

Crime in prisons: Where now and where next?

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PCC regions covered are:

Staffordshire, Warwickshire, West Mercia and West Midlands

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1 | Introduction

The vast majority of people in our country are law abiding and simply want to get on with their lives in a safe and secure environment.

It is impossible to describe any aspect of prison in such a simplistic way. People end up 'inside' in many different circumstances relating to all sorts of crimes. Complex, sad and chaotic personal circumstances are not unusual.

Some prisoners are individuals who simply need to be kept away from society. Others could be considered foolish or misguided and many vulnerable because of issues around mental health... identified and not.

The complexity cannot be overestimated of running prisons and keeping everyone there safe, as well as trying to make it less likely that individuals will reoffend after release. The impact of success and the consequences of failure have a tangible effect on wider society and local communities.

The work I have done on behalf of all four Police and Crime Commissioners representing five million people in the West Midlands region is to help understand better how prison impacts other parts of the criminal justice system and how other parts of criminal justice impacts prisons.

This report is not a study about what causes criminality in society. Yes, of course, aspects of the work touch on what helps to reduce reoffending but at its heart, it is a detailed examination of the very practical challenges prisons in the West Midlands region face day-to-day.

Central to this has been understanding what things, big or small, easily done or not easily done, might help all agencies involved with criminal justice to work better together to tackle criminality in the prisons themselves.

This work was kicked off with a meeting of more than forty professionals from all criminal justice agencies across the region. What developed at that first meeting was a wide-ranging discussion with the views from each agency feeding into the views of other agencies.

The sense of determination and 'joint endeavour' was clear. However, what wasn't clear was a sense that all agencies had a detailed enough understanding of the issues and the challenges faced by others. In short, agencies must try to achieve their own objectives but do so whilst also helping others in the wider system to achieve theirs. Doing that would result in a step change in the effectiveness of the whole criminal justice system for our society. The sense of understanding that was palpable.

It motivated ongoing professional conversations as well as agreement by all to bring together the findings and provide a sense of what could change for the better. That work is ongoing and the report serves as a stimulant to do more, understand more and, importantly, understand more about the priorities and challenges in other parts of the same criminal justice system.

As part of this work I visited most of the prisons across the West Midlands. I want to convey my gratitude to the Governors and Leadership Teams who hosted us so incredibly well. The visits were exhilarating, eye-opening and, at times, pretty depressing but speaking to so many professionals in their working environments was very helpful.

The strength of this report is that it doesn't try to be strategic or tactical. It is the result of listening to professionals across criminal justice in order to provide a stimulant to think, and yes imagine, how things big and small, strategic and day-to-day might work better for whole system results.

Thank you to everyone who has played a part in this work and developing this report.

Matthew Ellis
(Staffordshire)



2 | Overview

This report specifically considers the issue of ongoing criminality in prison custody. This research project was funded by the four PCCs in the Midlands' region: Staffordshire, West Midlands, West Mercia and Warwickshire. However, the research has extended to consider the national context and policy agenda. The Government, and specifically Rory Stewart as Prisons Minister, has recognised that crime in prisons presents a pressing, significant, and contemporary challenge, and that is a point on which we concur.

The nature and scale of ongoing criminality in prisons presents a challenge not only from a policing and prisons management and operational perspective, but to society more broadly. The police and criminal justice system seek to utilise prison as a disruption tool – to incapacitate offenders and to protect the community more widely. There is evidence that, at present, this function is being undermined.

This report seeks to add empirical weight to the arguments about criminality in prison but also provides something of a starting point to consider how we can better create prison conditions that prevent and respond to crime in prisons when it occurs. It also looks at the phenomena of crime in prisons as it is understood by people in frontline agencies, police, prison staff and managers and prisoners themselves, as an attempt to begin to add more empirical evidence to debate.

3 | Prisons in Context

Crime-free prisons are safer prisons. Yet, there is a common acceptance both within government and more broadly that, over the last five years, there has been a significant and noticeable decline in prison safety and security. In 2015 and in his last annual report as Chief Inspector of Prisons, Nick Hardwick said, prisons were: “in their worst state for a decade” (HMIP, 2015). Similarly, the Justice Select Committee noted that there has been an: “ongoing and rapid deterioration in prison safety in England and Wales which began in 2012”, before adding:

“The [Ministry of Justice] and NOMS have sought to improve prison safety through a wide range of legislative, operational and staff recruitment measures, including the creation of new offences of possession of new psychoactive substances and knife possession in prison and action to address violence through the use of body-worn cameras and to improve safeguarding procedures. Notwithstanding these considerable efforts, together with those of staff in prisons striving to keep prisoners and themselves secure and unharmed, overall levels of safety in prisons have not stabilised as the Ministry hoped, let alone improved and continue to deteriorate significantly. We say that this is a matter of great concern, and improvement is urgently needed.”
(Justice Committee, 2015: 4-5)

The current Chief Inspector of Prisons, Peter Clarke, has continued to note his concerns about declining safety and security and rising crime in prisons, stating that “the year 2017–18 was a dramatic period in which [we] documented some of the most disturbing prison conditions we have ever seen – conditions which have no place in an advanced nation in the 21st century... violence, drugs, suicide and self-harm, squalor and poor access to education are again prominent themes” (HMIP, 2018).

There were 22,374 prisoner-on-prisoner assaults in the 12 months to March 2018 (a rate of 262 per 1,000 prisoners), up 16% from the previous year, and a new record high. The latest quarter (January 2018 – March 2018) saw 5,901 incidents, an increase of 6% from the previous period.

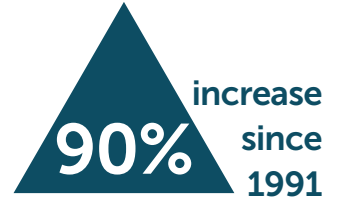
There were 9,003 assaults on staff in the 12 months to March 2018 (a rate of 106 per 1,000 prisoners), up 26% from the previous year. In the latest quarter, staff assaults increased by 4% to a new record high of 2,427 incidents, and while there has been a change in how staff assaults have been recorded (since April 2017, which may have increased the recording of incidents) the picture is one of alarming levels of violence in prisons at present. Such a decline in prison conditions sits alongside an increase in prison disorder and insecurity, including: high profile incidents at prisons such as those at HMP Birmingham, HMP The Mount and HMP Bedford; the fatal stabbing of an inmate at Pentonville (followed by a collapsed criminal trial); the murders of prisoners at HMP Woodhill and HMP Nottingham; and record finds of mobile phones, sim cards and drugs (MoJ, 2018). Without wishing to dwell too much on the negative issues of prison safety decline, prison safety today continues to be a concern, and understanding this is vital to understanding issues of criminality in prisons as the two are symbiotic.



up 16%
from the previous year
and a new record high



85,000
prisoners in England and Wales



90% increase
since
1991

There is some disagreement about whether the situation has recently emerged, or whether there has been a sustained deterioration in prison conditions over several years – a decline that has been most notably and recently highlighted when the Government announced it was taking back control of HMP Birmingham from private contractors G4S.

While contemporary reports paint a picture of daily outbreaks of violence, cell fires and self-harm across the prison's estate, the notion of prisons in crisis has existed since the Strangeways disturbance in 1990 and perhaps the principal reason for this is that of numbers. England and Wales saw a significant increase from almost 45,000 prisoners in 1991, to 60,000 by 1997, and now some 85,000 two decades later – an increase of nearly 90%. Numbers in prison remain stubbornly high and are predicted to rise yet further still in coming years until 2020. By way of contrast, in Scotland for example, with devolved justice and policing matters, there has been nothing like the same rise in the prison population. There the latest prison figures, at around 7,200, is the lowest it has been for a decade. That fact should perhaps be borne in the forefront of our minds when calls to base the prison justice system on the Scottish model come to the fore (e.g. Howard League, 2018).

While the prison population in England and Wales has risen, the Prison Service have faced substantial budgetary cuts. When the Coalition Government came to power in 2010, it began its austerity efforts to reduce overall public expenditure. Eight years later, the budget for the then named National Offender Management Service (NOMS), which was responsible for prisons in England and Wales, was reduced by over a quarter. A key tactic in the efficiency drive for prisons has been a programme termed benchmarking, where publicly-run jails were required to peg their costs to the same level as the most efficient prisons, including those in the private sector. This programme included the Voluntary Early Departure (VEDs) scheme, a voluntary redundancy scheme for experienced staff. With the benchmarking programme and other cost-cutting, there was a dramatic reduction in staff numbers. The overall number of staff, employed across the public-sector prison estate in England and Wales has fallen from 45,000 in 2010 to just 14,689 frontline officers (full-time equivalent) in England and Wales in June 2016.

In the West Midlands, for example, there was a reduction of 7% of staff in one year (Howard League). There is now a drive to recruit more prison staff as part of the most significant prison officer recruitment campaign for a generation, with a net increase of 3,111 prison officers between October 2016 and March 2018¹. However, it remains the case that the Service has lost a significant number of experienced prison officers who are not easily replaced. In March 2010 there were about 25,000 operational staff in post. Just over 300 of these, or 1.25%, had less than one year's service. At the end of June 2018 there were about 21,600 operational staff in post. A decrease of 13%. However, some near 5,000 of these, or 22% had less than one year's service experience. As former Chief Inspector of Prisons, Professor Nick Hardwick suggested to the Prison Governors association this year:

A vicious circle has been created where reductions in the number of experienced staff beyond the level needed to maintain legitimate authority and order allowed the growth in the trade in drugs and that trade has now undermined efforts to restore authority. It is noteworthy that in Scotland, where officer number have not been reduced in the same way, Spice has arrived but not become overwhelming in the way it has in prisons only a few miles south... [in England and Wales]. The landscape has changed. Crime has changed, the prison population has changed and technological advances, the growing credibility of PCCs, the problems with probation all change the environment in which prisons have to operate.

The issue of criminality in prisons is now one that has begun to gain attention at a national level as a significant concern. In July 2018, the Government announced a £30 million prisons improvement package intended to tackle organised crime and restore buildings to a decent standard. The Government has expressed a desire to make prisons places of rehabilitation, but central to this task must be that they are places of safety, security and decency, as without that, it is unlikely that rehabilitative efforts will thrive. Prisons must be places of law and order: where the rule of law prevails, where there is proper, lawful authority, where staff are confident, and where criminality is targeted and challenged.

¹ See <https://www.gov.uk/government/statistics/hmpps-workforce-prison-officer-recruitment-management-information-march-2018>

4 | Why Prison Crime in the Midlands Matters

The Midlands OPCC areas contain several prisons, HMPs Birmingham; Brinsford; Dovegate; Drake Hall; Featherstone; Hewell; Long Lartin; Stafford; Stoke Heath; Swinfen Hall and Werrington are all policed by Midlands area forces. However, arguably the burden of this is not distributed evenly. For example, West Midlands – the second largest force in England and Wales behind the Metropolitan Police and third-largest force in the United Kingdom – is responsible for policing HMP Birmingham. In contrast, Staffordshire, a far smaller force, is responsible for providing direct policing to an eclectic range of prison establishments:

- HMP Stafford - A male Category C sex offender treatment hub that can hold 751 prisoners.
- HMP Dovegate - A Category B training prison caring for over 1133 male adult prisoners over the age of 21, most serving a range of long-term sentences.
- HM YOI Werrington - 128 sentenced and remanded young people aged 15–18.
- HMP and YOI Stoke Heath - A closed Category C adult male and young adult with a capacity of 766.
- HMP and YOI Swinfen Hall - 622 YOIs serving four years to life/young adults (21–25), Cat Cs serving over four years.
- HMP Drake Hall - 340 females.

Indeed, Staffordshire as a police area is responsible for providing policing to more prisons than any other national police service, a task made all the most difficult in a geographical location such as the Midlands which is also significant in terms of mapped, organised criminality (NCIS, 2018). The West Midlands alone has dozens of criminal gangs which are 'significantly involved' in the region's drug trade, and the reach of these criminal groups extends UK wide, and has been cited as an early exemplar of 'county lines' (Coomber and Moyle, 2017). The Midlands is also significant in linking the UK's traditional crime epicentre in London and the South East, with other large urban cities in the North and Wales.

The Midlands region remains an important geographical hub for understanding mutating and shifting organised crime practices. While much organised crime is best understood as tied to specific regional localities, it is also increasingly symbiotically linked with the global (Wall, 2018). In its 2015 organised crime report, the EU's law enforcement agency, Europol, observed that the group structures that dominate fictional representations of organised crime seem to be disintegrating and are being replaced with loose networks made up of individual criminal entrepreneurs who interact and conduct their business in a shared, criminal underworld. These loose and undefined networks made up of criminal entrepreneurs and freelancers have little concern for group branding or loyalty. Their business model is increasingly digital, concealed by legitimate activity and is global in reach, but this does not negate the importance at a national level of the specifics of geography and local markets and opportunities (Wall, 2018).

The West Midlands Regional Organised Crime Unit is a collaboration between the Police Forces of Staffordshire, West Midlands, West Mercia and Warwickshire to fight organised crime across the region and the WMROCU has led in many of the significant cases of prosecuting prison related crime having an impact and aiding the disruption of serious and organised crime within the region and beyond. The West Midlands Regional Prison Intelligence Unit has responsibility for 'lifetime offender management' within the region, maintaining a presence within the prison establishments covered by the WMROCU area. Prison Intelligence Officers have close links to their respective prison establishments, creating a strong working relationship which provides vital links with prison environments.

In the Midlands, the local protocol on organised crime in prison has been signed by Prison, CPS and police leads, and is beginning to come into effect and operation.

5 | Methodology

The purpose of this study was to explore the nature, prevalence and incidence of ongoing criminality in Prisons in four OPCC areas, and was guided from the outset by the following aims:

- Understand the scope and scale of continuing criminality in the prison estate across the four OPCC areas.
- Understand the current threat from ongoing criminality in prisons.
- Understand the harm caused by those in prison to our local communities.
- To develop systematic and realistic crime and harm reduction approaches.

The topic of ongoing criminality in prisons is under researched. There is no single literature that can set the scene, and hence, systematically gathering existing research findings together is a complex task. It is perhaps worth noting at the outset that the direct literature on the topic directly is not extensive (Gooch and Treadwell, 2015, Crewe, 2005).

A range of academic texts, journal articles, and official reports contain some relevant material, but these can tend to cover a disparate range of subjects. It is also the case that much of the academic literature is dated and/or originates from the US. There is not a great deal that is known about continuing criminality in prison, its nature, character and drivers. Indeed, it is best considered a very embryonic subject.

The literature review for this project was first compiled by systematic searches of core official and academic literature on crime in prison, setting out what is currently known. However, it rapidly becomes apparent that there is very little empirical work that deals with ongoing criminality in prisons, or which draws on the experience of prisoners and prison staff, law enforcement personnel or the wider criminal justice system employees. For that reason, we have taken a qualitative approach to data gathering and have spoken to these groups directly to add some empirical evidence to current discussions.



This report is based on a collaborative, ongoing mixed-methods research including single site studies on topics of violence and criminality in prison across several establishments of differing security categories, which include: YOIs, Category B Local Prisons and Category C Prisons in the OPCC region and beyond. It blends surveys, interviews, focus groups and participant observation with an analysis of institutional data in a manner reminiscent of what is termed 'appreciative inquiry' (Leibling, et al, 1999). It also includes countless informal conversations with staff and prisoners both before and during the research period.

With informed consent, interviews were digitally recorded and subsequently transcribed. No identifiers have been used for participants, and given the sensitivity of the topic, prisoners were on occasion keener to speak to us in person, but off tape, in areas of the prisons where they felt comfortable. A similar approach has been taken with criminal justice staff, many of whom were keener to speak candidly one-to-one than by formally recorded in interviews. In accordance with assurances given at the time, we have not named or identified individuals in the report and have censored details or specifics which might allow for the identification of individuals. Prisoner interviews have been critical to understanding the problem of ongoing criminality in prisons, enabling us to achieve a much deeper and richer understanding of the rationale, nature and dynamics of ongoing criminality. The interviews we have undertaken in prisons, coupled with an archive of well over 300 prisoners in custody in various establishments in England and Wales since 2013 on topics related to ongoing criminality (and topics such as violence, violence reduction, the illicit economy) have also helped us to understand how hierarchies, networks and groups are formed within the prison, and how this might replicate or mirror gang and group structures within the community. We have organised interviews and focus groups with policy makers and stakeholders to garner a range of views and opinions and guide our understanding.

As part of wider research projects since 2013, the authors have observed different aspects of prison life in different parts of the prison. We visited at different times of the day and week, including evenings and weekends. We spent time on each of the residential units, segregation, in education and workplaces, in gyms and on reception. Taken together this allowed us to observe specific activities for prisoners such as association, meal times, cell searches, canteen distribution as well as the general 'ebb and flow' of daily prison life. This embedded 'appreciative' approach (Liebling et al, 1999) has not only given us an incredibly rich and detailed insight into ongoing criminality within the prison, but it has also uniquely placed us to develop a series of recommendations regarding the prevention, management and response to issues of criminality in prison.

6 | Defining Crime in Prison

The Criminal Law continues to apply in prison settings. Thus, offences that occur in the community – such as murder, manslaughter, rape, sexual assault, wounding/assault occasioning grievous bodily harm, assault occasioning actual bodily harm, common assault, theft, robbery – can also occur in prison. There are, however, a range of offences that are specific to the prison environment and may also constitute a criminal offence. For example,

1. The possession of psychoactive substances
2. Being in possession of a mobile telephone
3. Being in possession of tobacco
4. Conveyance of prohibited items into a prison or young offender institution

In addition, The Prison Act 1952 (“the Prison Act”) and the updated Prison Rules 1999 (“the Prison Rules”) or Young Offender Institution Rules (“the YOI Rules”) set out 29 prison specific offences capable of punishment, including: disobeying lawful orders, failing a mandatory drug test or having an unauthorised item, such as a mobile phone.

Prisoners who commit crimes in prison can face two judicial and pseudo-judicial processes. If deemed sufficiently serious, as detailed in the ‘Handling Crime in Prison’ protocol, criminal offences committed in prison can be referred by prison authorities to the police, formally investigated, and referred to the Crown Prosecution Service for possible charge(s) and prosecuted. If such prosecutions are successful, this can lead to serving prisoners being formally convicted and facing an additional sentence(s).

For less serious matters, those prisoners who break the prison rules can be brought before a prison-based disciplinary hearing called an ‘adjudication’. Most adjudication cases are tried by a governor and, except in very limited circumstances, there is no right to legal aid to assistance with the costs of legal representation. Thus, this unique disciplinary system runs alongside the formal mechanisms of the criminal justice process.

While crime in prison is similar to forms of crime in the community, there are also some significant differences. Aspects of the sub-rosa economy could represent an extension of illegal business activities in the community. Entrepreneurially minded prisoners exploit opportunities to make vast sums of money, and while we need to be careful at taking such claims at face value, there are clearly prisoners who make substantial amounts of money in prison. Thus, the problems created by the entrepreneurial, instrumental and criminal drug dealing culture extend beyond the obvious harms associated with simply finding someone in possession of contraband. There is more at stake than simply being in possession of a mobile telephone or quantity of drugs.

The trade in contraband means that vulnerable people are coerced into committing additional criminality in prison due to debt, or the failure to pay often leads to physical violence. The use of violence, threats and intimidation to settle disputes, punish ‘grassing’ (informing), and seek redress in cases where indebted individuals fail to make repayments or come good on promises also destabilises prison regimes. This violence has a toxic and corrosive impact on institutional culture and negatively impacts on prisoners’ perception of safety. It can also overspill into the community and lead to ongoing crime and post-prison conflict, and there is ample evidence that both are happening at present.

7 | The Scale and Nature of the Problem

The Illicit Economy

Prisoners derive status from the acquisition of material goods. However, prison life can be 'depriving... in the extreme' (Sykes, 1958: 63) and the availability of desired items is heavily restricted. This serves to increase, rather than decrease, the importance of acquiring the available resources. Of course, when a body of prisoners live near one another in a tense and hostile environment physical confrontation and violence can manifest itself, and physical violence in prison and other prison-based crimes clearly do not always have an exploitative or acquisitive dimension (cf. Edgar et al, 2003). In addition, different issues may be faced by different types of prison (public/private, categories and male/female or young offenders) and different types of prisoner. It is therefore important that we do not simplistically equate crime in prison as a universal and fixed experience as it may differ substantially in terms of motive, severity, and impact. However, what we ought to understand is that a desire to acquire power, status, distinction and possessions does not end when an offender enters prisons, as conversations with prisoners reveal:

"If you saw my cell now... I've got my Versace pillows, I've got my fluffy wall, I've got my lamps, I've got my rugs... some of it you get handed in, I've got my sick bedding, I've got my memory foam pillow, I've got my Versace clothes. I've got my Armani flip-flops. I've got my comforts; do you know what I mean? I make it look homely. I've got pictures up and stuff. These things – I've got plants, I've got flowers, I'll have to show you – these things, these belongings of mine put my personality in there." (Prisoner, Cat C)

While prisons can be a secure environment, and commodities can be scarce, prisons can also be a lucrative marketplace (Gooch and Treadwell, 2015). In prison, the illicit economy is one that is often based on hedonistic and consumerist patterns of consumption and is organised at the most profitable end around prohibited items (Crewe, 2005). Both legal and illicit commodities are traded, and this forms the backdrop to much of the day-to-day activity in custodial settings:

"Obviously... the main thing is obviously lending, borrowing, the whole buying and selling of whatever it may be. You could go from Burn to Mamba to not so much any other drugs really... you know what I mean, but it's more Mamba and Burn over the time I've been here that, you know, guys are lending, borrowing and swapping, or mobile phones." (Prisoner, Cat B)

There is clearly a significant demand for narcotics in prison. More than two in five prisoners surveyed by the Centre for Social Justice in England and Wales reported committing offences to acquire money to buy drugs (Centre for Social Justice, 2015). That demand for drugs does not stop in prison custody and, put simply, in most prisons drug use is endemic. Ignoring new psychoactive substances, 10.6% of random mandatory drug tests conducted on prisoners in 2017/18 were positive, up 1.3% on the previous year. This is the highest level since the year ending March 2006. However, when new psychoactive substances (NPS) are tested for, the rate is 20.4% (MoJ, 2018) suggesting that criminalisation has had little long-term impact on stemming the flow of these substances into prisons, a fact that prisoners themselves attested to:

"Right, I will put it this simple, it [drug dealing] puts food on a lot of lads' tables out there and in here, you get me, we need to keep earning, and there are ways to do that. Big money, as much money as can be earned on the out, on road. Lads will do what they have to do on the outside, you get me, and they will do what they have to do on the inside too. Now obviously, I am not going to just say "I do this" and "I do that" to you, but you know what I did outside, do you think I am going to stop in here for the offer of £8 a week as a wing cleaner?" (Prisoner, Cat B)

Drug supply was 'big business', particularly in the Category B and Category C estate. There is of course difference across the prison estate (see below), but it is clear to us that for entrepreneurially-minded individuals, the profits were lucrative and such individuals were often tempted to simply continue their criminal behaviour inside.

Drugs

Drug misuse is a serious threat to the security of the prison system, the health of individual prisoners and the safety of prisoners and staff. Illicit items, narcotics, tobacco, alcohol, weapons and mobile phones have a significantly high monetary value as part of the sub-rosa economy in prison custody, and trade in illicit items and narcotics have effects that ripple outwards to harm prisoners' friends and families and the wider community of which they are a part. An increasing number of reports of the misuse of drugs in prison have been linked with the crisis in prison safety and security, and particularly some have come to argue that the availability of new psychoactive substances (NPS), particularly synthetic cannabis known as 'Spice' or 'Mamba', highly prevalent since 2012, and which are regarded by some commentators as a 'game-changer' have furthered impacted on the significant reduction in prison safety. A thematic report by HM Inspectorate of Prisons on 'Changing patterns of substance misuse in adult prisons and service responses' noted that 'NPS have created significant additional harm and are now the most serious threat to the safety and security of the prison system that our inspections identify' (HMPS, 2015: 7). However, it has long been suggested by prisoners that involvement in prison drug markets significantly increase the likelihood of victimisation and there is evidence that violence played a part in drug dealing in custodial settings before the arrival of NPS (Crewe, 2009).

"You can say that in here, well, life is mainly about drugs. For a lot of the lads in here, it gives them a purpose to their day, scratching about to get themselves something, looking forward to it, it structures their life and gives them a meaning. For a few in here, it funds their life basically." (Prisoner, Category C)

"We can dress it up, but a lot of what happens is just the drug market in prison. We had this case, the lad involved, he named several prisoners he was having problems with and said, they are taking me nan's pension, I owe them 2 grand, but he only told us about it when he came back in. On his day of release, these two lads, heavy lads; they met him at the gate because he had run up a massive debt. They took his £46 discharge grant for petrol and drove him to his nan's house. Then they intimidated his nan, basically, they made her clear this lad's debt. They made her hand over £400 that she had in her house, her savings, but that wasn't enough, so they bundled this lad and his nan into the car and then took her to the cash point to draw out the last £200 he owed, all this happened because of drugs he used in prison. We can't keep them [prisoners] safe from it in prison anymore." (Prison Officer)

There have always been hierarchies in prison, and those were traditionally perhaps organised around status and offence, rather than the intricacies of the drug market and who plays a 'leading role' in it. The drug trade in prison acts to structure hierarchies, and in prison it is a source of power and influence for some prisoners to exert over others. Both in prison and the community the upper echelons of the criminal fraternity are now dominated by a notable concentration of Serious Organised Crime (SOC) offenders who are in prison because of drug trafficking and other related offences such as the use of firearms, violence, and money laundering (Hobbs, 2013). Our research suggests that such offenders, irrespective of where they are in the prison estate, are the more capable, more organised individuals with extensive supportive networks on the outside. They more usually take a more calculated and business focused approach to their activities, both within prison and whilst on licence, and 'exercise pragmatism in their dealings with authority to minimise the disruptive influence of law enforcement on their illicit enterprises' (e.g. see NCA, 2018, Gooch and Treadwell, forthcoming). These prisoners supply a demand that is widespread, and seek to profit from it, and increasingly, these organised criminals seem to be regarding prison wings as a lucrative marketplace.

Organised Crime Moving Inside

OCGs (of which there were 4,629 mapped in the UK at the end of 2017) ... work together in criminal enterprises. New market entrants will integrate with existing criminal infrastructure such as money laundering networks and logistics providers to enable them to expand their activities and even distance themselves from the criminality. Additionally, strong ties exist between some SOC offenders through common criminal interest or affiliations formed in the prison environment. (National Crime Agency, 2018: 8)

Whilst what constitutes 'organised crime' is on one level simple, and many believe they 'know it when they see it', it is an ambiguous concept (Hobbs, 2013). Since the year 2000, the United Nations Convention against Transnational Organised Crime has provided an internationally shared definition of an organised criminal group as 'a group of three or more persons existing over a period acting in concert with the aim of committing crimes for financial or material benefit'. However, with all definitions there are problems adequately describing the complex and flexible nature of modern organised crime networks, which often operate in a criminal economy dictated by the laws of supply and demand and are favoured by social tolerance for certain types of crime, and rapidly shifting opportunities. (Wall, 2018)

Several factors have changed the opportunities for organised crime in prison. Prisons can be monotonous and dull, creating a large demand for drugs. Drugs are the main commodity in the global organised crime business (Hobbs, 2013), but are also at the epicentre of some prisoner's involvement in the economy in custody (Crewe, 2005). However, the security and regulation mean that trafficking drugs into prison is arguably more challenging than community supply. Other changes, such as the prohibition on smoking in all prisons, can also drive and develop new lucrative markets because organised crime generally thrives when there are market prohibitions, yet demand remains. (Hobbs, 2013)

The National Crime Agency suggest that the threats from Serious Organised Crime (SOC) offenders when incarcerated in prison can be split into two distinct types: those who continue to facilitate SOC in the community from within the prison walls; and those who are involved in organised crime

within the prison environment. While this categorisation is one that is neat and initially logical, there may necessarily be some degree of overlap between these categories, as the NCA note more generally (as do an array of criminological commentators) that financial imperatives and opportunity tend to be the main drivers of serious criminality.

Some of the symptoms of organised crime in prison lie in the increased number of mobile phones found and the epidemic of illicit drugs. Figures vary on the number of phones found in prison annually, but HMPPS Annual Digest 2017/18 suggests that there were increases of 15% and 13% of mobile phones and SIM cards found in prison, respectively, between the year ending March 2017, meaning in real terms there were 10,643 incidents where mobile phones were found in prisons and 4,729 incidents where SIM cards were found (and yet, what is found may be the tip of the iceberg) (MoJ, 2018). Almost every prisoner in the country can have access to a mobile phone, and there is a lucrative trade on the inside. Prisoners are threatened into holding phones for others, some will rent or hire handsets short-term for payment, and there is even a market for smaller and less detectable phones that are manufactured specifically for their concealability and ability to beat prison detection systems. This includes the world's smallest phone - the L8Star BM70 which is less than three inches long and smaller than a disposable lighter, retailing outside for between £20 and £50. Of course, mobile phones are not subject to the monitoring and restrictions unlike pin coded prison phones. Additionally, the current generation of mobile phones can facilitate access to the internet, generating additional problems such as witness intimidation, maintaining links with criminal contacts, and simply continuing to run nefarious activities back in the community (sometimes unrelated to prison disputes). Corrupt prison officers, auxiliary staff and civilian workers assist organised criminals by smuggling illicit items into the prison and by providing information to key members of prison-based crime groups.

The smuggling of mobile phones and sim cards into prisons allows SOC offenders to continue their operations from the inside. Illegal drug supply within prisons is highly lucrative for suppliers, but extremely detrimental to the prison population and expensive for the state. Intelligence suggests that the prison drug trade has largely moved away from being

largely based around heroin (Crewe, 2005) to one where New Psychoactive Substances, and other former NPS drugs such as cathinones, 'Monkey dust' or MDPV a powder drug, are also becoming more commonplace. These are easily sourced outside prison at relatively low cost but become increasingly valuable when conveyed into the prison.

Spice is one of several new formerly legally available drugs which are synthetic compounds that can cause people to experience enhanced sensations and, in some cases, extremely damaging health side-effects or extreme erratic behaviour. It is commonly associated with increased mental health issues, and there is emerging evidence regarding its addictive properties. Because these new PSs are now available in liquid form which can be sprayed onto paper and ingested or injected, it makes it more difficult to detect when being trafficked into prisons, including through the postal system. While it is largely used in prison and is described as odourless, when smoked the burning smell is detectable. While some perceived that prisons going smoke-free and changes in the legal status of PS and their criminalisation in legislation would deter use in prison, believing that their popularity was linked to its ability to beat prison Mandatory Drug Testing (MDT) this does not seem to have materialised in any meaningful way (User Voice, 2016). After the prison smoking ban in England and Wales, prisoners have found ways to use PS via adapted e-cigarette vapes. A fifth of all MDT prisoners return positive tests suggesting that the market now established in prison is not declining despite recent legislative changes and increased prohibitions (MoJ, 2018).

"I would say in terms of our understanding, well the prison service is a long way behind, we need to shine a light into some dark corners and expose some pretty uncomfortable truths about where the organisation has not had enough sight really, we simply have not had enough understanding, but to me, it seems pretty apparent that we have a pretty substantial organised crime problem in some of our prisons, and we have not even begun to consider how it will evolve in the future."
(HMPPS Staff)

"I would say that we, the police, we are a bit more evolved in terms of our understanding, and there is certainly more to do and more that we would like to be doing. Resources are tight for everyone at the moment, and that is creating a lot of pressure, and some things, it's just about giving systems time to bed in, but I would say that really, we are a lot further along in terms of understanding the organised problem than our prison counterparts at the moment." (Police Manager)

Clearly not all crime in prison involves drugs, and some offences will originate from within the custodial environment because of a conflict or an opportunity emanating from the environment itself. Violent and criminal men will often find themselves in prison custody (Ellis et al, 2018, Ellis, 2016) and many of these have established reputations for violence in the community. While a majority of prisoners may serve to avoid disciplinary sanctions in prison, other prisoners will actively seek out opportunities to commit offences and act to exploit situations they find themselves in. As Van der Laan (2012:135) states, at first glance, prison would seem to be a prime example of a location with strict supervision, where offenders are physically separated from any potential targets by virtue of the prison walls. However, the reality is that prisons are places where some individuals continue to offend and where organised crime can be initiated and become embedded in the very routine activities of prison life. Indeed, organised crime activity within prison settings has widely been reported in the media and has, on occasion, been the subject of policy and academic study. For example, in the USA, the Presidents Commission on Organized Crime (1984) noted the potential role of prisons as places of organised crime activity and more recently in the UK, the National Strategic Assessment of Serious and organised crime (2017) makes similar observations of the manipulation and conditioning of staff and other prisoners being a key enabler for SOC nominal offenders.

Criminal Finances in Prison

Prison is notionally a cash-free society, although that is not always the case. Prisoners have suggested that money can still exist in prison and can be used to make purchases, but holding money is risky in so far as it can be found and confiscated, and lead to the risk of added sanction. In contrast, management of finances in prison for illicit items is often handled by bank accounts or the banks accounts of friends, family and associates, with transactions managed by third parties. Hence criminal abuse of finances by prisoners and their associates primarily takes the form of the exploitation of weaknesses in the prison and of the banking system, and by using friends and families' bank accounts either with or without their consent, again made more possible with the increased use of mobile phones and transactions that occur beyond the scrutiny of prison officers. Additionally, the use of third and fourth generation internet-enabled mobile phones allows for internet banking outside, conference with parties outside the prison walls, and the use of social media. It can also open the possibility of prisoners exploiting and using new payment methods such as PayPal accounts, and even the use of new cryptocurrencies such as Bitcoin.

"...by postal order it's like they can check the accounts and what area it's been sent from so like I sort of, I like doing it through banks." (Prisoner, YO1)

"...we have found it very hard to follow the money, it goes everywhere, all over the place, through this bank account and then that, that is what we have seen when we have been given access, we, the prison service do not have the knowhow to understand it. Good analysts in financial investigation can, the police for example might, but at the moment we do not have that capacity, we cannot tell where the money goes, how much or how far. We know it is a lot, but we do not have the ability to understand it properly." (Prison Manager)

Transformations in banking and finance and the move away from cash as currency more generally means that understanding how prison profits are moved is limited. However, offenders generally, including interviewed SOC offenders in prison custody, suggest that a prison business model has developed whereby items such as drugs (including PS), mobile phones, sim cards, alcohol, weapons and tobacco/associated paraphernalia are purchased with the sole intent of smuggling them into prisons, where the market value can be at least five to ten times higher, and where there are high profits to be made. Additionally, the mark-up in prices in prison is further compounded when individuals do not manage their debts or make payments in a timely fashion. In such cases, prisoners owing smaller amounts of money may find themselves liable for tens of thousands of pounds of debt through punitive interest rates levied by lenders in prison. It appears to us through interviews with prisoners that this is not unusual, but has become a common and accepted part of much prison life:

"I've had to quadruple people's debts before. [...] Half of the kids on this wing can't come out for their dinner because as soon as they step out of their door it's game over. The officers have to get their food for them, they can't even have showers. That's going on right now on this wing. I can name off more than five people, no hope. It goes on every single wing in this prison.... The satisfaction of knowing that I'm keeping them behind their door, stopping them from getting their own meals. The satisfaction of me knowing that [...] is so much better for me." (Prisoner, YO1)

In some cases, the very exploitative levying of 'pad debts' (where a cell mates' debt is levied on a prisoner who did not take on that debt) blurs the lines between lending and what is in effect simply naked, predatory extortion and victimisation (Gooch and Treadwell, 2015).

"If I have a next-door neighbour and he comes in here and I clock on that he's a XXXX and he's not about this at all, every time I hear his kettle flick on, he's got to pay me. It's that simple. Every time I go past and your lights on, you've got to give me something. You got to pay your rent." (Prisoner, YO1)

"I remember, in one case, this lad, he came in, he was not like the other prisoners, more a straight going guy that had gone wrong. By the end, the prisoners, after he left, they told me that they had rinsed him, some of the other more serious characters basically, when he got out, on the outside ended up having to sign over his top of the range Mercedes over to them, basically they just took it from him." (Prison Officer)

In either case, some individuals in prison, whether by act or omission can be subject to extortion or exploitation. There are numerous incidents of this moving from the prisoner, to attempts at extortion of family members through threats and actual violence against them or the indebted offender. Additionally, debts for some prisoners can see them become part of the prison drug trade, as it is possible to repay debts by getting deliberately recalled while smuggling drugs into the prison.

Short-term Imprisonment

In June 2018, prisoners serving six months or less accounted for just over 4% of the prison population, and this is a very small number of the overall population, and yet, arguably, short sentence prisoners are undoubtedly a challenge for prisons. A short prison sentence is any sentence of less than 12 months, and this group make up a significant proportion of some prison's population. Many short sentence prisoners, particularly revolving door prisoners, have a multitude of problems, including homelessness, drug addiction and poor family relationships. For others short prison sentences can have a very damaging impact on prisoners' lives, especially as such sentences mean the loss of jobs, homes, and family breakdowns. Short sentences offer very little opportunity to

offer practical interventions that might reduce the risks of the prisoner re-offending.

While in prison, the short time available often means there is little opportunity to adequately address the needs of this population, with limited access to support and interventions, education and work. Short-term prisoners are also often the most chaotic and difficult individuals in the prison estate. In 2009 a motion was passed by the Prison Governors Association (PGA) to abolish prison sentences of 12 months and under on the basis that they do not work. Since then, several other key stakeholders have also expressed concern about the ineffectiveness of short prison sentences. While women are disproportionately sent to prison for non-violent crime and on short sentences, it has been suggested that In England and Wales, we overuse prison for petty and persistent crime (Prison Reform Trust, 2017). Of the 66,000 people sent to prison in 2016/17 71% have committed a non-violent offence and 47% were sentenced to six months or less. The MoJ themselves acknowledge that 'Custodial sentences of under 12 months... are associated with higher levels of reoffending than sentences served in the community via 'court orders' (MoJ 2018). This has driven reform and greater support given to short sentence released prisoners. When such individuals are released from prison, they now receive support and supervision from a privately-operated Community Rehabilitation Company. If they do not comply or 'breach' these conditions, they can be recalled back to prison to serve more time in prison custody.

Over the course of the last 20 years, the number of people in prison due to recall has increased substantially. In June 1995, on any given day, about 150 people were in prison because they had been recalled. By June 2016, this number had grown to 6,600. In the 12 months to the end of September 2016, 22,094 people were recalled to prison. There is evidence that the changes in supervision requirements of short sentence prisoners is achieving little change. The number of people recalled to prison has been growing for two decades, but changes in recent years (particularly around extending licences to those on custodial sentences of less than 12 months) have caused the rate of prison recall to accelerate. People released from short sentences were made eligible for recall for the first time in a move to enable the privatisation of the probation service and the use of CRCs.

There is evidence that this has inadvertently driven the disorder and drug markets in our jails, which as we have noted, is more frequently (though not exclusively) encountered in Category B and C establishments with a high churn and turnover of prisons, and particularly in urban prisons in, or in close proximity to, large cities.

There are different types of recall to prison. All short-term prisoners will face fixed-term recall (of no more than 14 days as their original prison sentence is under 12 months). Most recalls to prison are for technical breaches of licence conditions, not the commission of new crimes. In the 12 months ending September 2016, 7,798 people were recalled back to prison for 'failing to keep in touch' and a further 5,228 were sent back for 'failing to reside' at a given address. A point ought to be made that this presence and reception of short-term prisoners is likely a factor that impacts disproportionately on some parts of the prison estate, and particularly the category B and C prisons seeing the worst excesses of increasing violence, drug debt and instability. However, the issue of short sentence prisoners and their part in the current situation has received far less attention than prison staffing levels. Additionally, that very churn of short prisoners may contribute to the flow of drugs in prison, and hence the general instability encountered in some prison regimes. We were certainly told by a number of prisoners that those conveying drugs into establishments were often short-term prisoners who were induced, or intimidated, into conveying drugs and mobile phones into prison by plugging items in their rectum, or 'swallowing' items and conveying them in the stomach internally. The Government have recognised this as a problem and moved to act on acquiring body scanners to detect when this happens in Path Finder prisons, but these prisoners still have to be received into custody, and even from segregated status can manage to move prohibited items conveyed inside into the mainstream prison population. While the Government's current initiative might be useful in driving down the levels of drug availability in custody, it seems realistic to suggest that such methods of importation may remain problematic, and at present it would seem that for many local prisons this is a route of supply:

"You have mules bringing stuff in, basically when you look at who it is, you have to be suspicious of short sentence prisoners on fixed recalls. It isn't always the case, but a lot of the time they are part of the business model, they are smuggling, in their bodies, a couple of Kinder Eggs packed with gear and you are talking about a lot of money, and the only real cost to them is going out and then coming back for some 7-14 days."
(Prison Manager)

"One case recently, the lad came back in on a recall, went back handed himself over for a stupid offence. I smashed a shop window, it was me, lock me up sort of thing, he knew he was going back for less than 14 days. It makes you think, what is behind that, you have suspicions, but it's proving them, and if there is something hidden, it's finding it." (Prison Officer)

"It is not that all of these recalls are earning money, if you look at who is getting recalled, they are muppets, sad cases, debtors, they are being put up to it. They are the well, the useless and hopeless sorts, they are not the ones making any money off of it, they are paying back the debts they have been driven into. It's a business model, they come back in to pay their debts."
(Prisoner, Cat C)

In 2015, the Centre for Social Justice recommended that 'the MoJ should review their decision on body scanners. Evidence from the USA suggests they could be a game-changer in the fight against drug smuggling. We recommend that the MoJ rolls out the use of body scanners for all prisons in England and Wales' (CSJ 2015: 46). It has recently been suggested that the test introduction of body scanners into several test site prisons has yielded some significant reductions in availability of drugs in these establishments. However, recognising the role short-term prisoners play as conveyers particularly exploiting the policy of being deliberately recalled to prison is useful.

Drugs in Prison

We know that there is a significant demand for drugs in prison, and it is likely that unfulfilling regimes and more prisoners spending more time in their cells fuels this demand. Drugs in prison are frequently described as ‘bird killers’ or ‘bar melters’ because the sought pharmacological effect is frequently that of making time pass. However, the issue of drugs in prison is largely under researched and poorly understood. There is little data that breaks down the types of drugs being seized or gives detailed additional information allowing for better analysis of the problems of drugs in prison. The little research that does exist tends to suggest that drugs (and alcohol and tobacco) are illegally conveyed into prison, or, in some instances involves the diversion of medication to those not authorised to have it.

- Visits (both social and legal)
- Exploitation of postage systems (both legal and ordinary mail)
- Corrupt staff (prison and auxiliary)
- Thrown over/flown over prison walls (drones)
- New or returning prisoners (including those on release on temporary licence and recalls).

Little is known about the frequency with which each route is used, or which is prominent in any place at a given time, but it is likely that if one becomes harder, attempts to use alternative importation routes kick in. We heard anecdotally from prisoners that dealers in prison tended to prioritise multiple means of importation at any time, to mitigate against potential losses and lessen risk of interruption to the business should one route be discovered. However, it is difficult to know just how much truth there is in these claims and how generalizable such observations are, prison drug markets were able to respond to clampdowns in any one area, and while some could reduce availability short-term, those profiting would quickly attempt to find another way to import. However, despite prohibited drugs being a significant and growing problem in prisons, only one government study has analysed the issue of drug trafficking into prisons. Notably, staff corruption is rarely overtly acknowledged as a problem.

A now dated Home Office study in 2005 asked just 158 prisoners, ex-prisoners and staff to identify the primary smuggling routes and suggested that prisoners’ social visits were the main route, followed by postage and newly incoming prisoners (Blakey, 2005). Yet while there are several factors which enable or drive criminality in prison, it is unarguable that a great deal of prison-based criminality is a continuation of the offending behaviour demonstrated in the community. It is predatory, exploitative, and parasitic and frequently linked to prison drug markets and prison debts. That said, not all nefarious activities in prison are linked to prison drug markets. Serious violence in prison can be as simple as young men stealing a pair of trainers from another and the violence that occurs in the act or in retribution for such an act, and it does not follow that all prison crime is organised crime or driven by instrumental motivations.

“It can be difficult to know what is behind the violence, I mean, I have seen some people slashed and stabbed, and not all of it is over drugs or debt, a lot is, but then there are other things, a silly falling out over very little in prison can escalate and people end up getting seriously hurt. That is something I would say has changed. Prisoners now, it isn’t a punch in the face, it’s weapons, it’s nasty, it is serious violence used very quickly.”
(Prison Officer)

“Yes, violence can happen for all sorts of reasons, but there are two that too many of the idiots in here have forgotten now, don’t pretend to be something that you are not, and don’t try and buy what you don’t have the cash to afford. That is basically what is behind almost all prison violence.” (Prisoner, Cat C)

However, what we also know is that prison drug markets now often require external complicity, with transactions made both in prison and the community. Prisoners (or their associates and families) will exchange funds using bank accounts and only the drug itself is exchanged in custody. The enabler of this new way of doing business is the presence of illicit mobile phones which allow such cashless transactions to take place.

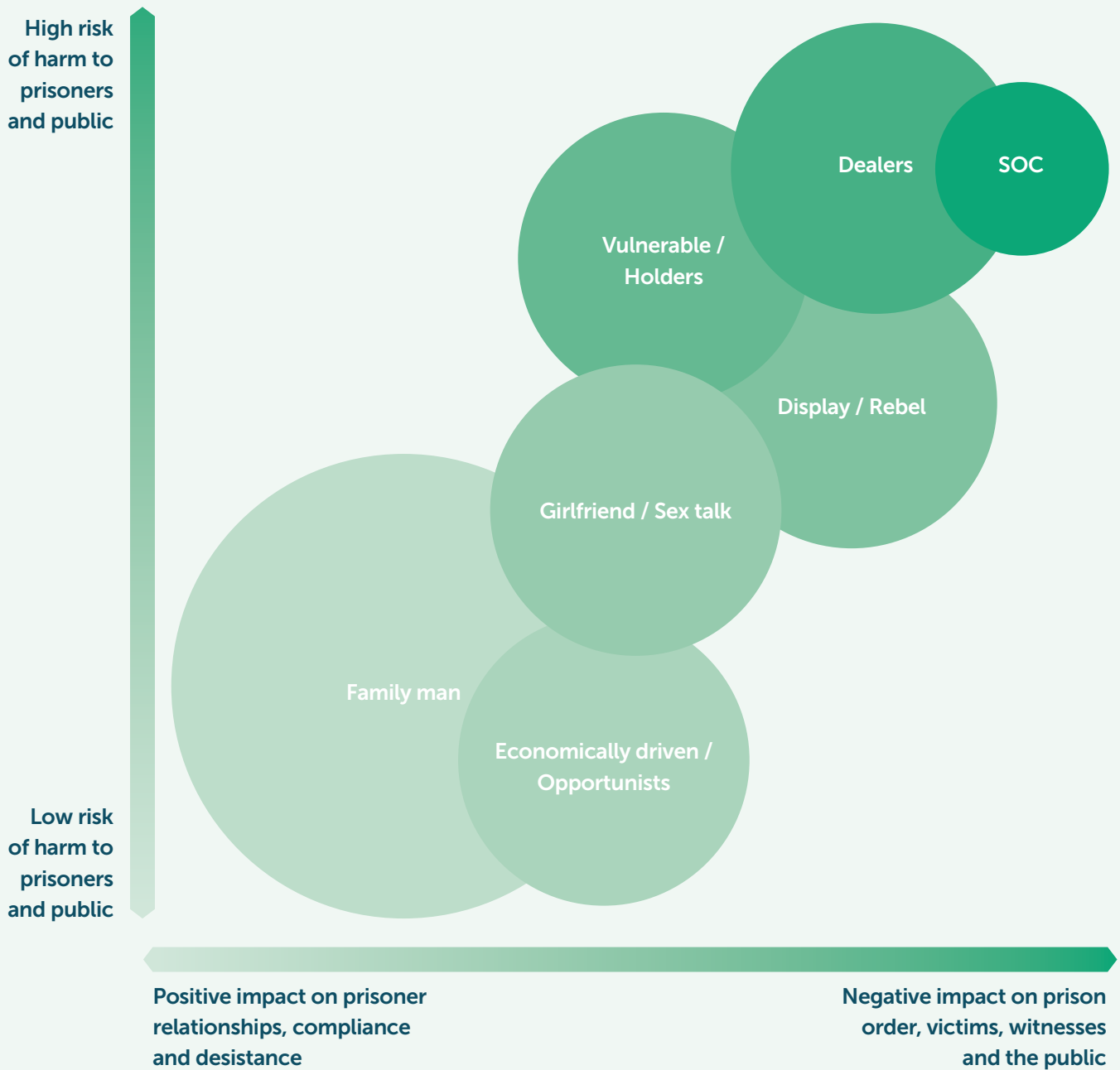


Figure 1: Mobile phone user typology (source: Ellison et al., 2018)

Illicit Mobile Phones

As the NCA note, mobile phone technology has presented a serious challenge to the working and operation of prisons, in part because:

Mobile phones continue to be a key enabler for those in prison involved in SOC. Their illicit presence provides SOC offenders with the means to continue to play a full role in major criminal enterprises on a national and international level, virtually unaffected by physical confinement. (NCA, 2018)

The literature and empirical evidence on mobile phones in prison is very limited. In a recent governmental study, Ellison, and colleagues (2018), explore the use of smuggled mobile phones in prison in considerable detail, contrasting the views of prison staff and prisoners themselves on why and how prisoners increasingly use mobiles inside. The qualitative research gave rise, amongst other things, to nuanced understandings of mobile phone use, and assisted them to develop the typology of prison mobile phone users reproduced in Figure 1. They argue that phone use is complex and highlight in particular the way that some prisoners are forced to hold phones for more sophisticated inmates as part of SOC use of mobiles, but suggest various rationales for prisoners having phones (Ellison et al, 2018).

Prisoners we have interviewed have often talked about mobile phones, their prevalence and their part in prison criminality. Not all prison-based mobiles are used for organised crime or to arrange drug transactions and the financing of them, and we heard various accounts, for example, of perpetrators of domestic violence wanting access to mobile phones to attempt to contact victims. It is apparent that prison staff recognise that those holding mobile phones are not always the main offenders involved in the illicit economy, because again this activity is risky for them, and rather, they may seek others around them to take the 'charge' should prohibited items be found. The view that many prisoners, 'want to get hold of mobiles primarily to keep in touch with family and friends, they want to say goodnight to their children, they want to keep in touch

regularly to hear the news and maintain intimacy' (Ellison et al, 2018) had little traction amongst practitioner cohorts, who noted that all such things occur alongside drug transactions and asking for money. Most prison and police staff were cynical about the purposes of possessing mobile phones and were sceptical about the view that phones were kept because of the high cost of prison phone calls or to allow for greater family contact:

"They say mobile phones are not used for crime, but every phone in prison is a crime, it's criminal to have them, so that tells you something, but they are not just used to phone families, they are used to sort things out, drugs, money." (Police Officer)

"It's like a game of cat and mouse, we often know that they are there, and we spend ages searching for them, the prisoners enjoy it, to them it is a bit of a game of cat and mouse, but you can tell that they are a problem, not as much here as some places, but they are a problem. That is why in here they retail for about £500 a time. That high cost shows we do not have as many as some places, but there is a reason people are willing to pay £500 for them and that is not just because they are less frequent here." (Prison Custodial Manager)

It is clear that mobile phones are not held exclusively for committing crime and were not held exclusively by those who were profiting most meaningfully from the trade in contraband in prison (Ellison et al, 2018), but prisoners were open that their availability facilitated activities associated with the prison economy. Additionally, they suggested the phones themselves were part of this, as rental values were attached to mobile phones or people were forced by debt to hold phones for others. Phones therefore were not only a key tool for orchestrating serious crime for profit in the community, but serious offenders could not operate without phones.

However, what is certain is that mobile phones, while prohibited, are extremely widely available in some prisons but at prices significantly higher than in the community.

Both police and prison staff expressed a great deal of general dissatisfaction about the failure to tackle the flow of mobile phones into custody and felt that they were being failed and unsupported with a problem that could perhaps be easily sorted with investment and political will. They suggested that better action should be taken to stem the influx of mobile telephones into prison custody as a crime prevention priority. Several prison staff suggested the reason for the continuing inaction against mobile phones was the police garnered and used intelligence. However, the police officers we interviewed in a focus group, and officers spoken to during the research process generally, did not support this view and gave a view that on balance, they would rather see a systematic attempt at prevention using technology. Many expressed similar views that technological attempts to prevent use were merited, but additionally suggested that at present, weaknesses for prison staff in creating a secure regime were equally important. However, it would seem that there are ways that phones could be targeted in custody if the will existed, and such technology is used in other jurisdictions quite successfully.

How can Mobile Phone Use be Countered?

■ **Jamming/blocking:** A signal is transmitted to prevent the handset receiving its base station signal. All phones and sim cards within the jammer's reach will be blocked, including those belonging to prison staff. The method is cheap and mostly effective. Interference caused outside the prison can, with care, be avoided, but this may add to the cost. The Prison (Interference with Wireless Technology) Act 2012 enabled the Secretary of State to authorise Prison Governors and Directors to use blocking technology to detect and investigate the use of mobile phones in prison. Grabbing technology can be used to make some phones attracted to a fake network, and is selective, so nearby residents' phones can be put on an unaffected 'white list'. Success can be quantified – phones, and their owners, can be identified. Illicit

phones can be monitored rather than blocked. It is more expensive than blanket jamming. Also, if prisoners move to satellite phones, then there is an added layer of complexity with jamming and this might be the consequence of any widespread attempt to block conventional mobile phones.

- **Operator disconnection:** The 2015 Serious Crime Act introduced the power to force mobile phone operators to disconnect illicit phones. Yet so far, the relevant regulations have not been enacted. Disconnected phones and sim cards can be replaced, and mobile operators may be unwilling to cooperate.
- **Detection:** Prisons can be searched for illicit phones. Cells and inmates can be searched to find those which are missed. Sniffer dogs can be trained to find mobile phones. Some phones will escape detection and new ones can be brought in to replace those confiscated.
- **Promotion of legitimate in-cell telephony:** The Government's preferred option has been £7 million on introducing in-cell telephony for more jails in England and Wales. This technology is already in place at 20 establishments and plans are under way to extend the scheme to another 20 over the next two years. Calls are recorded and users can only call a small number of pre-approved numbers. Active monitoring can be introduced if there is any suspicion the service is being abused for crime, but this may continue to make mobile phones the preferred options for prisoners involved in nefarious activity using phones.

While a great deal of attention has focused on the threat to security from mobile phones because they facilitate drug dealing, such a view of the security problems presented by illicit mobiles might be too limited. It is certainly the case that with third and fourth generation internet-enabled mobile phones, there has been a rise in visual recording of video footage within prisons. It therefore might be important, when considering crime in prison, to consider how this in and of itself enhances the potential for some prisoners to undermine security or to increase the likelihood of victimisation.

A stream of prison-based videos has surfaced in recent years showing prisoners victimising other prisoners. Some show



Figure 2

prisoners being punched or 'banged' for a spliff, whereas others show the ritual humiliation of prisoners who have been spiked with PS, the creation of Facebook pages such as 'HMP TV' broadcast through Twitter on locked pages such as @187gangsters. The videos broadcast on the latter show two naked prisoners on Spice and a prisoner forced to read a statement about bullying and beating females before being seriously assaulted in his cell leaving him with a nasty bleeding head injury and hauls of mobile phones, drugs and tobacco held in cells in English jails (Figure 2).

Mobile phones also can be used in order to generate income in less obvious ways. Prison produced mobile phone videos and images can have a significant value in and of themselves. For example, one of the first and most high-profile prosecutions (of two prisoners at HMP Birmingham – Demehl Thomas and Moysha Shepherd) for possessing a mobile phone and filming an in-cell rap video included footage that has been viewed (at the time of writing) some 166,052 times.² With the possibility of video advertising on new social media channels, such activity has the potential to generate income. Notably the theme of the video involves making money, and the video also features advertising for a clothing brand and iTunes downloads.

Inevitably, criminals have also spotted the potential of drones for achieving nefarious goals, including smuggling contraband (including phones) into prisons. Admittedly, prisons were already facing significant problems with illicit contraband well before drones became available, with drugs smuggled in successfully during prison visits, thrown over the wall or reaching inmates via bribed prison guards.

Another point of weakness in some prison security is the susceptibility of prisons to flying drones, which have been presented as something of a 'game-changer' in terms of their ability to carry larger, more dangerous items over prison walls, and therefore understandably have caused some political concern. In the UK, as recently as 2012-13, there were no reported incidents of drones being used to smuggle in contraband and only two reported incidents in 2014. Just one year later and this figure jumped to 33. However, looking at the significance of drones in terms of their role in facilitating the importation of contraband has been made more complex because of the lack of coordination and information gathering. However, it does appear that while drones constitute a threat, the number of incidents reported where drones have been caught trying to deliver contraband into prisons hardly suggests that the problem has reached endemic levels, and while it is possible that a number of successful deliveries have gone undetected (especially if they are delivered at night and are not observed by the authorities) there is currently not a great deal of evidence to suggest that drones are a main route of importation.

Yet quadcopters type drones often used for smuggling in recorded cases are widely commercially available, capable of being precisely manoeuvred using GPS technology and able to carry up to 1.5kg, can easily be bought for less than £1,000 and flown with minimal training. The possibility of this form of importation increasing is one to be alert to.

'Throw overs' seem to be more common than drones, and essentially is a term used to describe any act which involves packets being tossed or otherwise hurled over prison walls into prison yards and areas accessible by trusted prisoners, who will then convey and distribute the prohibited items (often drugs, but also alcohol such as vodka, mobile phones and chargers, sim cards, USBs, weapons) to other inmates. While these throw overs are often wrapped in quite rudimentary ways and can be prone to interception, the geographical location of several big urban prisons mean that this is as effective a manner as using drones. In some instances, there can be more sophistication so throw overs can be catapulted or hauled into prisons, and there is evidence from some prisons of animals (such as pigeons) being killed and gutted to serve as packaging for

² https://www.youtube.com/watch?v=fA_zSZuqYgQ

drug throw overs, but this is largely the exception rather than the norm. However, the proximity of some prisons to local communities, roads and transport links mean that throw overs are a continual frustration for prison staff:

"I remember in the summer, the lads were all taking their deodorants, you know, the roll-ons onto the yard, and they were all like, it's hot miss, hot weather... at first we thought hmm, that doesn't seem right you know, and it wasn't, what it was is they were using it as well, you know, lube, during a time when there were a lot of throw overs coming in. That is how we knew about it, them taking their deodorants onto the yard." (Prison Officer)

A route that has long been conducive to prisoners taking illicit items into custody has been smuggling – either on their person, or internally in a process commonly known as 'plugging' or 'swallowing' (and hence conveying prohibited items in the body internally). A recent HMIP inspection report (2018) suggested that there was "some evidence" that prisoners recalled on licence were trafficking drugs into HMP Hull. According to prisoners, this practice is common and may have increased as an unforeseen and unintended consequence of the Government's policy of increasing supervision and licence requirements for short sentence prisoners as part of the 'transforming rehabilitation' initiative. The scale of the profit margins was such that some individuals released on licence (particularly those on short sentences) would deliberately jeopardise their freedom and return to custody on 'license recall' with the sole purpose of financial gain. Others commit relatively minor offences in the knowledge that it might attract short custodial sentences and offer an opportunity to sell drugs within the prison. Prisoners described what were in effect, very short-term 'ghost sentences' masking the true reasons for an individual's criminal behaviour. In such cases, imprisonment was not just an occupational hazard but a business venture and opportunity:

"Well, I know a lad who does nothing but little silly sentences. He'll go and do a stupid shoplifting just so he'll come in plugged up to make his money again, so he'll come back out and take the missus to the Bahamas and stupid holidays, so it's serious money. Well, one Kinder Egg full of Spice can make you anything up to £4,000 or £5,000, so if you've got three of those inside you that's 15 grand." (Prisoner, Cat C)

Whilst such reports might appear anecdotal, as we continued our research, it was apparent that such patterns were more widespread, particularly in local prisons holding people on remand or only for short periods (also see HMIP, 2015: 8).

"A lot of these lads will tell you: "Hey, I can make more money in here than they can on the outside", and really there is no reason to doubt that. Some say to my staff: "I make more money than you". I do not doubt that. Sometimes it is boastful, but then some of the time it is true, undeniably." (Prison Governor)

However, those swallowing and plugging items were not the offenders profiting most extensively from drug dealing in custody, and very often were individuals who were held in low regard in the criminal and prison hierarchy. As the HMIP report on Hull highlighted, it is of concern that there was "no clear strategy for identifying [these prisoners], assessing the risks or taking action". That is now not a universal, and below we offer some comment on the DORIS scheme in Wales which has sought to assist in identifying prisoners who internally secrete items within their persons for transport into prisons, but drugs are far less readily detectable than phones where the use of the boss chair, poles and handheld detectors have had some success in detecting inward trafficking. There is an emerging evidence that prisoners are engineering situations where prisoners deliberately breach their licence conditions, so they are sent back inside to smuggle in more drugs, but what is less well-known is the motive for this, and whether it is driven by choice and calculation, coercion or a range of all.

Staff Corruption

As McCarthy has suggested: 'Prison corruption has been a persistent and troublesome feature of correctional history' (McCarthy, 1984: 113). On an immediate pragmatic and realistic reading, corruption occurs in the prison system in a variety of forms. However, as an academic concern, prison corruption remains relatively under-researched (Goldsmith et al, 2016). Given broader concerns particularly regarding the contemporary state and character of prisons in England and Wales, there is a strong argument in favour of more serious engagement with the issue, and better proactive approaches to limit corruption.

The issue of prison staff corruption is of course not clear-cut, and what can be considered corrupt practice arguably runs a continuum from unjust use of force through to serious malfeasance, perhaps in some instances underpinned by corporate aims. However, while prison corruption might be a somewhat amorphous concept, a useful operational definition is provided by the National Offender Management Service, who define the issue thus:

Corruption occurs when a person in a position of authority or trust abuses their position for their or another person's benefit or gain. In NOMS, this would include the misuse of their role in order to plan or commit a criminal act, or a deliberate failure to act to prevent criminal behaviour. This includes actual or attempted conveying of restricted items into prisons, aiding escape, unauthorised disclosure of information, accepting or seeking bribes, inappropriate relationships, blackmail, taking or seeking money or other favours for commercial purposes, for moving or reclassifying prisoners, or theft of prisoner's money or property. (NOMS, 2016b).

At the simplest level, 'prison staff corruption' is broad and potentially wide ranging, encompassing a plethora of activities that range from individual practices to systemic, high level malfeasance. Yet as Souryal (2009: 21) notes: 'prison corruption, although relatively invisible to the public can, in the long-term, cause much more social damage'. At the macro level, all staff and prisoners are put at risk of serious injury by smuggled weapons or substances that create volatility and underpin the prison sub-rosa economy.

All corruption ultimately undermines legitimate authority of the state.

Compiling a full picture of prison officer corruption on media accounts alone is problematic, as there is a lamentable tendency at times to regard it as potentially reflecting badly on the agency or establishment if it comes to the attention of the press.

Some press commentators have averred that: 'The prison service is suppressing evidence of widespread corruption among its own officers' (Holmes, 2016). While undeniably the clear majority of staff are honest and hard-working and want to see corrupt staff dealt with because they present a danger to prison safety and security of staff and prisoners alike. It is quite possible that the number of finds of sim cards, phones and narcotics found in prisons are transported in by corrupt staff and officials, and yet, this issue gets far less attention than prisoner family/friend complicity in drug smuggling, drones and prisoner importation.

A clear problem with prison staff corruption is while it is likely a significant factor contributing to the rise of crime in prison, responses to it have been largely reactive rather than preventative. It has been suggested that drives to recruit staff, poor screening and attempts at infiltration into prisons by organised crime affiliates may have been under considered, and a better resourced and more considered approach to targeting potentially corrupt staff may be needed. Several prisons consulted during the research suggested they had experienced the very problem of infiltration recently, with one establishment in the Midlands recording 13 staff who had been suspended and arrested in the last 12 months through OCGs exploiting them to bring drugs in. Indeed, given that several prisoners (without naming names) talked quite openly about staff corruption further suggests that it is a problem that requires tackling. Every prison captures intelligence of staff corruption, but there is limited amount of resource for proactive investigation. Additionally, corrupt officers or prison staff do not appear to receive lengthy prisons sentences and there is a tendency for staff corruption to be under recognised and regarded as a problem best not acknowledged openly.

8 | Who is Involved

"From the conventional to the cunning, by design or device, through fear or intimidation... these criminal gangs will stop at nothing to maintain their access to such a lucrative market. We need to make prison less congenial for the modern-day Harry Grouts."
(David Gauke)

Arguably what is needed is a greater preventative emphasis on the organised criminals who are profiting from the trade in narcotics inside and outside of prison and a better recognition of how porous the link between prison and community now can often be. However, while there may be value in recognising those coordinating and profiting from prison-based criminality, the reality is that links and roles are often complex, temporal and very prone to shift.

For example, offenders such as Craig Hickenbottom (who played the 'leading role' as part of a coordinated gang of ten others from his prison cell at HMP Hewell in the Midlands to carry out 49 drone flights into a number of prison establishments, with some flights carrying individual payloads worth an estimated £85,000-£1.2 million) is perhaps in many ways typical of the type of offender who profits from criminality in mainstream adult male prisons.

While often relatively superficially compliant in custody, those offenders involved in facilitating and controlling prison drug markets seemingly often share a range of commonalities, not least that often there are serious suspicions about ringleaders and there is strong suspicion about their role within the establishment. However, it is worth noting that if drugs are entering prison establishments, there are external enablers who are often as significant in the role in importation as internal facilitators, and accounts we heard suggested that such networks could, in some instances, show extreme levels of organisation and sophistication existing external to the prison establishment, a fact borne out by police practitioners:

"I think the fact is that we are a lot further along in terms of our understanding about what SOC and serious organised crime offenders look like, and the prison service, they don't see that. They see compliant 'good lads' people who are well-behaved. But we see those guys in the community, we know that they run the drugs while remaining very hands off. We know that they orchestrate the violence but do not do it themselves. Basically, when they get into prison they act in the same way, it's a continuation of their offending behaviour in the community, but for the prison, they are no trouble. Before long they are the enhanced prisoners on the wing with all their privileges and freedoms."
(Police Officer)

Police, prison, criminal justice staff and prisoners suggested that often those who sit at the top of the criminal hierarchy and control prison supply are prisoners who have established reputations for serious criminality and are recognised as OCG nominals. This group often have several prior custodial sentences and a wider reputation for involvement in community-based organised crime, giving substantial criminal kudos. Indeed, access to firearms and a history of serious offending seem extremely common (we elaborate further on this typology below). Yet prison-based criminal entrepreneurs require networks and associates beyond the prison walls. Successful prison-based criminal entrepreneurs consolidate power by eliminating or subjugating rivals, taking control of key aspects of prison life (including contraband flows), and winning the capacity to mete out rewards and punishments to other inmates, and latent violent potential and a 'reputation' are significant aspects of this. A Category B prisoner identified as associated with an OCG group and incarcerated for an offence involving drugs and firearms for example described how he became established as a prison dealer:

"People know not to XXXX with me, I have a lot of added time, a lot of getting shipped and ghosted for violence, a lot of bad stuff that I have done, a lot of stuff that gets talked about, my reputation is known, I am known in other jails. I am known for what I have done, stabbed people, battered people done some proper XXXX. I am also known because I have the nice gear, people know what I did out there on road, and they know what I do in here. They know if they try and walk over me, they might end up having difficulty walking at all." (Prisoner, Cat B)

The prisoner quoted above, superficially appeared to be something of a model inmate. Over recent years he had not received adjudications, had not been involved in fights or assaults and notionally at least seemed the model prisoner. However, on a prison wing and away from the authorities, he was willing to admit he remained heavily involved in the drug trade and was making several hundred pounds a week in his current establishment but expressed regret that this was considerably less than when incarcerated in a large Category B local where he was making even more substantial sums.

"It isn't a secret, people know, I mean we know the names of the local OCG nominals who are in the prisons and who are running things. We know who leading players are and what we look like. We have been locking them up and the security departments, they know who they are. The thing is in prison they are clever, they do not necessarily get involved themselves though. They are often good prisoners for staff, and it is hard to convince prison officers that these guys who they have got as enhanced, who seem to be well-behaved, that they can be the real problem in the establishment." (Prison Governor)

Our interviews both with those involved in prison drug dealing and those prisoners who were consumers, but not dealers, suggest that many of the most serious OCG actors in prison are very superficially compliant.

They often have established reputations for violence and criminality but replicate their community offending in prison in a sophisticated manner, where they are involved in planning the logistics of drug supply and profit from the enterprise, while minimising the risk of sanction for themselves. Such 'leading figures' don't take drugs, aren't violent to staff or other prisoners, are intelligent and articulate, and offer reassurance to staff with their exemplary behaviour. They are often unwilling to touch mobile phones or narcotics if they can help it, but rather empower others to act on their behalf. In short, these skilled criminal manipulators do their utmost to prevent disrupted business.

We might suggest that often experienced prison staff know who the core nominals involved in illicit activity are (as do many Police Forces, Regional Crime Units and the National Crime Agency). However, by virtue of being 'off the streets and inside' and largely 'no trouble at all' for prison staff, these prisoners can undermine the imperative and drive to recognise such offenders as a problem, because they make their way into trusted positions as cleaners, workers, peer mentors and the like, a view that some prison officers were all too ready to give:

"You want to know about violence in this place you are looking at the right people [the trusted prisoners] they may not do all the violence themselves, but don't believe them if they tell you they are stopping it. If you are asking me, my opinion, I would say that probably 80-90% of the violence in this place could be tracked back to their doors if you followed it properly. Not all of them, but some of them, they are the biggest... drug dealers in this jail." (Prison Officer)

Ineffective or delayed responses to intelligence or suspicions that such individuals are involved in ongoing criminality can create the opportunities or conditions for exploitation, manipulation, intimidation, violence and the trafficking in contraband that serve to further harm and destabilise the prison, but as significantly, the ripple effects of their actions in prison can make waves in the prison, leading to general frustrations that some of the main actors involved in supply are little concerned by:

“For five guys to be dropping on association, you have to understand the knock-on effect that it has within the prison. In terms of staff being brought from this wing to come and deal with it, staff being brought from healthcare to deal with this so they’ve been all been called there, so that has a knock-on effect for that wing they’re not getting their association over there. This wing is not getting their medical or treatment or their medication when they’re supposed to be getting it, so they are kicking off now, their stress levels are going up.”
(Prisoner, Category B)

However, organised crime in prison custody has links into the community which sustain and enable it, and some of this shows a high degree of coordination and organisation involving serious complicity with external actors. Police and some prison sources tend to confirm that the more sophisticated SOC-affiliated individuals are the more likely they are to adopt a general (if ultimately superficial) compliance with rules and regulations and often prefer, and in many instances actively seek, to cultivate a prison routine subject to minimal disruption whilst maintaining maximum freedom of movement and trust from prison staff. They are, in short, often well-versed conditioners and corruptors.

The Contemporary Prison Hierarchy

In mapping out the part of drug dealing in prison custody it is important to recognise the way that the phenomenon is structured and organised. However, there has been little academic work that has sought to map out the phenomenon or show how it operates in practice. Some of that which does exist is now relatively dated (Crewe, 2006) and perhaps gives a better historical picture than a contemporary one, especially as the previous trade in narcotics until the last decade tended to centre around heroin and was slightly specialist and niche rather than mainstream.

The contemporary phenomenon of prison drug dealing seems to be somewhat hierarchical and graduated, following organised crime models, and reflecting the hierarchy in the criminal fraternity from main leading role figures through to more marginal purchaser-consumers. While clearly some prison-based crimes are based on ‘beefs’ and conflicts in the community, the notion of ‘gangs’ outside imported into prison being the main driver of prison criminality is problematic as ‘gang-involved prisoners do not appear to be recreating gang entities found in the community when in the prison’ (Setty et al., 2014).

Prison is a specific social world, in which attitudes, allegiances and loyalties developed in the community are imported into custody, and these include morals and values that may be different to the mainstream norms held in society. Prisoners in England and Wales report committing offences to get money to buy drugs, but also prisons are now more frequently the places where the illicit drug dealers detected and profiting in the community reside, and increasingly the organised crime business is one that has moved away from serious planned, violent and acquisitive crime (particularly armed robbery) to one where most profit and most serious criminal entrepreneurs have diverse involvement in illicit and licit activity, but where serious criminality frequently involves the trade in narcotics (Hobbs, 2013).

The contemporary prison hierarchy follows something of a structured system, where those who are at the top of the social strata in prisoner terms are often the offenders who are involved in the illicit economy as coordinators, often



Figure 3: The Contemporary Prison Hierarchy

described as involved in 'business' or as business men. These offenders often mimic organised crime related activities in the community, devolving down aspects of their illicit enterprise while not handling products and illicit items themselves, but devolving that function down to a middle strata of middle men, foot soldiers and 'lads' who will conduct transactions for them. Some prisoners will largely avoid involvement, and hence be involved in prison life but eschew involvement and progress to enhanced status and sought jobs, becoming what some prisoners describe as 'screw boys'.

Whilst all typologies are imperfect, and there is a degree of fluidity in terms of who occupies certain roles, this diagram serves to illustrate not only how the social hierarchy has changed, but also how the hierarchy relates to violence, the illicit economy and ongoing criminality in prisons. The terms used are those used by the men themselves, are in themselves illustrative of the hierarchy as those roles at the bottom of the hierarchy tend to be more stigmatising.

- **'Business Men'**: Men who orchestrate, coordinate and ultimately earn money from the illicit economy in prisons. They are often likeable and charismatic individuals who are able to form good relationships with staff and their peers. They may be on enhanced regime and occupy roles of responsibility (e.g. mentors, cleaners, representatives) whilst finding ways to avoid detection by using others to do their dirty work. They may already be identified as organised crime nominals in the community. They succeed by 'flying under the radar' and are able to simultaneously hold down an appearance of 'legitimate business' with one of illegitimate business (as they were accustomed to doing in the community). They might 'talk the talk' in terms of rehabilitation, but they may not always 'walk the walk'.
- **'Screw Boys'**: Men who occupy positions of responsibility within the prison, including mentors, representatives, council members, listeners, and orderlies. They are typically enhanced prisoners who have good relationships with staff. They tread a careful line in 'making the jail work

for them' and therefore need to both maintain convivial relationships with staff, but without getting too close to staff and therefore attracting the disdain of their peers.

- The **'Middle Men'** and **'Foot Soldiers'** are typically working at the behest of the Business Men. They will typically enforce and punish non-payment of debt, traffic and hold contraband, maintain, hold the debt lists (with details of bank accounts, individuals, amounts), send threatening notes, verbally threaten and intimidate peers or demand certain duties are performed (e.g. cleaning out someone else's cell).
- **'Foot Soldiers'** may be acting under duress, and therefore be both a victim and a perpetrator. Their role is less likely to be consensual, and careful attention should therefore be paid to those who are assaulting others, collecting or trafficking contraband, or holding contraband since it might be as a result of intimidation rather than willing involvement.
- The **'Lads'** are prisoners with some degree of status and respect from their peers. They may be connected with the Business Men and Foot Soldiers, but not necessarily involved in the illicit economy, drug economy or in the violence and conflict that might frame everyday life. That said, for the Business Men and Middle Men, they play an important role in demonstrating social support, which can be intimidating to more vulnerable prisoners. They may also come to the aid of the Business Men and Middle Men as and when needed.
- Both **'Firm Hoppers'** and **'Grasses'** are seen as disloyal men who can't be trusted. They violate the 'prison code' and may be punished through physical violence for doing so. Whilst 'Firm Hoppers' are those who may be involved in two organised crime groups (and therefore violate trust by betraying business interests), 'Grasses' are those who are seen as informers.
- **'Spice Heads'** are those who cannot control their drug habit, and therefore routinely disrupt the regime and come to the attention of staff. They are often likely to struggle to manage their debt, and therefore move between wings or seek sanctuary in segregation. They may lose respect and be dismissed by their peers as a

result. That said, they do not attract the same disrespect or stigma as those who misuse heroin and were, in earlier decades, labelled as 'Smack Heads'.

- **'Mamba Muppets'** are those who are used to test the quality of the drugs. In light of the unpredictable nature and effects of drugs such as psychoactive substances, those who sell psychoactive substances have a vested interest in ensuring that the batches are not of low or inferior quality. However, this quality testing has a pernicious undertone, and can be accompanied with requests to perform certain embarrassing acts as a form of perverse entertainment, punishment, deliberate degradation or ritual humiliation. The filming of such incidents creates a form of 'global humiliation' and subjects the prisoner to sustained and ongoing humiliation.
- **'The Nerds'** and the **'Fraggles'** are those who are more vulnerable prisoners who are the focus of extortion, exploitation, violence, theft and robbery. Their indebtedness may arise from extortion as more sophisticated prisoners take advantage of their naivety. They can be those who have mental or emotional health concerns, are young and/or first time in custody, but the key defining characteristics are that they are seen as physically and socially inept, unable to 'handle' their sentence or 'do their time'.
- **'It'** – In mainstream prisons, there is little acceptance of transgender prisoners, who are typically stigmatised and labelled as 'It'. They may be vulnerable to sustained victimisation and find it difficult to develop good relationships with their peers. They are likely to be socially excluded.
- People convicted of sex offences are often labelled as **'Nonces'**. They are often routinely and systematically victimised through social exclusion, extortion (including demands to pay "cell rent"), exploitation, theft, robbery and physical violence.

The Business Men and Screw Boys sit at the top of the prison strata, and these categories necessarily are not so much as exclusive but overlapping. Often, those coordinating involvement in illicit trade at the higher echelons may be those in sought prison jobs, recorded as enhanced status,

and superficially appear compliant, often working towards category D status, and a difficulty can be separating those prisoners complying with the prison regime legitimately from those who will do it to provide a smokescreen for illicit activity. However, those coordinating the illicit economy in prison, the 'business men' can prove hard to identify, but we would suggest that some of the following stands out.

Prisoners as 'business men' coordinating serious criminality in prison and outside often have biographies where the following is significant:

- Identified and convicted of serious offences and have long sentences (4+ years) often drugs and serious violent crime.
- Been involved (historical or continuing) in legitimate business, and haulage and transport (haulage/taxis), bars/catering/beauty shops (e.g. hairdressing/tanning)/car washes/car sales/shops (supplements) and means of laundering money with close connections through partners/family/spouse.
- Likely to be involved in higher strata drug importation/distribution in community.
- Often have markers for firearms offences.
- Have a reputation (historical) for violence.
- Are of good (current) behaviour in prisons (lack of adjudications/warnings).
- Have significant prior experience of custody (including youth custody) but may have historically been challenging and difficult in custody.
- Are shrewd, show common sense, have above average intelligence, and are well regarded by staff and prisoners generally, deferred to and regarded as stabilising influences.
- Will generally avoid drug taking themselves.
- Have localised reputation for violence (historically) in community and family name.
- Have a network in prison of friends and associates, demonstrate signs of affluence (high expense designer clothing, trainers and watches) need for nothing in custodial environment.

- Receive regular visits.
- Likely to be enhanced status, show keenness to work to D category in short or long-term.

It can prove difficult to identify the business men from legitimate prisoners generally. However, and crucially, those who are the malign influences in custody may not be the most disruptive, difficult and challenging prisoners, and may not themselves be involved in the dirty work of doing violence. Rather they franchise out much of this to subordinates whilst maintaining control of the prison market.

Middle Men and Foot Soldiers essentially act as muscle and workers for those Business Men. Again, often these prisoners occupy some position of status and privilege in custody and roles such as wing cleaners, servery workers and status 'rep' positions, but may be more prone to showing signs and symptoms of involvement in criminal activity in custody (see following page) as they orchestrate the day-to-day trade in narcotics. As an illicit market, the prison drug trade is regulated by violence, and hence on occasion these prisoners will be the ones who commit assaults or come to attention for holding prohibited items, but they too may devolve such activities away from themselves or use incentive or threat to get others to act on their behalf. Often such prisoners are also more marked by the affluence they show on wings, such as having 'Fat Pads', cells that are abundant in food, consumables, clothing and signs of status, becoming involved periodically in violence, possessing the property of others and generally appearing as the main figures on a wing.



Figure 4 (source: Gooch and Treadwell, 2015)

Firm Hoppers are essentially free agents who act for different organised crime groups but without displaying group loyalty. They will avail themselves of opportunities, while attempting not to be implicated as informers. Such individuals however occupy a lesser position of trust from Business Men who recognise loyalty rather than individual self-interest.

Prisoners who are regarded favourably are generally placed in a category of lads where they navigate the complex dynamics of imprisonment without being victimised or finding themselves in debt or at threat. They tend to act in a relatively conformist manner and serve their time, largely seeking to avoid confrontation and conflict. Of course, amongst these prisoners there will be some who are involved in illicit markets and drugs as consumers, and it is important that the model we suggest of the prison hierarchy is necessarily a dynamic one that can fluctuate and change with individuals moving and shifting between roles.

The lower strata of the prison hierarchy are prisoners who are regarded as Fraggles and Muppets, those who cannot control drug dependency (and become known as 'Spice Heads and Mamba Muppets'), are affected by mental health problems, or fall into debt. Such prisoners can be exploited for entertainment, used to test batches of drugs, bullied, and used as a useful distraction from more nefarious criminal activities. These prisoners rather than presenting as unproblematic often show signs and symptoms of victimisation (opposite) and can be threatened and coerced into acting for more established prisoners, or seek to use disruption as a means of gaining assistance and attention.

Finally, there are prisoners often regarded as inherently flawed and fair game for violence. Such subordinated prisoners often include transsexual prisoners (often referred to as 'It' by other prisoners and subject to ongoing victimisation), and those who are sex offenders or commit



Figure 5 (source: Gooch and Treadwell, 2015)

crimes against children ('Nonces') who are often positioned as inherently vulnerable and are at risk of being assaulted on many main wings. There are also chronic debtors who attempt to avoid repayment and similarly can show signs and symptoms of victimisation. It is worth remembering that a significant proportion of the prison population are vulnerable, some are socially inept, and many lack the skills that mainstream society requires. Hence, the judicial system deals with these people and segregates them in custody quite frequently. While in custody they may look to conduct themselves in a socially acceptable manner, they will never be accepted to the more instrumental criminals and serious offenders at the upper echelons of the serious organised crime fraternity and their associates.

9 | A Heterogeneous Prison Estate

Young Offenders/Young Adults

In YOIs, prisoners use labels such as 'King of the Wing' or 'Top Dog' to describe those prisoners who occupied the highest echelons of the prisoner hierarchy. These are prisoners who are 'typically responsible for running and coordinating nefarious trade activities on the wing' and most notably, 'the supply of contraband' (Gooch and Treadwell, 2015: 32). The King of the Wing was the most powerful individual on the wing, often afforded status because of their involvement in criminal enterprise both inside and outside custody, their reputation in the outside community, their physical appearance or custodial reputation. Few prisoners achieved this level of status, power and control. This suggests that in some instances, those behaving in nefarious ways in custody may begin early and learn these roles before adult custody. In YOIs, researchers describe this emergent key nominal role as often involving young individuals who:

...often had a relatively extensive criminal history, even though that was not always reflected in convictions alone. The King of the Wing was often the centre of activity during association and other periods where prisoners were unlocked together. Other prisoners deferred to them and were intimidated by them. Due to their elevated position in the prisoner hierarchy, the King of the Wing acted like a 'puppet master' and was able to 'pull the strings' of others around them, through a blend of either threat or menace or bribery. The King of the Wing would associate with landing cleaners and debt collectors, requiring them to act at their behest to pass items or enforce debts without necessarily becoming directly involved themselves.

(Gooch and Treadwell, 2015: 32)

This can be regarded perhaps as a stage of transitioning, as many of those who become more serious OCG nominals of the future have similar pathways into lifelong persistent criminality. In particular, they may show association with other serious offenders, early onset criminality, which often includes difficult upbringings, experience of trauma, poor educational attainment, and the shift toward an increasing pursuit of a hedonistic lifestyle featuring illicit drugs and conspicuous consumption as they age, with growing severity of offending. Yet OCG nominals seem to mature and grow in sophistication in contrast with peers.

The Women's Prison Estate

Generally, the women's prison estate sees less evidence of high levels of violence currently encountered in much of the male estate, but that does not mean that there are not significant challenges brought about by illicit drugs. So too, while the women's estate does not see the same levels of violence as the men's, the illicit trade in narcotics in female establishments may well link with self-harm, which tends to be heightened in women's jails.

In the wake of reports of a 51-year-old transgender prisoner, Karen White, having been charged with committing four sexual offences against inmates at a women's jail in West Yorkshire, debate has resurfaced around the place of trans prisoners in the prison estate and issues of safety. Indeed, the issue of trans prisoners has received significant attention periodically and much of this has been formed variously around debates about safety and security. Academics such as Professor Azrini Wahidin have suggested that 'Radical changes are needed to protect serving transgender prisoners' (Wahidin, 2018). Much of the debate has been framed around either the risk of harm transgender prisoners presents to themselves when confined in prison custody, or the risk that transgender prisoners identifying as female might present in the women's prison estate. The matter has divided commentators and interest groups and proved extremely controversial and shows no sign of abating since the British Government has announced they will be reforming the Gender Recognition Act, allowing trans-people to self-identify without needing a psychiatric evaluation from a medical professional to confirm they are trans. Some groups such as Fair Play for Women and Dr Nicola Williams have suggested that the current direction of policy is dangerous given that half of all transgender prisoners are sex offenders or category A [high security] inmates (Williams, 2017). While these claims have not been wholly accepted (Fisher, 2017) it would seem an appropriate time to consider issues of transgender prisoners and safety and security. However, this is difficult as official figures regarding the number or type of convictions of trans-identifying male inmates in the prisons of England and Wales suggest low numbers and may not give a full picture.

It is also worth noting that the issue of trans prisoners is not only being debated in the UK. In the US, the Bureau of Prisons has recently reversed and rescinded rules that allowed transgender inmates to use facilities that match their gender identity, including cell blocks and bathrooms and suggested that biological sex at birth alone will determine where prisoners are located. In contrast, in prisons in England and Wales:

- 2011 policy guidelines for Prisons in England and Wales stated that prisoners should normally be located in the prison estate of their gender as recognised by UK law.
- In November 2016, the National Offender Management Service (NOMS) published a revised policy on transgender prisoners (PSI 17/2016).
- The Ministry of Justice published the first official statistics on transgender prisoners. A data collection exercise in March/April 2016 showed that there were 70 transgender prisoners in 33 of the 123 public and private prisons in England and Wales.
- Williams (2017) suggests that she was able to identify 113 transgender prisoners, 100 located in the male estate and 13 in the female estate using information from 67 prisons as set out in Independent Monitoring Board reports.

Prison Service Instruction (PSI 16/17/2016 The Care and Management of Transgender Offenders) says 'Women offenders who present a high risk of harm to other women are managed safely in the prison estate. Transgender women who pose similar risks should be managed in a similar way in the female estate'.

Yet there is a perhaps a problem here with terminology, and we might ask what is 'similar'? Very few women in the women's estate have been convicted of rape or sexual offences against women, and the women's prison estate is discernibly different from that of the men's. It might be legitimate to ask is a transgender woman can still be biologically male, as a Gender Reassignment Certificate (GRC) has no requirement for the individual to have undergone sex reassignment surgery. We might ask therefore if a trans prisoner who remains biologically male is a similar risk to be managed in a women's prison? We are certainly not asserting that all male transgender prisoners are a risk of perpetrating sexual violence against women.

However, that ought not to simply consider trans prisoners as potential perpetrators, as we recognise that that lack of empirical research and evidence also means significant omissions in the knowledge base about the very real problems of victimisation, violence and discrimination that trans people face every day, and which trans prisoners may face in the male prison estate, particularly as victims of violence and sexual violence.

At present, we have too little knowledge regarding the experiences of trans prisoners or whether their management in custody is successful or not. However, in written evidence given to the House of Commons Women and Equalities Committee Transgender Equality (2015), on behalf of the British Association of Gender Identity Specialists, Dr James Barrett, noted:

"It has been rather naïvely suggested that nobody would seek to pretend transsexual status in prison if this were not actually the case. There are, to those of us who actually interview the prisoners, in fact very many reasons why people might pretend this. These vary from the opportunity to have trips out of prison through to a desire for a transfer to the female estate (to the same prison as a co-defendant) through to the idea that a parole board will perceive somebody who is female as being less dangerous through to a [false] belief that hormone treatment will actually render one less dangerous through to wanting a special or protected status within the prison system and even (in one very well evidenced case that a highly concerned Prison Governor brought particularly to my attention) a plethora of prison intelligence information suggesting that the driving force was a desire to make subsequent sexual offending very much easier, females being generally perceived as low risk in this regard."

(British Psychological Society, 2015: 4-5)

While we accept that not every trans-identifying male is a potential sex offender simply because they may still have a penis, conversely it might also be naïve to think that some trans-identifying men who are historically sexual offenders might not be a risk to women in the female estate. A core principle of risk assessment must be that the best predictor of future risk is past behaviour, and it is necessary to consider the risks of serious crime in all contexts.

Additionally, in public service settings there is a climate of fear against litigation and allegations of bigotry that potentially leads good people to not speak out when they have concerns. There is also the problem that the women in the estate have little voice, and when those systems for safe management fail, there is the potential for more women as victims.

The best approach might be small specialist facilities or specialist wings for trans identifying male prisoners in the male estate, but that does not stop problems. Would a 19-year-old non-violent trans identifying male in for breaching community sentence for a non-violent offence be best on a wing with far older trans identifying males who would otherwise be in the high security estate for rape? The issues are complex, but again, in discussions of ongoing criminality it highlights that police may be called upon to investigate sexual violence in prisons in both the male and female estates, and while reported numbers of such offences are low (see figure) such investigations are complex, and resource intensive, and require good, collaborative working relationships between police and prisons.

Specialist Prisons for Men Convicted of Sex Offences

There has been a growing tendency in England and Wales to locate men convicted of sex offences in dedicated prisons, a decision initially motivated by the desire to focus resources and the delivery of programmes such as the now abandoned Sex Offender Treatment Programme (SOTP) within certain prisons. Generally, criminal activity in these dedicated prisons is detected on a far less frequent basis than in a mainstream Category C prison. Physical violence and substances misuse (either of psychoactive substances or prohibited substances under the Misuse of Drugs) is uncommon and, when it occurs, far less likely to result in serious harm. Taking HMP Stafford as an example, drugs were found only on two occasions in the year April 2017–March 2018, and only three times the previous year (April 2016–March 2017) (Ministry of Justice, 2018a). In the same years, random mandatory drug tests were positive

(and therefore indicating substances misuse) on only four occasions in the year 2017/2018 and only twice in the year 2016/2017. There were 39 assaults in 2017 and 36 assaults in 2016, approximately one every ten days (Ministry of Justice 2018b), compared HMP Oakwood (a Category C prison) where there were 375 assaults in 2017 and 419 assaults in 2016. Moreover, mobile telephones were found on only four occasions in the year 2017/2018 and on three occasions the year before.

The seemingly low levels of physical violence, substance misuse and contraband trafficking lead some to conclude that as a population, men convicted of sex offences are a compliant group. There is some truth in this. Men convicted of sex offences tend to be far more conscious of: the stigma associated with being labelled both as a 'sex offender' and 'prisoner,' their location in a 'sex offender prison,' the ways their behaviour might be constructed, interpreted, perceived and monitored within the prison, and more conscious of the need to fulfil certain conditions in order to secure release and then to succeed on release. The route to release, the life and support they can expect on release, and the ability to fulfil their license conditions is by no means certain. Consequently, men in dedicated prisons can be more attuned to the demands made of them by prison staff and regulate their behaviour accordingly.

It should also be noted that there are noticeable differences in the demographic features of these dedicated prisons. Increasingly, those men serving time for sexual offences are over the age of 55. For example, in one prison, 55% of the population fell into this category. Many are serving their first custodial sentence, and fewer men have pre-existing substance misuse habits prior to their imprisonment. Thus, they are far less likely to have turned to or misuse illicit substances – such as heroin, cannabis, psychoactive substances, amphetamines or anabolic steroids – that are more common in mainstream prisons as a means of 'melting the bars away' and coping with the daily pains of imprisonment.

However, the absence of an economy based on drugs, drones and mobile phones does not mean that an illicit economy does not exist at all. Rather, sexual activities are commoditised and used as a way to bargain, purchase

items such as tobacco or food items, and repay debts. Such debts tend to be low and do not escalate in the ways seen in the mainstream prison population. Consensual and non-consensual sexual activity is rarely discussed in mainstream prisons, reflecting something of the hyper-masculine and homophobic culture in the mainstream prisons and the uncommon nature of such behaviour. In contrast, sexual activity may be openly discussed in dedicated prisons, as are the means by which this could be facilitated (such as the 'dark web') and both consensual and non-consensual activity occurred on a relatively regular but not frequent basis. 'Grooming' of young men by older men is also evident. It is also possible that organised crime networking can take place in such environments, and it should be remembered that Child Sexual Exploitation is regarded as a significant area of organised criminal activity in current threat assessments of serious organised crime (NCA, 2018).

Within 'mainstream' prisons, such prisoners are often located on 'vulnerable prisoner' wings to reduce the risk of victimisation with few prisons successfully operating an 'integrated regime' where those convicted of sex offences live alongside those who have not been (see HMP Swinfen Hall as an example). Those who are known to have committed a sexual offence are often labelled, stigmatised and disregarded as a 'nonce' or 'wrong 'un', sometimes facing physical violence and reprisal at the hands of their peers who judge such 'punishment' as entirely justified. For those who are homosexual, bi-sexual or transgender, victimisation can be endemic and such individuals can find themselves the victim of sustained abuse.

Category D (Open) Prisons

More highly trusted, but less supervised prisoners, need not to be complacent. Due to the lesser degree of security and greater freedom of Category D prisoners, it is conceivable that these are the establishments that some SOC nominals who continue to coordinate criminality outside of custody will want to be in. It is also notable that some low category prisons have a high number of OCG nominals, and the lessened security of such establishments proves attractive to those continuing to profit from ongoing involvement in entrepreneurial criminality in the community.

High Security (Dispersal) Prisons

The High Security Estate (HSE) arguably presents somewhat different challenges in terms of crime and criminality to the problems associated with mainstream prisons, although, there is also intersection. In particular, in the region in recent years, High Security Prison has witnessed some rather brutal prisoner-on-prisoner homicides, and while these also occur in mainstream and local prisons, the nature and character of prisons that hold long-term prisoners, lifers and those in a minority of instances serving full-life terms makes the HSE different. Additionally, the HSE has increasingly come to the fore as the more natural place to hold some OCG nominals and Terrorism Act (2000) offenders (known as TACT prisoners). Ian Acheson's review found evidence that Islamic Extremism (IE) is a growing problem within prisons, and a central, comprehensive and coordinated strategy is required to monitor and counter it, a recommendation that is now being implemented.

Interestingly that review recommended a more coordinated and rehearsed response to violent incidents generally and noted concern that some prisoners sentenced under the Terrorism Act 2000 and its successors aspire to acts of extreme violence which require not only action within prisons but oversight and direction from experienced operational staff working centrally and that any new strategy should focus on greater coordination and cooperation from prisons to the police. It also suggested that the present system under which TACT and IE prisoners are dispersed across prisons should be reviewed, and consideration given to containment of known extremists within dedicated specialist units.

Of course, prisons in England and Wales (and the UK generally) have a long history of coping with terrorists and political or religious extremists, but in the aftermath of 9/11 and the global 'War on Terror' the UK has experienced an increase in extremists motivated by Islamist ideology. Formerly prisoners were largely managed as their Provisional IRA (PIRA) forebears were dispersed within the High Security Estate (HSE), with further controls applied on the basis of assessed risk. Now these controls continue to evolve,

drawing on increasing and enhanced intelligence-based assessments including increased close collaboration between the police and other criminal justice and statutory agencies.

Anti-terrorism legislation passed in the aftermath of 7/7 criminalised those who promoted terrorism, those involved in acts preparatory to terrorism and those who advocated it without being directly involved. This increase in legislative scope was matched by an upsurge in global jihadist terrorist violence. The security response to this has led to a significant increase in conviction rates for terrorist offences. Progressively more of these offenders are held outside the HSE (including in Midlands prisons) and some are proceeding through the offender management system towards release into the community. The recent review suggested that such prisoners extend the threat of radicalisation beyond those arrested for terrorist offences and could be a malign influence on the prison population more. Other prisoners – both Muslim and non-Muslim – serving sentences for crimes unrelated to terrorism are nevertheless vulnerable to radicalisation by Islamist Extremists, and it has been argued that there are tensions created due to this particularly when formerly OCG affiliated individuals use religious conversion to Islam as a strategy for distancing themselves from former associates. Current trends suggest that the number of prisoners guilty of offences relating to terrorism and extremism are likely to increase. For instance, it has been reported that around 800 Britons have travelled to Syria and Iraq to fight, and others to Afghanistan, Somalia and Yemen and Libya. A significant number of these have returned to the UK, of whom a portion will enter the criminal justice system. We can therefore expect the number of TACT and IE prisoners to continue to increase with knock-on consequences for the scale of the threat of radicalisation in prisons.

The High Security Estate (HSE) comprises just eight of the prisons in England. The great majority of HSE prisoners are non-TACT and non-IE, but those that are interact with the majority. Following sentencing, most convicted TACT prisoners are allocated to HSE establishments. Obviously, items such as mobile phones in the hands of TACT and IE prisoners is different to that of organised criminality, although there are potential overlaps between the two. Additionally, while terrorism might be the highlight concern in the HSE and in prisons such as HMP Long Lartin (the only high security prison within the Midlands region), we also should not be naïve to the issues facing Category B and C prisons with organised crime moving into higher security establishments. Markets and demand for Spice, Mamba and Monkey Dust also exist in high security estate and amongst some of its prisoners. While the high security estate is more secure against some methods of trafficking, such as prisoner plugging and swallowing (although this is possible with transfers between local prisons with high amounts of drugs and transferred prisoners) throw overs, drones and family trafficking; staff corruption may still present a significant challenge and threat to the security in high security prisons. However, HS prisons can be better placed to disrupt and challenge the activities of some core OCG nominals.

Different prisons can present slightly different threats and challenges where ongoing criminality and ongoing organised criminality are concerned, and it is important that criminal justice agencies are alert to these and recognise the threat.

10 | Local Initiatives

While the picture and testimony provided thus far presents an alarming picture of the scale, impact and harm caused by ongoing criminality in prisons, there is evidence that there are a range of initiatives which seem to have enhanced the authorities' ability to respond to crime committed in prison, and as importantly to seek to prevent crime in prison. An important methodological framework for organised crime analysis is being provided by the four Ps model originally used to consider terrorist offences: **Prevent, Pursue, Protect** and **Prepare**. That model is now being incorporated into academic considerations of organised crime.

'Prevent', for example, focuses upon offenders to prevent them from becoming criminal, or from committing more serious criminal acts, or joining organised crime groups and organisations. 'Pursue', on the other hand, focuses upon law enforcement to pursue and stop offenders and groups by detecting, prosecuting and otherwise disrupting those who plan to carry out criminal activities. 'Protect' is a strategic focus to protect key infrastructures by reducing risks and vulnerabilities in order to prevent attack by criminal groups. 'Prepare' promotes a tactical focus upon preparing victims for impact and mitigating the effects of criminal groups where they cannot be stopped. This provides a useful framework for considering how we tackle issues of ongoing criminality in prisons.

Currently, there are a range of initiatives that prove useful reference points for how the issues of ongoing criminality in prison may be tackled, however, the best mechanisms may be based on principles of Situational Crime prevention and attempting to make it harder for offenders to deliberately be involved in criminality. Based on our empirical research and notions drawn from Situational Crime Prevention (SCP) we would suggest the following model of what seem to be some of the core facilitators and enabling factors that frame and facilitate prison-organised crime. If we can understand the core enablers, then look to limit these, it stands to reason that crime in prison can be prevented, and this is preferable to tackling offences via law enforcement approaches. It therefore follows that proactive and preventative approaches should be based on understanding the interplay of the factors that we suggest underpins ongoing criminality and organised crime in prison:

1. **The institutional setting:** The type of prison regime and prison type, along with structural prison factors, are likely to drive some internal differences in the types of crime that occur. Most prisons are targets for drug trafficking, but factors such as security levels may impact on the means of this trafficking. Sex offender prisons may have different markets for USB sticks with pornography and internet-enabled mobile phones rather than PS – and different prisoner populations and prison types give rise to differences in crime.
2. **Motivated/capable offenders:** The numbers of offenders in the institution who are sufficiently motivated and networked to become involved in organised crime or to continue their involvement in organised crime (e.g. higher OCG nominal numbers may mean more attempts to influence outside organised crime). Offenders may be motivated by prison deprivations, or they might import their motivations and demonstrate affluence inside, and in some instances, both may be connected. However, they will require the skills and attributes to sustain organised crime in prisons – they might be knowledgeable of how to sustain drugs supply, have the ability to establish networks and, if necessary, have the physical attributes (or access to these) in order to intimidate potential competitors, debtors or staff. Other skills might include technological skills and being digitally capable.
3. **Suitable market/consumers:** The size of the market in the prison for goods/services and the willingness of potential customers to consume services provided. We should not think only about drug markets internal to the prison, for example sex offender prisons may have different illicit markets, legitimate products such as tobacco may be in great demand across the estate.
4. **Tools/props for crime:** The availability of the props required for crime to continue or thrive, for example, mobile phones, internet access, bank accounts, resource to pay for goods and services. Essentially the availability of such items allows connections to the outside world to be made and maintained, other tools might be the availability of weapons to intimidate or fend off potential competition and support monopolies on force or threat.

For those playing a leading role in internal prison criminality, the available pool of labour might also be conceived of in this way.

5. **Lack of capable guardianship:** A lack of willing guardians (prison staff/monitoring technologies such as CCTV systems) to put a check on crime activities can allow the illicit economy to flourish and criminal activity to occur with impunity. However, while we may conceive of this as people, it can also constitute intelligence failures and a failure to appropriately manage information, for example highly sophisticated internet sex offenders who are not flagged in prison as being prohibited access to I.T. systems, or gang injunctions not being prevented from association with named peers. These two failures in institutional management can lead to the wrong prisoners being in roles of privilege and advantage (trusted roles) and being approved for ROTL and the like.
6. **Enablers:** The number of people within the prison acting as crime enablers such as corrupt prison staff willing to supply phones, take bribes or even be complicit in not raising attention, not submitting IRs, resigning themselves to the inevitability of illicit conduct in the prison environment. Some prisoners will also use conditioning techniques to enable corrupt practices, befriending staff, attempting to form prohibited relationships with staff members to facilitate corruption, or use significant criminal reputation and intimidation, threat and coercion to shift staff into a position where they are de-facto enablers.
7. **Commodity and communication networks:** The ease at which networks to convey messages to external accomplices and at which supply routes for goods can be established and maintained. Some prisoners involved in trafficking illicit and prohibited items may diversify items (iPad, USB devices, PS and illicit drugs, phones, alcohol and weapons) and may utilise several different supply means (corrupt staff, throw overs and recall prisoners) to limit chances of supply disruption by authorities. Additionally, prisoners serving with co-defendants, gang associates, affiliates and friends and in the locality of their own region may have greater access to immediate networks and may be better placed to be involved in trafficking, whereas in other regions and removed from

familiar locality, those commodity and communication networks break down. (From Hopkins, et al, forthcoming).

In the Midlands region, there is already much to suggest a positive direction of travel, and staff overall, in all agencies, have articulated a steadfast resolve to attempt to limit opportunities for ongoing criminality in prison and for dealing with instances when they are detected through law enforcement and collaborative working. However, a realistic assessment is that initiatives, while developing, have been somewhat reactive and are yet to fully bed in. There are also a range of issues related to the legal framework that complicate matters when it comes to crime in prison. While prisons are secure environments which have some rules and restrictions that do not exist for those who are not confined, and limit their personal autonomy, at a general level, what is considered crime in the community is no different to that in prison, but this simplifies what is a complex system where different systems are in play.

Cases that are sufficiently serious to attract the risk of the punishment of additional days in prison being added on to a prisoner's sentence (up to 42 days at any one sitting) may be referred to a visiting district judge (known as an 'external adjudicator'). The national 'Handling Crime in Prison' protocol suggests that in instances of serious misconduct, the processes are commenced together. However, for most cases it is the prison adjudication system that is used, and perhaps in some instances overused.

Much of the discussion of Prison Law involves discipline in prison including several prison offences dealt with by the Prison Rules, which regulate the behaviour of those incarcerated in custodial settings. When a prisoner breaks the law in prison (be it the criminal law generally, or a specific prison offence), the prison commences a formal judicial and legal process against them. Normally infractions against the law in prison are dealt with by the internal process, which requires a charge to be 'laid' against the offending prisoner 'as soon as possible and, save in exceptional circumstances, within 48 hours of the discovery of the offence' when a prisoner is to be processed through the prison disciplinary process. This is a mandatory requirement and so a failure to promptly lay a charge may make any subsequent proceedings unlawful.

The unavailability of staff will not constitute 'exceptional circumstances' sufficient to justify a delay in laying the charge beyond 48 hours. Normally any offence in prison will be charged, although it is also possible that concurrently the matter will be reported to the police and dealt with under the formal auspices of the criminal law. If the charge is criminal and serious enough in nature, the governor must refer the matter to the police and then open and adjourn the hearing until the outcome of the police investigation and any subsequent prosecution is known. If a prosecution goes ahead, the adjudication will not proceed (since it would be double jeopardy for the prisoner to be punished – or acquitted – by a court, and then face a further adjudication punishment). If the prisoner is not prosecuted in a court the adjudication may then resume, provided the delay in reaching a decision on prosecution has not made it unfair to proceed (natural justice), or the adjudication would rely on the same evidence that was known to the CPS, which they had decided would not support a prosecution.

In 2015, in their report 'Punishment in Prison', The Howard League for Penal Reform suggested that almost '160,000 days – or 438 years – of additional imprisonment were imposed on prisoners found to have broken prison rules in 2014. The number of extra days imposed on children almost doubled in two years – from 1,383 in 2012 to 2,683 in 2014 – even though the number of children in prison almost halved (Howard League, 2015). Following that, they produced 'The rising tide: Additional days for rule-breaking in prison' (Howard League, 2018) which suggested that:

A total of 359,081 days of additional imprisonment were imposed as punishment in 2017 across prisons in England and Wales – the equivalent of 983 additional years of imprisonment. This represents a rise of almost a quarter from 2016... Additional days have more than doubled over the past three years... Additional days are overwhelmingly imposed for non-violent infractions of rules... Prisons should operate in a way that reflects the highest standards of justice. The system of awarding additional days is variable and capricious, which undermines justice [and that] additional days contribute to a deteriorating prison system by exacerbating overcrowding and producing a sense of unfairness among prisoners. (Howard League, 2018)

However, there are problems with such claims. The process is a complex one, but the giving of additional days is now controlled by independent adjudicator, and increased use and application may simply reflect the widespread problems with contraband and discipline currently being encountered in prisons. It is not clear, for example, how the claim that the majority are given for non-violent infraction of rules plays out, given that only the most serious of disciplinary infractions are referred to IA's, it might be that such impositions are often for quite serious infractions (drug possession and mobile phone possession which are criminal offences that could in other circumstances potentially proceed through the criminal courts).

Only a very small number of offences committed in prison result in outside prosecution, and recently, there have been several high-profile prosecutions, including the first successful prosecution of a prison drone smuggling group with prisoners based at HMP Hewell. However, there have also been several significant cases proceed to court to result in acquittals and collapsed trials, including a murder at HMP Pentonville. At the time of writing, a prison within the Midlands region (HMP Birmingham) was taken under State control due to a damning inspection report and the triggering of an Urgent Notification (UN) process. During the course of the inspection that triggered that concern, officers and prison inspectors' cars were set on fire in a secure car park while prison staff were threatened with a firearm by masked men. Perhaps there can be no better illustration of the pressing need to understand how organised crime and prison intersect.

For example, The Howard League for Penal Reform report: 'Punishment in Prison: The world of prison discipline' gives a good contextual overview of the application of prison discipline. Based on figures provided by Andrew Selous, then the Minister for Prisons, Probation, Rehabilitation and Sentencing, in an answer to written questions, it looks at the use and application of 'adjudications' – disciplinary hearings for contraventions of prison rules – which resulted in additional imprisonment of 160,000 days or 438 years in 2014/15 (Howard League, 2015). The Howard League's main findings are that:

- The number of adjudications where extra days could be imposed has increased by 47 per cent since 2010.
- The rise in the number of adjudications has come at a time when prisons across England and Wales are struggling to overcome problems caused by a growing prisoner population, chronic overcrowding and cuts of almost 40 per cent to frontline staffing.
- Violence and self-injury in prisons are at their highest levels in a decade. In addition, there have been eight suspected homicides during 2015 – the highest number in a calendar year since current recording practices began in 1978.
- The hearings, which cost between an estimated £400,000 and £500,000 a year in total, mainly concern disobedience, disrespect or property offences.

Of course, the reality is that internal processes are dealing with a complex interplay of activities that are covered by internal disciplinary processes and at the lower end, some of these charges do not constitute crimes but acts of disobedience. However, bound up within this there are also serious assaults on staff and other prisoners, possession of drugs and mobile phones which are criminal offences, possession of drugs and an array of activities that arguably should be subject to sanction.

In the case of allegations which are serious but are not referred to the police (or will not result in prosecution), an independent visiting district judge may be asked to conduct the adjudication. A district judge has additional powers to that of prison staff and prison governors and can impose up to a further 42 days' imprisonment on top of the prisoner's current sentence for each finding of guilt.

A widespread and concerning view that we have encountered is that crime in prison was not regarded as significant or pressing, and that crime in prison was simply too readily tolerated by a detached management and criminal justice system that cared little. While the reality is arguably more complex, we have encountered numerous examples that would suggest that matters of crime in prison are largely not being given enough attention, and that this is damaging prison rehabilitation efforts, which ultimately will result in continuing problems in achieving a sufficient level of safety, security and discipline in prisons.

Short-term action is required to get an 'operational grip' in prisons and put justice back into lawless jails, and there is an urgent need to get stability back into prisons, and particularly, into prisons with the highest levels of violence. At the time of writing, Prisons Minister Rory Stewart promised to be judged on his ability to reduce rates of violence in prison, and it is likely that recruitment of additional staff will yield some results in this respect, as will an increase in staff placed into some of the more disorderly prisons. However, longer-term, real success against organised crime will require not only numbers and boots on the landing, but better collaborative working, better dynamic security and risk assessment, and better proactive prevention. In addition, staff training needs an overhaul to equip them properly for the task of managing prisoners with diverse needs and characteristics, and to deal with emergent threats and the changing nature of crime.

Given the nature of crime in prison at present we would aver that a significant investment of time and resource is necessary to tackle organised crime and drug use in

"What's it like when people do something serious, you mean, what is the response like from the police?"

Interviewer: "Yes".

"...well, I will be honest with you, it is a bit hit and miss. I would like to say that there is a parity, that crime in prison is taken seriously, but I will be honest with you, it is not. Prisoners are treated too leniently the sanctions that have been applied or are available to punish them are a joke. They often say: "And what are you going to do?" The answer to this has been not a lot or nothing and this has been imbedded in them. They assault you knowing that the likelihood is not a sentence, it goes to outside court and they get three months concurrent on a four-year sentence. Often the worst they might get is a maximum of 42 days on their sentence, that is a joke." (Prison Officer)

prison, but this pressing need must involve what we term an **'IMPACT'** approach to crime in prison, with the IMPACT acronym based on the following sequential principles:

I – Intelligence sharing, gathering and analysis

Effective criminal justice interventions are more likely when organisations work in partnership. At present, there are significant problems with ongoing criminality in prisons, and this should be regarded as everybody's concern, and not just a prison-only problem. The first step to resolving the problems in our prisons is more effective law enforcement, and that requires collaborative and coordinated multi-agency working. Arguably this is starting to happen, for example with a national protocol on 'Handling Crime in Prison', but there is too little evidence of this collaborative working happening in a coordinated manner other than on an ad hoc basis and often is not sufficiently supported from on high. Yet we have seen the benefits that arise when police, prisons and CPS work in a coordinated manner to share intelligence regarding OCG/lifetime offenders and developments in the community. Prisons to gather situational intelligence (e.g. who they affiliate with) that is useful for the police, and the police provide vital support for prisons, but often these practices form organically, and they should be better managed and supported from on high. Prison safety and security teams should work jointly and recognise the link between intelligence gathered regarding those who are at risk of harm to themselves, and intelligence gathered about those who are at risk of harm to others/the security of the establishment. Joint intelligence meetings should take place on a regular basis, proportionate to the level of threat (e.g. monthly or quarterly).

M – Monitoring, supervision and surveillance

Arguably organised crime has moved into a void in prison that has been left by the out flux of experienced staff, and takes root when monitoring, supervision and surveillance in prison is insufficient. However, it is arguable that prisons should not be regarded as the sole responsibility of the prison service and given the significant benefits that can be yielded by intelligence sharing and proactive investigation, there should be a bigger role for the police in prison.

P – Proactive, preventative and partnership approach

Within and beyond the prison, the core objective should be to incorporate the four Ps approach (Pursue, Prevent, Protect and Prepare), but where 'prevention' should be regarded as primary. Better intelligence and a proactive stemming of drugs and mobile phones into prison will yield significant results. The Government has moved some way to use technology to address problems, but technology alone is unlikely to be enough. A proactive (intelligence-led) approach that seeks to prevent crime is clearly preferable to dealing with the consequences when it arises.

A – Act to mitigate risk and reduce opportunity/demand

Ultimately, the prison becomes a place where drug markets thrive at least in part when there are other problems at play, and it is notable that organised crime has become more prevalent in custody at precisely the time that the Government have implemented significant cuts to MoJ and Prison budgets. Prisons should not be places where drug use and inactivity are promoted but should be places of rehabilitation that challenge pro-criminal attitudes and risk factors that act as criminogenic drivers when prisoners are released into the community. Prisons should have active regimes, effective staff supervision of prisoners, cultivate effective staff/prisoner relationships and should be places with a clean and decent environment and purposeful activity.

C – Charge and convict

When prisoners in prison break the law, they need to recognise that there is a consequence, and that there are consequences for their behaviour. At present, crime in prison is not regarded as on par with that in the community, and there is a complacency that while in prison crime is less pressing and important, and this should not be the case. This contributes to a sense of lawlessness in prison, and organised crime thrives on this general sense and when there is a lack of accountability (for staff and men/women in custody).

- a. There is a **selective** response to wrongdoing – discriminatory
- b. Harmful behaviour and misconduct occur with **impunity** (harm is excused, justified or ignored) – desensitisation
- c. The available **informal** mechanisms are not used appropriately (IEP, informal dialogue, appropriate referral to relevant services/agencies)

Authority is inappropriately 'pushed up' (to CM/Adjudicating Governor/GG) or 'pushed out' (to the IA, police, courts) – distant, delayed or dismissed. The inappropriate use of the available mechanisms, and failure to apply the law is counterproductive. If proceedings against those who are disrupting the regime becomes the norm, or if offences are dismissed or pass without sanction, staff moral suffers and further decline in standards in custody is likely. Some officers will question the integrity and utility of the process and decide there is no point in using these processes in the future, prisoners are empowered to step into the void that staff leave, and crime thrives. Instead prison staff need to wield proportionate, legitimate authority, a fact that is long recognised as:

At the end of the day, relations between staff and prisoners are at the heart of the whole prison system and that control and security flow from getting that relationship right. Prisons cannot be run by coercion; they depend on staff having a firm, confident and humane approach that enables them to maintain close contact with inmates without abrasive confrontation. (Home Office, 1984: 6)

When prisoners break the law in a serious manner, they should be under no illusion that they will face criminal sanctions as they would if such behaviour was detected outside. This also requires the police to regard crime committed in prison as equally serious to that occurring in the community, and not see prisons as simply places that give the public respite from criminality. It is in everyone's interest to see that offenders who continue criminality in custody will face sanction. This is the very principle of the national Handling Crime in Prison protocol, which seeks to see that acts of criminality within prisons are properly addressed where the prison determines that the internal discipline process is insufficient, and that criminal prosecution is appropriate. Where there is serious ongoing criminality in prison it is in every agency's interest to work collaboratively and purposefully to charge and convict. However, it is better that crime in prison is prevented in the first instance.

T – Tactical and strategic responses across the prison estate

When serious criminality occurs in prison, charges are levied, and prisoners are convicted, it is an opportunity to look at whether prison is providing effective incapacitation. In some cases, transfer within the establishment or across the prison estate (and into higher security) may be appropriate. However, transfer is not always a means to an end as some more entrepreneurial or well-affiliated individuals may be able to maintain or broaden their networks. Additionally, moving prisoners can impact on police work. Again, the best approach will be a coordinated, considered and collaborative one, where again the core aim is prevention of future criminality. Coordinated work need not stop at conviction, but rather might involve, for example, using tools such as Civil Gang Injunctions, lifetime offender management processes and mechanisms such as Serious Crime Prevention Orders (SCPOs) and the use of the Proceeds of Crime Act (POCA) to recover criminal assets. However, that tactical and strategic response may not need to be predicated in the first instance on such lofty aims. We have been concerned at the number of criminal instances that could not be pursued because prisons had failed to collect evidence carefully or deliver necessary material to the police in a timely manner. Better collaborative working could have the advantage of leading police to aid prisons in better preservation of evidence and better investigation and information sharing that mitigates against such future risks, and as an aid to increase prisoner perceptions that the risk of ongoing involvement in crime in prison outweighs reward. Violence and drug dealing in prison should be met with even greater intolerance than similar offences in the community and doing so is ultimately in everyone's interest.

11 | Recommendations

The issues of ongoing criminality in prisons are complex, and crime occurs in prison for several reasons. Not all the crime that occurs in prison is easily foreseeable and preventable, especially as prisons hold people who can be difficult, disturbed and chaotic. The Government's new approach to improve standards and security will be piloted in ten of the most challenging prisons. It will seek to focus on reducing violence through radically increasing security against drugs and challenging all abusive behaviour, investment in leadership and dedicated resources to tackle drugs, security and building issues. The ambition to see good practice spread across the prison estate is a laudable one, yet the challenge ahead is significant.

At present the Government is taking a laudable approach to attempt to embed greater safety and security in ten selected Pathfinder prisons which have, like other Category B and C establishments, struggled with acute problems, including high drug use, violence and issues created by the physical built environment. While the staff at the chosen establishments (Hull, Humber, Leeds, Lindholme, Moorland, Wealstun, Nottingham, Ranby, Isis and Wormwood Scrubs) have been provided with additional resources and support to make decisive, lasting progress (and tangible results are expected within the next 12 months) other establishments face many of the same problems. Adequate staffing is clearly a key aspect in building safe and secure prisons, but staffing alone is not the only element. A focus on prevention of drug use and violence is a good one, but that focus needs to be broad and not simply reactive. It is worth stating here that some of the challenges with the rise of New Psychoactive Substances and the challenges they presented for the prison estate were arguably foreseeable, as were the challenges that mobile phones present. A more holistic and future-threat focused strategy should arguably be part of dealing with crime in prisons, and some changes are more likely with an even more significant shift in national policy.

National Policy

No amount of preventative security will necessarily stem the flow of contraband into prisons. Mechanisms can reduce it, such as body scanning, targeting with intelligence and better searching. However, it seems that there is broad agreement amongst many stakeholders that prisons need either significantly more staff, or significantly fewer prisoners, or perhaps at best, a combination of both.

A recurrent suggestion for limiting prisoner numbers has been the reduction in use of short sentence prisoners, and for the most part this would seem a sensible aim. That is not to deny that sometimes custodial sentences are the only option available to give communities a rest from prolific offenders who wreak havoc. We often lose sight of the fact that short-term custody, when the conditions are right, can provide a place of safety and structure for chaotic offenders to address their problems and access services, but what is currently on offer for short sentence prisoners is simply not good enough, and that is clearly impacting on one major supply route of drugs into prisons. Some short-term prisoners are clearly using the new short recall process, in some cases just for days, to convey drugs into prison, and even though better dynamic security might ebb this flow somewhat, the problem likely requires a better policy-led solution.

We are now a decade on from the Government Green Paper 'Breaking the cycle: Effective punishment, rehabilitation and sentencing of offenders' which suggested the need for 'greater use of strenuous, unpaid work as part of a community sentence alongside tagging and curfews, delivered swiftly after sentencing. When fines are a sensible sentence, we will place a greater focus on enforcement and collection. We will put a much stronger emphasis on compensation for victims of crime' (MoJ, 2010: 1). Clearly this has not happened, and instead, prisons have had to take greater numbers. Furthermore, the diversion of more of the less serious offenders with mental illness and drug dependency into treatment rather than prison has not happened sufficiently and cheap, ineffective short-term custody remains overused and is still woefully inefficient and unproductive.

A focus on preventative security that seeks to stop illicit drugs entering prison may take us so far, but ultimately a regular demand means that drugs will likely continue to enter prisons via the means of conveyance often involving 'plugging'. Certainly signal-detecting equipment and poles and boss chairs give an edge back to the regime, increasing the chances of detection, but that does not mean items will not enter prisons. Prisoners identified as holding and secreting can be re-diverted to different establishments, but this can cause unforeseen violence, drugs can be stolen in violent episodes by other prisoners, and even segregated prisoners have novel ways of ensuring contraband can bypass staff and make its way onto the wings. Inmates can use 'lines' – makeshift ropes of shoelaces or torn-up sheets – to pass supplies between cell windows or via toilet systems when they're locked in cells, and other trusted prisoners may pass items. Even detecting smuggling and conveyers does not mean that illicit items do not enter the establishment. Rather than security alone, positive productive and engaging regimes, good drug treatment and a focus on education, harm reduction and demand reduction might be useful, especially as the Home Office have suggested that just under a third of those interviewed in English prisons 'stated that the expense of buying drugs in prison resulted in debt or being short of things (particularly tobacco, canteen and toiletries)' and 60 per cent of those surveyed perceived that the prison drugs trade was the major cause of violence in prisons (Penfold et al, 2005).

National policy could be extremely significant in closing down some supply routes, for example, given what we have been told by prisoners during the course of the research it would seem that a review of procedures under 'Rule 39', to ensure confidential privileged legal correspondence is not being abused for the purposes of drug conveyance would be useful as a national measure, as would better national coordinated action on proactive investigation of suspected corrupt staff and better resourcing of anti-corruption work more broadly. Not all the solutions lie in prosecution and proactive security, and hence nationally a review of the prison disciplinary system that has developed in a partly piecemeal manner is perhaps long overdue.

Crime in prisons will sometimes need to be formally prosecuted, but taking some prison-based criminal offences through the courts is expensive and resource intensive,

and there are other systems of redress available to prisons that can be used against those who offend as a form of immediate sanction. It is an oft-cited maxim in criminal justice terms that: people obey the law if they believe it's legitimate, not because they fear punishment. Hence it is not the severity of sanctions but rather the certainty of action that may be most important. Prisoners are already induced to follow rules under the 'Incentives and Earned Privileges Scheme', and the punishments that can be made under it such as removal of away privileges – e.g. removing a TV from a cell and added days are potentially quite effective sanctions if properly used in a consistent manner, especially for the lower level infractions. However, it does not address underpinning features such as education, skills, substance misuse services, the things that ensure prisoners have the support they need to stop using drugs and turn their backs on crime for good, or prisoners' transition from custody to community and access to drug and alcohol treatment, accommodation, financial advice and family engagement. Given the involvement of short-term prisoners on fixed recalls in supplying drugs to meet prison demand, it would seem investment in just such measures are extremely necessary.

The estimated costs of police action alone on a charge of a prisoner being in possession of a mobile phone is significant and varies dependent upon whether an offender pleads guilty or not. It was suggested during research that a Guilty plea to that charge is about £300 to police, in the case of a Not Guilty plea, Police Investigation, attribution, forensic analysis, review of data and file prep results in a cost-per-case of around £750. We heard that if a phone possession case is committed for sentence to the Crown Court, then the amount of costs the defendant would be ordered to pay is £425. If he or she challenges the case a trial in the Crown Court can cost £3,500. However, the full cost of such action is bolstered by the cost of transporting a prisoner to court, administration at the prison, the escorts needed and the van drivers and the cells staff in the court cells will be significant, as would be the high costs of CPS staff involvement, as well as the prison cost of any additional time added to the offenders' sentence. It is not that the high cost of action should simply be considered a barrier to prosecution, but rather, prosecution needs to be strategic and purposeful rather than ad hoc.

Only very few cases of mobile phone possession in prison come to court. The costs of such action may well outweigh any wider benefit on many occasions, especially if the result is simply a sentence that is no greater than the 42 additional days that can be given under the prison discipline system. However, with the core role that most organisations, including the NCA, see phones playing in ongoing crime, it may be that wider roll out of blocking technology is needed as national policy. Ultimately, it is a core contention that better gathering of data would be useful in trying to build a more accurate and comprehensive picture of the character and nature of crime in prison.

Appeals for preventative and reactive security has framed much of the debate about crime and drugs in prison, but the reality is that drugs will always enter prison, and it is likely that security measures that seek to prevent importation will only lead the criminal 'Business Men' at the top of the hierarchy to seek other methods of ingress. That said, at present, the prison drug market is high profit, low risk, and we need to move to a situation where it is low demand, low profit and high risk. While it is often popular to demand more and better searching from prison staff, one dimensional and single agency responses often fail to see the bigger picture. The reality is likely that a coordinated approach is needed across the entire prison estate, but such interventions should also be informed by a better understanding of the nature and specifics of the challenges facing prisons and preventative interventions that are more likely to yield long-term successes.

Local Initiatives and Local Recommendations

There are clear problems with violence and drug use in prisons and much of the current instability is disproportionately encountered in category B and C establishments. Clearly removing problematic individuals can disrupt supply routes and, just like any organisation, a lack of leadership and coordination amongst criminal groups can stop them from being involved in business. However, as there are diverse routes for drugs to enter custody, and as the profits and demand are unlikely to decline, there will likely be continual demand and challenges.

Both a preventative approach, and one that ultimately removes the financial incentives and rewards at the other end is likely to be the best approach, as is a wide focus on market reduction and market demand in prisons.

We still have an absence of good empirical data that allows us to understand the issues and challenges, and it would be useful to see greater coordination of data gathering and analysis around vulnerabilities in prison collected and made available. However, given what we know thus far, it seems that the following issues are worthy of consideration.

1. Continuing to monitor and ensure compliance with the national 'Handling Crime in Prison' protocol, which aims to ensure that acts of criminality within prisons are properly addressed where the prison determines that the internal discipline process is insufficient and where the circumstances indicate that criminal prosecution is appropriate.
2. The small subset of 'Business Men' offenders invested in organised crime exist within the prison population and this group. While largely compliant in prison, they present a particular and enduring risk both to those in prison and in the community. They need to be targeted and effectively managed through interventions, and particularly financial investigation.

While crime in prison is notionally important, various groups including police, prison and CPS have slightly different, yet often shared priorities and a key aspect of taking a stance against crime in prisons is collaboration, clear communication and strong multi-agency working. Throughout the research process we encountered professionals keen to do a good job, but almost all organisations recognised that there can be difficulty in communicating their organisational priorities, needs and constraints and processes with others. That said, the majority of those we spoke to were positive about the current direction of travel and were keen to see collaboration and collegiality continue. All agencies recognised that crime in prison is both a problem, and a problem for everyone, and were keen to tackle it. That said, better opportunities for that and from cross-organisational learning could be grasped for example if some more formalised arrangements existed.

3. Establish a forum that facilitates multi-agency working between various stakeholders which seeks to tackle the most serious incidences of crime in prison and where best practice and knowledge exchange and transfer can take place
4. Develop an 'IMPACT' geared multi-agency approach to serious crime in prison-based on emerging knowledge and use a coordinated approach for investigation and prosecution of the most serious organised crime in prisons; focusing on both corrupt staff and the minority of 'Business Men' figures at the top of the criminal and prison hierarchy. Multi-agency working between police, prisons and other agencies to target the 'untouchable' prisoners most benefiting from the illicit trade.
5. Use this forum to facilitate better information sharing between ROCU, police, prisons and other organisations (particularly CPS) to build prosecutions and effectively target the prison crime most closely linked to the prison drug trade.
6. Underpin this with an aim to better use and employ both financial investigation and ultimately asset confiscation powers to ensure that the prison drug trade is not profitable for untouchable prisoners and use successful results to provide an element of disincentive.
7. Ensure local corruption prevention is properly coordinated and resourced with proactive intelligence-led investigation when required.
8. Use local pilots and multi-agency working to consider specific vulnerabilities and inform interventions.

That 'prevention is better than cure' is a long-established maxim, but essentially the multi-faceted nature of ongoing crime in prison requires such a recognition. Staff in prison clearly work in difficult environments, but they can be better supported to more proactive law enforcement function. At the moment that is true at all levels, for example prison staff were not well aware of the mechanisms and functions that could support them as staff, for example when it came to giving witness statements and gathering evidence (and it would seem that at present, there is something of an omission in prison staff training around evidence gathering and legal processes) through to the mechanisms available to

protect them and others if called to give evidence in criminal matters. Another sign of the crisis engulfing the prison service are the official figures that show it has lost 6,000 years of officer experience in the last year alone, and this clearly has an impact when it comes to specialist knowledge for investigation of serious offences in prison. Better training of prison staff in dealing with the most serious matters of crime in prison might seemingly be of benefit here.

A point worth making perhaps is that while every prison officer is empowered as a constable and has some law enforcement function, it is arguable that staff need better guidance on how, when and where matters should be regarded as prison matters and where they should be regarded as meeting the threshold for external action. However, the prison service as an organisation is arguably not equipped or resourced to deal with some of the most serious instances of crime in prison and may require more specialist support in this regard.

Certainly it would seem that the Prison Service may not be the best organisation to work at the forefront of tackling the most serious manifestations of violence and organised crime in prison, and that function is better regarded as the function of the police, who have more experience of intelligence-led targeting of organised crime groups and core figures involved in ongoing criminality and could provide this function much more purposefully in prisons. There is potential for a greater role for police in some aspects of prisons that have traditionally been regarded the sole preserve of prison security staff. That is equally true of financial investigation where the police for example are incentivised in a way that the prison service are not to undertake financial investigation and use Proceeds of Crime Act (POCA) powers, including against those prisoners that have sometimes been regarded by some prison staff as 'no problem', essentially the 'Business Men' figures outlined previously who are largely compliant when incarcerated.

Understandably a key step on the path to better dealing with crime in prison is that the problem needs not be regarded as a problem for the criminal justice system more broadly, and not a prison problem per se. Some of the 'Business Men' figures continue to exert a malign influence on communities even when incarcerated, and do not cease to be a problem merely due to their incarceration.

Their harmful behaviour has a ripple effect that makes waves in communities. Those harms are arguably ones that are best dealt with using a coordinated multi-agency approach. Many of the pressures that prisons face is driven by wider socio-economic, cultural and technological changes over which they have little control, and which have impacts in the community and in prison. It can be easy to see prison as the end of the criminal justice process, and prisoners as effectively 'incapacitated' and prevented from crime. This simply no longer stands true. While there is much that prison staff can do day-to-day to attempt to create crime-free environments and settings that are not conducive to pro-criminal behaviours, ongoing crime in prisons needs to be regarded as 'everybody's problem'. Now many in the police seem to suggest that there would be much more that they could do with appropriate resourcing, but single full-time police liaison officers can only do so much and tend to be in demand and the reactive nature of the task and the volume of offences that they deal with mean that they are already often too much in demand. Many of those in this role that we spoke to were keen to suggest that they would like to be more proactive in their work and how they could see that this ultimately could be beneficial, especially if their core function was to deal with the most serious offences. Ultimately, the real lesson we need to learn is not to see crime in the community and crime in prison as necessarily separate, especially when it comes to serious organised crime, because often they are symbiotic.

This leads us to highlight how prison crime is policed and investigated, which has received very little attention, but it might well be time to revisit that. As part of action to enhance safety, security and decency across the prison estate, the Ministry of Justice has committed to creating a new digital tool that will enable prisons to build a more detailed picture of the kind of risk a prisoner is likely to present – including the likelihood of involvement in organised crime.

At a national level plans are afoot to roll out this new digital tool (which assesses information from various law enforcement databases to create a central 'risk rating' for each prisoner) making it available across the entire country over the next year, at a cost of around £1 million. While better information sharing, and technological fixes can go so far, we should not lose sight of the need for proactive investigation and boots on the ground, and recognise that it is very often people who are effective in both crime prevention and prosecution, and so much of that effectiveness is people working together toward a common goal.

Local knowledge is important, and prison-based police liaison officers are involved in a unique role in the criminal justice system, just as prison officers can come to possess a great deal of very useful and actionable intelligence that can aid criminal investigations. The CPS want to secure convictions and see offenders face sanctions, and CRCs and probation staff work hard to try and ensure public safety and see offenders given opportunities to move away from criminality. Behind that an array of stakeholders have an interest in preventing future victims, and we know that the best crime prevention and reduction initiatives tend to be well planned, monitored, managed and holistic. Ultimately, reducing crime in prison, like reducing crime in the community requires a whole system approach.

When a prison feels unsafe, or levels of violence and bullying are high, the tendency can be to increase and rely on 'hard' forms of security and control. However, 'ratcheting up' security measures are a largely ineffective long-term strategy to creating safe custody where rehabilitation can happen.



Whilst it may well temporarily reduce opportunities for violence and criminality, it is likely to increase feelings of frustration, exacerbate the perceived 'pains of imprisonment' (Sykes, 1958), sharpen the divide between staff and prisoners (Wortley, 2002) and ultimately prove counter-productive. Thus, security measures and decisions need to be proportional, achieving the appropriate balance between safety, security and decency. This too is true of crime, where the response of authorities needs to be proportionate. The focus on protective security is a good and useful one that can drive down the influx of drugs into prison, but it will likely create demands for investigation and prosecution that will also require investment, and this needs to be remembered. Financial criminal investigation, for example, that probe how bank accounts are being used to pay for drugs in prison and track down the criminals linked to them is necessary to reduce the longer-term gains from criminals supplying drugs into prisons.

Effective work that seeks to peruse, prevent, protect and prepare requires coordination, management and oversight as effective multi-agency working needs to be strategic and coordinated. Many of the initiatives initiated at a national level seem well directed, but effective delivery will ultimately require coordinated strategy and oversight. At a local level there is the possibility and will to do this, and ultimately that can likely result in safer prisons, and safer communities.

12 | Conclusion

Crime does not stop at the prison gate house, and incarceration alone is not a barrier to ongoing criminal activity which further harms victims and communities, both in the confines of the prison and beyond. However, with better understanding of what crime in custody looks like, and concerted action to act to minimise it, it is possible to reduce the risk. Identification of the signs and symptoms of perpetration and victimisation in prison and taking appropriate action to respond to these in an intelligence informed strategic fashion will help to achieve this.

Prison can work and can be rehabilitative, but without safety, security and decency as a solid foundation, no prison can be safe and rehabilitative. Preventative security is useful, but ultimately it is important that we realise at the current time it is unlikely that the flow of drugs into prison can be stemmed just by better searching and the prosecution of a few individuals conveying them in, or holding mobile phones for others will drive down a prison-based demand for drugs or the violence that is used on occasion to regulate this market. Different prisons will have different crime problems, but ultimately some crime in prisons, and in particular, high level organised crime is now both significant and pressing, and it can no longer be ignored. It is not a conspiracy of detached policy makers or a false conspiracy exaggerated by invested parties, but a very real problem that is undermining rehabilitative efforts, and benefits only a minority of criminals and corrupt staff. In contrast, most staff and prisoners face the negative consequences of it which are manifest in increasingly unsafe, unstable and insecure regimes. This need addressing urgently.

Reducing the frequency and prevalence of crime in prison, as well as the persistence with which some perpetrators can profit and harm others, requires a whole prison approach. There is no 'magic bullet' or single solution that will address the problem, but crime in prison should not, and must never be considered an inevitable feature of the prison landscape. Prison crime and victimisation does not occur in isolation or a vacuum, and both the causes and the responses required to address it are complex and multi-faceted. Crime in prison is a problem for criminal justice more broadly, but that problem is solvable with a coordinated whole system approach, multi-agency working, and strategic and managerial oversight aimed at producing tangible results. Crime in prison, and particularly organised crime is detectable and prosecutable if there is a will from the police, prison service and other agencies within criminal justice to work to challenge it. There has never been a more pressing need to take that action.

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