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RACE RELATIONS IN PRISON: MANAGING PERFORMANCE AND DEVELOPING ENGAGEMENT

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Abstract

This paper explores the paradox that whilst the quantitative measures of prison performance in relation to 'race relations' indicate substantial improvements in service delivery, more qualitative measures of the quality of prison life appear to indicate little substantive improvement in race relations. Using the underrepresentation of Black and Minority Ethnic (BME) prisoners in accredited offending behaviour related prison programmes as a case study to explore understandings of race relations, the paper reflects on whether the under representation indicates the operation of racial discrimination by prison staff or a refusal to participate by prisoners. It also explores other explanations for this phenomenon relating to the enactment of positive ethnic identities and resistance to programmes that ignore such identities. The paper concludes by considering the challenge of developing an *active* prison culture that validates all ethnic identities in culturally appropriate ways.

Introduction

This paper has its origins in our attempts to understand and respond to the underrepresentation of BME sex offenders on the Prison Service of England and Wales' sex offender treatment programme (SOTP) (Cowburn and Lavis et al 2008a, 2008b). However, it is also influenced by our recent experience of undertaking research funded by the Economic and Social Research Council which sought to explore how issues of diversity within the prisoner population are responded to in HMP Wakefield[1]. In carrying out that research we became sensitised to the existence of parallel, yet often conflicting, 'stories' of prison performance. Such conflicts generate difficulties for researchers in accounting for practices, particularly where standardised [quantitative] measures of performance tell a different story than first hand observation and the told experience of staff and prisoners. This tension is consistent with Cheliotis and Liebling's (2006) argument that performance measures *count* but do not *account* for issues related to race relations in prison. Using the case study of accredited offending behaviour related programmes in prison we explore what inhibits and what facilitates the participation of Black and Minority Ethnic prisoners in prison life. These programmes are a key element in mapping prisoners' sentence plans and in preparing them for living without committing offences when released from prison; as such involvement with these programmes would appear to be essential for all prisoners. This paper highlights the evidence of ethnic minority non-participation in accredited offending behaviour programmes. It considers ways of understanding this phenomenon that includes theorising the development and enactment of positive identities.

In this paper we use the term 'BME' to refer to Black and Asian minority ethnic prisoners. This term is used in the Impact assessments of Prison functions in England and Wales (H. M. Prison Service, 2007a, 2007b, 2007c; 2008a, 2008b, 2008c). Aspinall (2002: 803-805) points to the limitations of what he calls 'pan-ethnic' terms. Moreover, the Prison Service recognises that the term has limited utility, particularly in distinguishing particular ethnic

Comment [V1]: Pauline we have revised this section in line with your suggestion to respond to the reviewers point 1.

groups; thus from the second quarter of 2008 it introduced a new database (SMART II) which enables more sophisticated analysis of ethnic groupings (it uses six categories – Asian, Black, Mixed, Other, White British and White Other).   Presumably future Impact assessments will reflect this complexity. However, the focus of this paper is 'race relations' which are largely predicated on skin colour rather than detailed ethnic differences, so the use of pan-ethnic terminology is appropriate. Where we use the terms "Black" and "White" to denote race (as defined only by skin colour) we use capital letters to denote the ideological constructs implicit in the terms, however where cited sources use the terms we reproduce the original typographic case.

The paper first outlines how performance in relation to 'race relations' is managed in the prisons of England and Wales. It then presents demographic data related to the ethnic makeup of the national prison population and the non-participation of BME prisoners in Offending Behaviour programmes. It moves on to develop an understanding of BME prisoner (non) participation in offending behaviour programmes, and concludes with an exploration of how prisons may move from monitoring discrimination to encouraging participation.

Performance management in the Prisons of England and Wales: Race Relations

> Performance information shows how well an organisation is performing against its stated objectives. Knowing how well the organisation is currently doing is essential in developing strategy and policies to meet the organisation's aims.
> (H.M. Treasury 2001: cited in Liebling & Arnold 2005:57)

The information related to the performance of the Prison Service of England and Wales is prescribed by a 'framework of targets or standards' (Liebling and Arnold 2005: 56-57). Three key sources of data are used to assess the performance of the organisation as a whole and of individual establishments; these are – 'Key Performance Indicators and Targets (KPIs and KPTs) and Standards Audit ratings of compliance with specified policy processes … [and] the Prisons Inspectorate.' (Liebling & Arnold 2005: 57). Of these three sources KPTs are more numerous and although most are set centrally there is some scope for local variation. They represent a more detailed (establishment specific) way of providing evidence in relation to KPIs.

In the specific context of race and ethnicities in prison, a revised national policy was set out in 2006 in Prison Service Order 2800 'Race Equality' (H.M. Prison Service, 2006). It notes in chapter 4.11 (Management of Information) that:

> The Key Performance Target (KPT) on Race Equality (Operational) has been constructed to give an assessment that reflects a balance of processes, outcomes and perceptions (p,11).

This KPT was subsequently revised in April 2008. Currently, the scoring for the target is configured with the following weightings: 'Outcomes: 15%, Process 40% and Perceptions 45%). The data for 'outcomes' is obtained from the SMART II database, for 'process' from the Standards audit and for 'perceptions' from the Measurement of Quality of Prison Life (MQPL) survey and the National Visitor Survey' (Barnett-Page, 2009).

Since its introduction in 2006, and subsequent revision in 2007, there is evidence that the KPT is having an impact on prison practice. Moreover, the quantitative measurement and the grading and reporting of performance have led to improved scores of individual prisons (NOMS, 2008: 31).

A further means of measuring aspects of race relations in prison; impact assessment, was introduced with PSO 2800 (H. M. Prison Service, 2006: 12)

> … the Prison Service has undertaken in its Race Equality Scheme to impact assess those functions, policies and practices considered relevant to race equality and to publish the results of those impact assessments.
> The impact assessment process provides the means by which the Prison Service:
> - assesses proposed and current policies for any effects they might have on the promotion of race equality;
> - consults people who are likely to be affected by those policies;
> - monitors policies for any adverse effects they might have on people from different racial groups;
> - takes action to correct any adverse impact found, through timed action plans.
>
> The impact assessment process is central to the management of race equality in establishments. It is a structured method that the Governor and Senior Management Team must use to eliminate any discriminatory effect of each of the policies and practices within the prison and to demonstrate their commitment to the promotion of race equality. It is a particularly effective way for the Race Equality Action Team to promote the integration of race equality issues into the management of the establishment and to ensure that such issues are considered as a routine part of all policy-making and management decision-making.

PSO 2800 (H.M. Prison Service, 2006: 12) also notes that an Impact Assessment is 'a systematic way of finding out whether current or proposed functions, policies or practices affect different racial groups differently'. In summary, KPIs and KPTs help prison managers to focus on making activities and practices in Prison Service establishments congruent with the expressed objectives of the Prison Service. Impact Assessments serve to highlight areas where different racial groups receive different treatment. However, Liebling and Arnold (2005: 68-70) point to the dangers that an over-preoccupation with counting that things have (or have not) been done potentially ignores *how* things are done. In the next section we focus on issues raised by impact assessments of accredited offending behaviour related programmes and in the sections that follow we consider matters relating to *how* things are done on these programmes and how they may be explained.

The Underrepresentation of BME Prisoners in Offending Behaviour Related Programmes

The prison population of England & Wales is ethnically diverse with BME prisoners currently making up 27 per cent of the overall population (NOMS, 2008). Table 1 shows that this proportion has been steadily increasing over the last fourteen years.

Table 1 BME proportion of the prison populations of England and Wales (derived from NOMS 2008: 6)

Year	Proportion of prison population of England and Wales that identifies as BME
1995	17 per cent
2001	19 per cent
2006	25 per cent
2008	27 per cent

However, although these proportions continue to show that Black and Minority Ethnic people are substantially over represented in the prison population of England and Wales (Phillips & Bowling , 2007), they are significantly underrepresented in participation on the various accredited groupwork programmes organised and delivered by the Prison Service. All Impact Assessments (http://www.hmprisonservice.gov.uk/abouttheservice/racediversity/raceequalityscheme/impactassessments/) in relation to accredited offending behaviour related programmes indicate that BME prisoners are significantly underrepresented. The Impact Assessments that we have reviewed are: Cognitive self-change programme (H. M. Prison Service, 2007a); Cognitive Skills Booster programme (H. M. Prison Service, 2008a); Healthy Relationships Treatment Programme for Domestic Violence Offenders (H.M. Prison Service, 2007b); Sex Offender Treatment Programme (H.M. Prison Service, 2007c) ; Substance Treatment Offending Programme (H.M. Prison Service, 2008c); Counselling Assessment Referral Advice Throughcare service (CARATs) Standard Groupwork Packages (H. M. Prison Service, 2008b). Whilst some of these assessments try to account for the underrepresentation of BME prisoners, it is clearly a matter that demands further exploration and remedy.

Prison Programmes: Towards an Understanding of BME Prisoner (non) Participation

In seeking to understand the underrepresentation of BME prisoners in accredited offending behaviour related programmes, a number of issues need to be considered: (i) do BME prisoners have equal access (in comparison with White prisoners) to these programmes? (ii) do all accredited programmes facilitate the participation of BME prisoners? and (iii) do accredited programmes contribute to BME prisoners' positive ethnic identifications?

(i) Do BME prisoners have equal access (in comparison with White prisoners) to accredited programmes?

In order to participate in the various accredited prison programmes a prisoner has to be nominated to do so – that is to say a prisoner has to be referred to the particular programme. This normally takes part at the 'sentence planning' stage of the sentence. Not all programmes are held in all prisons thus local prisons may be required to identify suitable prisoners for accredited offending behaviour programmes held in other prisons.

Little is known about how this process of nomination operates and it may be that some form of discrimination (intended or otherwise) operates at this stage. The Impact Assessment on the 'Substance Treatment Offending Programme' (H.M. Prison Service, 2008c: 3) notes:

> There is no documented evidence to demonstrate that individual establishments analyse and act upon data they collect and send to the Interventions Group. Therefore it is not clear if the Local Management Team (LMT) for the programme

> are aware of the lack of BME groups engaging in the programme and if they are what strategies are being put in place to resolve this issue.'

Similar concerns are also raised in the Impact Assessment in relation to the Sex Offender Treatment Programme (H.M. Prison Service, 2007c: 2)

> These monitoring arrangements are robust and give a good picture of programme take-up. However, it is a weakness in the current system that individual prisons may not monitor their treatment population and make local comparisons.

Impact Assessments point to the possibility that BME prisoners' access to accredited Prison programmes is obstructed during the processes of referral. At present little is known on a systematic basis about what happens during the operation of local prison selection procedures and how consistent they are across the sector.

A small piece of research jointly conducted by three prisoners and a senior research officer at HMP Grendon point to some potential difficulties experienced by BME prisoners attempting to access specialist prison resources (Sullivan, Gyamfi et al, 2007). HMP Grendon is a specialised prison resource organised on therapeutic lines; prisoners are referred to this prison from other establishments, but there is considerable competition for the limited places available. Reflecting on the processes that inhibit/obstruct BME prisoners' access to Grendon, they note (Sullivan, Gyamfi et al 2007: 11):

> Grendon has traditionally had difficulty in getting accurate information about itself to the wider prison estate. As a result prison staff may have inaccurate and erroneous beliefs about the kind of people who would be suitable referrals. At its worst, this might mean that discriminatory or racist attitudes could result in BME individuals not being seen as suitable for Grendon because of their race or culture. In this case it could be very difficult for an individual to get the appropriate cooperation from staff to support their application.

One of the prisoner authors comments:

> I felt staff that dealt with my application didn't want me to come to Grendon, I think in a way they sort of saw me coming to Grendon as a progressive move, you know, me going to better myself and they did everything they possibly could to stop me from coming to Grendon. (p. 11)

Clearly, the processes whereby prisoners are referred to specialist resources, including accredited offending behaviour related programmes, within prisons and the wider prison estate are not separately audited. The internal obstructions to ethnic minority groups accessing specialist resources is an area that requires systematic national research and perhaps incorporating into a KPT to ensure that standards are regularly monitored.

(ii) Do accredited programmes facilitate the participation of BME prisoners?
Issues that relate to a person's willingness and ability to participate in a groupwork programme are the treatment style and contribution of the groupwork leaders and the content of the programme. The Prison Service has begun to consider both of these issues; small internal research projects are finding that BME prisoners (H.M. Prison Service, 2007a: 4):

- Commonly feel marginalized, stereotyped, misunderstood and discriminated against on offending behaviour programmes.
- [Find] … programme materials to be Eurocentric and do not find them relevant to their life experiences.
- Felt staff did not have enough knowledge of their culture or background and could discriminate on this basis.
- Could feel marginalised when the group was not a diverse mix of ethnicity.

Moreover they have also found that staff who lead the various programmes:
- Feel they lack knowledge about different cultures and religions.
- Felt confident at recognising outward signs of isolation, such as withdrawal or poor attendance, but did not realise that marginalized BME group members may not display observable signs of isolation.
- Strongly desire more training in cultural sensitivity, awareness and cross-cultural communication skills.

Interestingly, both prisoners and staff felt that staff did not have appropriate cultural knowledge. Prisoners point to the inability of staff to notice and manage negative experiences within groups, yet the staff respondents felt that they were able to address this issue. Issues of isolation and lack of cultural familiarity make it very difficult for BME prisoners to fully participate in groupwork programmes whether accredited or otherwise. Their opportunities to communicate fully about who they are and how they feel about themselves will be severely restricted. This inevitably will restrict how they are able to 'be' within the group and may necessitate them making uncomfortable adjustments to accommodate the dominant culture of the group. This issue is explored more fully when we discuss issues related to identities and identification below.

(iii) Do accredited programmes contribute to BME prisoners' positive ethnic identifications?
In addition to the concerns about culture and isolation, a further issue of concern that the above research highlights is the Eurocentric nature of the content of the programmes. The focus of accredited offence related group work programmes is to identify and replace/challenge distorted patterns of thinking, which are argued to underlie offending behaviours. The development of appropriate treatment for people who have committed offences has been has been a far from straightforward process. In 1995 McGuire and Priestley reviewed the then extant literature on offender treatment and concluded that whilst psychotherapeutic models, medical models and punishment did not 'work' to reduce re-offending, the cognitive-behavioural (CB) 'approaches' were 'the most promising' (1995: 16). Since that time there has been an exponential growth in CB approaches to working with offenders. Panels of experts now accredit CB programmes in both the community and in prison before they are delivered to groups of people convicted of offences (Rex et al., 2003). A key feature of CB approaches is the identification and exploration of the link between feelings, thoughts and actions – particularly in relation to offending behaviour and other harmful actions (e.g. substance abuse, the violent expression of anger) (Friendship et al., 2002). Potentially underpinning these programmes is the assumption that there is a 'right' and a 'wrong' way of thinking (Cowburn, 2006). This assumption ignores identity-specific cultural issues that inevitably vary considerably and may offer many alternative 'right' ways of thinking (Rex and Lieb, et al 2003; McGuire 2002).

Hwang (2006: 702-703) notes that relatively little is known about the efficacy of empirically supported treatments for people from diverse ethnic and cultural backgrounds. He concludes that there is a need to understand relational dynamics and to attend to the complexities involved in treating people from ethnic minorities. Owusu-Bempah & Howitt (2000) highlight that Western approaches to psychology are predicated on Western notions of what it is to be an individual and that these notions are not shared by people from African and Asian cultures. Similarly Sue & Sue (2003) point to the importance of understanding differences in cultural worldviews, socio-political issues, assumptions and biases as potential barriers to effective treatment, and cross-cultural communication styles. They particularly highlight the danger of Western therapeutic approaches pushing non-Western clients toward potentially maladaptive cultural changes (e.g. Asian Americans being pushed to adopt individualistic self-care strategies that ignore socio-cultural context, such as collectivistic notions of family) (Sue & Sue 2003: 711).

Such issues are important since the issue of what it is to be a person (an individual) and how a person can change is at the core of accredited offending behaviour programmes and influences the culture in which the programmes are delivered. The context of prison and the dominant culture of the group work programmes therefore shape the ways in which prisoners are able to articulate their various identities.

Performativity in Prisons: Theorising Identification and Resistance

The issue of what or who a person is and how identity is made up has troubled theologians (of many faiths), philosophers, sociologists, psychologists, and many practitioners of what is currently called the 'humanities'. It is not the purpose of this section to review this literature. However, one distinction in these ontological explorations is of significance to the current discussion, namely, whether 'identity/ies' are 'essential', that is preconfigured, or whether they exist through 'doing', through performance. The focus in this section is on identity as something that is constantly being achieved rather than something as fixed and rooted in a person's essence. In 1959, Erving Goffman theorised identities as being 'dramaturgical'. Through this notion he presents a model of identities that is based on an analogy to the theatre and in particular the theatrical role. A role is established and sustained through performance ('frontstage'), with a variety of behind the scenes support ('backstage'). Identities are performed in contexts that sustain or negate them. Aspects of the 'frontstage' are both what the performer does but also how s/he conceives her/his role. 'Backstage' elements may include other people in the social context where the performance is taking place and the physical space/place where the performance is taking place. Other people can be actively colluding with the performance or be deceived into supporting the performance. Goffman (1959) suggests that presentation (of self/ves) to others is an intentional act through which one aims to strengthen affiliations to specific groupings.

The concept of *performativity* was first developed by the feminist philosopher Judith Butler (1989). In taking issue with essentialist notions of gender, Butler (1989) suggested that gender was something that did not pre-exist. She argued that it was not fixed, as in biological or functionalist definitions, but was something that was *dynamic, contingent and dialogical:* it was performed – i.e. it did not exist prior to the 'doing' (of gender). Thus for Butler a person enacted a variety of 'gendered' identities at different times and in different places. The nature of these identities was contingent upon time and place. Richard Jenkins (2004: 4) clarifies the nature of identity/ies understood in this way:

> There is something active about identity that cannot be ignored: it isn't 'just there', it's not a 'thing', it must *always* be established.

He (Jenkins 2004: 5) suggests that attention should be paid to the identifications of individuals and groups, and that identifications 'can be minimally defined as the ways in which individuals and collectivities are distinguished in the social relations with other individuals and collectivities'. Identifications are, he suggests, ongoing, dialogical, contested and (sometimes) reciprocal. The process of identification is sustained (for it is never completed) through what Jenkins (2004: 7) terms 'repertoires of identification'. Without a shared comprehensible way of communicating, identification and identities would not be possible (Jenkins 2004).

Within a prison context such identifications occur through the assertion of, negotiation with and resistance to power. Through these negotiations prisoners try to find ways of successfully asserting their agency despite the weight of power lying with prison staff. Wilson (2003) describes how young Black men in the in the wider community adopt 'the Game' as a way of dealing with authority figures. The game involves two distinct strategies - 'going nuts' or 'keeping quiet' – which are deliberately chosen according to situations. Wilson describes how 'the Game' is used in Young Offender Institutions. Both strategies rely heavily on the contest with prison authorities (the 'govs') and the support from the ethnic peer group. The overt contest is enacted primarily through 'keeping quiet' – not participating actively in prison life – and occasionally by 'going nuts' (the phrase needs no other explanation). It is in contact with the peer group that ethnic and male identities receive recognition and affirmation. Bosworth and Carrabine (2001: 502 – emphasis added) suggest that:

> In order to engage actively with the regime and with one another, *prisoners must successfully construct themselves as agents, despite the restrictions placed upon them.* To do so, they draw on their lived experiences outside the prison walls. In turn, the strategies of resistance they select or reject, and the issues they try to subvert or support, reflect their race, gender and sexuality …

Foucault (1984) argues that resistance to dominant ascriptions of identity is not only seen in direct action, like those articulated in 'the game', but also through repertoires of identification. A dominant ascription of identity to people locked up in prison is based on the crimes that they have committed. The National Offender Management Service (NOMS) is the executive agency of the Ministry of Justice (2009: 6). In the 'values' section of its business plan for 2009-10 to 2010-11 NOMS (2009: 2) states that it will 'treat offenders with decency and respect'. In our current research project we have encountered many prisoners who reject the name 'offender'. Although we have not systematically explored this issue, anecdotally it points to issues of contested definition. Whilst they accept that they *were* once offenders, they resist this identification, arguing that they are not *currently* offenders. Rather, they offer constructions that privilege their *current* status, namely 'prisoner' or 'inmate' rather than past behaviours.

Prison based programmes are concerned with issues relating to offending behaviours and change. The CB approaches informing prison accredited offending behaviour programmes are not informed by the theorising identify as 'fluid' and 'performative'. Rather they are based on notions that the concept of 'identity' is visible and identifiable through the behaviours in which we engage. These behaviours are theorised to be guided by our

cognitive structures [attitudes] and these, although relatively stable, can be adapted and changed through sustained cognitive re-training. The challenge for these programmes is to provide an environment that challenges offending behaviour but also offers the opportunity for all prisoners to develop and 'perform' positive identities that are widely affirmed and acknowledged.

From Discrimination to Participation

Whilst the KPT on 'race equality' is designed to explore 'processes, outcomes and perceptions' there has been little or no exploration of the non-participation of BME prisoners in accredited offending behaviour related programmes. Such programmes are a fundamental part of the penal process and the absence of BME prisoners in this area is a cause for concern. Although, PSO 2800 (H.M. Prison Service, 2006: 10) states:

> Ethnic monitoring can be used to assess whether the Service offers equality of opportunity and treatment to all groups of prisoners. It can also tell how and why establishments and policy leads are not achieving this goal.

the case of accredited offending behaviour related programmes casts doubt on this assertion. Impact assessments clearly point to the fact that few BME prisoners are entering these programmes; however whether this is merely a failure to offer them an equal opportunity to do so, or whether it is something much more complicated remains unclear. Perhaps, the challenge for the Prison Service is not to understand non-participation but to begin to understand *participation* of BME prisoners. A recent Impact assessment (H.M. Prison Service 2007d) on the usage of the prison gyms and physical exercise facilities reports *over usage* of this resource by BME prisoners. Drawing on Bosworth and Carrabine (2001), it could be that the P.E. facilities or regimes within those facilities enable prisoners to transcend cultural boundaries and develop and sustain positive identifications. The issue of whether the identification relates to gender or race points to the need to develop a more complex concept of identity that is not only fluid and contingent but allowing of multiple (Harré & Van Langenhove 1999) and intersecting identifications (Crenshaw, 1991). For example, Sabo (2001: 65) acknowledges the complexity of meanings that physical 'hardness' and fitness may carry inside (and outside) a prison:

> Men cultivate their bodies in order to send a variety of messages about the meaning of masculinity to themselves and others. Whereas conformity to the credo of hardness for some men feeds the forces of dominance and subordination, for others athletics and fitness are forms of self-care. Whereas many prison jocks are literally playing out the masculine scripts they learned in their youth, others are attempting to attach new meanings to sports and exercise that affirm health, sanity and alternative modes of masculinity.

Comment [V3]: We have removed our further commentary on the quote in order that it does not detract from the use of the quote to illustrate our point that identity and its identifications and practices is a complex issue.

Conclusion

This paper is concerned both with performance and accountability in dynamic contingent relations. The non-participation of BME prisoners in many accredited offending behaviour related programmes was identified through the accountability process of Impact Assessment. A significant proportion of the prison population, identified by ethnicity, who do not participate (for reasons as yet unidentified) in a significant part of prison life must be a cause for concern for prison authorities. Understanding this phenomenon and how to change it can be developed by theorising identifications within the prison context.

End Note

1. 2009 Economic & Social Research Council (ESRC). *Appreciative inquiry into the Diversity Strategy of HMP Wakefield*. Award number RES-000-22-3441.

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