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THE BRITISH BORSTAL TRAINING SYSTEM

JOHN WARDER* AND REG WILSON**

More than one-third of all persons under twenty-one sentenced to institutional treatment in the United Kingdom participate in the Borstal training program. Initiated at the beginning of this century and once hailed as representing all that is progressive in English penology, the Borstal system emphasizes keeping young offenders out of the prison system proper. It seeks to effect their reform through education, trade-training and a full work program rather than by punitive detention. Subject to obvious restraints, the system operates in a highly selective manner, relating the individual offender's need to the provision of an appropriate training facility.

During the 1930's Borstals appear to have enjoyed outstanding success, rehabilitating a claimed 70% of trainees. During this period the house-master system, promoted by Alexander Paterson and self-consciously modeled on the English middle-class "Public School" (*i.e.*, private), clearly responded to many of the needs of the overwhelmingly working-class boys. This success has not been sustained. Today, nearly 70% of those who leave the Borstals are reconvicted within two years of their release. The basic training concepts have varied little since the turn of the century and the techniques employed only very gradually are being up-dated. Although the Borstals are now required to cope with boys who appear to be much more criminally sophisticated than their predecessors, it clearly has failed to develop a training context as appropriate as was the "public school" ethos in the 1930's.

THE HISTORY OF THE BORSTAL SYSTEM IN ENGLAND

The Borstal system, more than any other form of treatment for young offenders, was shaped by the philosophy of the Gladstone Committee of 1895. Faced with the necessity of making inroads

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into the adolescent prison population, the Committee reported that "even a moderate percentage of success would justify much effort and expense devoted to an improvement of the system."¹ It was 1900, however, before the Prison Commissioners were prepared to experiment "on a moderate scale" with the concept of a penal reformatory. Mr. Ruggles-Brise, then Home Secretary, crystallized the concept into a program "with stern and exact discipline, combined with an attempt to 'individualise' the prisoners by physical, educational and religious training."² The experiment, instituted first at Bedford Prison with eight selected young prisoners and continued later at Borstal Prison, proved a success. Reporting on it in 1900, the Prison Commissioners listed "(1) strict classification, (2) firm and exact discipline, (3) hard work, (4) organised supervision on discharge" as "fundamental principles" to be followed.

As a result of the success of this modest experiment The Prevention of Crimes Act of 1908³ contained provisions "for the reformation of young offenders." Section 1 provided for committal to a "Borstal Institution,"

where a person is convicted on indictment of an offense, for which he is liable to be sentenced to penal servitude or imprisonment, and it appears to the court—(a) that the person is not less than sixteen or more than twenty-one years of age; and (b) that by reason of his criminal habits and tendencies, or associations with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime; it shall be lawful for the court, in lieu of passing a sentence of penal servitude or imprisonment, to pass a sentence of detention under penal discipline in a Borstal Institution for a term of not less than one year nor more than three years.

The first section also stipulated that while the court bore no duty to request a report as to the

¹ REPORT OF THE DEPARTMENTAL COMMITTEE ON PRISONS (1895).

² The Times (London), Aug. 22, 1899.

³ 6 Edw. 7, ch. 59.

"suitability" of the offender for a Borstal, it had to duly consider such a report submitted by the Prison Commissioners. The court had to be "satisfied that the character, state of health, and mental condition of the offender is likely to profit by such instruction and discipline as aforesaid."

Section 4 provided for the establishment of Borstal Institutions and gave an indication of the regime to be practised in declaring that they should be "places in which young offenders whilst detained may be given such industrial training and other instruction, and be subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime." It also made provision for early release on license and for supervision for six months after discharge.

While stressing the training and reformative aspects of the treatment of young offenders, the act had its traditional aspects. It was designed for those with previous criminal behavior and was careful to point out that they would be reformed in a regime of "penal discipline." The subsequent development of the concept of the Borstal and its divergence from penal discipline was reflected in the debate on the Criminal Justice Administration Bill of 1914. "We do not intend the Borstal Institutions to be anything like a prison," Home Secretary Mr. McKenna explained before the Commons, "they will be more and more removed from anything in the nature of a prison, and become more and more purely reformative and training institutions."⁴

The Criminal Justice Administration Act of 1914⁵ made no provision for the regime in the Borstal institutions, but confined itself to widening the court's committal powers. Under Section 10(1) persons convicted by a summary court could be committed to Quarter Sessions for sentence to a Borstal. The power, however, was restricted to those offenders between sixteen and twenty-one; who had previously been convicted of an offense or had failed on probation; and whose "criminal habits or tendencies or associations with persons of bad character" rendered them suitable for a Borstal. Section 11(1) increased the minimum period of Borstal detention from one year to two years and subsection (2) increased the period of supervision from six months to a full year.

The thirty years between the 1914 Criminal Justice Administration Act and the Criminal

Justice Act of 1948⁶ saw considerable progress in the Borstal system. Several factors contributed to this. First, Alexander Paterson, the Commissioner in charge of Bostals, introduced new ideas in training. Second, after a brief period of criticism, the courts enthusiastically embraced the new system. Third, the Departmental Committee on the Treatment of Young Offenders, reporting in 1927, advocated the expansion of the Borstal system as the means of keeping young offenders out of prison.⁷ A fourth factor in the expansion of the Borstal system was the increase in the recorded crime rate among adolescents during the early thirties, which put immediate pressure on the already overcrowded Borstal accommodation. The provision of space to meet this crisis led to greater diversification and selectivity within the Borstal program when the committal rate eventually dropped to more manageable proportions in the mid-thirties. In emphasizing the needs of the offenders, the Criminal Justice Act of 1948 reflected the views of Borstal training expressed in the 1927 Departmental Committee and the Criminal Justice Bill of 1938, which had been shelved to make way for emergency legislation. Section 20(1) of the 1948 act set the offender's need of training as the criteria for sentence to a Borstal:

Where a person is convicted on indictment of an offense punishable with imprisonment, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied having regard to his character and previous conduct, and the circumstances of the offense, that it is expedient for his reformation and the prevention of crime that he should undergo a period of training in a Borstal institution, the court may, in lieu of any other sentence, pass a sentence of Borstal training.

This section also lowered the upper age limit to twenty-one years of age, since the experiment of raising the age to twenty-three had proved unsuccessful. Another feature of the Act was that it standardized the sentence at not less than nine months and not more than three years. The Act

⁶ 11 & 12 Geo. 6, ch. 58.

⁷ This committee suggested that the basis for committal to a Borstal should be the need for training rather than "formed criminal habits." In addition, it proposed that the age limit should be revised to seventeen and under twenty-three years of age. While neither of these proposals were accepted at the time, in 1936 the age limit was raised to twenty-three.

⁴ 61 PARL. DEB., H. C. (5th ser.) 197-98 (1914).

⁵ 4 & 5 Geo. 5, ch. 58.

TABLE 1
PREVIOUS CONVICTIONS OF BORSTAL RECEPTIONS, 1960-1968
(EXPRESSED AS A PERCENTAGE OF THE ANNUAL TOTAL)

Year	0	1	2	3	4	5	6-10	11-20	20+	Total
1960	5.15	12.80	17.83	19.93	16.77	10.98	15.56	0.95	—	100% = 3,476
1963	3.07	7.77	14.65	17.98	17.98	14.40	23.39	0.73	—	100% = 3,548
1966	3.54	6.84	12.37	16.93	15.81	13.92	28.21	2.33	0.02	100% = 4,849
1968	2.95	6.68	10.34	14.39	16.61	15.24	30.90	2.79	0.05	100% = 5,044

provided that the power of the courts of summary jurisdiction, to commit offenders to quarter session for sentencing, should be exercised according to the direction in Section 20(1). Section 20(1) stipulated that before sentencing the court should consider a report on the offender's suitability for Borstal training.

The 1948 Act, an endorsement of the reformatory principles of the Borstal system which had met with success in the nineteen thirties, gave the courts power to commit a wider variety of young offenders to Borstal as an alternative to imprisonment.

The proposals in the Government White Paper "Penal Practice in a Changing Society" (1959) and in the Advisory Council on the Treatment of Offenders' Report on the "Treatment of Young Offenders" (1959) reflected a changing attitude in the treatment of young offenders. The ideal of keeping young offenders out of prison was still whole-heartedly maintained, but these proposals had overtones of punishment. Detention Centers drew more attention than Borstals, which were to be integrated with imprisonment into "a single system." The very suggestion of combining prison and Borstal sentences was, in the light of earlier statements on Borstal policy, almost a contradiction in itself and represented a shift in the traditional concept of the Borstal as a purely educational and reformatory treatment of young offenders.

The Criminal Justice Act of 1961⁸ gave effect to the proposals in the Advisory Council's report on "Young Offenders." Section 1 lowered to fifteen the qualifying age for Borstals. Section 1(2) gave the court the power to commit to a Borstal "in any case where the court is of the opinion, having regard to the circumstances of the offence and taking into account the offender's character and previous conduct, that it is expedient that he should be detained for training." The court could

not sentence an offender under seventeen to a Borstal unless it believed such a sentence was the only one "appropriate." Section 1(3) provided that a report on the offender be made available to the court. Section 11(1) set the maximum period of Borstal training at two years and the minimum at six months.

BORSTAL TRAINING IN ENGLAND TODAY

Training in England's Borstal institutions today appears to follow the basic pattern of organized work, education and leisure that marked Borstals of previous years. The Advisory Council on the Employment of Prisoners, in their Report on "Work and Vocational Training in Borstals" (1962), reaffirmed the importance of work in the Borstal program. "We are in no doubt," the report reads, "that work, in the sense of a steady hard day's work at a productive or otherwise useful job, which is organised efficiently on modern industrial lines, is very helpful in turning Borstal boys into good citizens." The reformation of the boy's character, however, is pursued through expanded educational opportunities, trade training (from which only a minority benefit) and physical education. The most meaningful new element introduced into the training program is the group counselling concept, with its promise of a therapeutic community. The present classifying scheme in the Borstal system, operated by a professional team including a psychologist, an educator, and a social worker, in theory directs the offender towards the regime best suited to his needs.

Statistics suggest an increase in criminally sophisticated boys being sent to Borstals; this trend appears to stem directly from the implementation of the 1961 Criminal Justice Act. In 1968 the figures indicated that approximately one third of the total admissions to Borstals had more than six previous convictions.

In the last decade the population of the Borstals,

⁸ 9 & 10 Eliz. 2, ch. 39.

TABLE 2

PERSONS UNDER 21 YEARS OF AGE: RECEPTIONS
UNDER SENTENCE OF BORSTAL TRAINING

Year	Borstal Receptions	Percentage of Total Institutionalized Young Offender Population
1960	3,476	44.17
1961	3,588	40.19
1962	3,746	37.34
1963	3,548	33.15
1964	3,715	30.73
1965	3,923	28.80
1966	4,849	31.12
1967	5,012	32.06
1968	5,044	33.42

TABLE 3

BORSTALS: RECONVICTIONS, WITHIN A PERIOD OF
THREE YEARS, OF PERSONS DISCHARGED FROM
SENTENCES OF BORSTAL TRAINING IN THE YEARS
1962-1965^a

Year of Discharge	Number Discharged	Not Re-convicted		Reconvicted			
				Not recom- mitted to prison or Borstal under sentence		Recom- mitted to prison or Borstal under sentence ^b	
		Num- ber	%	Num- ber	%	Num- ber	%
1962	3,501	1,134	32.3	663	19.0	1,704	48.7
1963	3,877	1,183	30.5	739	19.1	1,955	50.4
1964	3,429	935	27.3	697	20.3	1,797	52.4
1965	3,604	1,039	28.8	765	21.2	1,800	50.0

^a Taken from *Report on the Work of the Prison Department Statistical Tables: Table F.4 1968*.

^b Including those recalled following conviction.

after a relatively stable period, has increased over the three years 1965-68, though this increase corresponds to the increase in young offenders rather than the increased use of the Borstals.

The early success rates claimed for Borstals were, in present day terms, phenomenal. The Borstal Association's figures for release in 1936 showed that two years after their release 70 per cent had not been reconvicted. Today the percentages are reversed.

The number of Borstals in England at present is 27, of which 15 are closed and 12 are open.

THE HISTORY OF THE BORSTAL SYSTEM IN SCOTLAND

The original statutory basis for sentence to a Borstal institution in Scotland, as in England, was the Prevention of Crimes Act of 1908.⁹ The Criminal Justice Administration Act of 1914¹⁰ gave the sheriff courts, in exercise of their summary jurisdiction, the power to commit to a Borstal a young offender convicted of an offense punishable with imprisonment. Section 42(8) states:

This Act in its application to Scotland shall be subject to the following modifications. . . section ten of this act (which contains power to sentence to Borstal) shall not apply: Provided that in Scotland from and after such date as may be prescribed by the Secretary of State for Scotland section one of the Prevention of Crimes Act 1908 shall be construed as if after the words 'penal servitude or imprisonment' there were inserted the words 'or is convicted by the sheriff summarily of an offence for which he is liable to be sentenced to imprisonment.'

Section 11(1) of the 1914 Act substituted two years for one year as the minimum period of sentence to a Borstal institution. Apart from fixing the upper age limit at twenty-three years of age there were no other major alterations in the Borstal sentences in Scotland until the Criminal Justice (Scotland) Act of 1949.

The Criminal Justice (Scotland) Act of 1949¹¹ is the Scottish equivalent of the 1948 English statute of the same name. The central features of section 20(1) of the English act are reproduced in this Act. The court must consider the offender's character, previous conduct and his suitability for training. One notable difference in the Scottish provision is introduced by schedule 4 (1) of the Act. It set the maximum sentence at 3 years, but established no minimum term. The Act also empowered the Secretary of State to make "rules for the regulation and management of, among other things, Borstal institutions, and for the classification, treatment, employment, discipline and control of persons required to be detained therein."¹²

⁹ 8 Edw. 7, ch. 59. Sections 17(1) of the Act states that "Part I of this Act shall apply to Scotland (with the substitution of an institution under any name prescribed by the Secretary of State for Scotland for a Borstal Institution) on and after such date as may be determined by the Secretary of State for Scotland."

¹⁰ 4 & 5 Geo. 5, ch. 58.

¹¹ 12, 13 & 14 Geo. 6, ch. 94.

¹² The rules currently in force are the Borstal (Scotland) Rules, 1950.

In 1962 the Scottish Advisory Council on the Treatment of Offenders published its second report on "Custodial Sentences for Young Offenders." This was as comprehensive a review of Borstals in Scotland as had been published and touched on all aspects of the Borstal framework. The Advisory Council suggested that the Borstal "program and methods of training were in urgent need of re-assessment." The problem was to "educate the best that is in each inmate and, at the same time, strengthen his character." They saw the answer in educational principles and pointed out that only those who were likely to respond to a training program based on such principles should be sentenced to the Borstals. The Advisory Council stressed the importance of the reception unit in preparing the inmate so that the rest of the training effects the maximum change in his attitudes. Classification based on the principle "that the subjects and activities included in any curriculum must be suited to the capacities of the inmates" involved the "allocation of recruits on the basis of ability and educational attainment."

To implement these principles the Council proposed classification as follows:

- (a) the mentally and emotionally disturbed (in a separate institution);
- (b) inmates of very low intelligence;
- (c) inmates who are backward owing to maladjustments resulting from educational difficulties, social conditions, truancy, ill-health or the like;
- (d) inmates who are backward because of indifference;
- (e) inmates of good ability which is either misdirected or underdeveloped.

The Advisory Council also commented on training methods. The Council's suggestions for training the respective types enumerated above involved:

- (a) a higher degree of individual attention;
- (b) the classroom should be the central feature of the program and work of a practical nature;
- (c) the improvement of basic educational skills in association with practical work;
- (d) the kind of discipline which required the completion of set tasks;
- (e) a program which will stretch their intellectual ability so that their intelligence will not enable them to slide through Borstal more easily and with less real benefit than their less able associates.

The Council emphasized that they attached "great importance to the improvement and development of skills, whether manual or intellectual or recreational, since this should enhance self-respect, enlarge understanding and increase the ability to lead a purposeful life." These conclusions and recommendations formed the basis for the Borstal provisions in the Scottish Criminal Justice Act one year later.

The Criminal Justice (Scotland) Act of 1963¹³ denied the courts power to impose a second Borstal sentence on an offender who had already served a term of Borstal training, and following a recommendation of the 1960 Advisory Council report, limited the maximum period of Borstal training to two instead of three years. There was no change in the minimum sentence which remained at the discretion of the Secretary for State. Section 4(2) made provision for a one year period of supervision on release.

BORSTAL "TRAINING" IN SCOTLAND TODAY

The Borstal (Scotland) Rules 1950, rule 4, states:

- (1) The object of training shall be to bring to bear influences which may establish in an inmate the will to lead a good and useful life, and to abstain from crime and to fit him to do so by the fullest possible development of his character, ability and sense of personal responsibility.
- (2) Methods of training may vary as between one institution and another according to the needs of the different types of inmate allocated to each.

The pattern of training in Scotland, as in England, attempts to inculcate the inmates with the value of a full day's work. Manufacturing, agricultural work, and vocational training are integral parts of the program. Educational classes hold a central position, particularly for illiterate and backward offenders. Evening classes offer a considerable variety of subjects from motor engineering to photography, but it is doubtful whether such courses stimulate lasting interest. Again, as in England, recreation and physical education are regarded as an "essential part of the daily routine." The average period of training is 13 to 15 months.

Since 1960 the number of receptions into Borstals has varied. The last available (for 1966-68) figures show a marked increase from the beginning of the decade.

A review of the previous treatment meted

¹³ 10 & 11 Eliz. 2, ch. 39.

out to Borstal receptions over the years 1962-67 indicates that once again there has been little variation. The rise in the numbers with previous institutional experience in the years 1966 and 1967 appear to correspond to the increase in numbers received in those years.

A survey of the reconviction figures for the

1965-67 releases from Borstals in Scotland gives a dismal indication of the failure rate of this "reformatory" treatment.

STUDIES OF BORSTAL BOYS

The Borstal system, regarded as a model of reformatory penal thinking for over 50 years, no longer commands the support which its success in early years demanded. Alper has commented that the system is "no longer the complete answer it was once held to be."¹⁴ How has this come about? What are the inherent weaknesses or strengths in the system? Is there any real future for it?

Using the Mannheim-Wilkins Prediction Scale as a measure of "reception quality," Little examined the quality of Borstal receptions in the years 1950-1956.¹⁵ His comparison of predictive

¹⁴ Alper, *Borstal Briefly Re-visited*, 8 BRIT. J. CRIM. 6, 17 (1968).

¹⁵ Little, *Borstal Success and the "Quality" of Borstal Inmates*, 2 BRIT. J. CRIM. 226, 272 (1962).

TABLE 4
RECEPTIONS INTO BORSTALS 1960-1967

Year	Number of Receptions	% of Total Young Offender Receptions Into Institutions
1960	328	21.41
1961	404	21.02
1962	456	21.93
1963	428	18.54
1964	546	24.23
1965	482	21.02
1966	690	21.44
1967	647	17.84

TABLE 5
PREVIOUS TREATMENT OF BORSTAL RECEPTIONS, 1962-1967

Year	None	Fines, Probation and Other			Approved School, Remand Home			Detention Center, Borstal, Young Offenders Institution and Imprisonment			Total
		1	2	3+	1	2	3+	1	2	3+(Imp)	
1962	60	216	98	103	157	28	11	101	9	2	725
1963	45	203	110	119	132	29	11	114	15	7	740
1964	21	360	166	216	252	74	34	147	5	1	1255
1965	23	340	118	192	197	46	17	123	9	3	1045
1966	23	572	181	250	263	51	20	189	11	4	1541
1967	42	490	183	234	237	41	23	207	24	8	1447

TABLE 6
SURVEY OF RECONVICTIONS, 1965-1967^a

Year	Releases	3 Years After Release		% Convicted	% Not Convicted After 3 Years	Previous Approved School		% Not Convicted After 3 Years	First Offenders		% Not Convicted After 3 Years
		Convicted	Not convicted after 3 Years			Released	Not Convicted After 3 Years		Released	Not Convicted After 3 Years	
1965	565	328	237			202	41		64	35	
1966	496	337	159			251	70		24	10	
1967	713	441	272			321	101		59	22	
Total	1,774	1,106	668	62%	38%	774	212	27%	147	67	46%

^a Courtesy: Scottish Home and Health Department.

TABLE 7

PERCENTAGE OF BORSTAL RECEPTIONS HAVING THE
LEAST LIKELIHOOD OF SUCCESS

Year	1946	1957	1960	1963
%	25.5	56.5	66.4	72.1

scores indicated a pronounced deterioration in receptions, and he concluded that throughout the early fifties Borstals had been receiving less good training material than in earlier periods. This conclusion is supported by recent figures which indicate that the proportion of boys having the least likelihood of success on the Mannheim-Wilkins scale increased considerably over the twenty years from 1946.

Banks also drew attention to the supposed deterioration in the quality of boys being committed to Borstals, and suggested that this may be a result of the operation of the 1961 Criminal Justice Act.¹⁶ Successive reports of the Commissioners of Prisons noted a worse type of boy entering into the Borstals. This trend has continued into the late Sixties with Borstal admissions presenting increasingly complex problems for the training staff of the institutions. The governor of Feltham Borstal outlined this development:

Over recent years the type of lad allocated to Feltham has changed radically from the fairly tough dullard who needed a modicum of medical oversight to young men with mental and/or physical disorders, personality defects, and considerable social inadequacies. Running throughout are very many drug addicts or dependents, not a few high intelligence ratings, and a very large number of suicide risks. This extremely unstable population centered on one establishment produces quite unique problems in a traditionally custodial setting.¹⁷

A salient feature of the Borstal system is the internal classifying procedure, by which an offender is directed to the training institution best equipped to meet his particular needs. Little gives a brief description of this procedure. The offender spends the first few weeks of the sentence in a classifying center where the professional staff of the alloca-

tion group examines and intensively interviews him.¹⁸ The staff observes the offender's reaction to the regime, to the staff and to the other inmates, and on the basis of this investigation, diagnoses his capacities and needs. Allocation to the appropriate training Borstal follows. A standard item in this classifying process is the completion of the Mannheim-Wilkins Prediction Scale, which attempts to predict success or failure of Borstal receptions. The Prediction score uses social and personal data which is significantly related to post-Borstal training reconviction, method of disposal for past offenses, home area, living arrangements and work record.

Morrison undertook a subjective examination of the allocation process, and argued that it is geared to the uniqueness of the individual, his needs and own personal resources.¹⁹ He asserted that the allocation boards tended not to work within a "rigid analytic framework," but rather that their decisions were "intuitive, global and concrete." Apparently the board took a more analytical approach only when there was some initial divergence of opinion among its members. Allocation was based on several criteria: age, maturity, criminal experience, the offender's training requirements, and the need for a particular atmosphere or "tempo" depending on the offender's psychological condition. Morrison concluded that the current allocation methods were "as sensitive and discriminating" as were required.

Adequate and meaningful classification depends upon the availability of treatment facilities. Banks foresaw danger in an increase of commitments to the classifying center. She suggested that pressure on accommodation, both in the classifying center and in the training institutions, would effectively disrupt the process, particularly when the ratio of specialist-staff to inmate is high.²⁰

Miller was critical of the Borstal classification procedure in that it does not adequately pick out those offenders in need of psychological treatment. He suggested that a diagnostic classification

¹⁸ Little, *The Borstal Boys*, 170 TWENTIETH CENTURY 37 (Winter 1962). The professional staff includes a clinical psychologist, a social worker, an educational psychologist, a vocational officer, the offender's housemaster and the Governor of the center.

¹⁹ Morrison, *Borstal Allocation*, 8 BRIT. J. DELINQUENCY 95, 105 (1957-58).

²⁰ Banks, *Borstals, Prison and Detention Centres*, in CHANGING CONCEPTS OF CRIME AND ITS TREATMENT 117, 123 (Klare ed. 1966).

¹⁶ Banks, *Borstals, Prison and Detention Centres*, in CHANGING CONCEPTS OF CRIME AND ITS TREATMENT 117, 135 (Klare ed. 1966).

¹⁷ REPORT ON WORK OF PRISON DEPARTMENT (1968).

of delinquents and personality delinquents could make treatment attempts more rational, successful and economical. He conceded, however, that "the failure to offer adequate treatment in more penal settings may primarily be a function of the shortage of psychiatrists and psychologists."²¹

Mannheim and Spencer had put forward the idea of "external and internal classification; the former meaning the sorting out of various categories of offenders with a view to allocating them to different types of institutions, the latter, sorting with a view to giving offenders differential treatment within the same institution."²² This was the same process that Ogden envisaged as an off-shoot of his prediction typological study.²³

It was Jones, however, who pointed out the basic weakness in the Borstal classification concept. He stated that the initial report to the court on the suitability of an offender for Borstal training is not prepared by the skilled professional group of the classifying center, but by the Governor of the local prison or remand home where the offender is temporarily in custody. He concluded that there is "no justification for imposing such a sentence after only a hasty appraisal of the facts by a lay person, but afterwards drawing upon all the skills of the psychologist, psychiatrist, doctor and social worker to decide to which institution he shall be committed."²⁴ As a solution to this problem Jones raised the question of treatment tribunals as the deciders of treatment but not of guilt.

The operative question for staff within the Borstal system as Rose sees it is the "relationship between what they try to do with each individual boy, within the limits of the range of treatments available to them, and his subsequent career."²⁵ This statement embraces the whole structure of Borstal treatment and suggests that there is much to be gained from an examination of how far treatment methods permit interaction between staff and inmates.

A central figure in the Borstal staff-inmate interaction is the housemaster. While Elkin and Kittermaster doubt the value of the "house-

system" and the spirit engendered by it,²⁶ the value of the housemaster himself has been recognised from the beginning. Alexander Paterson, who introduced the housemaster idea, thought the Borstal system meritless without the Borstal staff. Jones acclaimed the housemaster as a success,²⁷ seconding the view of Leitch,²⁸ whose Borstal subjects reported themselves more influenced by the housemaster than by work, officers or discipline. Rose, however, while not disputing the success of the housemaster, viewed the evidence of Leitch's study with suspicion.²⁹ Rose examined the role of the housemaster in the institution and concluded that the nature of the institutional community colored and distorted the housemaster's objective.³⁰ The boy's behavior within the institution may be a situational reaction totally different from his actions outside. In examining the grouping within the inmate community, Rose saw the housemaster as the victim of leaders and rejects among the boys. Forced to subdue leaders and attend rejects in order to maintain stability in the community, the housemaster sacrificed the broad mass of boys who might have benefited from his closer attention.

The housemaster-boy relationship has provided a sound basis for the introduction of group counselling methods into Bostals. Taylor reviewed the contribution of group counselling in Bostals, pointing out benefits not only to the boys but to the staff by the introduction of this technique.³¹ Hood, however, was critical of the progress achieved so far:

Even though the methods of group counselling are now being used, psychotherapy proper is still almost unknown in Bostals. The role of the housemaster has been described as analogous to that of the psychotherapist, but few have received any formal training in psychology or in case work techniques.³²

Alper referred to the ultimate frustration involved in this treatment. He argued that "the

²⁶ W. ELKIN & D. KITTERMASTER, *BORSTAL: A CRITICAL SURVEY* 8 (1950).

²⁷ H. JONES, *supra* note 24, at 196.

²⁸ Leitch, *A Survey of Reformatory Influence in Borstal Training—A Socio-psychological Study*, 20 *BRIT. J. MED. PSYCHOL.* 77, 78 (1946).

²⁹ Rose, *supra* note 25, at 205.

³⁰ Rose, *Status and Grouping in Borstal Institution*, 9 *BRIT. J. DELINQUENCY* 258, 272 (1959).

³¹ R. TAYLOR, *Group Work at Pellington in Group Work in Prison and Bostals, 1962-66*, 23, 26 (1966).

³² R. HOOD, *BORSTAL RE-ASSESSED* 146 (1965).

²¹ D. MILLAR, *GROWTH TO FREEDOM* 213 (1964).

²² H. MANNHEIM & J. SPENCER, *PROBLEMS OF CLASSIFICATION IN THE ENGLISH PENAL AND REFORMATORY SYSTEM* 1 (1949).

²³ Ogden, *A Borstal Typological Survey*, 5 *BRIT. J. DELINQUENCY* 99, 105 (1954-55).

²⁴ H. JONES, *CRIME AND THE PENAL SYSTEM* 196 (1st ed. 1956).

²⁵ Rose, *The Sociological Analysis of Borstal Training*, 6 *BRIT. J. DELINQUENCY* 202, 213 (1955).

fuller aspirations towards freedom inherent in these self and group analytic sessions is contradicted by the locus of confinement."³³ It would appear therefore that in these situations there must be an attempt to create a feeling of emotional security within the institution as suggested by Miller.³⁴ This is similar to the view put forward by Rose, who proposed that conditions conducive to "casework" must be created, e.g., "a non-repressive atmosphere which at the same time imposes problems of living with others of the kind which are soluble by socially approved action on the part of the cases, and above all time to talk, to think."³⁵

Despite the changes in Borstal training over the past 20 years, the foundations are still basically the same. There is a need for radical reappraisal. Jones asked about the place of women in the Borstal institutions and advocated an increase in female staff within suitable institutions.³⁶ The recent move to appoint women as Assistant-Governors in suitable male Borstals is a tentative first step which could have dramatic effects throughout the system. Miller welcomed an increase in psychiatric staff, since the ex-Borstal boys he was working with, including his severely disturbed group, had apparently not been exposed to psychiatric care while in Borstals.³⁷

The earlier concept of small independent units was pursued by Rose who asked, "[W]here is the family group Borstal, the forestry camp Borstal, the therapeutic community Borstal? Indeed what about the hostel Borstal where everyone works in industry, and the self-governing Borstal where nobody is forced to work at all?"³⁸ Perhaps the recent development at Ipswich under which young offenders work for outside employers and, from an early stage in their Borstal sentence, live in a small house in the town, is a forerunner of greater experimentation on the lines Rose suggested.

The sociology of the Borstal community is a grossly neglected subject. Shnur said that "too little account had been taken of experiences

within the system which might decrease or increase his (the inmate's) chances of success."³⁹ This remains true today. Training methods are appreciated, the period before and after the time spent in the institution is examined, but the way the inmate community reacts is overlooked. The study by McCorkle and Korn indicated that

In many ways the inmate social system may be viewed as providing a way of life which enables the inmate to avoid the devastating psychological effects of internalising and converting social rejection into self-rejection. In effect, it permits the inmate to reject his rejectors rather than himself.⁴⁰

Rose saw the Borstal inmate as at the center of a conflict of self-interest and group-loyalty. The boy views pro-authority behavior as the means to early release, but membership of the inmate community and his own self-respect imposes strong demands to reject the official objectives. In elaborating his theme that greater analysis and understanding of the structure of the institutional community and its effects on staff and inmate activities is needed to increase understanding of the real effects of treatment measures, Rose focused on an issue central not only to the Borstal system, but also to other institutional forms of treatment, including detention centers.

The effectiveness of a particular form of treatment is a difficult thing to diagnose, and the criteria for effectiveness can change from one study to the next. The most general criteria however is freedom from reconviction within a stated period of time from release.

Sir George Benson compared a matched group of young offenders sentenced to prison and to Borstal and concluded that short-term imprisonment was as effective as Borstal.⁴¹ One year later he reached the same conclusion with detention centers, i.e., that differential treatment procedures gave similar results.

Independent studies of Borstal reconviction rates confirm the equally depressing official figures. Little foresaw an increase in the Borstal failure rate over the next few years.⁴² In an at-

³³ Alper, *Borstal Briefly Re-visited*, 8 BRIT. J. CRIM. 6, 12 (1968).

³⁴ D. MILLAR, *GROWTH TO FREEDOM* 217 (1964).

³⁵ Rose, *The Sociological Analysis of Borstal Training*, 6 BRIT. J. DELINQUENCY 202, 213 (1955).

³⁶ H. JONES, *CRIME AND THE PENAL SYSTEM* 200 (1st ed. 1956).

³⁷ D. MILLAR, *GROWTH TO FREEDOM* 203 (1964).

³⁸ Rose, *Penal Practice in a Changing Society: A Critical Examination of White Paper Policy in BORSTAL RE-ASSESSED* (Hood ed. 1960).

³⁹ A. SCHNUR, *PREDICTION IN PROBATION AND PAROLE* (1948).

⁴⁰ McCorkle & Korn, *Re-socialization Within Walls*, 293 ANNALS AM. ACAD. POL. SOC. SCI. (1954).

⁴¹ Benson, *Prediction Methods and Young Prisoners*, 9 BRIT. J. DELINQUENCY 192, 197 (1959).

⁴² Little, *Penal Therapy, Penal Reform and Borstal Practice*, 3 BRIT. J. CRIM. 257, 271 (1963).

tempt to evaluate the Borstal training method, Cockett took subsequent reconvictions as the "essential criterion of the overall effect of training" and found that in his sample of 770 the overall success rate was 40 per cent, which approximated closely to the Mannheim-Wilkins "expected" success rate of 39.5 per cent.⁴³ Using further custodial treatment as the criteria his success rate was 58.9 per cent. A follow-up of 200 Borstal inmates by Gibbens and Prince noted that response to the training program within the institution often bears no relation to later behavior.⁴⁴ They instanced particularly the institutionalised recidivist and the highly intelligent but unstable boys with well concealed neurotic difficulties. The boys in this study were classified as 27 per cent mentally abnormal, 59 per cent normal and 14 per cent unclassified. The mentally abnormal group included a significantly greater proportion of subjects with a history of psychiatric treatment for neurotic symptoms. These authors also introduced a six-point scale of success or failure, using a mixture of reconviction and work record, when conducting a short-term follow-up of their Borstal subjects. Types 1-3, regarded as a success, accounted for 48.5 per cent of their population. A long-term follow-up by Gibbens and Prince used "recovery from crime" as opposed to the "socio-criminal" assessment as the criterion of success, and revealed an approximate success rate of 63 per cent.⁴⁵ About 26 per cent of the

population had changed their position, as calculated initially on the Mannheim-Wilkins Prediction Scale, over the period of ten years. This surely suggests that the general criterion for success, *i.e.*, reconviction, bears examination. Its very arbitrariness condemns many as failures who may, over a period of years, be socially responsible.

Though the Borstal system is receiving more difficult cases than previously, its success with cases of the same "quality" as in 1948 is not, according to Little, being maintained, but is considerably lower.

In view of this accumulation of evidence it is necessary, in conclusion, to question the continuing usefulness of the Borstal system as it was traditionally, and is presently, conceived. A system which began as the expression of all that was most liberal and progressive in English penal thinking is now barely distinguishable in its organisation and its results from the prison system proper. It can be argued that its success under Paterson's direction in the 1930's was the happy result of the promotion of an ethos, an ideology based on loyalty, self-reliance and discipline which reflected the "youth culture" of the time.⁴⁶ If this is so, it is clear that the Borstal system does not currently reflect or draw upon in its organisation or treatment regimes any of the attitudes or values which have been attributed to the "youth culture" of present day Britain. This may well explain its comparative impotence.

⁴⁶ English sociologists have yet to explain the immense popularity of magazines, books, and comics which extolled essentially "public school" values of middle-class origin among working-class boys of this depressed era.

⁴³ Cockett, *Borstal Training: A Follow-up Study*, 7 BRIT. J. CRIM. 150, 151 (1967).

⁴⁴ T. GIBBENS & J. PRINCE, *The Results of Borstal Training* in SOCIOLOGICAL REVIEW 233 (Monograph No. 9, Halmos ed. 1965).

⁴⁵ *Id.*