

Social Exclusion and Imprisonment in Scotland

A Report

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The views expressed in the report are entirely those of the author and do not necessarily represent the views of the Scottish Prison Service or the Scottish Executive.

Chapter 1

Introduction

What the report sets out to achieve.

The prompt for the research described in this report was the [2002] report by the UK government's Social Exclusion Unit, "Reducing Re-offending by Ex-prisoners".

The request to the researchers from the Scottish Prison Service (SPS) was to replicate the shape of that report, using Scottish data. The researchers, however, in their proposal as to how the research should be structured suggested a somewhat modified approach. There were two fundamental shifts of emphasis in the research proposal that was submitted and agreed.

Firstly, the researchers proposed to investigate prisoners' own construction of the nature of their exclusion more systematically than had been possible in the research design employed by the Social Exclusion Unit.

Secondly, the researchers proposed that their analysis and conclusions, taking account of the smaller scale of the prison system in Scotland, could focus more systematically on the supply and management of relevant services across the prison estate than had been possible in England and Wales.

In recognising the value of that work and in commissioning the research, SPS emphasised its need for a report that would inform policy and would present research evidence in an accessible manner.

This report, therefore, has assembled the research evidence we gathered in the form of an argument in three chapters, leading to a set of principles that we consider the evidence suggests should underpin a strategy for addressing offending behaviour that has its roots in social exclusion.

Structure of the report

The report is in four substantive chapters:

Chapter 2 evaluates the evidence of links between social exclusion and imprisonment in Scotland and presents some discussion of the policy implications of the evidence we found;

Chapter 3 gives an analysis of the structural distribution of prisoners from the most deprived communities in Scotland between prisons and local authorities. It concludes with a discussion of policy issues raised by the evidence presented.

Chapter 4 presents a model of our understanding of the nature of social exclusion and discusses how criminal justice interventions might impact on it

Chapter 5 suggests a set of principles that our research suggests might underpin an approach to the problem we have discussed.

Chapter 2 - Social deprivation, social exclusion, offending and imprisonment. How are they related?

Lying behind the text of this entire report is an implied discussion of the usefulness in understanding offending in Scotland today of two theoretically opposed theories of criminal behaviour.

On one side of the discussion is a model rooted in a classical rational choice model. In this model, offenders exercise their free will in calculating that they can gain easy satisfaction of their wishes by behaving in ways that are contrary to dominant norms of the society. They engage in deviant behaviour because it gives them access to satisfactions that they could only access at greater cost through legitimate means. Within this model the role of punishment is to redress any perceived benefits that might accrue from offending through the imposition of a quantity of pain sufficient (and no more) to offset any perception the offender might have of the potential benefits of deviant behaviour.

This model offers no explanation of the distribution of offending within society: its operation could well suggest that offending would be randomly distributed across society, between men and women, between the young and the old, between the poor and the rich. It would be possible, within the model to speculate on which groups might have more interest in illegitimate access to desired benefits but such speculation is peripheral to its core explanatory intention.

Within the model, punishment is legitimated by conceptions of free will, choice and personal accountability for decisions to behave offensively. Those conceptions remain important component elements of the justification of criminal sanctions.

Within the model, also, the discovery that the prisoner population is characterised by poor educational achievement, poor health and other correlates of social deprivation is tangential. That discovery and the adoption of strategies to address those disabilities comes from another arm of social policy. The justification for pursuing it with vigour amongst an offender population is to correct that population, to remedy deficits that may make it more likely that they will continue offending. In doing so, the emphasis of the approach is on the status of the person subject to criminal sanctions as an offender.

On the other side of the discussion are a variety of explanations of offending and the criminalisation of certain behaviours based on the cultural heterogeneity of our society. These explanations may emphasise the cultural exclusiveness of the dominant group and its use of law to maintain its ascendancy. They may emphasise the emergence of sub-groups that develop their own norms and reward behaviours at variance with those allowable by the dominant culture.

The common characteristic of these approaches, and what distinguishes them from models based in choice theory, is that they see patterns of offending behaviour as rooted in social organisation. They tend to emphasise the normality and legitimacy within distinguishable cultural groups of behaviours that may well offend the dominant norms of the wider society.

In discussing social deviance they will use a variety of research techniques to develop an understanding of how within a more or less coherent society patterns of behaviour that characterise certain groups and are offensive to others can emerge.

The two theoretical approaches – though they adopt quite contrary understandings of the organisation of human life and lead to distinctive criminal justice practices and languages – co-exist in current criminal justice policy and practice. Neither is without explanatory value. Neither has been totally discredited. Policy more firmly based in one approach predominates for a time. Then the balance between the two is reset.

We are sometimes “tough on crime” and at others “tough on the causes of crime”.

In exploring the links between social exclusion and offending, this report necessarily focuses on issues around the causes of crime; it investigates offending behaviour in its social context. That should not be taken to imply that the authors consider that the cultural approach to understanding our material offers a complete model of offending. It does not. There are many people from excluded communities who subscribe passionately to the dominant norms of our society and there are many people living comfortable and successful lives who commit criminal offences.

Unlike the authors of “Reducing Re-offending by Ex-prisoners”, however we wished to explore the structural links between deprivation and imprisonment.

The results of that investigation were more striking than we had anticipated. We consider that they are so striking

that they challenge the strength of emphasis placed in current policy on the accountability of offenders and the expectation that emphasising that accountability will be effective in bringing about change.

Chapter 3 - The complexity of the task faced by prisons and local authorities in seeking to achieve the social inclusion of prisoners

In this chapter we start by describing the size of the task faced by each prison in setting out to work with prisoners in enabling their successful resettlement in their communities as contributing members. We then describe the size of the task faced by local authorities in resettling their residents in their communities following a period of detention. Finally we offer some analysis of the routes along which people pass in their passage from community to prison and back.

The debate lying behind this chapter concerns the emphasis we wish to place on competing understandings of what is happening when someone goes to prison. It returns to issues raised in the first chapter.

Are we more likely to improve public safety if we focus resources in prisons in seeking to correct and rehabilitate offenders whose return to their communities we will then manage by the efficient organisation of public bodies charged with that task?

Or are we more likely to be successful if we conceptualise imprisonment as a necessary assertion of society's right to protect its core values - during the currency of which we may be able to undertake some helpful work with those who are being punished – while continuing to recognise that the behaviours that have brought them to prison are integral with all the other components of their exclusion, that those in prison are the tip that manifests the existence of the iceberg and that the problem to be addressed is not primarily the deficits of "offenders" but, more fundamentally, the marginalisation of the communities, and age and gender groups within the communities, from which they come.

Is the client group that is being discussed a group of offenders or is it a group of members of our communities who are undergoing punishment? Should correction penetrate the community or should the community penetrate the prison?

Chapter 4 - What do we understand by "Social Exclusion"

The literature that surveys the distribution of disadvantage between members of communities uses three core concepts: "poverty", "social deprivation" and "social exclusion". Although the terms are not used consistently and there are no generally agreed definitions to discriminate between them, they exist broadly on a

continuum of generality.

The literature on poverty recognises that the term encompasses more than issues simply of wealth and income. The starting point in discussions on poverty, though, is access to material resources.

The emphasis when discussing social deprivation is on the recognition that impoverishment of access to one set of resources or social benefits is frequently associated with impoverishment of access to a range of others: that impoverishment of access is characteristically multi-modal - poor educational opportunity goes hand in hand with poor health, poor housing and restricted work opportunities, for example.

Use of the term “social exclusion” has been more widespread in political discourse than academic. It is sometimes used simply to add gravity to the idea of social deprivation. Where it is used with richer meaning, however, its essential quality is that it recognises both the negative and the reflexive impact of their social circumstances on members of some sectors of society.

The researchers initial exploration of the literature, therefore, led us to conceptualise “social exclusion” as having three characteristics:

Firstly, we understand the term to imply that there exists a part of the general population for whom barriers to access to one form of social benefit or service are associated with barriers to a number of other benefits.

Secondly, we understand it to mean that there exist dynamic relationships between the different dimensions of exclusion to which that part of the population is subject. That is, that changes in the circumstances of someone on one dimension of exclusion are likely to have consequences for their experience against other dimensions

Thirdly, we understand it to mean that one of the consequences of impoverishment of access to normal social benefits is to develop behaviours, perceptions and attitudes amongst the members of that part of the population that, themselves, constitute further barriers to participation in the dominant culture of the society. That is, that social exclusion has a reflexive element that compounds the disadvantages of social deprivation.

It was the second and third of these characteristics that

we wished to explore more fully than we had seen in the Social Exclusion Unit report. Empirical demonstration of the second characteristic would imply that the response to the social exclusion of prisoners should be planned and evaluated not on each dimension of exclusion in isolation, but as a coordinated response to the total set of circumstances that characterise the prisoners' lives. Demonstration of the third characteristic would imply firstly that strategies to address social exclusion should include an expectation of intractability that is not inherent in an understanding of social deprivation and secondly that the response to the exclusion of prisoners should include in its planning and evaluation an assessment of the dynamics of each prisoner's perceptual and attitudinal lives and ongoing review of the impact on each prisoner's psychological life of any improvements that it is possible to make in their access to social benefits from which they had previously been excluded.

One further issue in the researchers' understanding of social exclusion merits brief discussion in this introduction. It is inherent in the idea of social exclusion that there exists some 'normal' set of social benefits to which all members of society should have access and that the general good would be improved by enabling those who are at present excluded to share the benefits of improved access. The SEU report takes that, already not insignificant, set of assumptions a step further by drawing the conclusion that by so doing the level of criminal offending in the community would decrease.

While the researchers did not consider that it was within the scope of this project to subject that conceptual framework to critical examination, we do feel that we should place on record our judgement that implicit behind it is a model of social harmony and stability that many sociologists would contest.

More relevantly for the present report, however, we should make clear that our own understanding of exclusion includes a fourth characteristic that is based in a less unitary model of social cohesion. Whereas a particular set of social circumstances may exclude those subject to them from enjoyment of some 'normal' social benefits, they may grant access to another set. Or, put another way, the costs of improved access to 'normal' social benefits for members of social groups to the benefits of which access is enabled by an existing set of circumstances is likely to be the limitation or denial of access to the social rewards to which they are accustomed. What is socially excluding, when considered from one perspective may be socially inclusive when viewed from another. What is socially excluding in one circumstance or at one period of time may be socially including at another.

This fourth characteristic of our understanding of social exclusion is that it is context specific. Empirical demonstration of that characteristic would imply that, for the socially excluded, decisions to avail themselves of improved access to normal social benefits are likely to entail forfeiture of the benefits of membership of existing social networks.

Chapter 5 - Conclusions

In the final chapter we summarise the findings reached in the report and suggest some principles that would be likely to enable more useful work to be done on the problem we were asked to investigate.

Chapter 2

Social deprivation, social exclusion, offending and imprisonment. How are they related?

The prisoner population is segmented.

On June 30th, 2003 there were 6,558 people imprisoned in Scottish prisons. The total Scottish population, as recorded in the 2001 census, was 5,062,494.

That is, for every 100,000 people in Scotland there were, on that night, 130 in prison, a proportion that represents one of the highest imprisonment rates in Western Europe.

That overall rate hides, however, very large differences in imprisonment rates between different sectors of the total population. Three demographic groupings are of particular significance:

Gender;

Age;

Level of deprivation of the locality in which people live.

Method of data collection used

This research used two approaches to sampling the prisoner population. We used routinely recorded information about all those prisoners who were in prison on the night of June 30th, 2003 and a similar set of information about all prisoners released from Scottish prisons during June 2003. Fundamental to our analysis was information on the post-code of each prisoner's home address as supplied by the prisoner and recorded on the Scottish Prison Service Prisoner Administration System (SPS PAS). This information was used to relate the prisoner population to general demographic information held on a variety of other data-bases.

As our area of interest was the probability of re-offending of prisoners released from prison, the demographic profiles of a sample of those released from prison are arguably of greater significance than the profile of those detained at any particular point in time. A sampling artefact of variation in sentence length is that a sample of those released will include a higher proportion of those in prison either awaiting trial or sentenced to short periods in prison relative to a snap-shot sample, in which those sentenced to long sentences will be disproportionately represented.

The data quality on SPS PAS was not sufficiently good for us to use the data on prisoner releases. We report our work with the snapshot data. There were two reasons for concentrating on the snapshot data: it was a larger sample

(about twice the size) and it was possible to eliminate problems that arose with possible double counting in this sample whereas this is not possible with the sample based on releases.

We did make informal comparison between the two samples with which we had wished to work. Using the preferred sample would not have materially altered the outcomes that we report.

Of the 6,557 people in Scottish prisons on June 30th, 176 gave addresses from outwith Scotland. We were unable either to identify the address given or to relate it to a post-code in a further 374 cases. The results that we quote throughout the report are based on those 6,007 prisoners for whom we were able to identify the post-code in Scotland relating to the address given on the SPS PAS (a 91.6% sample)

The 3 demographic groupings

Gender

Of the sample, 5,753 were men and 254 women. In the general population, the 2001 census recorded 2,432,494 males and 2,629,517 females.

Scotland has strikingly different imprisonment rates for men and women.

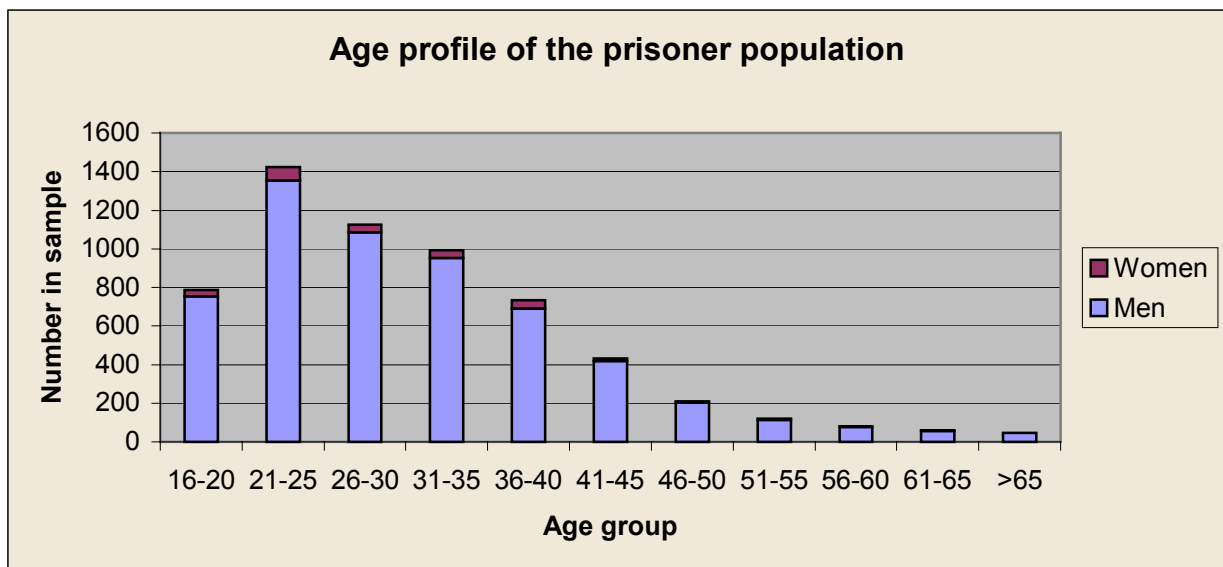
For men, the rate is 237 per 100,000 males (of all ages) in the general population.

For women, it is 10 per 100,000.

That is, there is a factor of 24 differentiating the rates of imprisonment of men from women.

Age

The age profile of the general prisoner population is shown below.

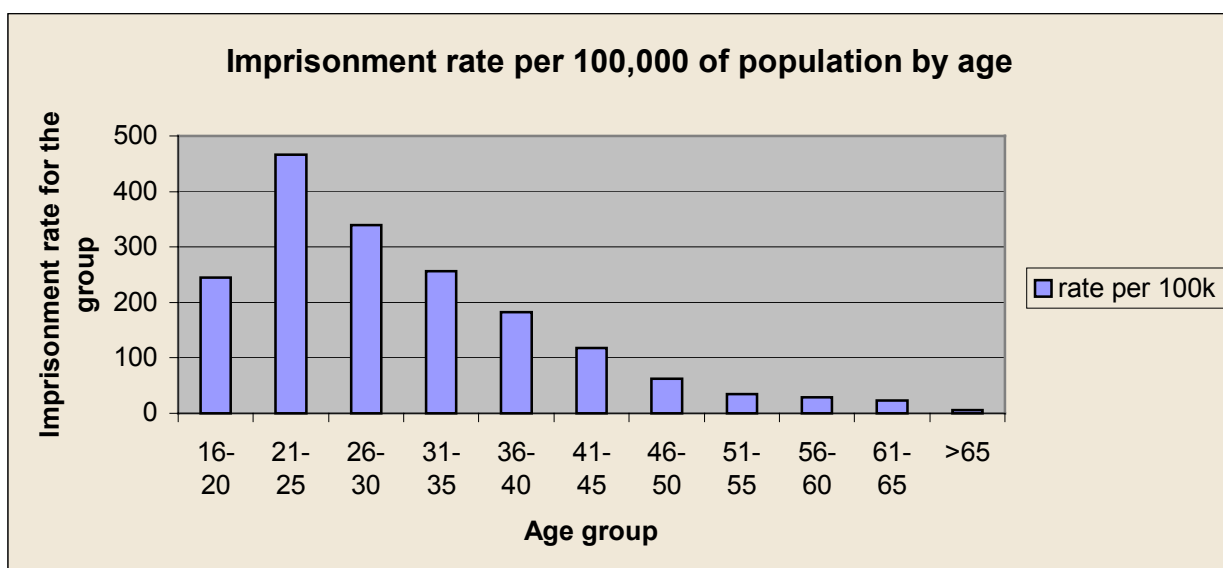


The number of prisoners in each annual age cohort rises quickly from 16 to a peak between 22 and 24 and then declines at a somewhat slower rate.

There were 3½ times as many prisoners aged between 21 and 25 as between 41 and 45 in our sample.

There were 7 times as many 41 to 45 year olds as there were people between 61 and 65.

For each 5 years increase in age above 25, the probability of being imprisoned decreases by slightly less than 30%



In order to calculate imprisonment rates the number of

prisoners in our sample was compared with the numbers in the general population in the same age cohorts, as recorded in the most recent census.

The imprisonment rate for people between 21 and 25 was 467 per 100,000.

We calculated the imprisonment rate for men aged between 21 and 25 to be 924 per 100,000.

42% of our sample was aged between 21 and 30.

72% was aged under 36.

Deprivation

The distribution of deprivation among the prisoner population, as illustrated by the 30th June, 2003 sample, was investigated using these three data bases:

The 2003 Scottish Indices of Multiple Deprivation;

CACI Information Systems 'ACORN' database

Post Office 'Address Manager'

Sources of data on deprivation

Scottish Index of Multiple Deprivation (SIMD)

"The Scottish Indices of Deprivation" were published in 2003 by the Social Disadvantage Research Centre in the University of Oxford. The report is summarised in an area-based Scottish Index of Multiple Deprivation. This is a "composite of different dimensions or domains of deprivation"; the 5 domains of which it is composed being:

Income Deprivation;

Employment Deprivation;

Health Deprivation and Disability;

Education, Skills and Training Deprivation;

Geographical Access to Services.

Each of those component indices is itself a composite of a range of social data.

Indices are calculated for each of the 1222 local government wards in Scotland; that is by groups of population (or communities) typically of about 4000 – 4500 people (Mean = 4,142), but ranging in size from 650 to slightly more than 9,000.

CACI Information Systems 'ACORN' Database

ACORN and Scottish ACORN are commercially available databases produced by CACI Information Systems. They are widely used in marketing and social research. Scottish ACORN is used by the Central Research Unit of the Scottish Executive in the analysis of the Scottish

Crime Survey.

Scottish ACORN classifies housing into 43 types which aggregate up to 8 groups. The ACORN housing classification is specific to full 7 digit post-code areas. Although in recent housing developments individual post-codes may be used for large groups of houses, typically they specify small groups of houses or individual buildings.

Scottish ACORN classifies housing on a continuum from Type 1, "Wealthy Families, Largest Detached Houses" to Type 43, "Many Lone Parents, Greatest Hardship, Council Flats", and From Group A, "Affluent Consumers with Large Houses" to Group H, "Poorest Council Estates".

10.2% of the general Scottish population live in Group H housing. The Group includes 6 housing Types:

- 38: Poorer Families, High Unemployment, Low Rise Housing*
- 39: Singles, Housing Association Flats, Overcrowding*
- 40: Older Residents, High Unemployment, High Rise Flats*
- 41: High Unemployment, Some High Rise Flats, Scottish Homes*
- 42: Many Lone Parents, High Unemployment, Council Flats*
- 43: Many Lone Parents, Greatest Hardship, Council Flats.*

Address Manager

Address Manager is software produced by the Post Office. It maps addresses onto post-codes and, inter alia, locates all post-codes by Ordnance Survey map reference, Unitary Authority, Local Authority electoral ward, Health Boards and Health providers.

Overview using ACORN

10.2% of the general Scottish population lives in Group H housing. 28.4% of the prisoner population gave Group H housing addresses as their home address.

There was considerable variation between prisons: 43.0% of those from Low Moss prison giving Group H addresses, but only 3.2% of those in Inverness Prison. In general that variation reflected the distribution of Group H housing between local authority areas: 59.7% of all prisoners who had given an address in Glasgow City were expecting to return to Group H. This compares with 1.7% of those expecting to return to East Lothian.

Of 679 prisoners from Barlinnie and Low Moss prisons who had given home addresses in Glasgow City, 408 (60.1%) gave Group H post-codes.

41% of the population of prisoners in our sample came from 8 of the 43 housing types, as shown on the Table below:

ACORN Description of Housing Type	Housing Group	Housing type	Percentage in general population	Number in Prison	Percentage of prisoner population
Many lone parents, High unemployment, Council flats	H	42	2.2	467	7.82
Poorer families, High unemployment, Low rise housing	H	38	1.3	246	4.12
Many lone parents, Greatest hardship, Council flats	H	43	1.6	288	4.82
Older residents, High unemployment, High rise flats	H	40	2.3	348	5.83
Younger families in mixed dwellings, Some lone parents	F	29	2.2	322	5.39
Younger families in flats, many children	F	28	3.1	426	7.13
Singles, Housing association flats, Overcrowding	H	39	1.5	203	3.40
High unemployment, Some high rise flats, Scottish homes	H	41	1.3	158	2.64
TOTALS			15.5	2458	41.14

NB. Housing Group F is described as "Council Estates, Less well-off families"

Overview using SIMD

Similar results were obtained when the prisoner population was mapped onto the descriptions of local government wards in terms of the Scottish Index of Multiple Deprivation (SIMD).

There are 1222 local government election wards in Scotland.

The home address of one quarter of the prisoner population of 6,007 is in just 53 of those wards. The total population of these wards is 355,800. This equates to an imprisonment rate for these wards of 421 per 100,000.

A further quarter come from the next 102 wards. The population of the wards from which this half of the prisoner population is drawn is 899,039.

That is, a quarter of the prisoner population comes from wards in which 7.03 of the general population live and a half of the prisoners from wards that house 17.76%.

Of the 53 wards most represented in the prisoner population: 35 are in the Glasgow City, 8 in the City of Edinburgh, 3 in Aberdeen, 2 in Dundee and 1 in each of East Ayrshire, North Ayrshire, South Ayrshire, Inverclyde and Renfrewshire unitary authorities.

The other half of the prisoner population comes from the

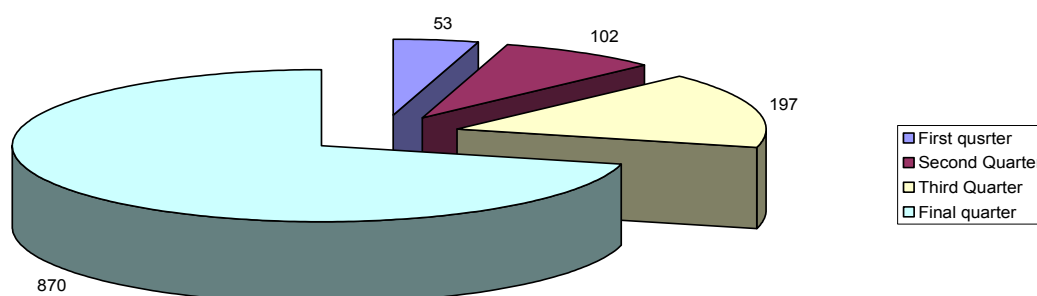
remaining 1,067 wards. This equates to half the prisoner population coming from wards with a mean imprisonment rate of 79/100,000.

From 269 of the Scottish wards, there were no people at all in prison on the night sampled.

That is; in a large number of wards scattered across Scotland there lives a population of almost the same size (814,457) as the population from which half the prisoner population is drawn but from which there were no representatives in our prisoner sample.

Whereas 40 of the 53 local government wards in Scotland with the highest number of people in prison are within the Strathclyde Police Force area, reported crime in that area is only 46.8% of the national total. The Lothian and Borders Police Force area records 19.2% of the national total of crimes but only has 8 wards amongst those most represented in prison.

Distribution of the prisoner population by ward in which they live.



The chart shows the home origins of the prisoner population as it was on the night of June 30th 2003. 25% of the population came from homes situated in just 53 of the 1,222 local government wards in Scotland. The mean number of people in prison from that group of wards was 29.7 per ward. At the other end of the scale, the 25% of the prison population from the wards with the lowest density of prisoners came from 870 wards. These wards, on average had 1.7 people in prison. There were no people in prison at all on that night from 269 of the wards.

Throughout the range from most prosperous to most deprived communities there is a near absolute correlation between level

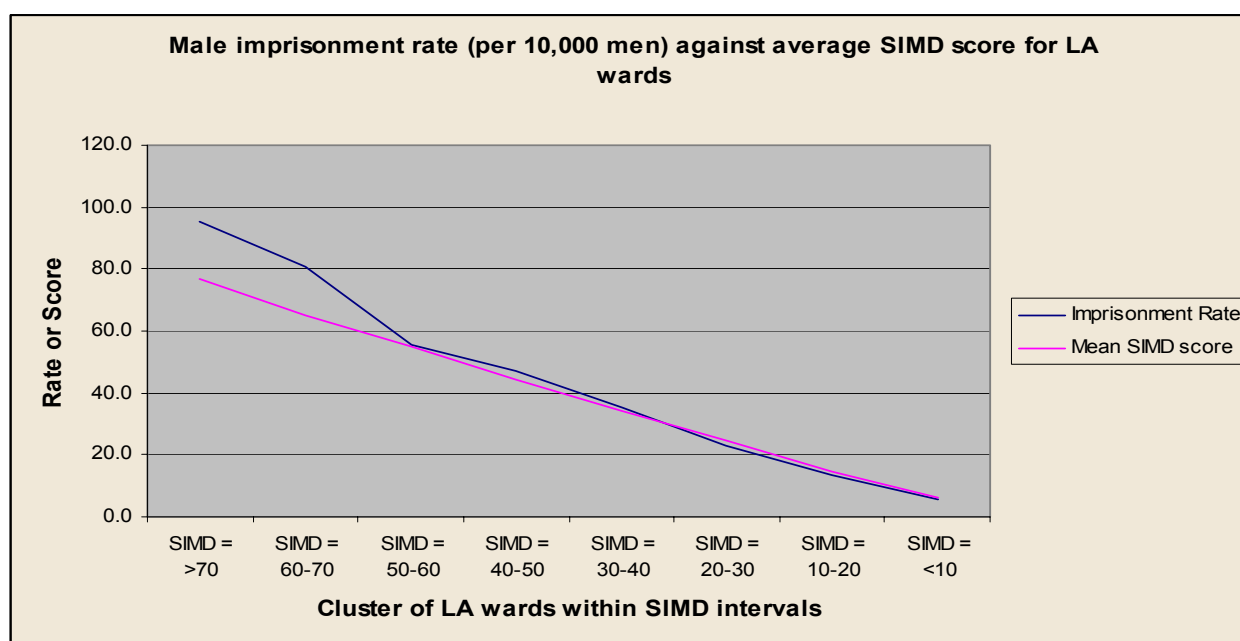
For each ward, the imprisonment rate per 100,000 of the population was calculated.

The correlation between the Scottish Index of Multiple Deprivation score and the imprisonment rate for each ward

of deprivation and imprisonment rate.

was then calculated using both the Pearson and the Spearman Tests. Using either test the correlation was significant at the 0.01 level.

This high level of correspondence between the probability of spending time in prison and the other indicators of deprivation is shown graphically on the figure below. *For the purposes of showing the data on a comparable scale, the imprisonment rate is shown as a proportion of 10,000 of the general population, not the more normally used 100,000.*



This illustration charts the imprisonment rate for men (shown as a rate per 10,000, for ease of comparison) and the mean SIMD score for clusters of local government wards bounded by ten point intervals.

The data shown in this chart are significant not only in that they show that the imprisoned population comes disproportionately from the most deprived communities but also in that it graphically demonstrates the linear correspondence, throughout the range from most prosperous to most deprived communities, between level of deprivation and imprisonment rate.

It is not simply that the most deprived are most at risk of imprisonment, it is that, at all levels of prosperity, the probability of imprisonment increases with increasing deprivation.

The importance of this finding, relative to the evidence that has been reported elsewhere of, for example, poor

educational achievement of the prisoner population or other correlates of social exclusion, is that it demonstrates the systemic link between social deprivation and imprisonment.

The policy problem that has to be confronted is not that there are high levels of illiteracy among prisoners or that the prisoner population is characterised by chronic unemployment but that imprisonment is a constituent component of social exclusion, as are poor housing or low life expectancy.

Just as it is a fact of life if you are born in the most deprived parts of the country that there is a greatly increased probability that you will remain poor and that you will have poor health and will die young, so it is an analogous fact that you have an increased probability of spending time in prison.

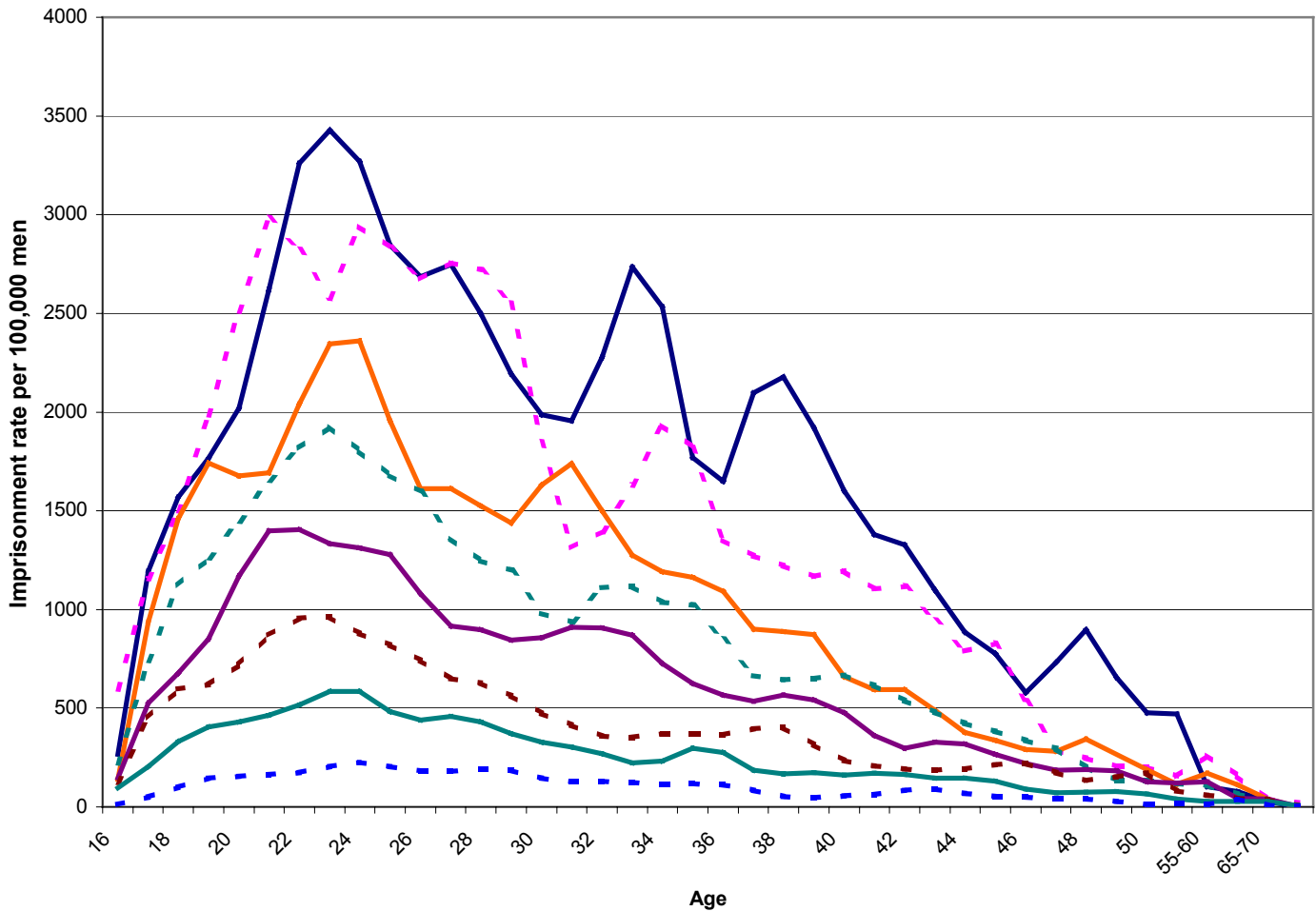
The chart also records a mean imprisonment rate for men, from the most deprived communities of 953 per 100,000 men in the community.

**The correlation between
general deprivation and
risk of imprisonment
remains strong across all
age groups**

The data were investigated further, therefore, to establish whether this increased probability of imprisonment with increasing deprivation was sustained over all ages.

The results of this investigation are shown below:

Rate of imprisonment of adult males by age and level of deprivation of their communities



These results are quite striking. Each of the eight profiles on the chart shows the age distribution of the prisoner population in the sample for a cluster of all the local authority wards for which the SIMD score falls within a 10 point interval.

Given the complexity of this set of calculations, the sample sizes for some age groups in some clusters are quite small. One would anticipate, consequently that there would be a significant random variability on individual scores. Some such variability is evident.

It is particularly evident for the cluster of wards with scores between 60 and 70. This is the group with the smallest population (379 prisoners distributed over 40 age intervals).

There are very few points on the charts, however, where the score for one cluster is higher than the score for the cluster with a higher SIMD score. The profiles lie tidily one under the other.

At all ages up to about 60 (where the sample sizes become universally very small) and at all levels of deprivation there is a strong and consistent linear correlation between imprisonment rate and SIMD score.

One in nine men from our most deprived communities will spend time in prison while they are 23.

It should also be noted that the mean imprisonment rate rises, for 23 year old men from the 27 most deprived wards (those with SIMD scores of over 70) to 3,427 per 100,000 men of the same age in the same communities.

That is, on the night on which our sample was taken 1 in 29 of all the 23 year old men in these communities was in a Scottish prison.

It will be shown later that slightly more than 3 (different) people are admitted to Scottish prisons each year for every one person showing on the average daily population. (*This figure differs from the usually quoted figure for individual admissions to prison which does not take account of the fact that a significant proportion of prisoners are admitted to prison more than once in a year. The ratio of admissions to average daily population in 1992/3 was 4.86*)

The data taken from the sample used suggest that each year about 1 in 9 of men aged between 22 and 24 from the most deprived communities in Scotland will spend some time in prison.

Discussion

There are three things that can be said immediately about these results.

Some preliminary observations

The results confirm what practitioners perceive

Firstly, there is nothing in their general conclusions that will surprise professionals who work with the prisoner population.

It is widely known that the rates of imprisonment of women are substantially lower than those of men (though historically this has not always been the case).

It is clear to all who work with the prisoner population that it is dominated by people in their twenties and early thirties.

It is the shared experience of the same group of

professionals that most of their clients come from the most deprived housing schemes. Many people with experience in prisons can recall clients from the same families and clusters of addresses going back 2, 3 or 4 generations.

What our research does contribute is a measure of the extent of the relationship between deprivation and imprisonment that has been the professionals' common experience. It shows that relationship to be systemic and profound. It is the size of those quantities that has allowed the researchers to develop the general understanding of the problem that will inform the rest of the report.

Social deprivation is neither a sufficient nor a necessary precondition for imprisonment

Secondly, although the association between deprivation and imprisonment is demonstrated by our results, it has to be remembered that, of itself, deprivation is neither a necessary nor a sufficient correlate of imprisonment. There are many people in prison who do not come from deprived communities or personal circumstances and there are many people who live in communities characterised by multiple deprivation who do not serve time in prison.

It is, for example, only a small proportion of women from deprived communities who serve prison sentences and only a slightly larger proportion of men over 45 who, even if they have been in prison when younger, will return to prison (though the significance of this result is somewhat exaggerated by the shorter than average life expectancy of men from deprived communities – the effect of which we have not quantified in this study).

This evidence is about deprivation not exclusion and imprisonment not offending

Thirdly, it has to be emphasised that this discussion is about rates of imprisonment and not rates of offending and about social deprivation not social exclusion.

The rate at which the members of a community will offend and the rate at which they will be imprisoned are not necessarily strongly correlated. Although we found some unreliability in the maintenance of prison records, it is possible to treat with reasonable confidence the information we have on the numbers of people in, or released from, prison, their gender, age and, to a lesser extent, their recorded histories of custody. We have no information of comparable quality on offending.

We know that from each of 2 of the 1,222 local government wards on which we based part of our

analysis there were more than 50 of the prisoner population on June 30th, 2003.

We also know that that no prisoners at all came from any of 269 wards in which a total of 814,457 of the Scottish population live.

We know that the rates of reported crime for the Lothian and Borders and for the Strathclyde police areas are broadly the same (Lothian and Borders = 92.8 per 100,000 of population, Strathclyde = 90.5 per 100,000 of population) but that the imprisonment rate for those living in the same areas is markedly different (Lothian and Borders = 101.2 per 100,000 of population, Strathclyde = 159.1 per 100,000 of population).

The criminological literature deals very fully with the problem of measuring rates of offending. It identifies the large differences between levels of victimisation as reported in the National and Scottish Crime Surveys and the levels of reported crime as shown in police statistics and describes at length the unreliability of both sources.

Similarly, there are difficulties in applying such frequently used terms as poverty, social deprivation and social exclusion. "Social exclusion", in particular, is a problematic term in that it has been used frequently in political and policy discourse but has been subject to limited theoretical clarification.

In the next chapter we will describe a model of our understanding of social exclusion. It is essentially a complex condition in which individual components are linked in states of equilibrium of varying stability.

Social deprivation is an important domain within that set of variables and we have, so far in this summary, used social deprivation as a surrogate for social exclusion.

The understanding of social deprivation we have used is that described by the Social Disadvantage Research Centre in the University of Oxford and implicit in the measures they use and the weightings they apply in developing the Scottish Index of Multiple Deprivation.

Interpreting the data

Firstly we can observe that, for men, the probability of imprisonment is more strongly correlated with the overall level of deprivation of the communities in which they live than many of the component indices of deprivation from which that Multiple Index is comprised. The strength of the correlation we found is such that it is not unreasonable, rather than to ask whether the prisoner population is

**A view of imprisonment
that recognises its
systemic relation to social
exclusion**

characterised by poor educational achievement, limited employment experience, extensive health problems, to think of risk of imprisonment simply as one of the consequences of living in deprived communities, such as are poverty, poor educational achievement and limited life expectancy. If you are a man and come from some of our communities, not only is it likely that you will remain poor, you will be unemployed and will have poor health; it is also likely that you will spend part of your life in prison. The increased probability of spending time in prison is both a consequence and indicator of the deprivation of the community from which you come.

If we approach the subject matter of this research as an exercise in improving our understanding as to why it is that the probability of imprisonment is highest for young male members of those communities that are characterised by high levels of general deprivation, in the same way as we might try to explore why it is that members of the same communities will suffer high levels of unemployment, then we create an opportunity to relate in one explanatory model the two strongly associated issues of social deprivation/social exclusion and imprisonment/offending.

Let us start this discussion with a general statement:

“A set of behaviours that is not untypical of young men from deprived communities results in their disproportionately high representation in the prisoner population. This is a consequence of three things:

the formal structure of law that classifies those behaviours as criminal;

public reactions to those behaviours

discretionary decisions taken by persons in authority, both in the criminal justice system and in other public and commercial organisations, in their relationships with the young men concerned.”

Let us now unpick some of that statement.

Firstly, the statement is not dependent on an assumption that the behaviours exhibited by the young men from deprived communities are exhibited exclusively by them or to an extent consistent with the level of skew we found in the prisoner population.

While we would not want to argue that there are not observable differences in the levels of lawlessness and crime between different communities, we do have doubts as to whether the distribution of offensive behaviours is as concentrated in this small number of communities and is exhibited so

preponderantly by young men as the imprisonment rates for the young male population suggests.

On the face of it, it seems highly unlikely that whereas there are some local government wards from each of which more than 50 young men behave so offensively as to warrant being in prison at a specific moment in time, there are also 269 wards from which there is no one whose behaviour gives comparable offence.

On the other hand, we recognise that there are some areas of our large towns where levels of lawlessness and offensive behaviour are greatly higher than in other areas.

Secondly, the statement does not suggest that those many young men who are in prison from the most deprived communities are there improperly. It does not suggest that they might be in prison without having exhibited behaviours that are offensive and that in the application of the criminal law they are not being properly held accountable for their actions.

Importantly, however, it does leave two questions open: one for empirical examination and one for policy consideration.

The question for which empirical examination is suggested is how far there is evidence that the cumulative effect of procedures, practice and discretionary decision taking throughout the criminal justice process might tend to increase the probability of comparably offensive behaviours by young men from deprived communities resulting in imprisonment, relative to other sectors of the population and members of other communities who behave either similarly or in ways which under the law are comparably culpable.

The question of principle and policy that is raised concerns the reasonableness of sustaining a primarily criminal justice response, tempered by a commitment to 'rehabilitation' of the offenders, in the face of the evidence, for whatever reasons, of the frequency and relative normality of the behaviours in question.

This question has two dimensions: an ethical dimension and a practical dimension.

The ethical dimension hinges on how far it is realistic to view decisions to behave in a particular way as a real exercise of choice in an environment in which those behaviours are, for whatever complex mix of reasons, to a significant extent rights of passage for

a large sector of the social groups from which the people come. In communities in which for part of the population such behaviours and the associated processes leading to imprisonment are statistically prevalent there must be a level of prevalence at which it becomes unreasonable to view the behaviours in question as an exercise of personal will for which the individual can legitimately be held accountable before the law. Beyond that level the deployment of the criminal law as the preponderant response to those behaviours would consequently be unreasonable and oppressive.

We would argue that the levels of imprisonment we found for young men from the most deprived communities are such that serious consideration requires to be given to that ethical question.

The practical dimension concerns how far it is realistic to expect that the application of the criminal law – the imposition of punishment and the adoption of rehabilitative strategies – will have any significant level of success in lessening the frequency of offensive behaviours in a group amongst whom the totality of favourable definitions of those behaviours is demonstrably so widespread.

It has to be anticipated that, in communities amongst a significant sector of the population of which the exercise of behaviours leading to imprisonment is as prevalent as we found, there will exist a psychological and cultural set of attitudes, values and rewards validating such behaviour.

It has also to be expected that such a cultural system would be resilient to pressure intended to challenge it and that this resilience would extend to any intended effects of punishment or rehabilitation.

What our the analysis of our data suggests is that there is a very strong systemic relationship between social deprivation of communities and the probability of young men from those communities spending time in prison. That relationship is most dramatically evidenced in the most deprived of the communities.

In these we have described those forms of law breaking that lead to imprisonment and the experience of imprisonment as “rights of passage”.

The relationship, however, is not restricted to those communities: from one end of the continuum from social prosperity to social deprivation. The probability of imprisonment increases with lessening prosperity.

People from very prosperous communities are more likely to find themselves in prison than those from the most prosperous communities.

Those from very socially deprived communities are less likely to spend time in prison than those from the most deprived areas.

That demonstration of a systemic relationship challenges both the ethical basis and the probability of success of a response based predominantly on assertion of individual responsibility and the consequential application of the criminal law.

Chapter 3

The complexity of the task faced by prisons and local authorities in seeking to achieve the social inclusion of prisoners

The shape of the chapter

In this chapter we start by describing the relative size of the work faced by each of the Scottish prisons in offering services to prisoners designed to enable their successful resettlement and inclusion into communities.

We open that discussion by giving 4 baseline measures of each prisons task:

The number of prisoners it normally holds;

The number of people it releases each year into the community;

The proportion of those people who return to ACORN Type H housing

The number of local authority areas in which significant numbers of prisoners have their homes.

We then summarise and expand that discussion by recording the distinctive types of resettlement tasks that characterise the diversity that we found.

We conclude the chapter by looking at the nature of the relationships between prisons and local authorities in their work with residents of excluded communities and make some suggestions as to how the task of working with the prisoner population might be conceptualised. The key question that we pose in this section is whether the way in which our institutions operate at present work in a way that tends to confirm the prisoner as primarily an “offender” or a “member of the public undergoing punishment”. We will argue that it is inconsistent to attach to those people who are in prison a primary identifier as “offenders”, while talking of policies designed to achieve their social inclusion.

Baseline measures of the size and occupancy of Scottish prisons

Firstly let us construct an estimate of the volume of work in the area of social deprivation that is faced by each prison.

The bottom line measures of the size of the task faced by a prison that are normally used are either its design capacity or its average daily population.

The design capacity is a theoretical calculation of the number of prisoners a prison is deigned to hold. This is invariably based on the number of cells, but may

allow for some licence in reckoning large cells as suitable for two occupants. The adequacy of provision of other facilities – such as, for example, library space, visit room capacity, kitchen capacity, sports facilities, interview room provision – although certain of these may be seen to constrain the use of cellular accommodation - does not form part of the normal calculation.

Average daily population is a statistical measure over a period of time – In Scotland it is routinely calculated over the planning and financial year, April to March – of the number of prisoners locked in the prison each evening when it is closed for the night, the “lock-up numbers”.

In local prisons there are weekly cycles in lock-up numbers. They tend to be at their lowest over the weekend and highest on the early days of the week.

Historically, it is possible to identify 3 types of prison by the typical relationship between design capacity and average daily population.

There are some prisons in which the two are held broadly in balance – fixed population prisons. Secure, long-term prisons (in Scotland; Shotts, Peterhead, Glenochil) tend to operate at or near their design capacity continuously.

There are some “local” prisons – those that receive prisoners directly from the courts - that absorb fluctuations in the national prisoner population and frequently operate with an average population considerably above design capacity (Barlinnie, Edinburgh, Perth, Aberdeen and Inverness would be examples in Scotland).

And there are some prisons that only receive prisoners as a consequence of discretionary decisions as to the risk they present, that frequently operate at well below their design capacity (the open prisons and the prison with poor physical security, Low Moss).

Historically Scotland has managed the prisoner population with variation in usage between prisons from about 75% of capacity in the open estate to about 130% of capacity in the local prisons. Changes in the configuration of the overall estate in recent years have achieved better usage of the open estate. The very high national prisoner population, however,

has meant that in the local prisons levels of overcrowding of the order of 30% have become endemic.

Discussions on prisons budgets and on the supply of facilities and resources is based on design capacity, with some flexibility to take account of chronic overcrowding.

Usage of prisons – the flows of people through Scottish prisons

The measure of movement through Scottish prisons that is given in official statistics is the number of admissions a year. This counts the number of warrants issued by a court for the initial remand detention or detention on conviction of a prisoner. Many prisoners, however, may be brought to the prison with more than one warrant. The general measure of movement we used, therefore, was the number of liberations. This counts all those people taken off the prison register during the year.

The number of liberations a year measures how many prisoners were liberated over a standard time period. We looked at the period April 2002 – March 2003. There is considerable variation between prisons in the ratio of number of liberations to average population over this time period.

For example, for Inverness Prison the ratio of liberations to average population was 11.39:1, for Cornton Vale, 9.91:1, for Castle Huntly 1.58:1, for Glenochil 0.28:1 and for Peterhead 0.07:1.

Put another way, whereas Low Moss had a daily average population of 279 and 1,796 liberations during the year, Peterhead with a slightly larger population of 295 liberated only 21 people.

To give an indication of the size of the task faced by the large local prisons, there were 8,128 liberations from Barlinnie over the period for which we took data.

Prisons that hold pre-trial detainees have the highest turnover rates. Those that hold only long-term prisoners, the lowest.

A policy dilemma: should resources be focused as at present on prisons holding long-term prisoners or on those that have the largest workload in preparing prisoners to return to their communities?

That immediately raises issues of policy.

In its 2002-3 annual report SPS recorded an average daily population of 2,506 prisoners serving sentences of 4 years or more (Long Term Prisoners).

In the same year we recorded 28,449 liberations from SPS managed prisons – giving about 31,500 if the private prison is included.

That is, the ratio of those passing through Scottish prisons to the number serving their sentences in long term prisons is about 12.6:1. For a variety of valid policy reasons, and in conformity with international

guidance, resources are disproportionately invested in the management of long term prisoners:

They are held to present a higher risk of future serious offending and therefore merit greater investment in programmes to lessen that risk;

They are at risk themselves to the deleterious effects of lengthy incarceration and therefore need a structure to their sentence and variety within it to lessen that risk;

They present a risk to the prison system if their sentences are not structured in a way to offer them progress. Investment in offering a range of facilities and opportunities through which they may progress is justified to lessen that risk.

However valid those reasons may be, they result in investment decisions that focus resources away from the mass of prisoners who are passing through Scottish prisons. Investment arguments based on tackling social exclusion would challenge that policy bias and would argue for redressing it in favour of increasing investment in the prisons through which the majority of prisoners pass and on using imprisonment more generally in redressing some of the disadvantages that the majority of its clients have experienced.

Our second measure recognises the fact that many people spend more than one period a year in prison. We, therefore, calculated for each prison the number of individuals who were liberated from the prison in the year we were researching.

To give an indication of the scale of difference between the three measures of movement;

for 1992-3 the figure of admissions to prison given by the SPS Annual Report is 39,275 (this measures warrants issued committing or sentencing someone to prison),

the number of liberations during the year that we found was (approximately) 31,500 (28,449 from SPS managed prisons) (this counts occasions on which anyone is liberated) and

the number of individuals released that we found was (again approximately) 20,000 (18,310 from SPS managed prisons).

Again, there is considerable variation between prisons in the degree to which this measure of individual people differs from

	For the year 2002-3				
	Design capacity	Average daily population	Total liberations	Number of people released	Number of people released as % of design capacity
Aberdeen	154	210	1,805	933	606
Barlinnie	1,009	1,179	8,128	5,501	545
Castle Huntly	156	146	158	158	101
Cornton Vale	238	245	2,427	1,372	576
Dumfries	178	169	1,054	602	338
Edinburgh	604	727	4,768	3,003	497
Glenochil	495	485	135	135	27
Greenock	254	322	2,259	1,301	512
Inverness	108	143	1,629	936	867
Low Moss	343	279	1,796	1,450	423
Noranside	135	118	126	126	93
Perth	593	586	3,052	1,765	298
Peterhead	306	295	21	21	7
Polmont	657	459	989	905	138
Shotts	528	485	102	102	19

the previous measure of liberations.

In general those prisons that house pre-trial prisoners will have higher proportions of people who spend a number of periods in prison a year and consequently the greatest difference between number of liberations and number of people passing through the prison in each year.

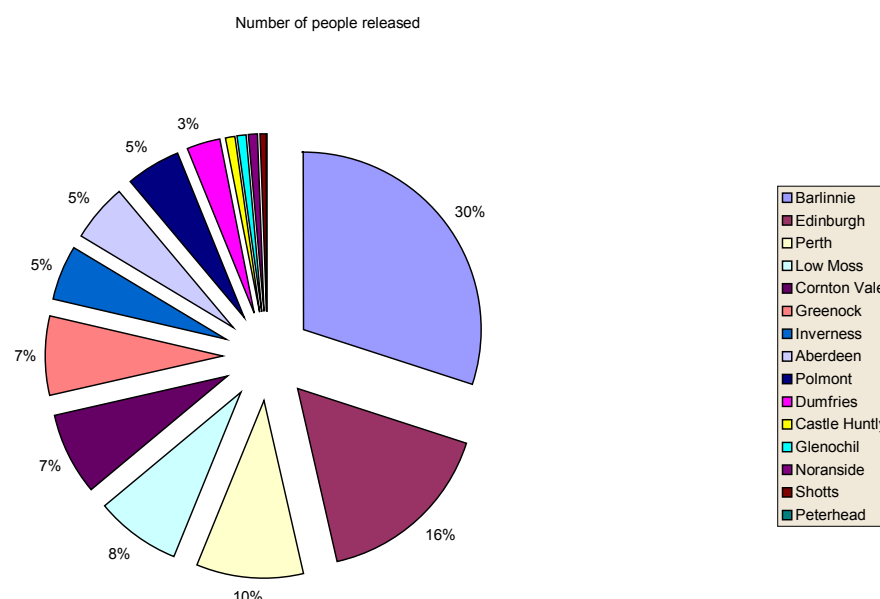
It is this final figure of number of people passing through the prison in a year that we would suggest is the most relevant in estimating a baseline for the size of the task each prison faces in relation to preparing people for resettlement into their communities and redressing some of the disadvantages either with which they came into prison or which are consequent on the fact of imprisonment itself.

The scale of the difference between capacity and usage

In the table below we show, for each of the SPS managed prisons, for 1992-3, the four measures of capacity or throughput we have discussed.

The size of the task of preparing prisoners for release

The data for the number of people released during the year is also shown diagrammatically in the next figure.



None of the individual measures to which we have referred above is sufficient in isolation to describe the size of the population with which SPS has to work on issues related to social exclusion.

Those people who are serving long sentences present particular problems. Some present resettlement and social integration dilemmas of singular complexity and intractability.

For example, there may have been only 21 prisoners released in the year from Peterhead prison, but a high proportion of these will have been men whose release will have presented enormous problems in terms both of public and their own safety.

However, the fact at present is that the formal mechanisms of sentence planning, planned access in prison to programmes addressing offending behaviour, consideration for parole, preparation of formal release plans and statutory supervision in the community are focused on this long term part of the prisoner population that accounts for only about 4% of all those prisoners released into the community each year. A few more will be released from prisons that have mixed function, but the overwhelming majority will not have the advantage of such preparation.

The figures that we show above, therefore are important in evaluating the size of the task that is faced by each of the prisons in addressing issues of social deprivation and exclusion.

	No. of prisoners	No of people liberated during 2002/3	% in Type H housing
Barlinnie	1071	5,501	39.03
Perth	668	1,765	25.44
Low Moss	242	1,450	42.98
Edinburgh	646	3,003	25.39
Kilmarnock	534	1,750	22.85
Shotts	376	102	39.10
Greenock	279	1,301	33.69
Cornton Vale	193	1,372	32.64
Glenochil	452	135	28.54
Polmont	507	905	22.46
Castle Huntly	142	158	30.28
Aberdeen	202	933	17.33
Peterhead	285	21	18.60
Inverness	124	936	3.23
Dumfries	159	602	15.72
Noranside	126	126	19.05

The task of the prisons also varies in other important ways. The next stage of our analysis reports some of these.

Intensity of deprivation of population of the prisons

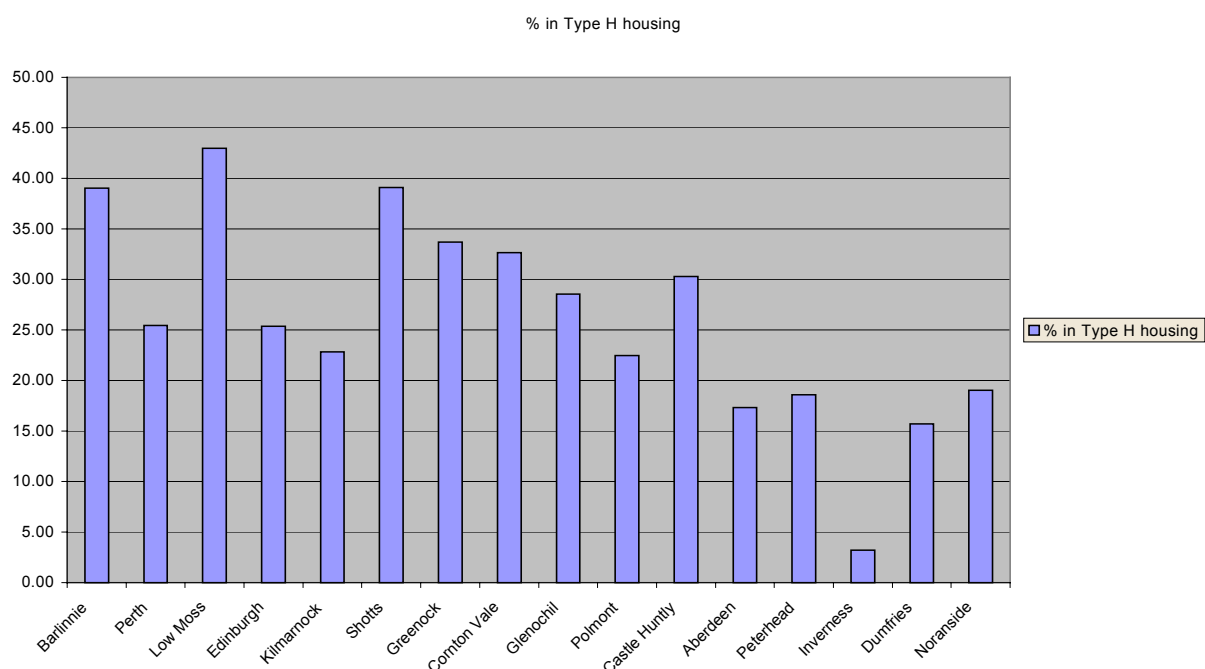
Firstly we looked at the distribution of the prisoner population in each prison that gave a home address shown on the ACORN system as Type H housing. The results we generated are shown below.

The figure for the number of people liberated from Kilmarnock prison is an estimate, based on the figure for Perth prison with which Kilmarnock is similar in function.

The figures given throughout the report for Polmont Young Offenders Institution should be seen as illustrative of it at the time. It was undergoing rapid expansion. Its function was being made more complex. The figures would now be significantly different.

The order in which the prisons are shown is based on the product of the rankings of the prisons against each of the measures shown. The table consequently shows prisons, broadly, in descending order of the size of their task, taking into account the measures we have considered so far.

The proportion of prisoners in each prison who gave a home address in Type H housing is shown diagrammatically below, by prison.



Complexity of the liaison arrangements necessary for each prison

We will now turn to examine the complexity of the relationship in which each prison stands with respect to Local Authorities with responsibility for services to ex-prisoners in the community. The data were analysed to show how many prisoners from each prison had given home addresses in each of the Unitary Authority areas in Scotland and of these, how many lived in ACORN Type H housing.

For each prison we calculated how many unitary authorities they would have to establish effective throughcare arrangements with to be able to offer a reliable service to 85% of their population. The choice of the figure of 85% is to some extent arbitrary. It was used as a reasonable figure to reflect those authorities from which each prison would normally expect to receive prisoners. There will always be some prisoners from untypical home addresses. For this exercise, we therefore disregarded those authorities from which, for the prison in question, only a very small proportion of their population came.

Adding this metric into our other 3 measures we arrived at the following table, summarising the size of the task faced by each prison in preparing prisoners for return to their communities.

					Rank position for columns 1 - 4			
	No. of prisoners	No of people liberated during 2002/3	% in Type H housing	No of UA's with which liaison is necessary	No. of prisoners	No. of people liberated	% in Type H housing	No of UA's with which liaison is necessary
Barlinnie	1071	5,501	39.03	6	1	1	3	13
Low Moss	242	1,450	42.98	9	10	5	1	7
Perth	668	1,765	25.44	8	2	3	8	9
Edinburgh	646	3,003	25.39	8	3	2	9	9
Cornton Vale	193	1,372	32.64	16	12	6	5	2
Polmont	507	905	22.46	16	5	10	11	2
Kilmarnock	534	1,750	22.85	8	4	4	10	9
Peterhead	285	21	18.60	17	8	16	13	1
Greenock	279	1,301	33.69	9	9	7	4	7
Shotts	376	102	39.10	8	7	15	2	9
Castle Huntly	142	158	30.28	16	14	12	6	2
Glenochil	452	135	28.54	14	6	13	7	6
Noranside	126	126	19.05	15	15	14	12	5
Aberdeen	202	933	17.33	2	11	9	14	15
Dumfries	159	602	15.72	5	13	11	15	14
Inverness	124	936	3.23	2	16	8	16	15

It is not valid to try to produce a single metric for the size of the task for each prison: each presents differing types of problem. We have ordered the prisons, however, to reflect one way of marshalling the various forms of data we have used into one dimension. Each prison was ranked against each of the measures. Its position on the list is given by the product of these rank positions.

Below we summarise these data as they apply to each prison.

Barlinnie

Barlinnie stands clearly on its own. It is very big and has heavy movement through it. 39% of people released from Barlinnie return to Type H housing, a figure comparable to that for Shotts and Low Moss and considerably higher than for any of the other prisons. To offer effective throughcare arrangements for 85% of those it releases it would need to establish good liaison with 6 unitary authorities. This relatively low figure, however, masks the fact that as a consequence of the size of its task there were 5 more authority areas in which at least 10 prisoners had given home addresses.

Low Moss

Low Moss is placed second on our table. This is largely as a result of the very high proportion of prisoners from there who gave addresses in Type H housing.

It functions as an overspill for Barlinnie Prison. Between the 2 prisons there are released 7,950 people each year, 40% to Type H housing and in significant numbers to 11 local authorities in the West of Scotland.

Perth, Edinburgh, Kilmarnock and Greenock

These 4 prisons have a high turnover of prisoners and release them to a variety of local authority areas. A significantly lower proportion, about 25%, of their clients return to Type H housing.

These four prisons taken together release slightly fewer people back into the community each year than the two Glasgow prisons.

Shotts and Glenochil	<p>The task of these two prisons is qualitatively different from those we have discussed above. They are large prisons accommodating people serving long sentences. As they approach release, most of their clients are likely to move on to more open conditions in another prison. The small number that they do release are subject to formal throughcare arrangements with the unitary authorities.</p> <p>These are well resourced prisons with a stable population and little movement of prisoners. Their profiles differ from each other in that Glenochil takes prisoners from a wider range of home addresses while Shotts, which tends to have prisoners from West Central Scotland, has a high proportion from Type H housing.</p>
Polmont and Cornton Vale	<p>The task of these two prisons is defined by the very wide range of authorities with which each has to establish effective liaison. In order to offer throughcare services each needs an established relationship with 16 authorities.</p> <p>The situation is further complicated in the case of Cornton Vale both by the very high turnover of prisoners each year and by the relatively high proportion (32%) of these who come from Type H housing.</p> <p>An interesting finding of the research was the relatively low proportion of the Polmont population from the most deprived housing. The analysis we give for Polmont, however, should not be viewed as reliable as that for the rest of the prisons – as we have remarked elsewhere – as at the time of the research its function was changing and its size was being considerably increased.</p> <p>In terms of social exclusion these two prisons must be seen as two of the most problematic in Scotland. They are both institutions used exclusively for vulnerable populations: women and juveniles. They are the institutions where you would expect the most sensitive arrangements to be made to restore their clients to participation in our communities but because of the national role, they work with prisoners from unitary authorities across the country.</p> <p>A proper concern for developing supportive and legitimate networks in the community and enabling, while they are in prison, those subject to criminal sanctions to access community services would lead to a re-evaluation of the policy of maintaining single ‘national facilities’ for such vulnerable groups.</p>
Peterhead	<p>Similar issues confront Peterhead prison, though they are ameliorated in its case by the very low levels of movement through the prison. In the year we researched, it had released only 21 prisoners.</p> <p>As it specialises in working with those convicted of sexual offences, each of those prisoners presents a distinctive and onerous range of problems. Significant groups of its population give home addresses from each of 17 unitary authorities.</p> <p>Detailed release and supervision arrangements therefore have to be made with each of these. As well as meeting the specific statutory requirements that apply to their clients the prison also has to work within a cultural environment hostile to the reintegration “sex offenders” at all into our communities.</p>
Castle Huntly and Noranside	<p>The two open prisons also have to work with a wide variety of local authorities. They have modest levels of turnover, however. Their populations did not present particular problems in terms of the levels of deprivation of their housing.</p>
Aberdeen, Dumfries and Inverness	<p>These small local prisons have a high turnover relative to their size. Their task is made relatively simple, however, in that the majority of their prisoners come from a small number of local authorities. (For Inverness and Aberdeen, over 85% of the clients give home addresses in just 2 unitary authority areas each). They also have a small proportion of their population in Type H housing.</p> <p>However, that simple comparison masks the set of problems associated with providing services to marginalised groups in rural communities. The majority of</p>

Where the prisoners come from	No. of prisoners	Imprisonment per 100,000	% of prisoners from Type H housing
Glasgow City	1507	260.8	59.72
Edinburgh, City of	575	128.2	34.26
Dundee City	260	178.5	32.69
Inverclyde	172	204.3	30.81
Renfrewshire	239	138.3	38.91
West Dumbartonshire	127	136.0	44.88
Aberdeen City	287	135.3	20.91
North Lanarkshire	390	121.5	12.82
North Ayrshire	197	145.0	8.63
South Lanarkshire	307	101.6	18.24
Fife	326	93.3	11.96
South Ayrshire	130	116.0	13.85
East Ayrshire	150	124.8	4.67
Clackmannanshire	69	143.5	2.90
Dumfries and Galloway	151	102.2	5.30
West Lothian	130	81.9	6.15
Perth and Kinross	85	63.0	12.94
East Renfrewshire	43	48.1	20.93
Highland	146	69.9	4.11
Falkirk	108	74.4	5.56
Stirling	65	75.4	6.15
Midlothian	65	80.3	3.08
Angus	77	71.0	1.30
Argyll and Bute	48	52.6	8.33
East Dumbartonshire	45	41.6	8.89
Aberdeenshire	101	44.5	3.96
Scottish Borders	68	63.7	2.94
East Lothian	58	64.4	1.72
Moray	55	63.3	0.00
Shetland Islands	8	36.4	0.00
Orkney Islands	7	36.4	0.00
Eilean Siar	0	0.0	0.00

the prisoners in each of the prisons comes from the town in which the prison is situated (though in Dumfries a substantial group also comes from Stranraer). It was beyond the scope of this research to do more than note that resettlement in rural communities presents distinctive issues of its own.

Where do Scottish prisoners come from?

In the rest of the chapter we give an analysis of where prisoners live in Scotland. We do this first by simply looking at the distribution of home addresses of prisoners in general and then look in detail at the movements of prisoners between our communities and the prisons.

The table below shows the number of people in Scottish prisons on June 30th 2003 from each of the unitary authority areas. It also records the imprisonment rate for that authority and the proportion of prisoners from the authority from Type H housing.

The order in which the data are shown is based on a measure of the size and complexity of the prisoner population presented the authority. To arrive at this, each of the three data columns was ranked, a notional score for each authority was calculated by multiplying the three rank positions. The position in the table is the rank position on this list of notional scores. Glasgow City scores highest against each of the measures: it has the highest absolute number of people in prison, the highest imprisonment rate and (at 59.7%) the highest proportion of its prisoners coming from Type H housing.

What immediately stands out is the size of the difference of the task faced by Glasgow, relative to that of any other of the authorities. At the last census, the population of Glasgow City was 28% greater than that of Edinburgh. At the time of our research, however, it had 162% more prisoners. Moreover, 59.7% of all prisoners giving an address from Glasgow come from Type H housing.

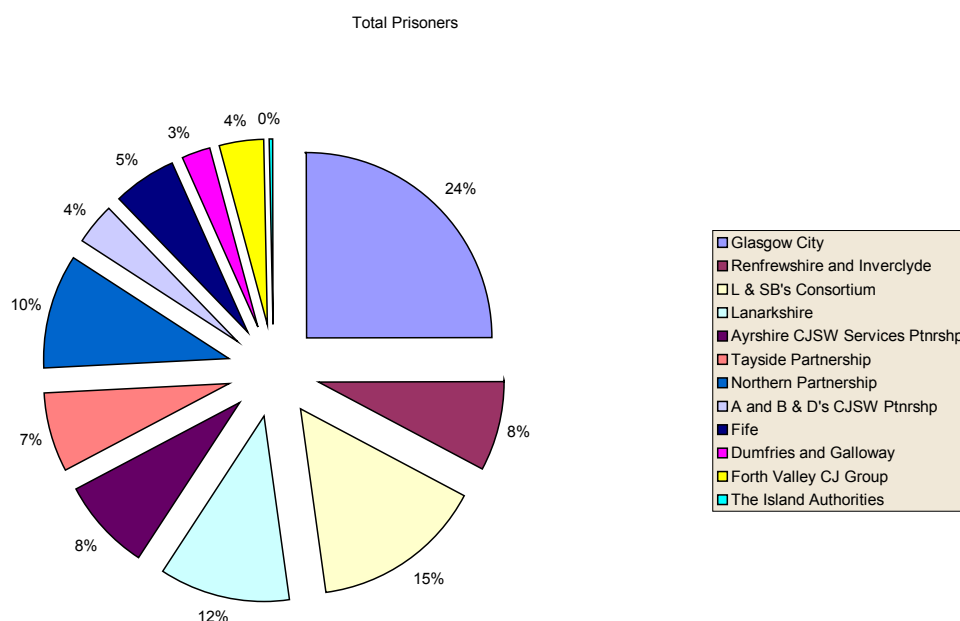
Responsibility for working with those subject to criminal sanctions

Social Work Department Groupings' responsibilities	Total Prisoners	% living in ACORN Type H housing	Imprisonment rate given by 92% sample
Glasgow City	1,507	59.72	260.8
Renfrewshire and Inverclyde	454	34.14	131.1
L & SB's Consortium	896	23.44	101.2
Lanarkshire	697	15.21	111.8
Ayrshire CJSW Services Ptnrshp	477	8.81	129.6
Tayside Partnership	422	22.99	108.5
Northern Partnership	589	11.88	80.2
A and B & D's CJSW Ptnrshp	220	29.55	75.1
Fife	326	11.96	93.3
Dumfries and Galloway	151	5.30	102.2
Forth Valley CJ Group	242	4.96	86.6
The Island Authorities	15	0.00	36.4

in the unitary authorities rests with Criminal Justice Social work. The authorities have clustered into 12 groupings to discharge this responsibility. In the table below we represent the information above, organised by these groupings.

(L & SB = Lothians and Scottish Borders, CJSW = Criminal Justice Social Work, Ptnrshp = Partnership, A and B & D = Argyll and Bute and Dumbartonshire, CJ = Criminal Justice)

The distribution of prisoners between these local authority groupings can be shown diagrammatically:



How complex are the arrangements that need to be made between prisons and unitary authorities

We now show, tabulated, the number of unitary authorities with which each prison would need to establish effective liaison arrangements if it were to offer good quality throughcare services to 85% of its prisoners and the number of prisons each unitary authority would consequently be working with

Prisons	Number of UA's with which liaison required	Unitary Authorities	Number of Prisons with which liaison is required
		Glasgow City	14
		North Lanarkshire	13
		South Lanarkshire	13
		Renfrewshire	10
		Edinburgh, City of	9
		Fife	9
		North Ayrshire	9
		Inverclyde	8
Peterhead	17	Aberdeen City	7
Polmont	17	Falkirk	7
Castle Huntly	16	Aberdeenshire	6
Cornton Vale	16	West Dumbartonshire	6
Noranside	15	West Lothian	6
Glenochil	14	Dundee City	5
Shotts	12	Highland	5
Greenock	9	Angus	4
Low Moss	9	Dumfries and Galloway	4
Edinburgh	8	East Ayrshire	4
Kilmarnock	8	South Ayrshire	4
Perth	8	Stirling	4
Barlinnie	6	Clackmannanshire	3
Dumfries	5	East Lothian	3
Aberdeen	2	Midlothian	3
Inverness	2	Perth and Kinross	3
		Scottish Borders	3
		Moray	2
		Argyll and Bute	1
		East Dumbartonshire	0
		East Renfrewshire	0
		Eilean Siar	0
		Orkney Islands	0
		Shetland Islands	0

Next we looked at the significant movements of people between unitary authority areas and prisons. There are 16 prisons and 32 Unitary Authorities. There are, therefore, 16 x 32 (=512) possible routes of movement between prisons and local authority areas.

For each prison, we recorded the number of prisoners with a home address in each Unitary Authority area. We then listed the routes that we found in decreasing order. For example, 580 prisoners from Barlinnie gave home addresses in Glasgow City and 300 prisoners in Edinburgh Prison gave addresses in the City of Edinburgh. Those two entries headed our list.

We then took the sum of those entries at the top of the list that between them showed the links between half the prisoners in Scottish prisons and their local authorities. We needed 23 (out of the theoretically possible 512) such relationships to achieve this. Against each we also recorded the number in Type H housing. The results are shown below.

Prison	Unitary Authority	No Prisoners	No in Type H Housing
Barlinnie	Glasgow City	580	338
Edinburgh	City of Edinburgh	300	107
Shotts	Glasgow City	153	99
Perth	Dundee City	180	51
Glenochil	Glasgow City	126	70
Kilmarnock	Glasgow City	116	72
Low Moss	Glasgow City	99	70
Polmont	Glasgow City	101	53
Aberdeen	Aberdeen City	144	34
Barlinnie	North Lanarkshire	144	21
Barlinnie	South Lanarkshire	123	22
Perth	Fife	152	15
Perth	Glasgow City	60	38
Edinburgh	Glasgow City	53	32
Greenock	Renfrewshire	59	25
Kilmarnock	North Ayrshire	108	12
Greenock	Inverclyde	56	16
Kilmarnock	South Ayrshire	75	9
Dumfries	Dumfries and Galloway	89	5
Perth	Perth and Kinross	55	8
Edinburgh	West Lothian	55	5
Inverness	Highland	88	3
Kilmarnock	East Ayrshire	85	3

The order in which these routes are shown is again calculated by ranking a multiple of the two data columns, suggesting a workload diminishing from top to bottom of the list.

We then looked at the next section of the list and summated the number of links that between them would account for the next quartile of the prisoner population. A further 52 links had to be included to achieve this.

That result is shown on the following table:

Prison	Unitary Authority	No Prisoners	No in Type H Housing
Greenock	Glasgow City	51	30
Cornton Vale	Glasgow City	40	30
Castle Huntly	Glasgow City	41	23
Peterhead	Glasgow City	42	22
Polmont	City of Edinburgh	46	20
Peterhead	City of Edinburgh	43	16
Glenochil	City of Edinburgh	52	13
Low Moss	North Lanarkshire	36	13
Cornton Vale	City of Edinburgh	32	13
Greenock	West Dumbartonshire	28	14
Glenochil	Renfrewshire	25	15
Dumfries	Glasgow City	26	13
Perth	Aberdeen City	41	8
Shotts	Renfrewshire	28	10
Polmont	Renfrewshire	31	9
Perth	City of Edinburgh	23	12
Polmont	Dundee City	23	10
Polmont	Fife	36	6
Shotts	City of Edinburgh	26	8
Polmont	Inverclyde	25	8
Barlinnie	Stirling	25	8
Noranside	Glasgow City	19	10
Barlinnie	Renfrewshire	20	9
Kilmarnock	Inverclyde	18	9
Glenochil	Fife	39	4
Low Moss	Renfrewshire	19	7
Shotts	North Lanarkshire	30	4
Barlinnie	West Dumbartonshire	16	7
Edinburgh	Fife	27	4
Shotts	South Lanarkshire	25	4
Kilmarnock	Renfrewshire	20	5
Glenochil	North Lanarkshire	32	3
Noranside	City of Edinburgh	24	4
Peterhead	Dundee City	16	6
Glenochil	Aberdeen City	18	5
Kilmarnock	South Lanarkshire	29	3
Glenochil	South Lanarkshire	21	4
Polmont	Aberdeen City	20	4
Barlinnie	Falkirk	36	2
Polmont	South Lanarkshire	18	4
Perth	North Lanarkshire	16	3
Aberdeen	Aberdeenshire	46	1
Perth	Angus	44	1
Peterhead	Fife	21	2
Edinburgh	Midlothian	39	1
Edinburgh	Scottish Borders	35	1
Barlinnie	Clackmannanshire	22	1
Peterhead	North Lanarkshire	19	1
Barlinnie	East Ayrshire	18	1
Polmont	North Lanarkshire	34	0
Edinburgh	East Lothian	29	0
Inverness	Morayshire	24	0

These results show that by concentrating resource to improve the service to 50% of the prisoner population, it would be necessary to focus on 23 relationships. To achieve the same level of improvement for 75% of the prisoner population, 75 links between individual prisons and local authorities would have to be working well. 14 of those links would involve Glasgow City. 9 would involve Barlinnie Prison.

In which communities is the greatest concentration of deprivation? Where are prisoners from these communities imprisoned?

Finally we integrated the information based on prisons and that based on local authorities. We include, at Annex 2, a number of tables each reporting the set of relationships that exists between the prisons and the local government wards in one of the Unitary Authority areas. (The final two tables combine a number of authorities where the relationships are less strong.) Each table is in two multiple columns.

The left hand column reports on prisons. It shows for all of the prisons that accommodate a large number of prisoners with home addresses in the Unitary Authority area, the number there were in the prison at the time of our research and the number who gave addresses classified as Type H under the ACORN system. Those entries that are highlighted in pink are those 23 relationships between individual prisons and Unitary Authorities, described above, which taken together account for 50% (3001 prisoners) of all such relationships. Those shown in ochre come from the next quartile.

The right hand column reports the local government wards from which most prisoners come. Those shown in blue are the wards most densely populated with prisoners and which, if taken together account for 25% of all prisoners' home addresses. Those shown in green are the next most densely populated quartile.

Each table shows, therefore, on the left hand side, those prisons in which the largest groupings of prisoners from the Unitary Authority are being held and, on the right hand side, the local government wards in which the home addresses they have given are situated. At the base of each table is given a summary of some of the information in it.

We will comment on each of the tables in turn.

Glasgow City	<p>Glasgow City has a population of 578,000 – just 130,000 bigger than Edinburgh. 1,507 prisoners had given home addresses in Glasgow City. In all of the prisons other than Inverness and Aberdeen a very large number of prisoners give home addresses in Glasgow. For eight prisons, the number that come from Glasgow is among the 23 that together account for half the prisoners in the country. 6 out of 10 of those who come from Glasgow give addresses classified as ACORN Type H.</p>
	<p>There are 79 local government wards in Glasgow. 32 of these have a density of prisoners in their population amongst the 51 that between them include the homes of 25% of the total prisoner population. That is, there are only 19 wards in the rest of Scotland with comparable density of prisoners. There are a further 24 wards in Glasgow amongst the 103 that account for the next 25% of the prisoners.</p>
	<p>92% of the prisoners who come from Glasgow come from those 55 wards; 65.5% of them from that small set of 32 wards from which have the highest concentration of prisoners in Scotland.</p>
	<p>The relationship between social deprivation and imprisonment in Scotland is at its most pronounced in Glasgow. Nowhere is that relationship more strongly expressed than in relation to Barlinnie prison. At the time of our research there were 580 people from Glasgow in Barlinnie, 338 of whom had given addresses classified as ACORN Type H.</p>
City of Edinburgh	<p>Before any analysis is attempted, the contrast between Edinburgh and Glasgow is striking visually. The population of the capital is 77.5% that of Glasgow; the imprisoned population 36.2%.</p>
	<p>In 8 prisons, there was a large number of prisoners who gave home addresses in Edinburgh. Only in Edinburgh Prison itself, however, was the number in the interval that accounted for half the population. Only 36% of the prisoners coming from Edinburgh gave Type H addresses.</p>
	<p>8 Edinburgh wards are amongst the 25% with the highest concentration of prisoners. A further 9 are in the next quartile. Whereas in Glasgow 92% of the prisoners come from wards with high concentrations of prisoner, in Edinburgh the comparable figure is 76%.</p>
	<p>Social deprivation is not as concentrated in Edinburgh as it is in Glasgow. Neither is imprisonment. Nor is the imprisoned population as concentrated in Edinburgh in the areas of highest deprivation.</p>
Aberdeen and Dundee Cities	<p>Aberdeen and Dundee Cities have similar profiles: they each have significant groups of their citizens in three or four prisons, with a particularly strong association with one each. 10 wards in Aberdeen have high concentrations of prisoners, 11 in Dundee; though 3 in Aberdeen are in the group of highest concentration as opposed to 2 in Dundee.</p>
	<p>At 23% Aberdeen has a lower proportion of its imprisoned population in Type H housing than either Dundee (31%) or Edinburgh (35%). The three cities have broadly the same proportion of their imprisoned population coming from homes in the wards with high concentrations of prisoners.</p>
	<p>Glasgow, Edinburgh, Aberdeen and Dundee are the four urban centres in Scotland with substantial areas of high deprivation. The size of the task for Aberdeen and Dundee, however, is, in terms of numbers of prisoners, about one seventh of that of Glasgow and is made more complex by neither the concentration of Type H housing in the cities or the number of prisons in which substantial numbers of their residents are imprisoned.</p>
North Lanarkshire, Renfrewshire, Fife, South Lanarkshire and Inverclyde	<p>There are five more dispersed unitary authorities that have significant numbers of residents in a number of prisons coming from homes in a number of communities.</p>

None of them has very high numbers of prisoners in more than one prison and none has more than one ward home to particularly high numbers of those in prison.

In these authorities, the offender population is far less concentrated in particularly problematic wards.

**Dumfries and Galloway, East
Ayrshire, Highland, North
Ayrshire, Perth and Kinross,
South Ayrshire, West Lothian**

There are seven authorities from each of which there are very high numbers of prisoner in just one prison. They are effectively catchment areas for the some of the local prisons. The three Ayrshire authorities include in each one ward in which a very high number of prisoners live.

With these exceptions, the homes of the prisoner population are dispersed across the authority area, with a small proportion of the total prisoner population coming from the few wards in which significant numbers have recorded their home addresses.

**Aberdeenshire, Angus,
Clackmannanshire, East
Lothian, Falkirk, Midlothian,
Moray, Scottish Borders,
Stirling, West Dumbartonshire**

Significant numbers of residents from each of these authorities can be found in at least one prison, but high numbers in none.

In 4 of the authorities there is a ward (up to 3 wards) in which significant numbers of prisoners give home addresses, but in only one authority is that number high. In 10 of the authorities there are no wards with sufficient numbers of home addresses in them to satisfy our standard of significance.

These authorities are each part of the catchment area for a local prison. There are few, but just significant numbers of prisoners coming from each. Their homes are dispersed across the authorities.

**Argyll and Bute, East
Dumbartonshire, East
Renfrewshire, Eilean Siar,
Orkney Islands, Shetland
Islands**

The number of prisoners giving home addresses in these 6 authorities was so small that none of them registered at the level of significance we have been using.

**How many prison places
are there for the main
areas of population**

Finally we revisited the local authority criminal justice social work groupings and looked at the SPS places available in the areas covered by each of the groupings. The results are shown on the following table.

Social Work Department Groupings' responsibilities
Total Prisoners
Imprisonment rate given by 92% sample
SPS Establishment
Places
Total Places in Area
SPS places as % of Need

Glasgow City
1 507
260,8

Barlinnie
1009
1009
67,0

Renfrewshire and Inverclyde
454
131,1

Greenock
254
254
55,9

L & SB's Consortium
896
101,2

Edinburgh
604
604
67,4

Lanarkshire
697
111,8

Shotts
528
528
75,8

Ayrshire CJSW Services Ptnrshp
477
129,6

Kilmarnock
500
500
104,8

Tayside Partnership

422

108,5

Castle Huntly

156

884

209,5

Noranside

135

Perth

593

Northern Partnership

589

80,2

Aberdeen

154

568

96,4

Inverness

108

Peterhead

306

A and B & D's CJSW Ptnrshp

220

75,1
Low Moss
343
343
155,9

Fife
326
93,3
None
0
0
0,0

Dumfries and Galloway
151
102,2
Dumfries
178
178
117,9

Forth Valley CJ Group
242
86,6
Glenochil
495
1390
574,4

Cornton Vale
238

Polmont
657

The Island Authorities
15
36,4
None
0
0
0

This table shows quite how badly the prison estate is positioned to enable effective working by prison staff in support of community initiatives designed to improve the resettlement of offenders. There are more prisoner places in Tayside, Fife and the Forth Valley (albeit that none of these is in Fife) than there are in the 4 local authority clusters of Glasgow, Inverclyde, Lanarkshire, Argyle and the Dumbartonshires, although fewer than one third of the number of prisoners than come from the Central West of Scotland come from that area.

The number of places available to prisoners coming from Scotland North of Tayside is less than half of the number of prisoners whose homes are in that geographically very large area of Scotland.

The geographical distribution of the prison estate, and the way in which it is used makes it inevitable that most women, children, juveniles, and long-term prisoners towards the end of their sentences, preparing for release, will be held at a considerable distance from their homes and that a high proportion of those from Central West or the North of Scotland will have to serve their sentences in prisons remote from their families and communities.

Conclusions

In this chapter we have discussed:

Firstly, the size and nature of the workload faced by each of the prisons in seeking to redress some of the disadvantages faced by their clients as a consequence of the deprivation of their backgrounds;

Then, the distribution of the homes of the prisoner population

between local authority areas, and

Finally, routes along which the most significant movements of people between prisons and local authority areas occur.

The discussion is dominated by the situation of Glasgow. Using only the narrow definition of Glasgow City, it has, by a margin much larger than the difference in size of its population, uniquely high levels of deprivation, rates of imprisonment and consequently numbers of its residents in prison and number of places in which those prisoners are held. The issue of deprivation in Glasgow and its links with imprisonment is of such a size that it should be considered as qualitatively distinct from the rest of Scotland. In addressing that issue, the subordinate but critical issue within the terms of this research is to consider how imprisonment might best be provided to support community strategies for affiliating its more marginal groups into fuller participative membership.

In looking at the prisons, we differentiated the nature of their task into:

- the Glasgow prisons;

- the 4 other large prisons that have high turnover and serve a variety of communities;

- the 2 low turn-over long-term secure prisons;

- the 2 specialist national facilities for women and juveniles – that have particularly complex relationships with local communities;

- the specialist national facility for sex offenders – with very low turnover but acute and distinctive problems;

- the open estate;

- 3 small local prisons, with high turnover, distinctive issues related to their partly rural client base but simple relationships to local authorities.

In looking at the local authorities, we differentiated the nature of their task into:

- Glasgow City – size, concentration and complexity;

- The other three large cities – with Edinburgh significantly more complex than the other two;

- 4 authorities that comprise the heart of the West of Scotland conurbation and Fife. Authorities yet to fully recover from the loss of their heavy industrial base, with substantial problems of deprivation and pockets of high level of imprisonment;

- 7 more dispersed, more rural authorities with some characteristics of post-industrial decline, that are catchment areas for a dispersed offender population;

10 authorities with some significant, but dispersed, offender population;

6 authorities from which very few people are sent to prison

From the analysis we carried out of the main links between prisons and local authorities, there are two overwhelming conclusions:

The concentration of the problem;

The need to reconsider from where the public response to the problem should be driven

The concentration of the problem.

Each prisoner in our sample was in one of 16 prisons and gave a home address in one of 32 unitary authority areas. That gives 512 possible associations between prisons and unitary authorities. 50% of our sample was accounted for by 23 of those possible associations. 8 of those were links between different prisons and Glasgow City.

We would not wish that the supply of such actuarial information be taken to suggest that the needs of prisoners from small prisons or rural communities, for example, be ignored.

It is the case, however, that by focusing a strategy on improving service on a small number of routes then, if that service improvement were well conceived, substantial improvement could be achieved economically.

From where should the response be driven?

In visiting prisons, we could not fail to be impressed by the managerial vigour, practitioner commitment and competence and prisoner welcome of a wide range of initiatives that have been taken in the recent past to improve relevant supply of services. We consider that in a number of prisons we saw that focus on effective supply of relevant services becoming translated in the prisoners' perceptions into a communication from the prison authorities of their willingness to accept prisoners into membership of legitimate society: prisoners reported that prison staff actually seemed to care about their problems and wanted to help them. In terms of our model, that cognitive shift – however fragile, contingent and dispersed it may have been – might well be more significant in starting to shift prisoner's cultural affiliations than the actual supply of service itself.

What we also saw in prisons, however, was a pervasive frustration that whatever it might be possible to achieve in the prison in working with prisoners to understand their needs, supplying relevant services, co-ordinating service suppliers to ensure coherence of relationship with the prisoner would be dissipated on release because all of the old problems that had resulted in the prisoners' marginalisation in the first place would still be there.

From within the prisons we sensed a wish to extend their influence into the communities and start to develop more effective work there.

(We would not want to exaggerate what is being achieved in the

prisons. We saw much good work. But it exists in pockets. And, critically, much of prisoners' total experience of imprisonment remains as marginalising and negative as it has always been)

We understand the frustration of those who are achieving this work in prisons, but we consider their wish to extend their energy into communities to be simplistic and ill-conceived.

We consider it simplistic because however effective prisons become in organising their work to contribute to the social resettlement of their clients, their task is incomparably simpler than that of those who are seeking to redress and resolve the social distortions and upheavals that characterise our most deprived communities. It is one thing to run a tidy ship: it is quite different to try to influence the impact of shifts in tides.

We consider it ill-conceived for two reasons.

Firstly, we have described in Chapter 2 the systemic association between social deprivation and imprisonment. High risk of imprisonment for young men is both a consequence and an indicator of their association with exclusion. That risk extends across the communities. It will be reduced, not by working with 'offenders' but by engaging with the phenomenon of exclusion and working with the communities to build their affiliations to legitimate society. In the communities that disproportionately fill our prisons, offending is hydra-headed: even if it did seem possible to tackle the problems of individuals in isolation, the ambient level of marginalisation would continue to recruit young men affiliated to cultures that are not in conformity with dominant norms.

Secondly, as we shall discuss in greater length in Chapter 4 there is a logical inconsistency to ascribing to individuals the primary identification of 'offender' in pursuit of a policy of their social integration. That linguistic inconsistency has an operational analogue. For the purposes of the execution of the sentence of a court a person may properly be considered to be someone undergoing a criminal sanction. For the purpose of affiliating them to our dominant culture, however, they must be seen and treated first and foremost as valued and respected members of our communities. The extension of the arm of those charged with executing a sanction into the communities would be to extend the mechanisms of exclusion in the name of achieving inclusion.

It is for these reasons that, however difficult and untidy it may appear, we consider it important that prime responsibility for achieving the participation of this group of people in community life remain in their communities and that the role of prisons be evaluated in terms of the contribution it can usefully make to inclusion strategies that are developed elsewhere.

This has consequences for the organisation of prisons; to which we shall return in the conclusion.

Chapter 4

What do we understand by

“Social Exclusion”

Let us turn now to our understanding of social exclusion and its relationship to the probability of imprisonment. We will do that by means of a diagram and explanatory notes.

The diagram can be found at Annex [1]

The diagram describes a number of sets of variables at three levels: macro-, meso- and micro-, that we consider contribute to social exclusion and, by correlation, to the probability of spending time in prison.

By macro-level variables we mean variables at a global, national or local jurisdictional level. These variables may be political, economic, legal or cultural in nature.

By meso-level variables we mean variables of a social nature in the immediate environment of the individual. We identify 3 sets of variables that impact on the individual's social exclusion and 2 sets that impact specifically on the probability of imprisonment.

By micro-level variables we mean those elements of the individual's social and personal identity that are important in their construction of their degree of exclusion. They are sets of variables that characterise individuals and structure their relationship with their social environment.

Macro-level variables

There is a significant literature on the impact, for example, of globalisation on issues of social exclusion. We could point to policies pursued by the World Bank, or to the impact of ECHR or to neo-liberal reform of domestic trade union legislation as examples of macro level variables which all have consequences for the shape and distribution of social exclusion.¹

¹ For an interesting discussion of international data on the correspondence between expenditure on social welfare and imprisonment see Downes D. and Hansen K. *“Welfare and Punishment in Comparative Perspective”* in Armstrong S. and McAra L. (Eds) *“Perspectives on Punishment: The Contours of Control”*, OUP

Meso- and micro level variables

For two reasons we felt able to conflate variables related to social exclusion and risk of imprisonment into one diagram.

The first is the very high correlation we found between the level of social deprivation of a community and the risk of imprisonment of its residents.

The second is the strong similarities that we found in the understanding of social exclusion and of the social distribution of offenders developed respectively in the sociological and the environmental criminological literature.

The diagram differentiates those specifically related to offending, however, by showing them in the space to the right of the diagram.

We shall describe the variables associated with both social exclusion and probability of imprisonment first.

Variables that describe both social exclusion and are risk factors for imprisonment

Meso-level variables

The sets of characteristics of the individual's immediate environment that describe social exclusion that we identify are:

The structure of resource allocations and opportunities;

Relationships with public agencies and authorities.

Social networks and memberships.

The structure of resource allocations and opportunities

Variables that fall within this set include the quality of housing and healthcare, the standards of education and the availability of opportunities for work training and employment that exist in the individual's immediate environment. This is the set of meso-level variables that characterises the literature on social deprivation and is the main focus of the Social Exclusion Unit Report. Its focus is on access, availability, quantity and quality of provision.

Relationships with public agencies and authorities.

Whereas the focus of the first set is on availability and access, the focus of this set is on culture, performance and the quality of relationship that the individual has with those organisations. We argue that the exclusion of an individual is critically influenced by the quality of these relationships with the gate-keepers to resources and opportunities. These are issues of cultural distance between those in authority and the different groups within communities and of differentiation of practice, neither necessarily intended or recognised, in relationships.

We include in this the behaviours and rules applied, for example, by health officials, teachers or housing officers, variations in policing

practice, prosecutorial and sentencing decisions and responses and rules made by those who implement sentences.

We also include the behaviours, expectations and cognitions of those who are potential clients of those agencies that supply the benefits of membership of our communities.

We would argue that this composite texture of social relationships with those who moderate the individual's membership of the dominant culture is both a major component in any measure of an individual's general social inclusion and, in respect of the subject matter that is our particular interest, plays a major part in explaining the gap that we are suggesting exists between the offending and the imprisoned populations.

Social networks and memberships

This set of variables is differentiated from the previous one in that, whereas in the previous one we were considering relationships between the individual and agencies as a client or customer, in this one we are considering the structure of significant groups with which the individual relates as a member: family, friends, groups sharing common leisure pursuits, work associations. Each group of which the individual is a member offers lifestyle options, rewards and sanctions certain patterns of behaviour and offers a shared and distinctive view on the world.

One network is the larger community or "legitimate society". Like all the other networks of which the individual is a member this promises certain lifestyle options and rewards, sanctions certain patterns of behaviour and offers a distinctive view on the world. It is in competition with all the other networks of which the individual is a member for his affiliation. A simple one dimensional definition of social exclusion would be partial or insignificant membership of this one of the many groups into which the individual might be welcomed and of which they might feel a member.

Micro-level variables

In the diagram we show 4 sets of micro-level variables, all situated within a space we describe as 'context' or 'current circumstances'. We consider it an important characteristic of exclusion that it is context specific and mutable.

Much of what we will say about variables at the level of the individual will emphasise the self-validating nature – and hence robustness - of the individual's construction and interpretation of their social environment. Our data also led us to the conclusion that significant changes in role and circumstances significantly effect the behaviours that individuals will employ and, contingent on this, their attitudes and cognitions.

Consistent attitudes regarding masculinity, for example, can result in quite different behaviours with increasing age or when the individual successfully engages in a lasting relationship.

Persons when they are unemployed may employ behaviours quite different from those they use when in work – though the two sets of behaviours may persist in their repertoire, with recourse being made to the 'deviant' set at times of stress.

Many professionals will report instances of persons with histories of feckless unreliable unpredictability who when shown approval and treated as valued have become loyal and enthusiastic contributors.

The variables we identify at the micro-level are;

Affiliations to networks

Cognitive and perceptual frameworks

Health

Competence repertoire

A person's social and personal identity in terms of which they relate to their communities is, we consider, within any given context, most relevantly influenced by these four sets of variables.

Affiliations to networks

Individuals in communities all have membership of a large range of networks open to them: family, locality peer groups, juvenile gangs, those competing for educational success at school, trade unions, regular users of heroin in a particular locality, churches, ethnic groups, students, paedophile rings, 'society'. Some of these networks will reward adherence to behaviours in conformity with the dominant norms of the wider society. Some will reward behaviours in such direct contravention of those dominant norms that they are sanctioned by criminal law. All will offer a view of social reality and a set of values that is distinctive. Each will make a contribution to the individual's understanding of their relationship with their social environment in terms of which they organise and structure their lives.

Each network is in competition with each of the others for each individual's affiliation. Insofar as any is capable of meeting the needs any individual has constructed for themselves, it will bind that individual more closely into affiliation.

Where networks available to an individual offer values, explanations and lifestyles that complement each other and together meet the individual's perceived needs, they will each confirm the affiliations to themselves and to those with which they are in close conformity.

'Legitimate society' is one network competing for individuals' affiliations. It offers rewards in the forms of educational success, employment income, personal security and health. There are many networks that complement and endorse 'legitimate society'. But in the lives of those who are excluded from many of its rewards there are many other networks competing for their affiliation and offering life-styles that conflict with the norms that constitute the dominant culture and are protected in its criminal law.

When we are recognising our success in helping a prisoner to complete a programme of employability training and our complementing that with a negotiated place with a housing association for a one roomed flat supported by a voluntary organisation that will supply some rehabilitated furniture, we would do well to remember that for the person concerned, however honest may now be his wish to survive legitimately when released from prison, the prospect of a routine job on the statutory minimum wage in the company of those who, when they are discussing their holidays last year in Majorca, will hear from him only his embarrassed silence about his time in Low Moss and returning each evening to a cold flat with sufficient spare cash for one modest evening out a week, will be competing night after night with the warmth of his old associations and the engaging life of scoring some drugs, taking them with friends, splitting them, selling some, grabbing some marketable goods from Sauchiehall Street, and out on the Streets and in the pubs night after night.

Cognitive and perceptual frameworks

There are two characteristics of cognitive and perceptual frameworks to which we wish to draw attention:

Continuity of learning

Cognitive distortions.

Continuity of learning

We suggested above that affiliation and membership of social groups shapes individuals' understanding of their worlds, structures their cognitions and informs their attitudes and that the strength of the psychological influence of this sort of each from among the universe of groups to which each of us can affiliate is a function both of the performance of the group in meeting the individual's needs and the conformity of the culture of that group with the constituency of other

groups which play a part competing and part confirming role in the construction individual's cognitions.

That social psychological model is a particular application of general principles of human learning.

At one level it is from our experiences that we construct our understanding of the world in which we live. As small children we learn in the family what we can expect of intimate relations with others and how we might engage in them, we learn in the classroom, we learn as we stand in queues waiting for the attention of public officials.

At another level we take to all our experiences our legacy of learning from previous experiences: learning is not naïve, it is grounded in the explanatory models that previously we have found useful in explaining what has happened to us. The models that we use are robust: they are the consequence of patterns of experience in situations of high personal significance and they exist in networks of internally consistent explanations. Experiences that, on the face of it, might seem to challenge existing models have to overcome those hurdles of legacy and conformity. Unsupported, they are likely to be interpreted in conformity with our existing models.

That process of learning is continuous.

What a person from one of our most deprived communities may learn of their rights of access to social resources or opportunities will be in competition with their accumulated understanding of their disenfranchisement.

The learning a prisoner takes away from a 40 hour addressing offending programme will be in competition with, for example, the learning they take away from their experiences during the remaining 4,280 hours they would spend during 6 months in prison.

The genuine attempts of officials to reach out to offenders and extend membership of "legitimate society" will be in competition with the coherent and self-validating perceptions that their clients find confirmed in the familiar associations and memberships

Cognitive distortions

In maintaining consistency in our understanding of our worlds and experiences we include our experience of our own actions. Our explanations of our own behaviour are shaped to conform with the values and attitudes to which we subscribe more generally.

The sex offender distorting his understanding of the dynamics of his relationship with a child he has sexually abused is a powerful example of a general psychological mechanism; as is the habitual shop-breaker who characterises his offences as 'victimless'.

Where such explanatory models are at variance with "legitimate" explanations they are considered in the literature to be distorted. The challenging of distorted cognitions can be a powerful and painful process for offenders for whom they are a psychological buttress of their personal identity and self-respect.

Cognitive frameworks have recently been the focus of much work with offenders and, under strictly controlled circumstances, with some

claimed success. It is to be anticipated that well designed work in this area could make a helpful contribution to rehabilitative attempts. We would argue, however, that it also has to be anticipated that unless such work is undertaken in an environment that is generally tending to produce learning in conformity with dominant norms the effect of such programmes in isolation is likely to be ephemeral.

Health

Areas of social deprivation are characterised by high levels of physical ill health and disability. In parts of Scotland this is particularly marked. Physical ill-health is frequently the result of both life-style choices and quality of access to health services. In its turn, it compounds employment and income deprivation that characterises the same areas. The high levels of morbidity that are reported among the prisoner population are, therefore, unsurprising. Also found are high levels of psychological disorder. We wish to draw attention in our model to two issues we consider to be particularly problematic:

Emotional development

Mental health

Emotional development

Feeling and expressing emotion is an essential component of both our mechanisms for ordering our own behaviours and in mediating our relations with others. The range, intensity and forms of emotion we may feel in response to our experience of social situations has many of the characteristics of cognitions described above. They are learned in social contexts. They underpin the meaning others attach to our behaviours in subsequent social contexts and consequently our effectiveness within them. The range and effectiveness of our emotional repertoire is developed early. It develops best in response to our being nurtured in environments that are emotionally varied, predictable and effective.

Where those environments foster an emotional repertoire that is in conformity with dominant cultural definitions of what is appropriate, membership of "legitimate society" is enabled. Where they are not, it is frustrated.

Where those environments foster an emotional repertoire that is internally consistent and supports a range of behaviours that are effective and rewarding in social contexts that are of importance to us it contributes effectively to our conception of personal and social identity. Where our emotional repertoire is confused and dissonant with other elements of our identity it can lead to self-destructive behaviours.

The range of emotional dysfunction, and of its consequences, that was met in the interviews we conducted with prisoners was large and varied. It was only possible for us to scratch the surface of the issue. We had very limited expectations of emotional warmth within families described to us; we heard of high levels of aggression and of a variety of forms of emotional and physical abuse. Behaviours were often explained to us in terms of status assertion and protection derived from cultural definitions of masculinity that fit ill with dominant values. Although we also listened to what elsewhere might be described as cognitive distortions when interviewees spoke of heavy and frequent use of drugs, the recourse to such self-destructive lifestyles was frequently associated with descriptions of earlier life characterised by emotional turmoil

Mental health

By mental health we mean the persons general level of psychological well-being. We would include any form of psychological discomfort or

injury in our understanding of mental ill-health or disorder. In particular, our understanding of mental ill-health includes chronic or disabling levels stress, depressive and neurotic conditions, addictive and compulsive behaviours and the wide variety of personality disorders as well as the more extreme forms of psychotic illness.

Mental ill-health presents a variety of barriers to social inclusion. The high levels of mental ill-health amongst the prisoner population have only recently been appreciated.

We would take the view that without understanding of the levels of need for mental health care amongst the prisoner population and the development of effective therapies, the barriers to inclusion that exist in the general population will continue to compound the other barriers that are faced by prisoners.

Competence repertoire

A consequence of deprivation is poor development of competences required for full participation in the dominant culture. The range of competences required is extensive:

Educational achievement – minimally literacy and numeracy and increasingly use of computers;

Social skills – repertoires of behaviours and emotional expression that enable successful relationships;

Cognitive skills;

Employability skills;

Specific vocational skills.

As with the meso-level variables about the structure of resource allocations and opportunities, these variables are those where interventions, when offered, are frequently made.

These sets of variables together constitute a system. That system is strongly, if unpredictably, self regulating.

We have noted above that interventions with offenders have most frequently focused - at the meso-level - on the allocation of resources and opportunities and - at the micro-level - on issues of client competence. We have also noted that recent approaches to rehabilitative work – frequently called “treatment” - have focused on issues of cognitive behavioural functioning.

We would want to stress that, in terms of our model, it should be expected that such one dimensional or partial approaches to rehabilitative work with offenders should be expected to be of limited utility.

Our reasons for reaching that conclusion so unambiguously derive from the understanding we have developed of the relationships between the sets of variables we have been describing. We have already alluded to these.

At the core of our model is a complex self-regulatory system of five sets of variables: at the meso-level, relationships with public agencies and membership of competing social networks and, at the micro-level, affiliations to networks, cognitive and perceptual frameworks and health.

These sets of variables constantly interact with each other as a system in contingent equilibrium. The system includes powerful psychological mechanisms that maintain its coherence, but is capable of unpredictable change when subjected to destabilising pressures in any of the sets of variables.

At the core of this system are the individual's cognitive, emotional and value systems. Each is the product of learning. Learning is a social activity that takes place continuously. It is formed and confirmed in affiliations to groups that extend membership and offer rewards that meet the individual's needs. The individual's needs themselves are part of their cognitive, emotional and value repertoire as are the psychological lenses through which they perceive the meaning of the experiences in which they engage. The whole system is consequently strongly self-validating.

That system has four core characteristics, which we would now wish to discuss.

**Some underlying
characteristics of social
exclusion**

Firstly, it is the strength of the interdependencies between these sets of variables that gives the problem of social exclusion is particular intractability.

Secondly the sensitivity of either the individual or one set of variables to specific changes in others is variable and unpredictable;

Thirdly the impact on the individual of specific characteristics in either or both of these sets of variables is not constant over time but is impacted on by variation in any of the other sets of variables.

Fourthly, particularly as regards the set of relationship variables, that variables at the meso-level exist in a reflexive relationship with variables at the micro-level. That is, that it is not, certainly in the short term, in the hands of those in agencies with which the individual comes into contact to determine the quality of the relationship that they establish with them, but that the quality of that relationship is strongly influenced by the set of cognitions, emotions and values that the individual brings to it.

We introduce these concepts of dynamic interdependence, sensitivity to change in other domains, context specificity and reflexivity at this stage because they are central to the understanding of social exclusion and risk of imprisonment that we have developed as we have reviewed the literature and analysed the data with which we have been working.

Hierarchies of response

Implicit in that model of social exclusion as a complex system is the judgement that any response designed to promote inclusion, if it is to be effective, is likely to have to

take account of all of the sets of associated variables. If at the heart of exclusion is a set of mutually sustaining and more or less coherent cognitions, emotions and values, it has to be anticipated that work that is focused on one set of variables would be likely to be frustrated by processes inherent in the system that maintain its equilibrium.

In our model the types of variable we identify vary considerably in their accessibility to intervention. There are, for example, programmes readily available for addressing peoples literacy problems or for coaching in interviewee skills. Establishing a housing office in a prison may be innovative, but it is not technically particularly difficult to achieve. Establishing relationships of sufficient trust with the large numbers of prisoners who use intoxicating substances addictively and self-destructively to enable work with them to start to treat the wounds of childhood emotional damage that are frequently associated with such behaviour, and then providing therapy of sufficient quality and in sufficient quantity to heal those wounds, however, is another matter. The task is of great sensitivity and complexity, there is no pool of workers with the required competence sets readily available and there is no organisational structure in place with a clear responsibility for doing that work,

Much helpful work can be achieved in the more accessible areas. In our research we saw impressive recent improvements in the supply and organisation of such services in Scottish prisons. Changing people's capabilities and improving their access to services can, where the clients are not significantly socially disabled in other respects, make sufficient change in their social positions and roles to overcome remaining social disabilities. For those whose social exclusion is characterised by strong disablers in other sets of variables, however, it has to be anticipated that work on the more accessible problems will be frustrated by deeper, more intractable, variables.

We would suggest that it is useful to characterise the variables that are associated with exclusion as existing loosely along a continuum from the most profound and intractable to the more accessible and that in considering our response to exclusion, we should think in terms of hierarchies of need. Where there is evidence of significant disability at a deep level, that should be the priority area for work. The characteristics of exclusion we have described, ordered in this way, are:

Mental ill-health and emotional development;

Individual organisation of cognitions, emotional responses and values;

Relationships with representatives of "legitimate"

society;

Affiliations to groups characterised by cognitions, emotional organisation and values that compete with those of the dominant “legitimate” society;

Individual competence in areas required for success in “legitimate” society”

Access to resources and opportunities

Variables specifically to do with offending and society’s response to it – the risk of imprisonment and how it can be used.

We have argued above that there is a need to ask some very fundamental questions about both the ethical basis and the operation of a criminal justice system that results in more than 50 people from each of a few of our most deprived communities finding themselves in prison on the night on which we took our sample while there were 269 other local government wards from which there were none. We have supported that argument by the evidence of a systemic association between deprivation and risk of imprisonment evidenced by the very high correlation we found, right through the range of communities, between overall deprivation of a community and risk of imprisonment.

We have not argued, however, that those from the most deprived communities who found themselves in prison had not committed offences that under the criminal law should lead to imprisonment. Our research evidence was not relevant to that discussion.

We would wish to conclude this Chapter by describing briefly a further few sets of variables that look specifically at mechanisms that mediate between the development of cognitive orientations and life chances that hamper membership of “legitimate” society, the commission of offences and the range of responses that are made to those offences within the criminal justice system.

Propensity to offend

Where people lack the competences and the opportunities to participate fully in our society and where alternative cultures offer them rewards and explanations that better fit their felt needs it has to be expected that their behaviours will include some that are seen as deviant and that amongst these will be some that are in conflict with the law.

As is demonstrated by the evidence we have described, there is a systemic relationship between social exclusion and an increased probability of behaviours sanctioned by the law. Many behaviours of the socially excluded will be regulated by cultural values and perceptions in conformity with the dominant society. For some social roles, these behaviours will predominate. Other behaviours, however, will originate in fundamental tensions between values and perceptions that meet peoples needs and those that are protected by the criminal law.

Quite clearly, from our evidence, this conflict is most intense for young men and is acute for those young men who live in the most deprived communities.

Opportunities for offending and controls that inhibit it

Where the conflict is at its most acute, the propensity to offend – or more generally the probability to use behaviours which in their totality are most likely to result in a sentence of imprisonment – is at its highest.

Mediating high levels of probability of deviant behaviour and actual levels of its occurrence is the existence of limitations on opportunities and of controls. This part of our model recognises that school in criminology that, rather than asking the question “Why do people offend?”, asks the question “Why do people not offend?”.

Controls may be internalised. The justifications of penal sanctions based on theories of deterrence argue that punishment operates as an inhibitor on actual in relation to potential offending. Total abstinence programmes used with people who misuse alcohol or illegal intoxicants seek to interpose into the choice mechanisms that regulate their behaviours a control that inhibits further use.

Controls may be external. Penal policies based on incapacitation, sanctions requiring frequent reporting or attendance, intensive supervision, curfews and electronic tagging are all examples of externally imposed controls designed, to a greater or lesser extent, to inhibit individuals’ potential for continuing offending.

The progression of the propensity to offend into actual offending is also mediated by the existence of opportunities. Defensive urban planning, vandal-proof furniture, car security systems, care-taker supervision of the entrances to large blocks of flats are all examples of steps taken to limit opportunities for offending. Work by environmental criminologists mapping the risk of theft from residential areas onto routes heavily used by those from communities characterised by high densities of offender population, demonstrates the importance of simple opportunity in determining frequency of certain types of offending.

Much recent work in criminal justice policy has focused on this area of increasing the controls on people’s behaviour and lowering the opportunities that exist for offending.

Responses to offending behaviour

In our model we show the potential for the responses to offending behaviour that are made by society to act on 4 of the sets of variables we have discussed:

The group of meso-level variables in the immediate social environment of the socially excluded population;

The group of micro-level variables that, in the context in which the excluded find themselves, comprise their social and personal identities;

Directly on people’s propensity to engage in offending behaviours;

In strengthening controls on behaviour and reducing opportunities for offending

Before discussing those, however, we would like to return briefly to the issue of the gap we suggest probably exists between the distribution of offensive behaviours and the concentration of the risk of imprisonment amongst the most socially deprived communities.

Our model suggests that the probability of deviant, including legally sanctioned, behaviours increases in communities in which cultures at variance with dominant norms are able to compete successfully. The concept of social exclusion we describe includes this cultural dimension.

The model, however, would also suggest that social exclusion would handicap people from excluded communities in a number of other ways that would tend to increase the probability of their imprisonment as a

result of criminally sanctionable acts. Their range of social skills, their attitudes, their relationships with networks that can effectively mediate for them within the system, their capability to harness resources in support of their own cause are all examples of the sorts of handicaps that are as much characteristics of social exclusion as are subscription to lifestyles that offend dominant norms.

Intervening, therefore, between the commission of a sanctionable act and the response the criminal justice system formally makes to it are a sequence of discretionary decisions and behaviours that are adopted by the public and criminal justice agencies. These include:

Reporting practices by the public in different communities;

Policing practices: their operational distribution between communities, their use of the varieties of forms of warning available to them, use of arrest, frequency of submission of formal reports to the procurators.

Prosecutorial decisions;

“Expert” assessment of available social supports or risk supplied to the courts;

Sentencing decisions;

Discretionary release decisions.

At each stage of that decision process the position of the socially excluded offender is handicapped by correlates of their exclusion unrelated or only tangentially related to their actual offending.

Let us now look at the four ways we identify in which the response made to offending may be used to impact on the probability of future offending.

***The group of meso-level variables
in the immediate social
environment of the socially
excluded population***

Access to resources and opportunities

Persons coming into contact with the criminal justice agencies provide opportunities to focus on issues of access to:

Education;

Employability training;

Specific employment training;

Work opportunities;

Health care;

Housing;

Social insurance benefits;

Recreational, sporting and cultural activities

During our research we saw a large number of recent initiatives in these areas; both on the part of the prison service and of those community agencies with relevant responsibilities. We also found a good understanding in the prisons of the need for a well integrated response across the spectrum of these problems of access and saw developments designed to achieve that.

We found considerable concern that the coherence of the response that is developing in prisons would not extend to the prisoners on their release into the communities. This is a fundamental problem. Issues of access are essentially issues that exist in the communities from which

the offenders come. The prison system enabling improvement of service in prisons is to be welcomed. Unless what happens in prisons is an outreach of effective service in the community, however, we can not be optimistic as to its enduring effect.

We consider that the distinction between conceptualising the response of the authorities as services to offenders that we seek to continue out from the prison into the community, or as services to the community for which there is particular need for outreach to the imprisoned population is fundamental to our understanding of what we are attempting to achieve.

Relationships with public authorities

A person prosecuted for committing an offence will come into contact with three large groups of public officials:

the police, prosecutors and courts who pursue, judge and sentence;

The prison service, criminal justice social work and any parts of the voluntary sector that may play a part in executing the sentence of the court;

Any other agencies that may offer services to people while they are subject to a criminal sanction.

The quality of the relationship between each of those groups and the offender will either communicate their continued and valued membership of the wider community and the respect of officials for their human dignity or it will communicate their exclusion from mainstream society, the withholding of their membership and the social distance of the officials from them.

We are of the view that consideration of this distinction would have consequences throughout the operation of the criminal justice system. People who are accused or convicted of committing crimes may be viewed as members of wider society who are thought or proven to have behaved offensively and are consequently subject to a criminal sanction or they may be thought of as criminals or offenders. Public authorities may react to them as members of the public subject to lawful restrictions or punishment or they may think of them as "offenders".

Recent policy documents in the area of criminal justice in Scotland speak of "offender management" (replacing the previously used and comparably inept term "corrections"). At a policy level it is perverse to ascribe to some people the primary identifier of "offender" and then speak of their social inclusion.

For those involved in the detection, prosecution and trial of crime, there are two issues they might wish to consider.

Firstly they might wish to consider what their treatment of those under suspicion or trial communicates to them about their continued membership of wider society. They might wish to consider how far their practices communicate the regret of society that one of its members is thought to have offended and society's wish, once the person has been held accountable for their actions, to see that person assume a normal position in their community.

Secondly, they might wish to consider how far the subsequent punishment of the person convicted of an offence could provide an opportunity for the agency to communicate to them the social importance of the work they perform and the basis of the offence caused society, or harm suffered by individual members of it, by the acts of the individual.

For those involved in the execution of criminal sanctions consideration might be given to the totality of offenders' experience of their relationship with them.

During our research we saw a great deal of activity in prisons, for example, targeted on addressing issues relevant to prisoners social exclusion. We also saw impressive evidence of non-judgemental and enabling relationships between prison and other staff in prisons and their clients.

But we were also made aware of the continuation of practices in prisons that can only communicate to prisoners the reluctant and partial offering to them of the respect that should be owed to them as of right as human beings and members of our communities.

Prisoners spoke to us of the pain of loss of privacy (not primarily from staff but from other prisoners), of an enduring climate of fear and high risk of violence, of loss of autonomy and feelings of impotence in the face of the fabric of pervasive decision taking by others and of loss of personal respect attendant on the continual assumptions of general untrustworthiness to which they are subject and the persistence of practices that are inherently humiliating or degrading.

General practices such as the locking of prisoners in small booths for lengthy periods of time on their admission to prison, slopping out, and the service of meals in cells all communicate an acceptance at all levels of the organisation of standards of respect and decency for prisoners that would not be tolerated for other sectors of the community.

We would suggest to those responsible for policy and practice that where prisoners' daily learning is that they can be treated in ways that afford them a status less than human, then other work designed to integrate them into the general community, however well designed and sensitively undertaken will be unlikely to be successful.

For those involved in the delivery of other services we would suggest that the possibility of working with those subject to criminal sanctions should be taken as an opportunity as much to establish a relationship with them that will allow their problems to be effectively addressed where they occur – in the community – as an opportunity to tackle those problems themselves.

There is some work that can be done usefully in prisons. Indeed, public agencies might very usefully consider the value to them of the concentration in prison of people with multiple deprivation for their designing and implementing multi-disciplinary or multi-agency programmes of intensive work. Some of the areas in which they might wish to work stem from the fact of imprisonment itself, most however, have their origins in the deprivations suffered by those in prison while in the community.

Working in prison gives agencies who wish to improve their services to disadvantaged communities an opportunity to improve their relationships with some of their most problematic clients.

Social networks and memberships

Involvement in the criminal justice process has an unavoidable and unhelpful impact on the range of social networks of which people are or may become members. That deleterious effect is at its most damaging where prosecution leads to a custodial sentence. Potentially stabilising

memberships of familial or work networks are likely to be damaged or severed. New memberships of deviant or criminal networks may well be struck up or re-inforced. Identification with specific criminal networks, and the consequential adoption of roles in a wider criminal system of networks is inevitable as prisoners find positions for themselves in the total prisoner community in which their own interests can be protected against the threat offered by others in what is a generally hostile environment.

We saw some evidence of more positive memberships being taken out while in prison.

Through the work of teachers, some prisoners become involved in educational or training networks in which they find support on release;

Organisations such as Fairbridge initiate membership of a support network that is vigorously and imaginatively maintained when prisoners return to their communities;

Physical education instructors report some success in engaging prisoners successfully in sporting activities that give them access on release to networks that may support their transition to legitimate and rewarding lifestyles.

We would suggest that this set of variables around the set of networks that is significant for an individual is an important area for those responsible for working with those subject to criminal sanctions to explore. It is within networks that people's cognitions and values are structured. Enabling those whose prior networks have been preponderantly in conflict with dominant norms to access networks more in conformity with those norms can provide pathways to contributing membership of their wider communities that they can find unthreatening and enjoyable.

The group of micro-level variables that in the context in which they find themselves comprise individuals' social and personal identities

Affiliations to networks

In our interviews with prisoners frequent references were made to their wishes to break their cycles of offending. Two scenarios were important in our interviewees' constructions of what was important if that was to be achieved:

"settling down" by remaining in a long term relationship, gaining employment and getting a decent flat; and

getting away from the influence of their normal associates.

That is, the prisoners we interviewed ascribed to the pattern of their affiliations to different networks the sort of importance that it is given in our model.

A number of risk assessments for future offending would identify having associates that offend as a predictor of high risk. Many people working with those subject to criminal sanctions would emphasise the risk to their clients of continuing to participate in their current networks. Those clients are only members of the networks to which they affiliate because they meet their felt needs and reward their behaviours. It is unlikely that emphasising the risk of membership of them will be persuasive in the face of such rewards.

Work is more likely to be successful if it focuses on strengthening affiliations in which norms that conform to dominant values offer rewards that are relevant to prisoners perceived needs.

We looked above at relevant work that offers membership of networks to which clients might otherwise not subscribe. Other work is possible in strengthening affiliations to membership of existing networks more in

conformity with dominant values.

Although the role played by family commitments is generally recognised, we saw little evidence of effective strategies to ameliorate the damaging impact of a custodial criminal sanction on family relationships.

Some work has been undertaken to improve the facilities for children when visiting in prisons, but the improvements are marginal to an overall system that is punitive in comparison with norms that could be evidenced not only from the more progressive European jurisdictions but from jurisdictions from across the world.

In general, normal open visiting arrangements are of good quality. Such visits, however, allow for only very limited exchange between prisoners and family members.

Scotland has very poor provision of opportunities for prisoners to engage with their children in play and relationship building, a minimally developed scheme for home leave and no provision for intimate visits between prisoners, their partners and family members.

It appeared to us that the development of a coherent set of policies in this area, with the aim of strengthening a network that is generally recognised as fundamental to enabling young men to leave their pattern of routine offending behind, is obfuscated by an unstated adherence to a punitive assumption of lesser entitlement of prisoners and their families to rewarding family life - often disguised behind an presenting concern for security or the maintenance of internal order – and a salacious objection to the opportunity for partners and close family members meeting in privacy in which normal intra-family intimacy is possible.

Cognitive and perceptual frameworks

Considerable investment has been made by the prison system over the last decade in the systematic introduction of a range of programmes designed by forensic psychologists to change the cognitive underpinnings of prisoners offending behaviour. These have ranged from broadly based programmes developing the learner's repertoire of cognitive skills to very focused programmes targeted on, for example, avoiding relapsing into heavy drug use. The investment was based on powerful claims and rather less substantial research evidence of the efficacy of the approach, largely originating in the US and Canada.

In interview, prisoners expressed a wide range of views about these programmes. There was considerable enthusiasm expressed by some for the learning that they had achieved; there was fairly cynical resignation expressed by others to the effect that these programmes were just the currently fashionable hoop that had to be jumped through if they were to earn early release; there was worryingly frequent reference to the programmes being delivered to meet quantity targets and of people completing programmes a number of times to achieve this; there were some programmes that appeared to be ill-understood.

Research evaluation of these programmes, as used in the UK is not showing the levels of success claimed by those who have developed them.

Our model would suggest that the programmes should be seen within the wider context of total learning that takes place in prison. Where the learning from such programmes is in conformity with learning that takes place as a consequence of the relationships that prisoners develop within their sentence, then we would predict that it would make a valuable contribution towards the development in the prisoner population of pro-dominant norms and values. If, however, programmes targeted on specific cognitive skills or "distortions" is designed to achieve learning

that is at variance with the learning that takes place within the fabric of the prison and the relationships and memberships that the prisoner sustains while there, we would anticipate that its effect would be marginal.

Our model would also suggest that focus on health – especially psychological health – needs should precede such demanding work and that the tight focus on ‘criminogenic’ factors is likely to be unhelpful. The explicit focus on ‘criminogenic need’, like the policy focus on ‘offender management’, of itself, headlines that aspect of the prisoner’s identity that separates them from the rest of the community. A socially inclusive approach would emphasise and seek to develop those aspects of the prisoner’s identity that affiliate him with dominant norms and with contributing and valued membership of our communities.

Health

Without doubt, the concentration in our prisons of a young male population from the most deprived of our communities could provide an opportunity for focused health care intervention over a range of public and psychological health issues. We had many interesting discussions with health care staff on this and learned of a number of interesting initiatives where the health care problems of prisoners were being treated as correlates of community health concerns.

It is also without doubt that arrangements for the provision of health care in Scottish prisons compare favourably with those in other European jurisdictions. The standards to which services are delivered are clear and well audited. The levels of professional competence of staff are high.

The situation that we saw, however, was well described by a health professional we interviewed who had been recently recruited into the prison service. In that person’s view the capability of the health care staff to deliver the service of which they were capable was overwhelmed by drugs:

their patients, who are in general a young population and should be healthy, presented a wide range of problems, physical and psychological, associated with drug misuse;

their patients maintained a constant and intense pressure to obtain drugs either legally through prescription or illegally through deals among the prisoner population (this illegal market leading to a range of injuries and psychological pressures);

the workload for themselves in prescribing and supplying the consequent volume of drugs that flows through the prisons constantly undermines their attempts to develop a range of proactive services better conceived to address the prisoners’ underlying health problems.

We were told in prison after prison of the attempts by the health care staff to supply a range of clinics focused on specific health issues that characterise the population. In all but those prisons in which there is a fixed and stable population, these attempts remain contingent on spare capacity being found at the margins of the routine round of duties - at the centre of which is the prescription and delivery of pharmacological relief.

We were not able to judge how far this marginalisation of health improvement and the prevention of ill-health is the consequence of insufficiently robust and strategic management of the system or the inevitable consequence of the way in which health care staffing calculations are made. The explanation we were given was that this work could only be undertaken in the busy prisons when spare capacity could be found.

The impression we formed that health care is seen by the senior management of the prison service as somewhat peripheral to their core task is supported by the policy that has been adopted of contracting out its supply against a specified set of services.

Our model sees health care as a fundamental part of the task of the prison system in seeking to redress some of the disadvantages of the social deprivation of its clients. The investment made in health care is substantial and has increased substantially in recent years. We did not feel, however, that that investment was securing the return of which it should be capable in either providing opportunities for community health services to tackle some acute health problems in places in which they are highly concentrated or in communicating to prisoners the strategic intention of the prison system to work with them proactively to achieve improved health.

Of particular importance in the latter respect would be using a prison sentence as an opportunity for health professionals to work constructively with prisoners in ameliorating the destructive consequences of violence, both in their normal relations and when self-directed.

Competence repertoire

We saw a wide range of activities in the prisons focused on working with prisoners in developing the range of activities in which they are competent.

Scotland's investment in educational services is less than in other parts of the United Kingdom. Contracts are placed with Further Education Colleges to deliver educational services against an output specification. We had a wide spectrum of views expressed to us on the educational validity of the approach adopted. Some lecturers and education managers welcomed the tight structure offered by the contract; others felt that although much of the language of the contract was rather mechanical, it was possible within it to offer a relevant and imaginative range of educational activities; others found the focus on 'educational deficits' demeaning and disabling to their ability to engage in motivating educative relationships with their learners.

Our impression was of an organisational commitment to using imprisonment as an opportunity to tackle some of the consequences of deprivation and to overcome the high levels of educational disability that are found in the prisoner population. That has to be welcomed. If further investment is to be made in offering educational opportunities to prisoners in Scotland, there has to be confidence that it is effectively in support of their ability to participate in their communities as contributing members. That instrumental use of education is far removed from the small and rather cosy education units that existed a few years ago in prisons, in which a small group of prisoners with particular interests would participate in activities that often reflected the interests of the staff more than the needs of the prisoners.

However, we did share some of the misgivings expressed to us by some of the teachers. Conceptualising the core of the service around remedying 'deficits', as in language used elsewhere and on which we have already commented, emphasises the exclusion of the prisoner. Education has a wider potential to generate new interests and to encourage prisoners to affiliate more strongly with networks that endorse dominant norms. Educational staff were able to tell us of success they had had in engaging their learners with opportunities that they pursued on release.

We see considerable scope to extend that role of education. The educational community is wide and extends now into a range of recreational, sporting and work related activities. We argue in general that the provision of services that enable the social inclusion of those in

prison should be based in their communities and outreach into prisons. The present arrangements for supply of educational services by a small number of further education colleges, two of which work in a number of prisons, though contractually attractive for SPS is perhaps not the best way in which prisoners' resettlement into their communities could be enabled by the engagement, while in prison, in local educational networks.

Alongside the supply of cognitive behavioural programmes that address offending behaviour, the recent focus of Scottish Prisons in preparing people for release has been on employability. We saw a wide range of initiatives: some extending at a policy level beyond SPS into the broader world of projects to extend employment opportunities to 'problematic' sectors of the community; some seeking to improve the commercial and employment realism of work inside prisons and many local developments in developing employability competences.

That focus is totally in conformity with the emphasis placed by government on the centrality of employment as an avenue out of deprivation. A collateral development of that focus has been the understanding by all working in the area of the need for more broadly based work if the improvement of employability competences is to be translated into employment. We also saw the emergence of a small number of opportunities for prisoners to participate in schemes in which the development of employability skills is associated with work on housing and access to social insurance support and the provision of bridging support by volunteers when the prisoner is released.

The risk is that work with prisoners focused on employability and removing the barriers to gaining and continuing in employment will be seen as a solution to the issue of social exclusion. Like imprisonment, chronic unemployment is both a contributor to social exclusion and a consequence of it. Improving people's potential to compete in the labour market can contribute to their fuller participation in their communities. It is not by itself, however, a remedy to this much more broadly based problem.

We have already discussed the emphasis on cognitive skills, above. This is helpful work, that should be undertaken more carefully in response to individually identified problems than we were told is the case at present. Its potential is likely to lie in targeted interventions in support of more broadly based individual plans.

Work on general social skills was introduced into British prisons services in the 1980's. There are elements of this approach within cognitive skills programmes that run now. What we were told about in some of the Scottish prisons was the development of targeted programmes on family and parenting skills. These were being developed within a looser framework than the cognitive behavioural programmes; called "approved activities". We commented above on the failure at the policy level to identify relationships within the family as a strategic priority in affiliating prisoners more strongly into stabilising networks. We would see the work that has begun less formally in prisons in developing this work as meriting policy endorsement in support of a wider strategy to tackle problems that undoubtedly exist in capability of some of the families in our sample to offer a supportive environment for young people.

Directly on people's propensity to engage in offending behaviours

An impact of the criminal justice system on those who become subject to its sanctions is described in the penological literature and in political and media discourse to be the deterrence of the individual subject to its sanctions from committing further offences. Empirical studies have had difficulty in finding evidence for this intended effect.

The well documented statistics on re-offending rates in Scotland suggest that any deterrent effect, if it exists, is small and probably negligible.

We think it unlikely that unless the intervention of the criminal justice

process impacts on aspects of environment or personal identity of those subject to it in some of the ways we have outlined above that it is likely to impact significantly on the probability of continued offending.

***In strengthening controls on
behaviour and reducing
opportunities for offending***

Recently, considerable emphasis has been placed in criminal justice policy in strengthening the controls to which those who commit offences are subject when in the community and on strengthening the defences of the community against random criminal acts.

Amongst the first group of strategies have been curfew orders, attendance orders, registration, intensive supervision and at the most extreme end the introduction of Orders for Lifelong Restriction of those thought to present the highest risk of future violent offending.

Amongst the second group of strategies have been city centre video surveillance, neighbourhood lighting improvements, caretaker provision in large blocks of flats and a raft of provisions designed to make property less vulnerable to theft or vandalism.

These strategies impact not on the propensity of individuals to offend but the probability of that propensity converting to actual criminal acts. Their relevance to a discussion of the relationship of social exclusion to criminal offending is tangential.

There are two ways, however, in which they are relevant to the subject of this report.

The first is in that many of the strategies to make buildings, property or areas less vulnerable to criminal acts have the effect of improving the amenity of those areas in general and reversing the decay of, particularly, urban environments that was itself an element in the social deprivation of those that lived there. Improving the quality of the environment of our more deprived areas has had a collateral benefit in communicating the value that the wider society places on those who live there.

The second is that, albeit that a range of orders has been introduced with the primary purpose of limiting the freedom, while in the community, of those who have committed offences many such orders provide opportunities for contact between those subject to them and the staff that supervise the orders. The potential for these orders to be used to achieve more than their original purpose of restriction and control is being recognised.

Conclusion

In this chapter we have described our understanding of social exclusion and its theoretical similarity to our understanding of some forms of criminal behaviour. Those understandings originate in the statistical analysis we presented in Chapter 2, our reading of the relevant literature and the interviews we conducted with prisoners and staff in Scottish prisons.

The understanding that we have developed is that social exclusion is a highly complex effect arising out of characteristics both in the social environment in which people live and in their own constructions of their social and personal identity. We have described 7 sets of variables that we consider to be critical to an understanding of the effect and have discussed how the intervention of the criminal justice system can impact on each of those sets of

variables.

We have described the relationships between the sets of variables as a complex self-regulatory system in which changes in one set have consequences in many of the others. These consequences may vary in an unpredictable way. An important characteristic of this complex system is its capability to self-validate. The cognitions, emotions and values of those subject to exclusion arise out of their exclusion and structure their perceptions of what continues to happen to them. They are consequently resistant to change.

From that understanding we draw the conclusions that:

No single approach to counteracting the effects of social exclusion is likely to be effective. For each person for whom offending is associated with the effect of exclusion an assessment needs to be made against each of the sets of variables we have discussed. This suggests that an individual approach needs to be adopted for each person with whom the relevant agencies are working. Our model also implies that work being pursued in one area of the variables can be expected to have effects and reactions in other areas and that those working with clients should remain sensitive to these cross-over effects.

Some of the sets of variables can be expected to have deeper and more resilient effect than others and to be less easily accessible to change. We suggested that issues of mental health and emotional development, of the quality of relations with representatives of legitimate society and of cognitive, emotional and value orientation are likely to be inaccessible and resilient to change and that strategies for achieving inclusion should prioritise these variables and be monitored against them.

The policy focus on offending behaviour, criminogenic deficits, corrections and offender management may well be counter-productive in that it emphasises the non-affiliation of the client group to the norms to which it is hoped they will come to subscribe. We suggest that rather than adopting policies that focus on remedying what is unwanted, it is likely to be more successful to extend membership and encourage affiliation to the communities, services and rewards that characterise participation in mainstream society.

The target group for strategies to reduce levels of offending associated with exclusion should focus, therefore, less on the offender and more on the

excluded and their needs in general. The prime target for service should as a consequence be not those currently subject to sanctions but the communities from which they come. Work undertaken in prisons should be viewed as outreach from the communities in which service improvements are being concentrated.

Chapter 5

Conclusions

Summary of findings

The findings reported are based on a 92% sample of the prisoners detained in Scottish prisons on the night of June 30th 2003 and on reports given to us by prisons of their releases during the year 2002-3.

Offending behaviour that leads to imprisonment is highly concentrated in a small segment of Scottish society

Men are 24 times more likely to be in prison than women

Men aged between 21 and 25 are 3½ times more likely to be in prison than those 20 years older, who in their turn are 7 times more likely to be in prison than those aged 61 to 65.

28% of the prisoner population come from “the poorest council estates”, as opposed to 10% of the general population. Sixty per cent of prisoners from Glasgow come from this type of housing.

Half of the prisoner population give home addresses in just 155 of the 1222 local government wards in Scotland. There were 269 wards from which none of the prisoners in our sample gave addresses.

There is a near absolute correlation between the level of social deprivation of local government wards, clustered in groups bounded by decile scores on the Scottish Index of Multiple Deprivation (SIMT) and the imprisonment rate for that group. That correlation holds true throughout the range from the most prosperous communities to the most deprived.

The imprisonment rate for men in Scotland was 237 per 100,000. The imprisonment rate for men from the 27 most deprived wards (those with SIMT scores >70) was 953 per 100,000. The imprisonment rate for 23 year old men from the 27 most deprived wards was 3,427 per 100,000.

Our evidence suggests that about 1 in 9 of young men from our most deprived communities will spend time in prison when they are 23.

The relationship between social exclusion and imprisonment is systemic. Risk of imprisonment is as much a correlate of social deprivation as are poverty, chronic unemployment or poor life expectancy.

Our understanding of social exclusion is based on our reading of the literature and on interviews with prisoners and

practitioners.

An understanding of social exclusion has to include elements at a macro, national and global, level, taking into account political, economic and legislative priorities; a meso level, taking into account the person's relationship with their immediate social environment and a micro level, taking into account the individual's own psychological organisation and repertoire.

Important elements at the meso-level are:

The structure of resource allocations and opportunities that the individual can access;

Relationships with public authorities and agencies;

Social networks and memberships.

Important elements at the micro-level are:

Health (especially psychological health);

Cognitive and perceptual frameworks;

Affiliations to networks;

Competence repertoire.

The elements of exclusion that we describe exist as a complex system, are self-referencing and resistant to change.

The elements of exclusion at the micro-level are reflexive relative to those at the meso-level.

Exclusion is context specific. Exclusion in one context may enable inclusion in another. Inclusion in a new network may imply loss of the benefits of inclusion in existing networks

There is considerable variation in the size and nature of the task in enabling the social integration of prisoners faced by Scottish prisons. Important variables in considering this are:

The capacity and usage level of the prison;

The number of people who are released from the prison into their communities each year;

The proportion of the population released that return to the most deprived circumstances;

The number of local authorities with which the prison has to make effective arrangements;

Any particular sensitivities attached to the client group with which the prison works.

Prisons facing especial problems are:

The two Glasgow prisons;

Those prisons which work with clients about whom there are special sensitivities, which are also...

Those prisons which are 'national facilities' and consequently return prisoners to a wide constituency of communities.

There is also considerable variability in the size and complexity facing the unitary authorities to which prisoners return.

The task that faces Glasgow dwarfs that faced by any of the other authorities.

The cities of Edinburgh, Aberdeen and Dundee and the authorities in North and South Lanarkshire, Renfrewshire, Inverclyde and Fife also have tasks of significant complexity

Prisoners pass backwards and forwards between communities in 32 unitary authority areas and the 16 prisons.

Movement along just 23 of the possible 512 such routes account for half of the prisoner population. 8 of those are between prisons and Glasgow City.

75% of the prisoner population pass along just 75 of those routes. 22 of these involve either Glasgow or Barlinnie Prison

Discussion

The report is specific in its subject matter: it does not present a general theory of crime

To start this concluding section, we should make clear what we are not saying.

This report does not offer a general explanation for crime in Scotland. Even within the terms of its own quite restricted analysis it has shown that social disadvantage is not a sufficient explanation for variation in rates of imprisonment. Women from socially deprived communities are less likely to find themselves in prison than men from quite prosperous areas. Older men from deprived communities are less likely to be in prison than young men from areas that are less deprived.

What we do report is that if you consider a system with, at its centre, a black box in which are found all the institutions and processes of criminal justice and if you identify one of the

inputs into that black box as the level of deprivation of an area as measured on the Scottish Index of Multiple Deprivation and one of the outputs as the rate of imprisonment of, particularly, the young men from that area, then as a consequence of all that happens inside the black box, there is a very high correlation between that one input and that one output.

We have not explored what other significant inputs or outputs might be and we have not spoken about rates of offending or re-offending. There are now routinely available data on rates of re-conviction and re-incarceration. These are often treated as surrogates for re-offending; which they are not. We do know from our data, however, that a very high proportion of young men from each annual age cohort from the most deprived areas find themselves in prison during any year. It follows that many of them are offending frequently over a period of their lives that lasts somewhere between 15 and 25 years.

Much offensive behaviour is characteristic of specific excluded roles in some of our communities

From that we conclude that it is legitimate to think of a significant part of the offending by that group as normal role behaviour, normatively governed and approved within its social context.

In constructing a model of social exclusion derived from the literature and the interviews we carried out we have reached an understanding of social exclusion that maps directly onto a sub-cultural model of what is called “deviance”. At its simplest level, the model says that human beings develop systems of perceptions, cognitions and norms as a consequence of the learning they make in their everyday lives. They live simultaneously within a number of such cultural systems and each individual constructs their own identity as a consequence of that cocktail of cultural definitions that best fits their experience and is susceptible to organisation into a more or less internally consistent code. Where parts of the community are excluded from the approval and rewards of the dominant culture, it has to be expected that they will develop alternative codes. It also has to be expected that such minority codes may, for certain roles within the culture, offer approval of behaviours that conflict with behaviours that are formally proscribed in the culture of the dominant group.

Those patterns of behaviour are robust but concentrated in specific places in our society

Two important consequences flow from our findings:

Firstly, the organisation of cognitions and behaviours that characterises the identity of some roles in excluded communities can be expected to be resistant to change. It has developed out of learning over a number of years. It is internally consistent across a wide spectrum of values, emotions, and cognitions. It constitutes an explanatory filter that shapes and colours any new experience. Exclusion is an identity. It is a complex self-regulating system. The

recruitment of people into membership of a social group from the benefits of which they have been excluded for their lives so far will not be achieved by partial or ad hoc changes in their circumstances: those who have learned that there is available to them in the groups of which they are members a reliable supply of social rewards for behaviours that are proscribed by the dominant culture will need impressive and consistent evidence that more valued rewards are available from those who previously have excluded them.

Secondly, high rates of imprisonment are concentrated in a small number of social roles in a small number of communities. In the latter part of our analysis we described those pockets of high density of the imprisoned population and described how the social roots of as high a proportion as 75% of the prisoner population could be found in a small number of communities.

**Criminal justice can play only
a marginal role in addressing
this issue**

In Chapter 2 we made some remarks about the appropriateness of making a predominantly criminal justice response to this problem. We suggested that where behaviour that conflicts with the law is socially endorsed for roles within minority (and, here, also otherwise multiply deprived) social groups to seek to control it by the application of criminal sanctions both raises ethical issues and is unlikely to be effective.

The unwanted pattern of behaviours and the norms that validate them arise out of and confirm the exclusion of the role holders from the norms that are embodied in the law. They characterise the social groups in which they are found and remain stable over time, between age cohorts and generations. They are part of a coherent and internally consistent cognitive and behavioural framework. Moreover we know they characterise teenage and early twenties' male roles and then become progressively less characteristic. They are a sub-group response to a set of dominant norms to which the group members relate ambiguously: they are partly an expression of those norms and partly a rejection of them; behaviour is constructed partly within the dominant culture and partly as a result of exclusion from it.

Within the terms of the model we have described in Chapter 4, the criminal justice system can make some impact on that situation. Quite directly, it can impose controls and it can promote the development of policies that will reduce opportunities for offending. It can also operate in a way that seeks to influence the complex system of variables that constitutes the exclusion of that very high proportion of prisoners that we have reported. It can improve the way in which prisoners have access to services while in contact with it, it can develop their repertoire of competences, it can review its own operation and relate to those subject to criminal justice interest in a way that communicates less the social distance that exists between public officials and those

who are subject to penal sanctions. But these developments, welcome as they are, can only remain tangential to the core problem – which arises from the shared experiences of those living in a few of our communities and their consequential understanding of their social environment and organisation of their behaviour.

The presenting problem that we were asked to investigate was the repeated offending of those who find themselves in prison and the emerging evidence of the social incapacitation of the same group that has resulted from their exclusion from a range of normally available social benefits. The problem our evidence has described is of the normative and cognitive basis of some social roles in deprived communities being consistently constructed in a way that validates patterns of behaviour that are contrary to the law. This effect is highly concentrated in specific gender and age roles in the most deprived communities. We describe the effect in terms of alternative and counter-cultures flourishing in a wider social context that, while promising attractive social benefits, denies access to them to parts of our community.

That problem is not amenable to a criminal justice solution. For policy reasons unrelated to this problem it has to be expected that criminal justice responses will continue to be made to some behaviours that cause public offence. (Our analysis would suggest, however, that before legislating to create more crimes consideration might be given as to whether the focus of legal condemnation should continue to rest so sharply on the behaviours of young men from deprived backgrounds.) We should not, however, ascribe to that essentially condemnatory activity a prime responsibility for meeting a social need for which it is manifestly unsuitable.

The more effectively the criminal justice system satisfies its primary role in expressing the condemnation of the wider society, the more it emphasises the distance between those whose interests it protects and those whose behaviour has been tagged for formal condemnation. And within the armoury of modes of condemnation available to the modern liberal criminal justice system none more completely communicates the exclusion of the condemned from the rest of society than the prison. The punishment of imprisonment is a punishment of loss of liberty – an explicit denial, measured in time, of the possibility of participation in the normal activities and benefits of society.

In responding to behaviours that are characteristic of social roles of this excluded group, the criminal justice system confirms and articulates the exclusion. The function of the criminal justice system is to assert the right of the dominant culture to identify and mark behaviours characteristic of some roles within some of its component cultures as not of it; as so offensive to it as to warrant formal censure. When the censure takes the form of imprisonment, the exclusion is

The inherent impact of imprisonment is exclusionary

absolute: the person to it is deprived, for a calculated period, of their rights of participation.

Before we consider any empirical evidence of the collateral effects of the experience of imprisonment on the identity of those subject to it: whether or not the experience taken as a whole is likely to compound their excluded identity or to open to them the possibility of a welcome and offer of membership of the society from which previously they had been denied access, the inherent exclusionary consequence of imprisonment is inescapable. It is what it is.

Nor is there scope in this study to attempt an empirical assessment of that effect. In common sense it is probably not necessary. This research was commissioned because of the concern about the re-offending of people who had been to prison. Theoretically there are no good grounds for expecting that the experience of imprisonment is likely to cause those subject to it to feel more valued members of the wider community. There already exists a body of research evidence demonstrating the predominantly damaging and alienating effects of imprisonment.

The political climate in Scotland at present leads one to conclude that, inevitably, the Government will continue to be “hard on crime”. It will continue to deploy criminal justice responses to behaviour the majority find offensive. It will be willing to continue to criminalise a widening set of behaviours. It will deploy responses of increasing severity and duration. This study cannot speculate as to what the effect of such policies will be in general. Perhaps independently of any consideration of effect based in an understanding of social exclusion, such policies will tend to reduce levels of offensive behaviour. It seems unlikely. It seems unlikely simply at the level of common sense that by creating a more punitive climate you will find fewer people or acts warranting punishment. But this study cannot help in offering any conclusions to that debate. Where this study does help, however, is in making clear that if one examines the issue of offending and re-offending through the lens of the analysis of social exclusion, the conclusion can be clearly drawn that a criminal justice response to the greater part of those behaviours that we now punish will tend to increase the exclusion of those subject to it and will do so most emphatically where the response is imprisonment. Even if, for other reasons, the increasing deployment of criminal justice responses, including imprisonment, did tend to reduce the levels of punished behaviours in our communities, we must recognise that any such benefit would be achieved only against the exclusionary effect of the same responses and a concomitant tendency for socially sanctioned behaviours to continue.

Social exclusion is an identity. As a result of life experiences some members of some groups come to occupy roles that

reward attitudes, cognitions and emotional repertoires that support behaviours that are offensive to many others. Their cognitive construction of themselves and of the world they confront validates behaviours that others find offensive. This is strongest in the most deprived communities, but, as we have shown, it is more or less true across the spectrum of levels of prosperity: to the extent that the benefits of membership of the dominant culture are denied those who contribute to it, their membership is weakened and alternative affiliations, some of which may endorse behaviours sanctioned by the law, are strengthened. Imprisonment makes membership of the dominant culture more tenuous and confirms the excluded identity.

Any strategy to reduce offending whose origins is in social exclusion must be based in the community

We have reported the strength of the correlation between social exclusion and imprisonment. We have shown that behaviours that lead to imprisonment are characteristic of certain roles and the identity of the holders of those roles. Those roles are defined in our communities. It is in our communities that the task has to be engaged of changing the structure of roles and the associated social identities. The social exclusionary “causes of crime” lie in identities associated with social roles in which the membership of cultures that endorse behaviours sanctioned by the law offers greater rewards, is more welcoming, is more predictable, better meets its members needs than that which they can access in legitimate society.

To tackle the causes of crime, insofar as they can be explained by social exclusion, then, that equation has to be changed. It has to be changed in our communities. Participation in the benefits of membership has to be extended with a consistency that starts to alter people’s identities. The current levels of disparity of opportunity have to be redressed. This study would suggest that if modest progress can be achieved in that, in that relatively small number of communities in which deprivation is most acute, then the impact on how many young men we find it necessary to punish severely might be considerably influenced.

We would suggest that such a strategy for inclusion would benefit from conceptualising exclusion in the way we described it in Chapter 4 – as a complex self-regulating system. The goal of the strategy should be described in terms of people’s personal identities. The strategy certainly needs to work at a practical level: access to services needs to be improved, people’s personal competence bases need to be developed. But the strategy also needs to work at a relational and emotional level: the excluded young men of our study need to learn that their communities want them as participating and benefiting members; that they have a role that is valued by the society and that the contribution they are able to make is one that will be valued. What they do not need to hear is constant confirmation of their identities as

offenders needing correction.

This strategy should be pursued in the community. It is not a strategy for working with offenders. It is a strategy for working in communities that are estranged from the benefits of our society and extending membership to them. It is a strategy for giving people experiences that promote the development of identities constructed within the dominant culture. At the heart of the strategy must be the availability of legitimate and rewarding roles available to both sexes of all ages and the supply of the range of services necessary for all to access those roles. Those who have been prosecuted and punished within the criminal justice system should be included in this process with rights of access equal to other members of their communities. The process should emphasise their normality, their standing as members of the community: references to people as 'offenders' should be dropped. They may have been punished for behaviours that were offensive, but we cannot claim to be concerned about their social exclusion while continuing to attach to them a primary identity that emphasises the very problem we wish to address.

How do we plan an appropriate role for criminal justice agencies?

What, then, is the role of the criminal justice system in this strategy to reduce offending? The most elementary adjustment that should be made must be to disemcumber it of the rhetoric and ambition to tackle social inclusion. It is an irony that we are able to report that the Scottish Prison Service has developed an impressive range of initiatives with the view to tackling the social exclusion of prisoners while concluding that their acceptance of that constructive and humanitarian role is probably unhelpful. In the face of inadequate provision of service to this group in the community, the prison service has accepted a role in enabling the inclusion of its clients. It has been seen to be effective in that. It is well placed to attract further resources for more work in that area.

There is a risk that this managerial success diverts attention away from the problem and that in making progress in supplying services effectively in the relatively uncomplicated and discrete world of custody the prison system attracts resources that allow it to extend its influence into the world of the community: in the way a hospital might, on completion of a period of in-patient treatment extend its services to the patient on return home. Such an outcome would be to assign resource not on the basis of need but as a de facto reward for performance.

Developing strategies in our communities that enable young men to develop identities that are based in membership of legitimate society is no easy task. It is of a complexity quite different from that which is being tackled in the prisons. It is unlikely to be amenable to similar managerial approaches. It will be subtle, untidy, organic. It will entail empowering the

communities themselves and tolerating the plurality of developments that meet the diverse perceived needs of the people who are engaged in the process. But it is that empowering and enabling of communities that has to lie at the heart of the strategy. The criminal justice system has to recognise its quite subordinate role and shape any work it does to support what happens in communities.

What we have shown in Chapter 3 of this report is that the number of communities in which such profound development is needed in order to have a significant impact on the numbers of young men requiring punishment is relatively small and highly concentrated, particularly in Glasgow and to a lesser extent in 3 other of our cities and a small number of Unitary Authority areas in the West of Scotland. The concentration of the problem in the City of Glasgow marks it out as standing alone in its need for social regeneration. Our findings suggest, however, that the potential benefits for the wider community of making available to the large number of very deprived areas of Glasgow the social benefits that are enjoyed by most of the population of Scotland, measured in terms of a predictable decrease in our felt need to punish such a huge proportion of the young men for the routine display of behaviours found offensive by the majority of people, would be considerable.

The unavoidable conclusion of the research we carried out is that that is necessary. If such a strategy were developed – and our understanding of the nature of social exclusion in Chapter 3 only hints at what the content of such a strategy might be – then the role of criminal justice and punishment – accepting that they will remain widely deployed and used social institutions for the foreseeable future – is, at the very least, to interfere as little as is unavoidable in that process of social regeneration and, more ambitiously, to find what opportunities it can to contribute to the community processes. What it must not attempt to do is to substitute its view of the needs of the members of these communities with whom it works for the view that has its origins in the communities themselves. What it must also not do is develop services, however well intentioned, autonomously and then look for continuity of service in the community.

Firstly, they should take steps to make things no worse than is inevitable

Although it will sound truisitic to suggest, we would advocate that in order to minimise the exclusionary effect of criminal justice intervention each of the criminal justice agencies be asked to examine all of their procedures and practices, assess how far the way in which they proceed at present communicates the offender status of the member of public with whom they are dealing and how far it communicates that person's continued full and respected membership of the community and consider how they might shift the balance more in favour of communicating that people are punished because they are members of the community who have offended and that they remain in full membership.

Let us give an example. A person may remain free in this country until their trial. They present themselves at court for trial. If convicted and sentenced to a period in custody, they are immediately taken under escort into secure detention. Only after they have been admitted into a prison may they meet with, for example, their partner to bid farewell and arrange their immediate affairs. That is in marked contrast to a number of European jurisdictions in which, except where the convicted person presents an imminent danger to the public, they leave the court following their sentence and present themselves at the prison at a time of which they are notified subsequently. In these countries, the person submits him or herself for punishment as a responsible member of the public justly being sanctioned for the offence they have caused. The Scotsman, however, on being sentenced immediately becomes a captive of the state, to which s/he may understandably freely abrogate the responsibility that should attach to them as members of the public to submit themselves to justifiable punishment.

There are many such ways in which the criminal justice system signals the lesser status of persons suspected or convicted of crimes, their untrustworthiness, their lesser eligibility for proper regard for their needs and sensibilities, their exclusion from the respect that we show full members of our communities. Each one of those counteracts any success we might have in our more deprived communities in bringing more people into full membership of our society. Each one of those confirms for the person subject to the attention of the criminal justice agencies their prior learning of their exclusion and the worth of cultures and roles that reward them in social contexts other than that of which the agents of the law are representatives.

In the context of prison, attention has to be paid not simply to the good work that is being done on initiatives designed to be helpful, but on every activity, every procedure, every assumption that constitutes the fabric of prison life and from which the prisoner learns his role in society. However helpful a 40 hour programme may be in a six month sentence, attention has to be paid to the learning during the remaining 4,280 hours. We retell tales of people's sudden conversions as a result of isolated acts, not because that is how we normally learn but because of the rarity of the event. We cannot expect people in prison to change in a way we favour because of some intensive investment of resource over a fraction of their time when they report a background of experience that they find threatening and humiliating. We cannot expect them to join us in espousing the values we assert if their experience is that we treat them as unworthy of the care and attention with which we treat each other.

Secondly, they must tailor any services they offer to

As regards the action that might be taken to complement what happens in our communities to recruit the excluded into

**contribute to strategies being
developed in the community**

full participation in the wider society the underlying principle has to be that what is done – and here it will be largely in prisons – has to be designed to contribute to what is being done in the community. Just as the problems of social deprivation and its associated problem of high rates of imprisonment are highly concentrated in a small number of our communities, so do prisons give temporary home to highly concentrated populations of people with multiple deprivation. There are opportunities, therefore, if the prison system is responsive to the shape of the problem for work to be undertaken in prisons that exploits that concentration. For this to happen, the prisons need to be responsive to the needs and strategies of the communities they serve. They are not, at present, well disposed to achieve that.

The heart of the problem is in the City of Glasgow and the surrounding conurbation. The chronic and continuing underinvestment in the prisons in this area compounds the problems that arise in the deprivation of those communities. If the prisons in which so many of the young men of that area spend parts of their lives are to contribute towards strategies in the city and the surrounding urban communities to restore the fortunes of their citizens, the prisons must be within those communities and working with their clients in a way that advances what the communities are setting out to achieve.

The other focus of the problem is in the “national resources” of the Prison Service: the women’s prison, the Young offenders Institution in Polmont and the Open Estate. (The prison for Sex Offenders at Peterhead reflects the same issues but presents particular range of problems that add a level of complexity too specialised for an overview such as this to explore). In terms of the efficient delivery of corporate strategies for identified groups within the prisoner population, such “national resources” make good sense. In terms of enabling the development by the prison service of a way of working with its clients that is likely to enable their social inclusion they are most unhelpful. In the first place they compound the exclusionary effect of imprisonment by guaranteeing that all but a very few of their clients will be taken away from their home communities to serve their sentence. This consequence is further compounded in the arrangements we have by both of the establishments being in areas from which very few offenders come. In the second place, their role in taking offenders from across Scotland means that if they are to offer any resettlement service they have to establish and maintain effective working links with a very large number of authorities and community agencies. Concern for enabling the social inclusion of persons on completion of their punishment would argue for rethinking the policies for the custody of women and juveniles and for those prisoners being prepared for release.

In Chapter 3 we looked at the distribution of prisons relative to the communities they serve. They are not well distributed

in Scotland. We would argue that one of the profoundest needs of the prison service at present is for a strategy for estate development that would provide over time for a better fit of prison places with the needs for communities to punish. There must be concern that the considerable building development that is taking place at present will not provide prison places where they are needed.

Finally, we must ensure that the language used in describing these issues does not confirm the exclusion we wish to decrease

Our final point concerns the language that is used in policy to describe the population that are the subject of this report. We have made a number of references to this in the body of the report. The use of such language as “correctional agency” and “offender management” is inherently exclusionary and underscores such a bias in the thinking at a policy level. Those who are subject to criminal sanctions are not the offenders of our society. They are a small proportion of those who have been convicted and a considerably smaller proportion of all those who commit offences. For a time they undergo punishment for behaviours that are found offensive. We have a choice, during that time to think of them primarily as fellow members of our society or to a greater or lesser extent outcasts from our society. For the time that they remain physically within our society they will cause offence if by our actions, either practically or symbolically, we cast them out. The job of recruiting those who see their identities outside the dominant culture will not be enabled by using language that confirms their exclusion.