



S04E01: Does Prison Work?

HOST

Richard Westcott (University of Cambridge)

GUEST SPEAKERS

Alison Liebling (University of Cambridge), Nicola Padfield (University of Cambridge), Arnaud Philippe (former IAST)

Richard Westcott 00:06

Hello and welcome to Crossing Channels. I'm Richard Westcott. "Does prison work?" That's the subject of the latest in our podcast collaboration between Cambridge University's Bennett Institute for Public Policy and the Institute for Advanced Study in Toulouse. As ever, we're going to use the interdisciplinary strengths of both institutions to explore a complex issue: Why is the prison population so high? How do offenders and staff experience prison and what can policy do to better rehabilitate ex-offenders?

Richard Westcott 00:49

To explore these issues, today we have Professor Nicola Padfield and Professor Alison Liebling from Cambridge University, Nicky start us off. What does your research focus on?

Nicola Padfield 00:59

I would say that I'm still primarily a lawyer rather than a criminologist, but my research in recent years has focused on sentencing, law and practice, and much more on what I would call backdoor sentencing, which is parole recall and the coming out of prison side, more than the going into prison side.

Richard Westcott 01:20

And Alison, what does yours focus on?

Alison Liebling 01:22

I've done research on the inner life of prisons for about 30 years, and I'm mainly interested in trying to conceptualise and measure what I call the moral climate of prisons, the work of prison officers and the effects of prison climates on prisoners.

Richard Westcott 01:38

Joining us from the University of Bristol is Arnaud Philippe, a former IAST fellow. So Arnaud, what does your research focus on?

Arnaud Philippe 01:47

So I'm trained as an economist, which means that I'm mainly using large administrative data sets, and after several years studying the way sentences are decided in France and in the US, I'm now studying mostly the effect of prison experience and on recidivism the way, like the people you met in prison, or the program you were participating, or just the length of your sentence affect your later life.

Richard Westcott 02:08

Okay, we're going to start with a stat now. The prison population in England and Wales has quadrupled since 1900 so back then it was 17,400 and in 2023 it was 83,100. So that's gone up four times, while the overall population, people aged over 15, has only doubled. So Alison and Nicky, perhaps let's start with you, Alison, why is the prison population going up?

Alison Liebling 02:37

It's going up because more people are crossing the custody threshold, so getting sent to prison by the courts. But mainly, I think because sentences have lengthened, we give very much longer sentences, and that means people getting sentences of, say, 42 years now. They obviously stay in the population as new people come in. So that combination of increased supply and then drastically increased length is what has led to this current build up.

Richard Westcott 03:08

So it does beg the question, why are sentences going up? What's driving that?

Alison Liebling 03:12

Yes, good question. Nicky can answer that one because a lot of it is to do with legislation and constraints on judges.

Nicola Padfield 03:18

It's a really difficult question. Alison's world, the sociologists would talk about popular punitiveness. Politicians have perceived people wanting longer sentences, so we can lay the blame, if you like, on politicians for driving up maximum sentences, bringing in lots more new laws about offenders of particular concern, or dangerous offenders. Personally, I think the Sentencing Council has a certain responsibility because they've been so keen on consistency and proportionality that you can be consistently getting longer and still feel that you're being consistent. Alison didn't mention two other quite important categories of prisoner, the unconvicted, the remand prisoners, and the recalled prisoners. And as far as I understand it, we are very unusual amongst our European neighbors for recalling so many people to prison during the second part. Most people come out at some point. And a lot of people think that's a they're out of prison early, but actually they come out on very tough license conditions, and the number of people being recalled has been shooting up.

Richard Westcott 04:33

Arnaud, let's bring you in here. What's the situation in France and across Europe? Is it similar to the UK?

Arnaud Philippe 04:39

In Europe, it's relatively similar. The UK is quite high in the distribution. But still, if you compare like European countries, we are around like 100 inmates per 100,000 inhabitants. It's slightly more for the UK, slightly less for northern European countries. If you compare it directly to France, like the stock of prisoner in comparison to the population is very similar. The reasons for that are quite different, because the flows in France are much higher, but the sentences are relatively shorter. The movements toward an increase in sentences is something that we observe more or less everywhere in Europe. But yes, what you what you observe in England, is something that seemed to be very coherent with the rest of continental Europe.

Richard Westcott 05:22

It doesn't seem to match the perception when you read newspapers and I don't know if this is the same for you, Arnaud in France as well. It's always a sense of the sentence that isn't long enough. Is that what do you think, what's driving some of this as well? The media perception of what's going on? The public perception of what's going on?

Nicola Padfield 05:39

If I could just respond to one thing that Arnaud said, which I would say there are two key differences with France. One is our very high number of life sentences, indeterminate sentences, and we in this country have about as many indeterminate sentence prisoners as the whole of what I might call Western Europe put together. So that's something very different in this country. Whether it reflects public opinion, the

public tend not to be as punitive if they're more informed. So there is a huge amount of public ignorance of what goes on in prisons. When people say they would be very punitive, research suggests that actually they very often wouldn't give a sentence any longer than the judge actually gave. And I think it's something that needs to be unpicked quite a lot. Some victims of crime obviously think that the person who did a dreadful event to them or their loved one should stay in prison forever. But I think more victims just don't want him to do it again. There's a very strong public urge to reduce reoffending, and one of the real tensions in our system is that if you really wanted to reduce reoffending, you wouldn't send them to the sort of prisons that we send them to for as long as we send them to.

Richard Westcott 07:04

Well, let's bring Alison in here, because what you're actually dealing with a lot in a lot of your work is finding out what the prisoners think as well. What's a prisoner's perception of how prison is used and whether it's good for reoffending, and those sorts of issues that we've just been talking about?

Alison Liebling 07:19

A lot of first time, prisoners are shocked that they don't get helped when they come to prison. They acknowledge that there's a problem, and they kind of said, I thought someone would help to rehabilitate me, or, you know, make my life better. And the other thing is that whilst material conditions matter, they don't seem to be the most important thing. So you can have a very good prison that's old and dilapidated in the middle of an old of a city, like Swansea prison, for example, because the staff know the prisoners and it's got a good climate. So what prisoners say the big differences are between prisons and over time is things to do with their relationships with staff, the help they get, how staff are using their authority, fairness. They're things to do with what I now call the moral climate. And we can show that it's those things that have the most impact on internal outcomes, like suicide and violence, but also external outcomes like reconviction.

Richard Westcott 08:22

You made a really interesting point there about the first time you go in, is there a sense then that we are losing people to crime because they're not getting help at that first point?

Alison Liebling 08:30

Yes, but I think that was the big shock for me when I first started doing research many years ago, was, in a way, how vulnerable the prison population seemed to be. I was working with young offenders, mainly at the time, but how often they said, you know, they had terrible lives and difficulties, and they really did think that this would be a turning point and that they would get help. And there have been periods throughout our history, and certainly some prisons, where that help is on offer, but we've moved a long way from that as a general framework.

Richard Westcott 09:01

Arnaud, I'm going to open a can of worms here now to you and ask you, almost probably an impossible question, what's the point of prison?

Arnaud Philippe 09:10

The French definition of prison is extremely vague because it tries to, like, bring everything together in the same article of the criminal code, saying that it should deter criminals, it should foster rehabilitation. It could sanction the crime, and it should protect society brought together without making any decision on the order of those different goals.

Richard Westcott 09:32

Nicky, let me bring you in on the point of prison.

Nicola Padfield 09:34

I would distinguish the point of sentencing from the point of prison, when a judge sits and sentences someone or a magistrate, what do they think they're doing? English law is like French law, very eclectic. We have a statutory list of ambitions, and they're deeply contradictory. So there's punishment. So punishment is for punishment doesn't help very much. The reduction of crime, including its reduction by deterrence. We know that deterrence doesn't work for most people, most of the time, largely because they don't think they'll be caught. The reform and rehabilitation of offenders, the protection of the public, the making of reparation by offenders to persons affected by their offenses. So a very complicated list which allows judges to pick up one or other from the hat, which I think is interesting. By the time you get to prison, the prison rules still say that the purpose of prison is to help offenders lead a good and useful life in rather old fashioned language. And so there ought to be a difference I think, that you go to prison, you're sentenced for certain purposes. But actually we could, within the prison system, focus on reducing reoffending, and we certainly shouldn't think that it's about punishment or about public protection.

Alison Liebling 11:00

All of these contradictory purposes are instrumental, and the prison fails to achieve any of them, and yet we still have the prison. And so one or two criminologists have pointed out and sociologists over the years that the prison masquerades as having these purposes, but actually it's not very successful at any of them. And yet we still use the prison because it's good at some other purposes which are much less explicit, like realizing political authority or drawing moral boundaries. And so governments find the prison very useful as a sort of communication instrument. So even if it's failing at its instrumental tasks, it's attractive because it's got these other tasks that we don't acknowledge. And sometimes, when we talk to prison governors about this, they start to understand why their jobs are so kind of confusing, because officially, they're asked to do all these things, but none of them work. Instead, there are these other sort of symbolic functions that are driving our attraction to prison. And I think it sometimes helps just to make that a bit more explicit.

Richard Westcott 12:08

Arnaud?

Arnaud Philippe 12:09

I just wanted to react to two things that have been said earlier, but just because it seems like to be something that we all agree on, the fact that deterring people is actually extremely hard, and for many, many reasons. [We did like a survey in not in France, in Czech Republic](#), to asking people actually in prison, what were their predicted, the predicted sentence they see for different types of crime. The truth is that they are actually extremely wrong when they try to guess what the sentence could be.

Richard Westcott 12:34

Did they underestimate the risk or overestimate it?

Arnaud Philippe 12:37

They tend to underestimate the risk, which was like, super surprising to us, because originally we wanted to run like an experiment, to de-bias them and to explain that it was actually more risky than what they thought. And the other thing is that we are talking also about a population that is extremely deprived. Just to give you, like some figure for the French population, everybody as spending time in jail in France, almost 30% of the population that is completely illiterate. I have, like 60% of the people who have addiction problem. I have 20% of the population that spend some time in psychological facilities or in hospital, etc. It's a population that suffers from from many other problems and that.

Richard Westcott 13:12

Now I want to talk about the prison experience. And Alison, obviously, this is a big area of what you're doing. What is the current prison experience? What are prisoners? What are staff telling you?

Alison Liebling 13:24

In general, there's a lot of distress, suicide rates are very high. There's a lack of safety, there's a lot of anger, which is new and increasing, and although the prison experience varies, so there are still some outstanding prisons where you can sort of feel life and potential and energy and some good practices go on. So I'm not saying that all prisons are the same, but in general, the experience of imprisonment is below the moral threshold that we would suggest creates good outcomes. So there's not much humanity, fairness, safety, relationships are not good and so on. It's generally a difficult experience I would say.

Richard Westcott 14:10

How far below that experience? How far has it slipped down when you're just losing people?

Alison Liebling 14:15

We've just done an [analysis of all the prisons moral climates over the last 10 or 11 years](#), and we tried to set a threshold to say, you know how many prisons reach what we would say is a good enough threshold, and by good enough, we mean not creating violence or suicide. And I think only about 14 prisons made it over the threshold and the rest didn't. And you would get exactly the same proportions if you looked at the recent Chief Inspector's Annual Report, where the Chief Inspector does the same kind of exercise, where prisons have to pass a test, and fewer and fewer of them are passing this test, and conversely, quite a lot of them are in a sort of special needs category. So the general trend is downwards.

Richard Westcott 15:05

Nicky, where does this sort of leave us? For example, we were talking earlier about how you get your parole. For example, the process of getting parole. If you're having that awful experience in prison, what's the experience of like trying to actually get released?

Nicola Padfield 15:19

If we're talking about parole, we're only talking about the 1000s of lifers and the recall defenders. The majority who are serving determinate sentences will come out when the system tells them to come out executive release. So there's no magic number for the fixed term people. Parole, which I've spent quite a lot of time looking at, is really, really challenging for prisoners because most of them don't get their parole, and then you have what they call a knockback, and you wait for at least two years for you another chance of parole, and you don't hear the date of your parole hearing for a long time, and then the date changes, and Alison's already mentioned, fairness. There's another concept which is much studied, which is legitimacy, and if prisoners don't feel that the system is legitimate, they're much less likely to comply with it. And another word which is really important, I think, and Alison has written a lot about this, is hope. You have to have hope that there's light at the end of the tunnel. False hope is worse than no hope at all. So it is a really difficult, difficult path to negotiate. From my point of view, the parole board, the parole process is just a tiny part, a tiny cog in a system which is more or less not functioning, and we expect far too much of the parole board when the whole system is just clunking.

Richard Westcott 16:58

It's interesting how the sense of injustice you're talking about. You think of it in terms of the public and victims and governments, but you don't necessarily instinctively think about it in terms of prisoners.

Nicola Padfield 17:09

Prisoners are human beings, and they're complicated human beings like the rest of us.

Richard Westcott 17:13

Okay, we've gone into some depth, really, about the problems. Let's talk about possible solutions. Lots of every country has prisons, lots of different things have been tried. Is there anything obvious that we can

see that has really worked somewhere where perhaps the reoffending rates have dropped right down because of a project in one country or another? What actually works, Alison?

Alison Liebling 17:35

Well, Norway always gets wheeled out as the star country, and it's not perfect by any means, but there's good reasons why the Norwegian model, if we call it, that, is being exported to other countries and even to some American states. So we know that Norway have a much lower reconviction rate. So something that they're doing works better. They treat imprisonment very differently. So the sentences tend to be much shorter. There's an absolute maximum of about 20 years as a life sentence. And their mission statement is creating better neighbors. And a lot of the services that work with prisoners are from outside. They're outside in rather than being part of the prison service. So whilst I understand that there's some breakdown in support within Norway for this system as criminal justice is also contested there. But as a model, the way they train their prison officers, for example, which is far better and much more thoroughly than we train ours here. They also pay them much better. The whole package seems to be pointing in the right kind of direction. But having said that, I would say I still think it's worth looking within our system and saying which of our prisons are doing well, and we have some that are outstanding. So Grendon, which is a therapeutic, our only full therapeutic community, seems to do very well, and is very well rated by prisoners. But we've also got some other prisons dotted around the country where they're innovative, or they're a bit off the radar, and they can do constructive things, but they tend to do it despite, rather than because of the way we organise things.

Richard Westcott 19:18

Is money the big factor here? We think of Norway you said they pay their prison officers better. These exemplar prisons, are they better funded?

Alison Liebling 19:25

No, it's not, it's not money. It's sometimes function or history or the fact that they're a long way from London. They might have a history of being a borstal. So a concept that we used to be very proud of, but we abolished it a long time ago. But a prison that has been a borstal may still have staff in it who remember that it was all about treatment and training and doing interesting and innovative growth, like things. Because you mentioned money, I'm tempted to talk about privatization. You might have that up your sleeve for later.

Richard Westcott 20:00

Well it is now.

Alison Liebling 20.01

Well, it is really important that one of the impacts of private sector competition, which many people don't realize, we have at least 15 private prisons, and we've had privatization since 1992 and that the purpose of privatization was to bring down the overall cost of prisons. So when we introduced privatization, they were much cheaper, which meant they spent less money on fewer staff. Some were better, some were worse. But the huge impact of this so called privatization experiment is that the public sector have been forced to bring their costs down to match the private sector. So all of our prisons are now much cheaper than they used to be, but that means they resemble private prisons, which tend to be full of inexperienced staff, a high turnover, not great use of authority, a certain amount of chaos and violence and all that I have to say, was very predictable from what we knew about the comparisons, the early comparisons between public and private sector prisons. So we know that there's a cost threshold, and we're below it.

Richard Westcott 21:10

Interesting. Nicky, probably talking about the wider system now. What things have you seen, or what ideas have you got that could actually make a difference here?

Nicola Padfield 21:18

It's very easy to see what's wrong with our system at the moment. If you wanted to help somebody put their criminal behavior behind them, you just would not send them to the vast majority of our prisons, as they are today. Alison's highlighted a lot of the problems which are within the prisons, which are dreadful, that people are banged up for nearly all the day with nothing to do. And actually it's the worst thing you wouldn't do it to your teenager, say, stay in your bedroom with nothing to do for 22 hours, and then you'll be better next week. I mean, it's a stupid idea. The next big area, which we haven't yet touched on, is the link from prison to the community. And you know, prisons have big walls, and we might think that they were designed to keep people in, but they also seem to have been designed to keep the rest of us out. And this move from prison to the community is really, really important. There have been many attempts in recent years, somehow to join up prisons and probation, but probation has remained the poor relation. There were the terrible Grayling experiments with the privatization of probation, which I think even he would say was a great mistake. And the probation service is really, really struggling to do whatever it should do. What it should do is problematic because again, when we talked about the purposes of sentencing, we didn't then talk about the probation service, which in my youth, used to be about assisting, befriending and helping offenders is now much more like monitoring and supervising and risk prediction. So we've lost that supportive part of the probation, but forget that we've also got a probation service which is on its knees anyhow, and that's one of the big problems about people being released early. It's crazy to release people from prison, homeless or without access to mental health support or drug support or whatever, and some people are going to be back in prison very quickly.

Richard Westcott 23:36

Again, it sounds like money is going to be a key factor here, you're talking about the probation service being on its knees. You know, we hear about the criminal justice system in general being on its knees. That

sounds like it's going to take investment and we've got a government at the moment in the UK and you know, France isn't having the easiest economic time as well who haven't really got the money to spend on these things.

Alison Liebling 23:59

There is one question that money is often mentioned, but there is another way of saving money, and that is bringing sentences back into proportion and spending more money on fewer people. And there are economists out there, I don't know whether Arnaud is in touch with any of them, who have demonstrated that the countries that have better outcomes spend less money overall, but more money per head than other countries. So it's slightly frustrating that we've actually expanded the prison population, but in order to do that, we've made prisons cheaper, and that results in poorer outcomes. So we could have gone down a different road, which is spend the same amount of money. But more wisely.

Richard Westcott 24:40

Let's conclude this then. Let's think forwards, and I'm going to give you one thing that you can do to improve the prison experience. I mean, it really sounds like improving the prison experience for prisoners, and improving that sense of justice for prisoners about the punishment that they're getting is critical to making them feel like they might not want to do it again. You know, they feel a more valued part of society. So come on, then, Alison, you've got one thing you could do. What would that one thing be? To improve the prison experience, to improve that sense of justice amongst prisoners.

Alison Liebling 25:13

To use it less, more strategically, and to turn prisons into growth, opportunity institutions to completely reverse the focus on making them painful and to try and target those who need it and give them help and make the job meaningful for prison officers.

Richard Westcott 25:37

Nicky?

Nicola Padfield 25:38

In order to introduce the humanity really that Alison's mentioning, you've got to, I fear, target the whole system. So we've got to encourage the judges to be much more focused on what Alison is saying. Personally, I like judicial supervision of sentences, which happens much more in France than it does in England. We've got to worry about the backlog of people awaiting their trials. We've got to encourage the change that Alison speaks of within the prisons, but also within the probation services and the public. And I think perhaps my one, if I was only allowed one change, it would be much more public debate of this subject to try and move away from this feeling that so many people have, that the public are punitive.

Because I don't think that most people, when they really think about the system, are as punitive as the politicians tend to think.

Richard Westcott 26:38

Arnaud, I'll leave the final word to you,

Arnaud Philippe 26:41

I fully agree with that. I think if we want to improve the system, we need to put less people and spend more per individual. And there are several rational for that. First, increasing constantly the number of people you send in prison is useless, because it doesn't really deter people. And as most of your voters do not really know how many people are in prison, you do not really gain on that, on that side. And one thing that we didn't discuss yet, but when you are in prison, you are marked by the fact that you have been in prison and it changed your your social group. And that's extremely detrimental. When you send somebody in prison, he gonna make criminal connection. He gonna meet some people who are like drug dealers, who are robbers and etc, and you're going to socialize into that environment. And it's probably not a very good idea, and it's probably not a very good idea, especially for those you send there for one month, two months, three months, it's very unlikely that you will create anything good over that amount of time, and it's very likely that you're going to socialize them into a very detrimental environment.

Richard Westcott 27:40

Well, that's all we've got time for on this episode. Thank you to Nicky Padfield and Alison Liebling from Cambridge University and Arnaud Philippe from Bristol University. So let us know what you think of this latest episode of season four of Crossing Channels. You can contact us via Twitter. The Bennett Institute is [@BennettInst](#). The Institute for Advanced Study in Toulouse is IAS Toulouse [@IAS Toulouse](#) and I am [@BBCwestcott](#), even though I left the BBC but I kept the name. If you enjoyed this episode, then do listen to our other crossing channels episodes, notably our latest edition on compulsory retirement for society's leaders. And please join us next month for the next edition, where we'll be looking at the mental health crisis.