

# **Criminal Justice Alliance**

## **Response to the Ministry of Justice's Consultation Paper on Titan prisons**

**August 2008**

For further information contact Jon Collins, Campaign Director at the Criminal Justice Alliance, on 020 7840 1207 or 07968 493 098 or at [jon.collins@criminaljusticealliance.org](mailto:jon.collins@criminaljusticealliance.org)

## About the Criminal Justice Alliance

The Criminal Justice Alliance (formerly the Penal Affairs Consortium) is a coalition of organisations committed to improving the criminal justice system. It has 49 members - including campaigning charities, voluntary sector service providers, staff associations and trade unions (for a full list of members see <http://criminaljusticealliance.org/organisations.htm>) - bringing together a wide range of organisations involved in policy and practice across the criminal justice system.<sup>1</sup>

## Overview

The Criminal Justice Alliance (CJA) welcomes the opportunity to respond to this consultation. However, the CJA is very disappointed that the scope of the consultation was limited to the design and operation of Titan prisons, and did not engage in the broader debate about whether Titans are necessary or desirable.

35 members of the Criminal Justice Alliance - including the Prison Reform Trust, the Prison Officers' Association, Liberty, Nacro, the International Centre for Prison Studies and Napo - have written to Rt Hon Jack Straw MP, the Secretary of State for Justice, calling for the Government's plans for Titan prisons to be abandoned. The text of the letter and the full list of signatories are included as Appendix 1 to this response. This letter demonstrates the depth of the opposition to Titan prisons. With this in mind, it is essential that the Ministry of Justice, before going ahead with the proposals contained in this consultation, engages in the debate around the case for and against Titan prisons.

In their report *Titan Prisons: A gigantic mistake*<sup>2</sup>, the Prison Reform Trust argues that there is little or no evidence to support the case for Titan prisons. The Ministry of Justice should closely examine this report, and other critiques by experts such as Professor Andrew Coyle from the International Centre for Prison Studies<sup>3</sup>, the Prison Policy Group (consisting of MPs and Peers from all three leading parties including a former Home Secretary and a former HM Chief Inspector of Prisons)<sup>4</sup> and Anne Owers (the current Chief Inspector of Prisons), and rethink the Titan proposals in light of their arguments. In particular, the CJA is concerned about:

- **The evidence base:** Lord Carter of Coles' recommendations for Titan prisons were not based on an accurate interpretation of the evidence. The Centre for Crime and Justice Studies' report *Building on sand: Why expanding the prison estate is not the way to 'secure the future'*<sup>5</sup> examines this in depth, arguing that Lord Carter's analysis of the factors driving up the prison population is 'inadequate' and 'highly misleading'. Clearly it is essential that an accurate assessment is made of the causes of the increase in the prison population before a decision can be made about the most appropriate solutions.
- **Cost:** The full costs of Titan prisons, and the extent of the supposed savings that Titans would represent through economies of scale, have not been set out for examination. The cost of building the three proposed Titan prisons is unclear. A cost of £350 million per

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<sup>1</sup> Although the Criminal Justice Alliance has consulted with its members about Titan prisons, this response should not be seen to represent the views of each individual member organisation.

<sup>2</sup> Prison Reform Trust (2008) *Titan Prisons: A gigantic mistake* - <http://www.prisonreformtrust.org.uk/temp/Titansbriefingsp28.08.08hs1hs.pdf>

<sup>3</sup> Coyle, A. (2008) *You can't solve overcrowding by building more prisons* in the *Guardian* on 1 April 2008 - <http://www.guardian.co.uk/commentisfree/2008/apr/01/justice.prisonsandprobation>

<sup>4</sup> Prison Policy Group (2008) *Building more prisons? Or is there a better way? A discussion paper on the proposals put forward in Lord Carter of Coles' Review of Prisons: 'Securing the Future'*.

<sup>5</sup> <http://www.crimeandjustice.org.uk/buildingsand.html>

Titan has been previously given by ministers,<sup>6</sup> but this was recently revised to £450 million.<sup>7</sup> The reasons for this discrepancy are not clear, but it is symptomatic of a broader lack of clarity about the total costs of the Titan programme. Similarly, while Lord Carter argued that Titans would ‘be based on cost-effective designs which deliver unit cost savings during both construction and operation’<sup>8</sup>, it is not clear where these savings can be made without compromising the quality of the regime, the safety and wellbeing of prisoners or the safety and working conditions of prison staff. This demonstrates the fact that the economic case for Titans, a key reason given by the Ministry of Justice for pursuing this model, has not been effectively made. Before pursuing the Titan proposals any further, the Ministry of Justice should therefore carry out and publish its own cost-benefit analysis of the Titan prison programme.

- **Effectiveness:** The proposals for Titan prisons do not address the fact that the evidence shows that small prisons currently operate more effectively than large ones. In *Titan Prisons: A gigantic mistake*, the Prison Reform Trust reports that, according to HM Chief Inspector of Prisons data, ‘a comparison of large and small prisons, based on 154 factors, revealed that larger institutions are consistently poorer at meeting prisoner needs and creating a healthy prison environment. In two-thirds of the factors compared (102 out of 154) smaller prisons scored significantly better than large ones’.<sup>9</sup>

The CJA believes that the Government’s case for Titan prisons has not been effectively made and that Titan prisons are a wholly unwelcome development. The Government must recognise that it is not possible to build your way out of prison overcrowding, and Titan prisons will not solve the current prison crisis. As a result, the CJA argues that the Ministry of Justice should abandon its proposals for Titan prisons and instead examine other options for addressing the growing prison population.

### Response to the consultation questions

1. *Are the principles set out in this paper sufficient to inform the development of a strategic approach to the prison estate?*

The principles in themselves are largely acceptable, but it is difficult to see how they relate to the decision to pursue proposals for Titan prisons. Most, if not all, of these principles could be better pursued by developing smaller prisons firmly rooted in local communities, linked to a sustained reduction in the use of prison to free up space and resources in the custodial estate. For example, ‘providing safe and well-controlled environments for all staff, offenders and visitors’ (p.15) could more easily be achieved in smaller prisons than in Titan prisons, exemplified by data from HM Chief Inspector of Prisons which shows that 31% of prisoners felt unsafe in small prisons, as opposed to 44% in large prisons.<sup>10</sup>

The principles also fail to specifically address prison overcrowding. The principles include an expectation of ‘good quality accommodation that is safe, decent and supports particular groups of offenders’ (p.15), yet this is impossible to achieve with the high levels of overcrowding in the prison estate. Extremely worryingly, the consultation document

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<sup>6</sup> David Hanson, Minister of State for the Ministry of Justice, *Hansard*, col 986W, 7 May 2008

<sup>7</sup> p.Ev 106: House of Commons Justice select committee (2008) *Towards Effective Sentencing, Volume II*.

<sup>8</sup> p.38: Carter, P. (2007) *Securing the future, proposals for the efficient and sustainable use of custody in England and Wales*.

<sup>9</sup> p.7: Prison Reform Trust (2008) *Titan Prisons: A gigantic mistake*.

<sup>10</sup> p.8: *Ibid*.

later states that Titans should have capacity for ‘at least 2,100 uncrowded places, with the capacity to hold up to 2,500 prisoners through planned overcrowding’ (p.24). Prison overcrowding on this scale directly contravenes the principle on conditions set out on page 15.

2. *How should we join up services, including between custody and community, to deliver integrated, end-to-end offender management to each segment?*

In order to provide proper joined-up services and end-to-end offender management, prison overcrowding and ‘churn’ need to be addressed. However, as set out above, the proposals suggest that Titan prisons will contribute to prison overcrowding rather than alleviating it. Titan prisons holding 2,500 prisoners would be running at 119% of their uncrowded capacity, which would severely compromise attempts to provide effective end-to-end offender management.

In addition, the Titan model would make transitions from custody to the community more difficult. The size of Titan prisons alone will cause problems for resettlement work, while the fact that Titan prisons would be likely to be built outside of city centres would create physical barriers to smooth and effective transitions into the community.

3. *How should we segment the offender population, particularly the prison population, in order to best protect the public, reduce reoffending, deliver value for money and align supply and demand?*

In terms of the offender population, the Ministry of Justice is right that prison should be reserved for the most serious and dangerous offenders (p.12), but at present too many prisoners who should not be are being sent to prison. There should be greater use of community sentences, with resources allocated to the probation service accordingly. The number of women in prison needs to be substantially reduced (as the Ministry of Justice has acknowledged<sup>11</sup>), and where women do need to be held in custody it should be in small, local custodial units, as recommended by the *Corston Report*. Women-specific community provision should also be expanded to ensure that the complex needs of women offenders can be met in the community.

The Ministry of Justice should also consider the particular needs of young adult offenders (aged 18-25) when considering how to segment the prison population, not just those in the 18-20 age group. This broader group are likely to have particular needs which are not currently addressed by a criminal justice system that sets arbitrary age limits between the youth and adult justice systems.

In terms of Titan prisons, it would be inappropriate for women or young people to be held within individual blocks inside the Titan perimeter. The experience of HMP Peterborough demonstrates the risks of holding women in a prison which primarily holds male offenders, with HM Chief Inspector of Prisons Anne Owers concluding that ‘in such prisons, the needs of women tend to get lost and be subordinate to those of men. At Peterborough it was clear that ... the prevailing ethos, and the procedures and systems that had been developed in key areas, such as bullying and security, were those of a male prison.’<sup>12</sup>

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<sup>11</sup> Morris, N. (2008) *Action on scandal of women in jail* in the *Independent* on 8 August 2008 - <http://www.independent.co.uk/news/uk/crime/action-on-scandal-of-women-in-jail-888281.html>

<sup>12</sup> p.6: HM Chief Inspector of Prisons (2007) *Report on an announced inspection of HMP/YOI Peterborough (Women)* - [http://inspectrates.homeoffice.gov.uk/hmiprisons/inspect\\_reports/hmp-yoi-inspections.html/551175/PeterboroughWomen.pdf?view=Binary](http://inspectrates.homeoffice.gov.uk/hmiprisons/inspect_reports/hmp-yoi-inspections.html/551175/PeterboroughWomen.pdf?view=Binary)

4. *Where should different segments be located when they are in custody and what should happen to them when they are there?*

Prisoners should always be held close to home, and in an establishment that has appropriate support and services to meet their needs. This is likely to be severely compromised by the Titan model, which would force regimes and facilities to be appropriate to all the prisoners held in each prison, which are likely to span a range of different needs and security regimes.

5. *How do we efficiently commission these services, so that they are both integrated and cost effective?*

Commissioning should provide opportunities for partnership and collaboration, and to purchase services from the most appropriate provider, including small, local or specialist providers from the voluntary sector. Again, this is likely to be severely compromised by the Titan model (see [9] below).

6. *Which model for the integration of Titans into a wider strategy might be the most appropriate? Multi-functional 'clusters' linked to local and regional need or more national specialisation?*

If Titans do go ahead, closeness to home, to facilitate the maintenance of links between prisoners and their families, should be a key concern. As a result, a 'single-site, multi-specialism national facility...drawing offenders from around the country' or a 'single-site, single specialism national facility' would not be appropriate, and should be discounted. Therefore a 'local cluster', linked to local and regional need, would be the 'best' option available. However, particularly outside London, it is hard to see how a Titan prison could be genuinely near to home, given the need to serve a large geographical area to 'attract' a sufficient number of prisoners. Clearly, Titans can never be as effective in terms of closeness to home as smaller local prisons, properly rooted in their local community.

For that reason, the CJA also has concerns about using Titans as 'clearing houses' for remand prisoners. It is essential that prisoners on remand be held in their communities and close to their families and other support networks. The scale of Titan prisons and the lack of availability of suitable sites in city centres is likely to mean that Titans would therefore be inappropriate for holding remand prisoners, by comparison to 'traditional' local prisons. Instead of moving remand prisoners to out-of-town Titans, the Government should be focusing on reducing the number of people held in custody on remand unnecessarily.

Building court facilities next to Titan prisons would also divorce courts from the communities that they serve. The pilot community justice courts at Liverpool and Salford demonstrate the potential benefits of courts that are rooted in their local communities, while co-locating courts with Titan prisons outside city-centres will pose problems for victims and witnesses, as well as legal representatives and defendants' families. Courts should be integral to the communities that they serve, which will not be possible if they form part of a Titan complex.

7. *Would there be advantage in describing the proposed prisons as "cluster prisons" as this would better capture the Government's intent?*

The name 'Titan prisons' is now closely associated with the proposals, and changing the name at this stage would simply lead to confusion. In addition, there are significant, and

obvious, differences between the proposed Titans and the existing Isle of Sheppey cluster, for example, so describing both as clusters would be inappropriate. Therefore, the name should only be changed if it signifies a real change in the current proposals, away from the Titan model and towards a genuine 'cluster' model of separate establishments.

8. *What services might best be shared?*

Within Titans, there would be scope to share administrative facilities and here would be a shared perimeter, but beyond that the CJA does not see any potential to share services in any substantial way. We do not believe that, as Lords Carter suggested, catering, visiting and medical facilities could be effectively be shared by 2,500 prisoners.<sup>13</sup> It is also likely to be inappropriate to share regime activities, as there would be potential safety and security risks, as set out by the Prison Governors' Association, a member of the CJA, in their response to this consultation. It is consequently hard to see how savings could be made by sharing services between separate blocks within a Titan prison. Even a shared perimeter poses problems, and it is important that if a Titan contains a range of security regimes, that prisoners from lower-security regimes are not restricted by the provisions necessary for higher-security prisoners.

9. *Whether Titans present particular integration issues or opportunities for other service providers?*

An online survey by Clinks and Action for Prisoners Families - the umbrella bodies for the offender-related VCS and services to children and families of offenders respectively and both members of the CJA - showed that the large scale of Titan prisons would present barriers to engagement for over 70% of respondents and would present problems for commissioning for almost 80%.<sup>14</sup> Clinks' and Action for Prisoners Families' response to this consultation covers these issues in more depth, but it is clear that Titans will face considerable barriers in commissioning the most appropriate and effective services, particularly from smaller voluntary sector providers.

10. *Whether our operating principles are right?*

The operating principles are largely acceptable, but it is very questionable whether they can be effectively delivered with the context of a Titan prison. In particular, the CJA is very concerned to see that, as mentioned above, the proposals state that the Titan sites should have capacity for 'at least 2,100 uncrowded places, with the capacity to hold up to 2,500 prisoners through planned overcrowding' (p.24). Overcrowding is detrimental to every element of a positive prison regime, and will make it impossible for Titans to deliver on these operating principles. If 2,500 places are required, then the sites should be built with 2,500 uncrowded places.

11. *What are the design issues for operating within our proposed core principles?*

To operate within the core principles, Titans will have to have sufficient facilities for all forms of purposeful activity (for example adequate classroom provision, workshops and IT facilities), as well as sufficient recreational space. Facilities for visiting will also need to be of a sufficient scope and standard to provide high-quality services. In designing Titans, issues of how prisoners from different blocks would access any shared services,

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<sup>13</sup> p.38: Carter, P. (2007) *Securing the future, proposals for the efficient and sustainable use of custody in England and Wales*.

<sup>14</sup> Clinks & Action for Prisoners' Families (2008) *Response to Consultation on Titan Prisons* - [http://www.clinks.org/\(S\(icob0j452fiawb55u5zaix45\)\)/downloads/publications/response/080828ResponseTitanPrisons.pdf](http://www.clinks.org/(S(icob0j452fiawb55u5zaix45))/downloads/publications/response/080828ResponseTitanPrisons.pdf)

particularly if different blocks have different security regimes, would need to be addressed, to ensure that prisoners do not have restricted access to some services.

The Ministry of Justice should also look closely at what has worked, and just as importantly what has not worked, in other jurisdictions to ensure that they learn the lessons from abroad. They should also consult with other Government departments that have developed building programmes on this scale, for example the Department of Health, to help anticipate and address any potential issues.

**12. *What are the implications of our operating principles for the types of regime that should operate?***

In order to meet these operating principles, a well-resourced regime that is focused on meeting prisoners' distinct needs will be required. This will be extremely difficult to achieve while the prison estate continues to operate under such extreme population pressures, and will be impossible to achieve if Titan prisons are burdened by 'planned overcrowding' (see above). Safer custody would also be a major concern in Titan prisons; the Ministry of Justice will need to ensure that this is a priority issue.

**13. *How can the deployment, development and management of staff support our operating principles?***

One way in which Titans could be made cheaper would be to reduce the staff-to-prisoner ratio, so that there are less prison staff in proportion to the number of prisoners than is currently the case in the existing prison estate. This would be wholly inappropriate, and should be discounted. High staff-to-prisoner ratios are essential to providing high-quality, safe and secure regimes, and this should not be compromised to provide economic savings. In addition, if Titans are going to be effectively segmented into separate units, then staff should be dedicated to individual units to allow them to work closely with the prisoners held in each unit. On a practical level, the prison system is already significantly under-staffed, and is struggling to recruit sufficient staff in key areas, including London. As a result, the recruitment alone of enough staff to operate Titan prisons will be very challenging, as will retaining high-quality staff.

**Omissions from the consultation paper**

The consultation document makes no mention of the monitoring function, which would need careful thought in relation to large prisons. The CJA, of which the Association of Members of Independent Monitoring Boards is a member, regards this as a serious omission which increases our concern about the viability of the proposals. If Titans were to be implemented, the monitoring would be extremely difficult to implement, so this issue needs careful consideration. The consultation document also barely mentions education or offender learning, an issue which is addressed by the Prisoners' Education Trust (also a CJA member) in their response to the consultation. In addition, the consultation paper makes almost no mention of the provision of mental health services to prisoners. The Sainsbury Centre for Mental Health has argued that Titans will lead to mental illness going 'unnoticed and unaddressed'<sup>15</sup>. This issue should be a serious consideration both in whether Titan prisons should go ahead and, if they do, in their design and operation.

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<sup>15</sup> Sainsbury Centre for Mental Health (2008) *Titan Prisons and mental health* - see [http://www.scmh.org.uk/pdfs/Titan\\_Prison\\_paper\\_Aug08.pdf](http://www.scmh.org.uk/pdfs/Titan_Prison_paper_Aug08.pdf)

### Consultation with prisoners

In making the decision whether to pursue the Titan proposals, and in developing the design and operating models for Titans, the Ministry of Justice should ensure that they consult with both former and current prisoners to gain their input. There are significant benefits to including service-users in the consultation process, which are set out in the Clinks Taskforce report *Unlocking potential*.<sup>16</sup> In this context, Erwin James' comments on the 'depersonalising' effect that Titan prisons would have need to be addressed.<sup>17</sup>

### Conclusion

The CJA has made clear its opposition to the proposals for Titan prisons. It is our opinion that the proposals should be discarded, and a fresh approach should be taken to solving the prisons crisis, focusing on reducing the overall prison population and investing further in effective community penalties. However, if the Titan proposals go ahead, the CJA would be available to contribute further to the planning process and would welcome ongoing consultation by the Ministry of Justice on the design and operation of Titan prisons.

**Criminal Justice Alliance  
August 2008**

*For further information about this response, please contact Jon Collins, Campaign Director, at [jon.collins@criminaljusticealliance.org](mailto:jon.collins@criminaljusticealliance.org) or on 020 7840 1207 or at Park Place, 10-12 Lawn Lane, London, SW8 1UD.*

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<sup>16</sup> Clinks Taskforce (2008) *Unlocking potential: How offenders, former offenders and their families can contribute to a more effective Criminal Justice System* - [http://www.clinks.org/\(S\(usxbgz55wduxuu55nlndhag\)\)/downloads/publications/clinkspubs/0806Taskforce-Unlocking%20potential.pdf](http://www.clinks.org/(S(usxbgz55wduxuu55nlndhag))/downloads/publications/clinkspubs/0806Taskforce-Unlocking%20potential.pdf)

<sup>17</sup> James, E. (2008) *Titan prisons could go wrong on a massive scale* in the *Guardian* on 5 August 2008 - <http://www.guardian.co.uk/society/2008/aug/05/prisonsandprobation1>

## **Appendix 1: Open letter to Rt Hon Jack Straw MP, Secretary of State for Justice**

Dear Secretary of State for Justice

On the day that the Government's consultation closes, we are writing to you to highlight our opposition to the building of Titan prisons.

The Government's proposals to build three Titans, each housing around 2,500 prisoners, would cement this country's position as the prison capital of western Europe, while squandering billions of pounds of taxpayers' money which could be better spent elsewhere. The proposals ignore evidence that smaller, local prisons work better than large ones, raise serious concerns about the wellbeing and safety of prisoners and prison staff, and would put at risk relationships between prisoners and their families.

The Government cannot build its way out of the current crisis in the prison system, as you have previously acknowledged, and further expansion of the prison estate would be damaging both socially and economically. Instead of rushing headlong into an expensive prison-building programme, the Government must shelve its plans for Titan prisons and instead focus on addressing the causes of the growing prison population.

The evidence is clear; Titan prisons are not the solution to the prisons crisis. As members of the Criminal Justice Alliance, a coalition of organisations working in the criminal justice system, we urge you to abandon these misguided proposals for Titan prisons before they become a reality.

Yours sincerely

**Lucy Gampell**, Director, Action for Prisoners' Families

**Davlin Brydson**, Chair, Association of Black Probation Officers

**Angela Clay**, Chairman, Association of Members of Independent Monitoring Boards

**Emma Norton**, Bindmans LLP

**Denise Marshall**, Group Co-ordinator, Birth Companions

**Christopher Jones**, Chair, Churches' Criminal Justice Forum

**Clive Martin**, Director, Clinks

**Dr Katherine Rake**, Director, Fawcett Society

**Professor Mike Hough**, Director, Institute for Criminal Policy Research

**Rob Allen**, Director, International Centre for Prison Studies

**Deb Coles and Helen Shaw**, Co-Directors, INQUEST

**Sally Ireland**, Senior Legal Officer (Criminal Justice), JUSTICE

**Gareth Crossman**, Policy Director, Liberty

**Paul Cavadino**, Chief Executive, Nacro

**Harry Fletcher**, Assistant General Secretary, Napo

**Chris Thomas**, Chief Executive, New Bridge

**Andy Keen-Downs**, Director, pact

**Colin Moses**, National Chair, Prison Officers' Association

**Juliet Lyon**, Director, Prison Reform Trust

**Pat Jones**, Director, Prisoners' Education Trust  
**Alan Hooker**, Director, Prisoners' Families and Friends Service  
**Paula Harvey**, Programme Manager, Quaker Crime, Community and Justice Group  
**Joyce Moseley**, Chief Executive, Rainer Crime Concern  
**Sebastian Saville**, Executive Director, Release  
**Harriet Bailey**, Chief Executive, Restorative Justice Consortium  
**Paul Corry**, Director of Public Affairs, Rethink  
**Baroness Linklater**, Chair, Rethinking Crime and Punishment  
**Kevin Ireland**, Interim Chief Executive, Revolving Doors Agency  
**Fran Sainsbury**, RSA Prison Learning Network  
**Sean Duggan**, Director of Prisons and Criminal Justice Programme, Sainsbury Centre for Mental Health  
**Lucie Russell**, Director, SmartJustice  
**Gary Kernaghan**, New Business Director, SOVA  
**Steve Rolles**, Research Co-ordinator, Transform Drug Policy Foundation  
**Bobby Cummines**, Chief Executive, UNLOCK  
**Suzanne Sibillin**, Director, Women in Prison