPPORT

***We are ... very concerned that Lord Carter's review does not explain in any detail the evidence or the reasoning behind his conclusions.***

***It is clear that the substantial investment now being made on the basis of those conclusions is not based on solid foundations.***

House of Commons Justice select committee.<sup>8</sup>

## NO EVIDENCE

Both Lord Carter's review and the Ministry of Justice's consultation paper fail to present any real evidence in support of the Titans approach. What evidence Carter does present has been described as 'inadequate and highly misleading'.<sup>9</sup>

Between December 2007 and the publication of the Ministry of Justice's consultation paper on 5 June 2008 there was a distinct change in tone in the government's description of the proposed building programme. The justification for Titans shifted from addressing the 'urgent need for prison accommodation'<sup>10</sup> to emphasising the place Titan prisons would play in building a 'modern prison and criminal justice system'.<sup>11</sup> By the time the consultation was launched the focus had moved again, to how 'Titans can strengthen our ability to provide ... comprehensive rehabilitation to individual offenders.'<sup>12</sup>

It seems as though the government embarked on the search for arguments in favour of Titans only after deciding to go ahead.

## LORD CARTER'S REVIEW: CONCERNS

Fundamental questions have been asked by the House of Commons Justice select committee and others regarding Lord Carter's role, the inadequate and selective evidence base for his proposals and the manner in which he conducted his inquiry.

Arguably, Lord Carter's position as head of the inquiry was inappropriate owing to his involvement in previous policy recommendations. Indeed, one leading expert, Professor Carol Hedderman,<sup>13</sup> questioned Carter's objectivity:

***Surely the reader has a right to know that the man in charge of the latest review recommended most of the recent changes which were expected to limit the growth in prisoner numbers and that those changes have not had the effects he anticipated?***<sup>14</sup>

## A PREDETERMINED OUTCOME?

Given the scale, impact and cost of Titans it is alarming that the consultation carried out by Lord Carter was so limited in its breadth and depth. The Justice select committee secured from Lord Carter a list of the people and organisations he consulted over the course of his inquiry, including details of whether Titans were discussed. Dates given to the committee indicate the inquiry may have got under way prior to it being publicly announced.

Lord Carter held meetings with representatives of fifty-one organisations, agencies and individuals during the inquiry.

- ▶ Only 17 were consulted on Titans.
- ▶ Of these, nine were private companies – construction firms and private prison operators with a clear vested interest in a prison building programme.
- ▶ Six were government departments.

The final two were the Prison Officers' Association and the Prison Governors' Association. However, Paul Tidball, President of the PGA has since stated that they 'were not actually consulted about [Titans]' and that 'it was the biggest rabbit that came out of the hat on the day the Carter was announced.'<sup>15</sup>

It is arguably even more significant to see who was excluded from these discussions. Perhaps the most remarkable omission was HM Chief Inspector of Prisons, Anne Owers, whose involvement in the inquiry was limited to an hour-long coffee, at her request. As Paul Tidball puts it, 'there cannot be more of an expert than the Chief Inspector.'<sup>16</sup>

The validity and the value of Lord Carter's findings were heavily criticised by the Justice select committee which concluded it agreed with concerns that the 'review was based on wholly inadequate consultation and a highly selective evidence base.'<sup>17</sup> It is difficult to avoid the conclusion that the recommendation for Titans was fixed early in the review period, if not already predetermined at the outset, irrespective of the evidence available or presented to the review team.

## WIDESPREAD OPPOSITION

### HM Chief Inspector of Prisons:

Anne Owers, the Chief Inspector of Prisons, described the report as a 'missed opportunity':

***On the horizon loom the Titans – 2,500-strong prison complexes, flying in the face of our, and others', evidence that smaller prisons work better than large ones.***<sup>18</sup>

***My fear is that what we will get is more prisoners and worse prisons, a focus on efficiency rather than effectiveness, and also a moving away of resources from those things which are currently leading to the rise in prisoner numbers ... I would have preferred to see a more transparent and broader inquiry.***<sup>19</sup>

### Prison Governors' Association:

The Prison Governors' Association 'are underwhelmed by the case' for Titan prisons, feeling that the main drivers are claims to economies of scale, and assumptions that 'there is a better chance of getting planning permission to build it next-door to a Tesco at a motorway' than a local prison connected to the community.<sup>20</sup>

The association also shares Lord Woolf's fear that bigger prisons mean 'bigger disorder' and gang culture.

### Prison Officers' Association:

The Prison Officers' Association's principal concern is that 'the Titan idea seems one borne out of warehousing rather than one of rehabilitation and correcting those causes of re-offending.'<sup>21</sup> It also fears such a resource-draining initiative at a time when a 3% year-on-year efficiency saving is being imposed on the Prison Service. According to National Chairman, Colin Moses, 'this will lead to staff cuts, prisoners being locked in their cells for longer periods, offending behaviour programmes cancelled and ultimately prisoners re-offending upon release.'<sup>22</sup>

### HM Chief Inspector of Probation:

HM Chief Inspector of Probation Andrew Bridges described Lord Carter's prison building proposals and their endorsement by the government as a 'high-risk option' where a small incapacitating effect could be achieved at a very high cost.<sup>23</sup>

### Independent Monitoring Boards:

These boards comprise members of the public appointed by the Secretary of State for Justice who monitor the day-to-day life in their local prison and ensure that proper standards of care and decency are maintained. The President of the IMB National Council, Rt Revd Dr Peter Selby believes Titans are so flawed they are unlikely ever to be built:

***At the moment it is still policy, and I don't think that anyone is going to disown the policy because they would have to admit that last year's Carter report on the prison system was wrong. So I think they are going to go on saying that we are going to be building titan prisons, but I would be very surprised if they do.***<sup>24</sup>

A statement issued by the IMB National Council expressed 'fundamental doubts' about the Titan proposals and described the consultation as a 'fait accompli'.<sup>25</sup>

### Cross-party opposition:

The Prison Policy Group, consisting of senior MPs and Peers from all three parties, has produced a discussion paper on the proposals put forward by Lord Carter. It believes that 'these proposals should not go ahead without much more debate and consideration of other options':

***The move to so-called Titan prisons each holding 2,500 prisoners goes against all that is known about the need to make prisons as rehabilitative as possible and to hold prisoners near their homes so they can maintain contact with their families.***<sup>26</sup>

Nick Herbert, shadow Justice Secretary, condemned the proposals outright:

***If these monstrous warehouses ever get built, projections show that they will be overcrowded by almost a third from day one. Old habits certainly die hard.***<sup>27</sup>

## **Criminal justice sector:**

The Esmée Fairbairn Foundation has just completed a substantial programme on alternatives to prison, spending more than £4 million over sixty projects. Based on its findings it calls for a moratorium on prison building:

***The government's plans to spend £2.3 billion on building more than 10,000 new prison places represent a huge wasted opportunity to invest in more constructive responses to crime, a once in a lifetime opportunity to invest instead in alternatives to prison, that could bring about better outcomes for offenders, victims and the wider community.***<sup>28</sup>

The Criminal Justice Alliance, representing 48 organisations working in the criminal justice system, has also criticised Titan prisons. Its campaigns director, Jon Collins, argues:

***'Instead of squandering billions of pounds of taxpayers' money which could be better spent elsewhere, the government must listen to the barrage of criticism and shelve its plans for Titan, before these mega-prisons become a disastrous reality.'***<sup>29</sup>

## **LARGE PRISONS ARE LESS EFFECTIVE**

### **EVIDENCE GOES AGAINST LARGE PRISONS**

Although no evidence in support of the Titan approach has been put forward there exists substantial research evidence and learned experience from England and Wales and worldwide that smaller prisons are more effective than larger prisons.

In England and Wales, much of this evidence is provided through the detailed prison inspection reports carried out by HM Prisons Inspectorate. This ongoing and respected series of reports reinforce the views of prison officers and prison governors by demonstrating that it is the country's biggest prisons - themselves only half the size of the proposed Titans - that cause the biggest problems. In evidence to MPs in December 2007, HM Chief Inspector of Prisons, Anne Owers, noted: 'It has to be said that the prisons about which the Inspectorate has historically been most worried are the large, inner-city, local prisons'.<sup>30</sup>

Lord Woolf in his seminal report on the prison system following the disturbances at Strangeways prison recommended prisons 'should not normally hold more than 400 prisoners ... the evidence suggests that if these figures are exceeded, there can be a marked fall off in all aspects of the performance of a prison'.<sup>31</sup>

Professor Alison Leibling, of the Institute of Criminology, University of Cambridge cites 'several analyses of prison life and quality provide empirical support for the argument that "small is better"'.<sup>32</sup> For example, one study cited by Professor Leibling of Norwegian prisons found that both staff and prisoners in small prisons gave higher evaluations of prison life than their counterparts in large prisons.<sup>33</sup>

### **TURNING A TITAN INTO SMALL PRISONS CLUSTERED TOGETHER**

The Ministry of Justice's Titan consultation paper believes it is possible to develop Titan prisons which can successfully combine the economies of scale of large prisons with the effectiveness of small prisons but provides no evidence that this has been done successfully elsewhere.

It is significant that in insisting that they do not want giant 'warehouses' and seeking to assure sceptics that Titans will consist of manageable units, ministers are not directly challenging the evidence that large prisons are difficult to run and ineffective. Instead their position is that it is possible for individual units to retain the characteristics of small prisons within the Titan model but it is difficult to see how this could happen in practice or, if this is to happen, how the running costs would be so much cheaper to make this high-risk approach worthwhile.

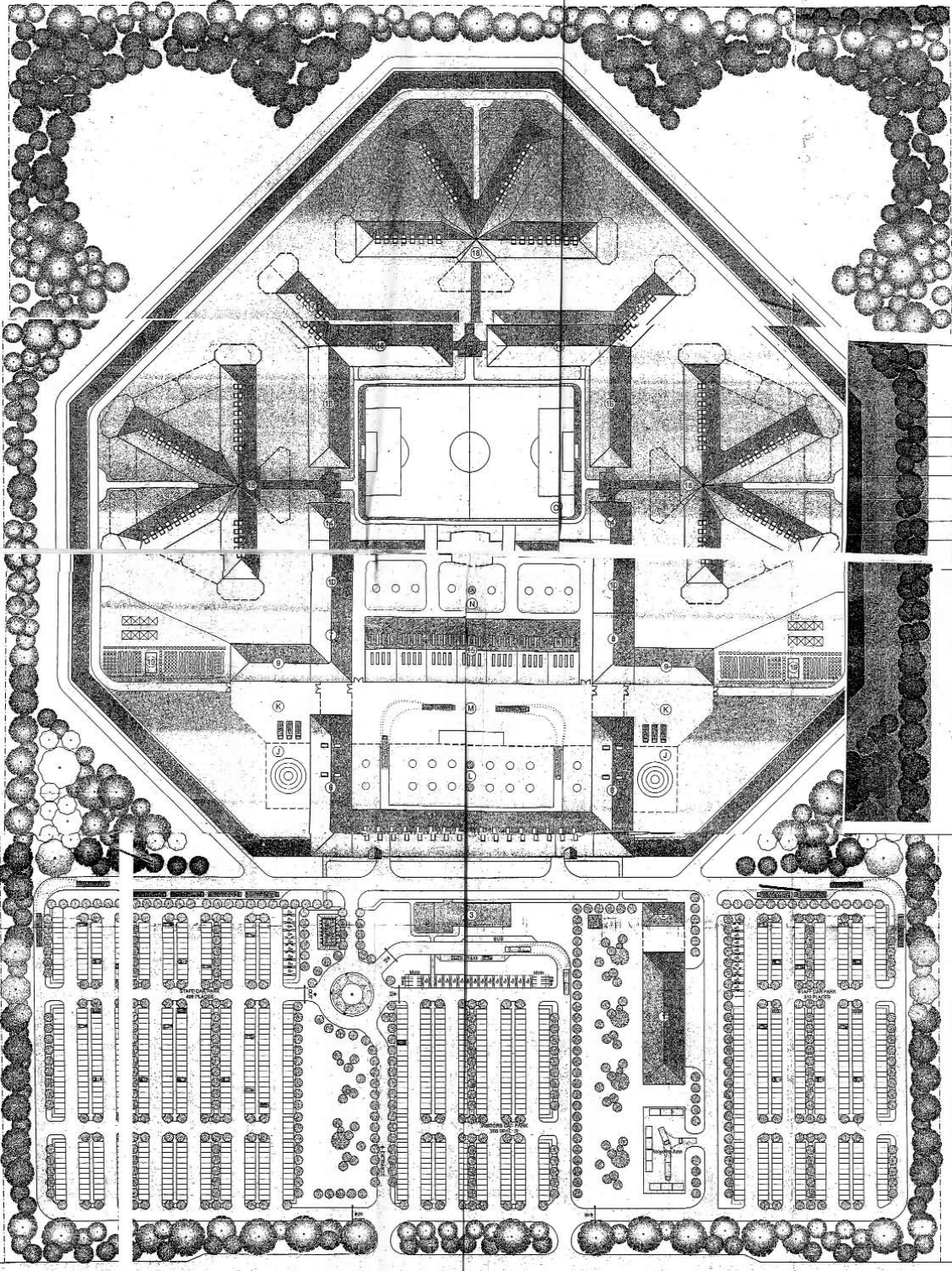
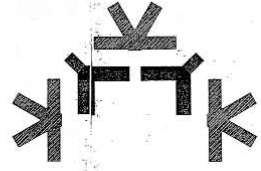
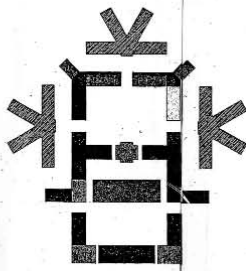
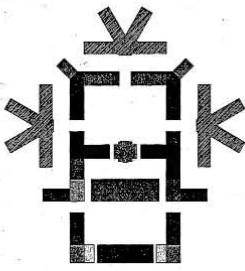
### **OFFENDER MANAGEMENT IN TITANS**

The use of large prisons is difficult to reconcile with the offender management approach on which the government's prison and probation policies are based. Large prisons designed on cost grounds cannot provide offenders with the same opportunities as effective small and medium-sized prisons to address their offending behaviour and work towards rehabilitation.

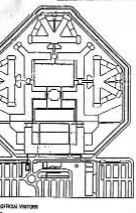
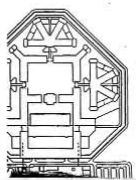
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- 2. 15 M CLEAR ZONE
- 3. PERIMETER RESPONSE ROAD
- 4. 3.2 M HIGH WALL WITH ANTI-CLIMB DEVICE
- 5. 7.5 M WIDE PERIMETER STERILE ZONE
- 6. 5.2 M HIGH PERIMETER WELDMESH FENCE WITH P.I.D.S.
- 7. INNER PERIMETER ROAD

- 8. VISITS GARDEN
- 9. RECEPTION YARD
- 10. GATE STERILE AREA
- 11. WORKSHOPS YARD / DELIVERIES / WASTE MANAGEMENT
- 12. GARDEN QUADRANGLE
- 13. SPORTS QUADRANGLE FOOTBALL PITCH 90M X 60M AND 2 M WIDE RUNNING TRACK

- 14. RIDG STORE
- 15. WORKS ESTATES UNIT
- 16. PROBATION OFFICES
- 17. PRIS-RELEASE HOSTEL
- 18. VISITORS CENTRE
- 19. STAFF LOCKERS & TRAINING
- 20. STANDBY GENERATORS
- 21. GATE HOUSE
- 22. VISITS & ADMINISTRATION
- 23. RECEPTION
- 24. DISCHARGE
- 25. KITCHEN
- 26. VOCATIONAL TRAINING
- 27. PHYSICAL EDUCATION
- 28. SPORTS HALL
- 29. MULTIFAITH
- 30. STAFF P.I.D.U.
- 31. WORKSHOPS
- 32. EDUCATION PROGRAMMES
- 33. CARE & CONTROL
- 34. HOUSEBLOOK
- 35. HORTICULTURE



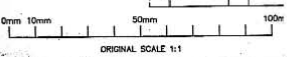
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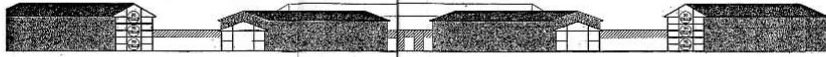
4. STAFF HEIGHTS  
5. VISIT & MANAGEMENT OFFICE

- A SITE BOUNDARY
  - B 15 M CLEAR ZONE
  - C PERIMETER RESPONSE ROAD
  - D 3.2 M HIGH WALL WITH ANTI-CLIMB DEVICE
  - E 7.5 M WIDE PERIMETER STERILE ZONE
  - F 5.2 M HIGH PERIMETER WELDMESH FENCE WITH P.I.D.S.
  - G INNER PERIMETER ROAD
- 1 P.F.Z. PRISONER FREE ZONE
  - 2 VISITS GARDEN
  - 3 RECEPTION YARD
  - 4 GATE STERILE AREA
  - 5 WORKSHOPS YARD / DELIVERIES / WASTE MANAGEMENT
  - 6 GARDEN QUADRANGLE
  - 7 SPORTS QUADRANGLE FOOTBALL PITCH 90M X 60M AND 2 M WIDE RUNNING TRACK

- KEY BUILDINGS:**
- 1 RIDG STORE
  - 2 WORKS ESTATES UNIT
  - 3 PROBATION OFFICES
  - 4 PRIS-RELEASE HOSTEL
  - 5 VISITORS CENTRE
  - 6 STAFF LOCKERS & TRAINING
  - 7 STANDBY GENERATORS
  - 8 GATE HOUSE
  - 9 VISITS & ADMINISTRATION
  - 10 RECEPTION
  - 11 DISCHARGE
  - 12 KITCHEN
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  - 14 PHYSICAL EDUCATION
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  - 22 HORTICULTURE



ORIGINAL SCALE 1:11



SECTION A-A

Proposed plan for a titan prison

For example, the consultation paper suggests greater use of state of the art technology to free up resources, including staff, for investment in better public protection and interventions which reduce re-offending.<sup>34</sup> The implication that CCTV can supplant good staff-prisoner relations in managing prisoners has no evidence to support it. Developing trust through regular contact plays a vital role in the way prison staff work with people in prison and identify potentially disruptive prisoners.

A largely automated prison, with minimal staff presence, is unlikely to develop such relationships which are crucial to safeguarding vulnerable prisoners and reducing re-offending. Such concerns are reinforced by current research evidence.

## PRISONER CULTURE IN TITANS

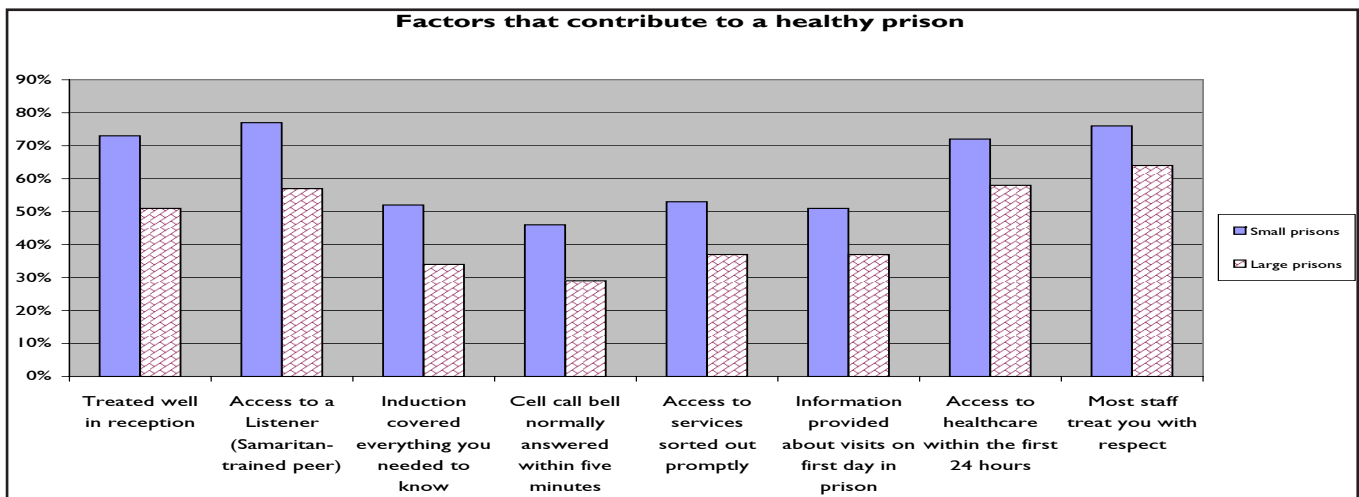
The case for Titans is also undermined by its failure to recognise the importance of the extent to which prison staff can influence culture. The cost savings predicted for Titans are based on an assumption that a lower staff-prisoner ratio would be required, but these savings should be balanced against the significant added short- and long-term costs of an approach which uses fewer staff. High prisoner-to-staff ratios are linked to the predominance of a prisoner culture which encompasses widespread drug misuse and dealing; gangs; reliance on violence to regulate inter-prisoner conflict; norms against engagement with staff; a high tolerance of exploitation and threatening behaviour. These aspects of prisoner culture will be amplified in large institutions, particularly if staff cost reductions are pursued. Titans are likely to lead to an increased re-offending rate due to their inability to challenge and control prisoner culture.

## SMALL vs LARGE: LOCAL PRISONS 2006-2007

Unpublished data on surveys conducted by HM Chief Inspector of Prisons in 2006-2007 provides a useful measure of the extent a prison is able to meet prisoners' basic needs.

A comparison of large and small prisons, based on 154 factors, revealed that larger institutions are consistently poorer at meeting prisoner needs and creating a healthy prison environment. In two-thirds of the factors compared (102 out of 154) smaller prisons scored significantly better than large ones. In 38 of the 102 areas, the disparity exceeded ten percentage points. For 19 of the 24 factors concerning safety, small local prisons scored significantly better. For resettlement, small locals were better for 18 out of 28 compared and were worse for only one

The chart below presents a broad overview:



The 154 factors reflected the Inspectorate's four tests of a healthy prison:

- ▶ **Safety**
- ▶ **Respect**
- ▶ **Purposeful activity**
- ▶ **Resettlement**

## 1. Safety

For 19 of the 24 factors concerning safety, small local prisons scored significantly better. Prisoners consider larger institutions to be more dangerous; more prisoners felt unsafe; and more were likely to say that they had been assaulted or insulted by another prisoner or a member of staff.

Prisoners in large establishments are at greater risk of suicide and self-harm than those in small prisons. They are more able to get illegal drugs and less likely to receive information about suicide prevention and support upon reception into prison - when the risk of self-inflicted death is at its greatest.

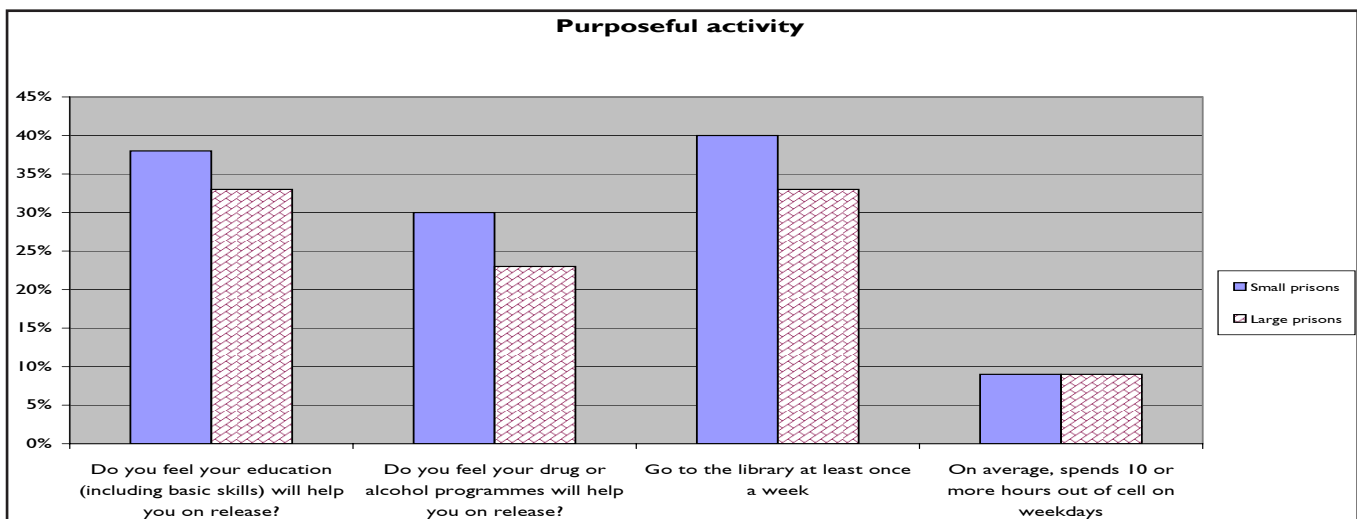
Factors influencing self-inflicted deaths	Small Prisons(% prisoners)	Large Prisons(% prisoners)
Felt unsafe in prison	31	44
Easy to get illegal drugs	26	38
Received information about support if suicidal	57	35
Assaulted/Insulted by a member of staff	15	31
Assaulted/Insulted by another prisoner	17	24

## 2. Respect

A good rapport between staff and prisoners is fundamental to reducing self-inflicted deaths and re-offending. The survey suggests that large scale prisons do not foster good relationships and staff are more likely to treat prisoners impersonally. Victimisation of prisoners by staff because of race or ethnic origin was also greater in larger prisons.

## 3. Purposeful Activity

Prisoners' assessments of their opportunities for purposeful activity were more mixed. For example, in large prisons, they were slightly more likely to believe that offending behaviour courses would help them after release (18% agreed that they would help in smaller prisons, as against 21% in larger prisons). While purposeful activity is notoriously difficult to measure, the overall trend for purposeful activity confirmed that smaller prisons were more likely to provide a healthy environment. Twelve factors relating to purposeful activity were selected in the Inspectorate's analysis, and of these, larger prisons performed better in two factors; smaller prisons did better in five; and there was no significant difference in five.



## 4. Resettlement

The National Offender Management Service makes clear that preparing prisoners for release makes a vital contribution to reducing re-offending. The prisoner surveys show that large local prisons are far less likely than smaller ones to be effective in this area.

Factors which reduce re-offending	Small Prisons(% prisoners)	Large Prisons(% prisoners)
Knew who to contact to get help with drugs	54	43
Help in arranging accommodation	53	38
Knew who to contact to continue healthcare	49	31
Knew who to contact for help in finding a job	47	36



A decision to continue with the Titan proposal fails to look at the long-term effects of large scale prisons. The evidence from the Inspectorate's prisoner surveys suggests that larger prisons will not be less costly nor will they reduce crime. Large scale prisons are clearly more dangerous environments, and can actively promote criminality. The rapport with staff is not as good in larger prisons where it is more difficult to provide the advice, support and help needed for successful resettlement.

Not only will this affect the rate of self-inflicted deaths and self-harm in prison, it is more likely that a prisoner released with no support to the stresses of homelessness and unemployment will revert back to crime.

## INTERNATIONAL EXPERIENCE

The international experience of large prisons is that they prove expensive and are difficult to run.

According to Rob Allen, director of the International Centre for Prison Studies, the government has been considering Titan prisons for some time: 'This is an idea that has been considered for the past ten years or more... This is very much based on the American model of great penitentiaries.'<sup>35</sup> Unsurprisingly given the notoriety of US prisons, HM Chief Inspector of Prisons is not persuaded by this approach and instead regards the US experience as a warning 'to us all about what might happen if we get into prisons as containers.'<sup>36</sup>

The authorities in France have abandoned the idea of very large, Titan, prisons following the difficulties encountered in running Fleury-Merogis, which was designed to 2,800 but now holds 3,600 prisoners. Staff at the prison believe its sheer size makes it difficult to manage safely and in particular have highlighted the difficulties in controlling wings holding scores of prisoners with few staff. The governor of Fleury-Merogis has publicly advised the UK government to limit the size of its prisons to no more than 600 places.<sup>37</sup>

## TITANS: HIGH AND RISING COSTS

### TOTAL COST UNCLEAR

Lord Carter's central argument in favour of Titans, was that they constituted a cost-efficient solution to the overcrowding crisis; a negative, least-worst option. It is surprising then, that the government has 'not carried out a cost-benefit analysis [themselves]'<sup>38</sup> since the publication of the report.

It has proved difficult for MPs and independent organisations to identify how much the overall expansion programme, including the three Titan jails, will cost.

1. In Jack Straw's statement made on 5 December 2007, he said he had 'agreed with the Chancellor of the Exchequer additional funding of £1.2 billion, on top of £1.5 billion already committed, to deliver a further and extended building programme.'
2. On 17 December 2007, he had to clarify to the Justice select committee that this £1.2 billion was just 'towards the cost'. In fact, the gross cost was 'likely to be about £2.3 billion'. He was unable to estimate running costs 'because of imponderables' and 'a number of assumptions'.
3. On 28 January 2008 this figure of £2.3 billion came up again. This time, Jack Straw apologised to the Justice select committee for failing to mention the £2.3 billion figure included an estimate of £258 million for capital receipts.
4. In answer to a written parliamentary question in January 2008, Jack Straw explained that initial costs for Titan prisons did not include land purchase costs, running costs or other associated costs.<sup>39</sup>

### RISING COSTS

On a number of occasions ministers have estimated the cost of constructing Titans to be £350 million each.<sup>40</sup> Yet in a little-noticed Ministry of Justice memorandum published by the Justice select committee, the cost of constructing three Titans is put at £1.352 billion, or £450 million each. The reason for this significant discrepancy is unclear but is alarming to see the costs of Titans rise by almost 30% even before the operating model has been identified and construction work commenced.<sup>41</sup>

All the costings published so far on Titans are in today's prices and are likely to rise significantly by 2012, assuming the government proceeds with these proposals and opens the first Titan on schedule.

## BUILDING MORE PRISONS IS A FAILING STRATEGY

One of the main criticisms of the government's criminal justice approach is the absence of a clear and determined drive, backed by adequate resources, to tackle the underlying reasons for the rising prison population.

## BUILDING PRISONS ISN'T THE ANSWER

Unless the rising prison population is tackled, any increases in prison capacity, such as Titans, are likely to be no more than expensive short-term fixes. This was recognised by Jack Straw in an interview he gave to The Times soon after becoming Justice Secretary when he said: 'the government would not be able to build its way out of the prisons crisis.'<sup>42</sup> He indicated that the only way pressure could be relieved was by sending fewer people to jail and using more non-custodial sentences. He added that even if he could click his fingers 'and magic an extra 10,000 places' the need for the same debate about the use of prison would remain.

Any hope that Titans may resolve the issue of overcrowding has been dispelled by the proposals themselves. The government has admitted that on the basis of the current figures, Titan prisons will operate at more than 30% overcrowded. Jack Straw's response to being challenged on this was one of resignation: 'in prisons, there is always – and there will always be under any government, in my opinion – a level of what is described as overcrowding.'<sup>43</sup>

Given the high costs, the overwhelming evidence against their likely effectiveness and the government's own admission that increases in capacity do not offer a sustainable solution, the case for Titans is difficult to understand.

It is also difficult to see why the government is treating the prison population projections as absolute and unavoidable rather than as a warning of what might happen if action is not taken to address the situation.

## TITANS WILL OVERSHADOW AND DESTABILISE THE CRIMINAL JUSTICE SYSTEM

The government's muscular commitment to Titans may also contaminate its wider criminal justice approach. Titans are set to enjoy the money, time and ministerial drive that simply will not be available for other policies irrespective of how much more evidence exists for their effectiveness. For example, successive ministers - most recently in response to the Corston Review - have accepted the case for reforming the way the criminal justice system treats women offenders but little money or action has followed despite the relatively modest resources needed.

The crime reduction charity Nacro, for example, has warned that the 'risk is that resources to improve prisoners' rehabilitation will be squeezed by a strategy of prison expansion.'<sup>44</sup>

## REAL CAUSES OF A RISING PRISON POPULATION

Lord Carter's review argues that the prison population is rising because more serious offenders are being convicted, and that this increase necessitates significantly greater prison capacity in the next few years. However, the basis on which Lord Carter makes this argument is dubious:

1. Professor Carol Hedderman of the University of Leicester has found 'the number of serious cases being sentenced has been relatively static throughout most of the period in which the prison population has grown, and has actually been declining since 2003.'<sup>45</sup>
2. The Prison Policy Group questions an approach based on prison population projections that are known to change significantly over a 12 month period. In 2006, the official projections for 2013 were 90,250 – 106,550. In 2007, these changed to 88,000 – 99,100. The group points out that 'in one year the projections have gone down 2.5% for the lowest and 7% for the highest projections'.<sup>46</sup>

After a comprehensive inquiry which included oral evidence from the Justice Secretary, the Lord Chief Justice and Lord Carter, the Justice Select Committee concluded that the rise in the prison population is a direct result of the government failing to follow its twin track strategy of reserving prison for serious and violent offenders and using community orders for minor offenders.<sup>47</sup>

# PRISON REFORM TRUST PROPOSALS

## A CROSS-GOVERNMENT APPROACH

A coherent and sustainable prison system addresses the causes as well as the symptoms of an overcrowded prison system.

A recognition that the answers to a rising prison population lie outside of prison walls was the main thrust of the comprehensive and compelling report by the Social Exclusion Unit in 2002, *Reducing Re-offending by Ex-Prisoners*, which identified nine key factors that influence re-offending:

- ▶ education
- ▶ employment
- ▶ drug and alcohol misuse
- ▶ mental and physical health
- ▶ attitudes and self-control
- ▶ institutionalisation and life skills
- ▶ housing
- ▶ financial support and debt
- ▶ family networks.

The report cited a wealth of evidence to explain the significance of each of these factors. These findings need to be revisited and allowed to inform criminal justice strategy.

## SENTENCING COMMISSION

The government is currently considering Lord Carter's proposal for a sentencing commission for England and Wales. Such a body, based on the existing Sentencing Guidelines Council, would offer judges clearer and simpler guidance to prevent 'sentence inflation', advise ministers of the impact on the prison population of new laws, and promote better public understanding of sentencing policy and practice.<sup>48</sup>

## COMMUNITY SENTENCES

Over two-thirds of people received into prison are serving a sentence of one year or less. As the Ministry of Justice has recognised, for many short-sentenced offenders, community-based punishments 'are proven to be more effective at reducing re-offending than short prison terms'.<sup>49</sup> For example, an order may include a drug treatment requirement where the offence was drug-related. Yet resources for these sentences are inadequate and efforts to increase public understanding of them have largely been tokenistic. Greater understanding and use of these sentences would lead to more effective and economic sentencing.

## MENTAL HEALTH

HM Chief Inspector of prisons has highlighted that too often prison is used as the default setting for people with mental health problems.<sup>50</sup> The establishment of a national network of diversion schemes at police stations and courts would divert people with mental health problems away from the criminal justice system and help reduce re-offending levels. Greater awareness and support for the needs of suspects and prisoners with learning difficulties and learning disabilities is also needed to reduce unnecessary imprisonment and to avoid discrimination while in prison.<sup>51</sup>

## WOMEN WHO OFFEND

The full implementation of the recommendations of the Corston review would significantly reduce the unnecessary imprisonment of women offenders. In particular, a network of support and supervision centres in the community enabling women to break addictions, receive mental healthcare, gain skills for employment and get out of debt would be a cost effective way of breaking cycles of offending.

## CHILD & YOUTH IMPRISONMENT

A report by the Prison Reform Trust found that many children in custody have not committed serious or violent offences despite the official policy of only jailing children as an absolute last resort.<sup>52</sup> For example, at least one third of those imprisoned have been locked up for non-violent crimes, like breaching Asbos or theft. Local authorities should take more responsibility for the existing £279 million annual budget for child custody. This would then provide them with a greater incentive to put in place measures to prevent offending and to provide robust alternatives to custody.

## FOREIGN NATIONAL PRISONERS

Around 14% of the overall prison population consists of foreign national prisoners. Over 1,000 of whom are currently held beyond their tariff. Many foreign national prisoners, on a case by case basis, could be returned to their home countries. A number are serving disproportionate terms for drug importation and their cases could usefully be reviewed.

## REMAND, RECALL AND IMPRISONMENT FOR PUBLIC PROTECTION

Media reports of high profile tragic cases have been allowed to drive sentencing policy, inflate tariffs and create a risk averse culture. This has limited use of home detention curfews and significantly reduced numbers approved for release by the Parole Board. It has led to a surge in recalls to custody and high numbers of people serving indeterminate sentences for public protection, over 650 of whom are already beyond their tariff. Some remedial action has been taken to limit the damage done by excessive use of recalls and badly drafted indeterminate sentences for public protection but as yet no action has been taken to limit the unnecessary use of remands to custody. Up to 55,000 people a year are held awaiting trial, approximately one in five will be acquitted and half will receive a non-custodial sentence. Action could be taken to increase bail support and the provision of halfway houses for those on remand.

## STRONG POLITICAL LEADERSHIP

Titan prisons policy is no policy at all. It represents a reckless and desperate attempt by government to 'build ahead of the curve' of projected prison numbers. The history of such attempts, clear evidence of the ineffectiveness of super-sized prisons and expert advice are all against it. Ministers' blinkered determination to make this gigantic and costly mistake exposes the government's failure to join up its social and criminal justice policies. Our political leaders would do better to build safer communities than to build Titan prisons.

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