

UNIVERSITY OF
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Prison Bullying and Victimisation

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Executive Summary

- i. Victimisation has long been recognised as significant problem across the young offender institution (YOI) estate. However, relatively little research has focused on the specific problem of bullying amongst young prisoners and much of the available research, both about bullying and prison violence more generally, is dated. Thus, we know relatively little about why young prisoners are more likely to engage in violence and bullying, and how the dynamics of these may have changed over time. In addition, there is little academic material on how to address and reduce the incidence of violence and bullying in prison more generally. Yet, the effects and impact of victimisation can be significant, both for the individuals concerned and the wider prison community. Thus, understanding how, when and why prison violence and bullying occurs is crucial.
- ii. This study was authorised by a Governing Governor in response to the high levels of bullying within a specific establishment. However, in seeking to understand the problem of bullying within a particular YOI, this report also generates findings and makes recommendations designed to address broader issues of national policy and practice. We argue that high levels of victimisation are neither inevitable nor acceptable. However, in order to reduce the incidence of victimisation, a specific anti-victimisation strategy and a 'whole prison approach' is required.
- iii. The aims of this study were fourfold. First, to explore the nature and dynamics of bullying amongst young prisoners aged 18-21 years old. Second, to assess how young prisoners construct and rationalise their involvement in bullying and victimisation, as well as how they conceptualise and define bullying and victimisation. Third, to explore the perceptions of prison staff and, finally, to identify areas of good practice and make recommendations.

Key Findings

1. Victimisation was a widespread problem and a largely 'taken for granted' aspect of prison life. Within that context, bullying occurred frequently but it was often difficult to tease out incidents of 'bullying' from the broader range of victimising behaviours.
2. Bullying is an ambiguous, subjective and 'slippery' term and not everyone – whether staff or prisoners - had a shared understanding of precisely what constitutes 'bullying.'
3. Bullying was a form of predatory behaviour where prisoners who were perceived to be weak, vulnerable or otherwise inadequate were targeted. In this respect, bullying was distinguishable from acts of physical violence where the roles were not necessarily sharply divided and where the purpose, interests and gains varied.
4. Technological advances, operational changes, social changes and the increased availability of contraband items such as mobile telephones and new psychoactive substances (NPS, typically dubbed 'legal highs') have re-shaped the dynamics of prison bullying and victimisation.
5. Prison violence often has roots in an array of conflicts occurring in the community and spilling over into the prison environment.
6. Sexual violence, gang activity, initiation ceremonies, faith-related conflict, the misuse of prescription medication and violence directly related to the use NPS were less common forms of victimisation.

7. Perpetrators were not always 'lone rangers' and some of the worst acts of victimisation occurred when several prisoners acted in a 'joint enterprise' to assault, bully, extort or steal from others.
8. Perpetrators were often opportunistic. Thus, situational controls, effective staff supervision and good 'jail craft' are essential in limiting the instances of bullying and inter-prisoner conflicts. The structure and management of the prison regime can also either limit or increase opportunities for victimisation.
9. Prisoners were 'tested' to determine their susceptibility to extortion, exploitation and abuse. If prisoners failed to 'stand up for themselves', this often attracted sustained victimisation with little compassion or empathy from their peers.
10. The ways in which prisoners engaged in victimisation are not as narrow as previously thought. Both the behaviour and needs of perpetrators, perpetrator-victims and victims vary. Thus, understanding the individuals involved and the circumstances of their involvement is key.
11. There were marked similarities between victims and perpetrators. Looked after children, disabled prisoners and young people moving from the juvenile secure estate to the young adult YOI estate featured as both victims and perpetrators. Their needs, and the link between vulnerability and victimisation, were not always well understood by frontline staff.
12. There is no 'magic bullet' or single solution that will solve the problem of prison victimisation, however, the frequency and severity of victimisation can be reduced if a 'whole prison approach' is adopted.
13. Strong staff-prisoner relationships are central, not only in preventing victimisation but also in terms of enabling victims to disclose concerns and in supporting victims and perpetrators effectively and appropriately.
14. Perpetrators can and often do change their behaviour given the right opportunities and in the right context. Thus, any anti-victimisation strategy must be set within a context where there is an emphasis on rehabilitation and on moving prisoners from negative to positive behaviour.
15. Punishment alone is insufficient and will not necessarily lead to behavioural change. In order to engage prisoners in behavioural change, there must be more 'carrots' than 'sticks' and prisoners must be able to access more rewards through positive than through harmful behaviour.

Examples of Good Practice

1. Strong visionary, moral and principled leadership from the Governing Governor and senior management team.
2. A clear sense of 'Operational grip': This was not confused with punitiveness and operational decisions were driven by concerns for safety, security and decency.
3. An overarching focus on developing a rehabilitative culture: There was an emphasis on hope, 'finding people doing something good' and 'turning negatives into positives.'
4. A clean and decent environment: Significant improvements were made to the physical fabric of the establishment with corresponding improvements in prisoners' perceptions of self.
5. Proportional security: Positive steps were taken to normalise the environment and remove unnecessary physical control measures. This assisted in the creation of a decent environment but also reduced the number of assaults in the re-designed areas.

6. A positive 'early days' experience for prisoners: The First Night Centre offered a calm and safe environment and prisoners were rarely victimised in those early days when they were often coming to terms with the deprivation of liberty.
7. Fair and just adjudications: These hearings were not seen as purely legalistic, disciplinary processes but were used to engage prisoners in a discussion about their behaviour and how to avoid similar behaviour again, including what support they might need in order to do so.
8. Appropriate use of segregation: The Care and Supervision Unit (CSU) was used as a last resort and for the minimum possible period of time. Good governance ensured that the CSU was used appropriately. If there were health concerns this was well managed.
9. An appropriate environment for vulnerable prisoners: The Supported Living Unit (SLU) provides a calm, safe and caring environment for prisoners with specific needs and vulnerabilities.
10. Incentivising and rewarding positive behaviour: The availability of an Enhanced Unit offered an incentive to prisoners, both to engage with the regime and to be relocated to the Unit and continue positive behaviour once located there.
11. Staff training on delivering 'five-minute interventions' improved the quality of staff-prisoner relationships, the ability of staff to establish rapport with prisoners and encouraged the development of a culture focused on offering hope and positive encouragement.
12. Considerable investment in family contact: In addition to the normal range of opportunities for visits, evening visits, family visits days and celebration evenings were introduced. The visiting area had been vastly improved, becoming a bright, welcoming and positive space benefitting from the addition of a children's soft play area and the removal of more archetypal prison features such as a raised observation podium.
13. Good governance: Data regarding victimisation, and safer custody more generally, was collected and considered effectively.
14. The introduction of body worn cameras has proved a positive initiative, both in terms of de-escalating some incidents and becoming a valuable source of evidence when incidents do occur.

Recommendations

An Anti-Victimisation Strategy

1. The Ministry of Justice (MoJ) and National Offender Management Service (NOMS) should introduce an anti-victimisation strategy focusing on the full range of harmful behaviour evident in the prison environment nationally. This strategy should avoid the pitfalls of anti-bullying strategies and the tenuous separation between anti-bullying and violence reduction strategies.
2. At a local level, all concerns about victimisation should be investigated and acted upon. The anti-victimisation strategy should clearly set out the timeframe and process for investigation as well as detailing who is responsible for implementing the process.¹
3. At a local level, when victims exhibit signs of victimisation and distress, this should be actively followed up and recorded appropriately.
4. Staff training should ensure that there is a clear consensus about what constitutes bullying and victimisation, and why. Such training should address the myths and misconceptions about victimisation.

¹ A process is set out in Appendix 2.

Victim Support

5. As part of the anti-victimisation strategy, there should be a clear process for relaying appropriate information to victims about what action will be taken, or has been taken, in response to concerns about victimisation. The anti-victimisation strategy should clearly indicate who is responsible for communicating such information to the victim.
6. As part of the anti-victimisation strategy, a specific victim support strategy and support Enhanced Support document should be developed, one that allows for a multi-agency, holistic approach, identifies a named individual as the first point of contact for a victim, includes a specific action plan and clearly sets out the level of support and the action required by all parties.
7. The Enhanced Support and Action Plan should include small measurable goals that enable victims, and any other vulnerable prisoners who are not on an ACCT document, to re-engage with the regime and demonstrate positive behaviour. The action plan should also set out how staff will facilitate enhanced care and support. The plan should be subject to regular review and even small achievements should be rewarded.
8. Specific programmes should be developed to facilitate greater victim support and the development of wider skills amongst victims (and other vulnerable prisoners who would benefit from such support). The lack of appropriate victim support and relevant skills based sessions is an obvious gap and one that should be urgently addressed. The development of new initiatives should also be accompanied by further research specifically focusing on how the needs of victims, and other vulnerable prisoners, can be most effectively addressed.

Responding to Perpetrators

9. The rules regarding the possession of property, including whether or not prisoners can wear their own clothes, should be implemented consistently. If prisoners are acting in violation of these rules this should be challenged appropriately and proportionately by staff.
10. Prisoners should be challenged regarding the inappropriateness of victimisation as well as the nature of the harm caused and the impact on the victim, the wider community and themselves.
11. The adjudication process should be used, as appropriate, to respond to all forms of victimisation, not just violent assault and fights.
12. Specific programmes should be developed to address prison victimisation and support attitudinal and behavioural change amongst perpetrators. This may require national support and investment and the development of an evidence base, but there is an urgent need to develop such initiatives. The development of new initiatives should also be accompanied by further research specifically focusing on how prison victimisation can be most effectively addressed.
13. An Enhanced Support and Action Plan should also be used to support perpetrators to engage in positive - rather than harmful - behaviour and to address underlying needs and vulnerabilities.

A Whole Prison Approach

14. All staff should undertake training regarding the specific needs of looked after children and disabled prisoners and how this may relate to their vulnerabilities and behaviour in custody, as well as what support might be required. In addition, training regarding mental health needs amongst adolescents should also be delivered.

15. Specialist support should be made available for prisoners with unresolved and/or recent experiences of trauma, loss, abuse and bereavement. This may require national support and investment but the absence of such services is a significant gap.
16. The IEP scheme should be reviewed, allowing for quicker rewards and progression. When prisoners are demoted to basic regime levels, clear support and specific advice should be given to help such prisoners improve their behaviour.
17. The range of available rewards and incentives for prisoners on Enhanced regime, as well as those prisoners who continue to demonstrate positive behaviour and undertake positions of responsibility effectively, should be developed.
18. Closed visits should not be used as a punishment or as part of the IEP regime.

1. Introduction

- 1.1 Statistical data recently published by the Ministry of Justice (2015) suggests that prison violence has increased over the last year, with the incidence of assaults and serious assaults at a ten-year high. More recently, Her Majesty's Chief Inspector of Prisons raised concern regarding what was described as the 'decline in safety' across the male prison estate (Hardwick, 2015). Within this context, it is the levels of violence and bullying within the young offender institution (YOI) estate that has been of on-going concern, featuring as a significant issue in a series of inspection reports, including those of Feltham YOI, Brinsford YOI, Glen Parva YOI, Hindley YOI, Cookham Wood YOI, Wetherby YOI, and Werrington YOI. Whilst it has long been recognised that young prisoners are more likely to be engaged in, and be subject to, victimising behaviour (Bowker, 1980; Bottoms, 1999; Cohen, 1976; Cunningham and Sorenson, 2007; Ellis *et al*, 1974; Fuller and Orsagh, 1977; Ministry of Justice, 2014; O'Donnell and Edgar, 1997), the 'problem' of violence and bullying amongst young adult prisoners is little understood and little quantitative data is published by the Ministry of Justice regarding the incidence of bullying and forms of victimisation other than physical assault.
- 1.2 Prison bullying was largely unstudied until the 1990s and initially, much of the research focused on documenting the nature of prison bullying, developing a specific, prison definition (as distinct from educational definitions of bullying), and understanding the involvement of prisoners in bullying. Although there has since been significantly more research on prison bullying, the phenomenon still remains relatively unexplored and the research has been largely driven by the psychological and quantitative tradition. Limited research focuses specifically on young adult prisoners (see Edgar *et al*, 2003; Ireland, 2002a; Ireland and Monghan, 2006 for notable exceptions), which is particularly concerning given the identified links between bullying, self-harm and deaths in custody amongst the juvenile and young adult population (Blauw *et al*, 2001; Prisons and Probation Ombudsman (PPO), 2013a, 2014). Moreover, much of the literature fails to take account of the impact of a range of recent operational, technological and policy developments on the nature and dynamics of bullying – and victimisation more generally – in prisons. This study seeks to address frequently overlooked and neglected areas of research. However, its primary importance lies not in its contribution to academic knowledge, but in its potential to address both the local problem of bullying within a particular YOI as well as issues regarding national policy and practice. Whilst we recognise that this study is focused on one institution, our subsequent research suggests that the findings presented here have broader application across the prison estate.
- 1.3 This report considers four key issues. First, it explores the new dynamics of bullying and victimisation, detailing the ways in which the nature of victimisation has recently and rapidly evolved. Secondly, this report considers how prisoners avoid, experience and engage in victimisation, considering how this might impact staff responses. Third, the report focuses on the need for a 'whole prison approach', what this means and how such an approach could be implemented. Finally, the report considers how an anti-victimisation strategy should be developed and the principles that should underpin its application and implementation. We argue that high levels of victimisation are neither inevitable nor acceptable. However, in order to reduce the incidence of victimisation, a specific anti-victimisation strategy and a 'whole prison approach' is required.

2. Methodology

2.1 The purpose of this study was to explore the nature, prevalence and incidence of bullying amongst young male prisoners (18-21 years old). This study had four key aims:

1. To explore the nature and prevalence of bullying amongst young male prisoners, including any protective or risk factors.
2. To assess the way young people construct and rationalise their involvement in bullying and victimisation as well as how they conceptualise and define bullying and victimisation.
3. To identify areas of good practice and make recommendations regarding the reduction of violence and bullying.
4. To explore the perceptions of prison staff regarding these issues.

In order to address these key aims, we adopted a multi-method approach, combining ethnographic, qualitative and quantitative data.

2.2 This report is based on nine months ethnographic fieldwork, 55 interviews with young prisoners, eight interviews with staff, six focus groups, case file analysis, quantitative surveys and countless informal conversations with staff and prisoners throughout the nine-month period. Using intelligence reports and adjudication records,² we begun by identifying prisoners who had reportedly been involved in an incident of bullying or violence or where there were suspicions of such activity over the four week period prior to the research and thereafter. Where possible, we interviewed both the perpetrator and victim involved in the same incident to assess different parties' interpretations of the same incident. In addition, we conducted a second wave of interviews involving those who were not reported to be involved in any incidents. We were particularly interested to learn why some prisoners were rarely or infrequently involved in bullying and other forms of victimisation, as well as the extent to which incidents might be under-reported. With informed consent, all interviews were digitally recorded and subsequently transcribed. Pseudonyms have been used for all participants.

2.3 As part of the fieldwork, we observed different aspects of prison life in different parts of the prison. We visited at different times of the day and week, including evenings and weekends. We spent time on each of the residential units, the First Night Centre, Reception, Healthcare, Visits, the Care and Separation Unit (CSU)³ and the Supported Living Unit (SLU). This allowed us to observe specific activities such as association, domestics, meal times, cell searches, canteen distribution as well as the general 'ebb and flow' of daily prison life. We also attended morning meetings and observed disruptive prisoner meetings, safer custody meetings, adjudications, ACCT reviews and good order and discipline reviews. Taken as a whole, this has not only given us an incredibly rich and detailed insight into violence and bullying within the prison, but it has also uniquely placed us to develop a series of recommendations regarding the prevention, management and reduction of bullying and violence. Throughout the research we greatly benefitted from the opportunities to discuss our emerging thoughts, ideas and findings with members of the senior management team (SMT).

² Adjudications, also known as 'nickings', are disciplinary hearings dealing with alleged violations of prison rules.

³ The Care and Supervision Unit functioned as a segregation block.

3. The Nature and Dynamics of Victimisation

*"Bullying is a thing in this jail, bullying is like a big thing in here."
(Luke)*

- 3.1 Although bullying has long been a feature of prison life, the dynamics of bullying and victimisation have been transformed as a result of rapid shifts both within and beyond the prison walls. Some such changes have been highlighted in the media, with, for example, video footage showing young prisoners being 'banged for a spliff' appearing in the print and television media.⁴ Prisoners had filmed the footage on an illegally held mobile telephone and subsequently uploaded the video to YouTube. The extent to which the character of prison bullying and violence has been altered by recent technological, social and operational changes is little understood. Thus, this chapter focuses on the contemporary nature of prison bullying, distinguishing bullying from other forms of victimisation. Since bullying occurs against a wider backdrop of victimisation, this chapter also explores the prevalence of different forms of victimisation and the reasons why prisoners engage in victimisation. Accurately understanding the nature and dynamics of prison bullying is critically important if strategies to prevent and reduce its incidence and prevalence are to be effective.

Distinguishing Prison Bullying

- 3.2 The inevitable problem in studying prison bullying is that everyone has their own working definition of bullying and assumes that they know just what bullying is and how to identify it. In reality, bullying is an inherently subjective, imprecise and ambiguous term and not everyone – whether staff or prisoners – had a shared understanding of just what constitutes bullying. This is perhaps made all the more difficult because it is not always easy to tease out instances of 'bullying' from the broader range of victimising behaviours evident in the prison environment. Moreover, behaviour that amounted to exploitation, extortion, bullying and victimisation was so deeply engrained in the prisoner sub-culture that it was, to some extent, a 'taken for granted' aspect of prison life. Thus, in order to address the problem of bullying, it is crucial that there is a clear consensus regarding the core elements of bullying and an accurate understanding of what separates bullying from other forms of harmful behaviour.
- 3.3 The term 'bullying' is a specific form of victimisation, discreet from other forms of harmful behaviour such as physical violence. There has been much debate regarding the key elements of 'bullying' and how prison bullying should be defined (see, for example, Olweus, 1996; Farrington, 1993; Connell and Farrington, 1997; Ireland, 2002b, Edgar, 2005; Edgar et al, 2003). Her Majesty's Prison Service (2004) defines bullying as:

Conduct motivated by a desire to hurt, threaten or frighten someone. It can be physical, verbal, psychological, emotional or economical and often very subtle. It is usually repeated behaviour, unprovoked and intended to cause fear or harm to the victim. Bullying cannot be mutual: it always involves a power imbalance. This distinguishes bullying from fights and assaults.

⁴ Drake, M. (2015) 'Victims in shocking prison violence video moved to protection unit amid fears for their safety,' *The Mirror*. London.

This definition reflects what we would regard as the key elements of bullying. **What distinguishes ‘bullying’ from other forms of victimisation is: 1) the element of intention; 2) the element of persistence; and, 3) the imbalance of power.** Taken together, these three elements distinguish bullying from ‘victimisation’ more generally and ‘violence’ more specifically, neither of which require these three key elements. To date, the available literature on prison bullying has not, as Edgar *et al* (2003) also note, been sufficiently clear in the distinction between prison bullying and victimisation and there has been a temptation to unduly widen the definition of prison bullying. This creates conceptual and operational difficulties and we would argue that **care should be taken to avoid conflating bullying with other forms of victimisation.**

- 3.4 Ireland (2002b) suggests that bullying could be accidental. However, we would disagree and found no evidence of ‘accidental’ bullying. Generally, those who bullied others knew that what they were doing was harmful, even if they were disinclined to use the term ‘bullying’. Prisoners recognised that bullying had a significant emotional and psychological impact on the victim. Such behaviour was inherently degrading:

Tyrone:

“They get constantly reminded, You are an nerd, you are an nerd, you are an nerd.” Every single day. It is bad, you know what I mean? Like some of the things people do like walking past someone and barging them out of the way or taking his cake or if he is on the pool table taking his pool cue and telling him to sit down and telling him how shitty his trainers are or whatever. Just little things ... Just to reinforce that you are down there.”

Luke:

“Bullying is like, let’s say I see the same person in the showers every single day and just because I don’t like him I slap him every day. When I know that emotionally and mentally I am breaking him down. Slowly and slowly I am breaking him down until he comes to his breaking point.”

Although physical violence could still cause emotional and psychological harm, what was distinctive about bullying was the extent to which such harm was an intended and deliberate part of bullying. Tyrone and Luke were perpetrators and known bullies. Both were keenly aware of the impact of bullying on others, yet were unwilling and disinclined to modify their behaviour. This is indicative of the low levels of empathy and compassion often evidenced by prisoners (also see Chapter 4 below). It also indicated something of the power dynamics in a bullying relationship. Unlike physical violence, the starkly divided roles were an intrinsic part of the bullying relationship and by ‘breaking’ the will and resolve of the victim, bullies constantly reinforced their victim’s lower position in the prison hierarchy. Thus, what Ireland might describe as ‘accidental’ or ‘indirect’ aggression could, more sensibly, be described as victimisation.

- 3.5 Whilst we considered bullying to include an identifiable victim and perpetrator, this was not necessarily true of all acts of victimisation. In the context of violence, it may be less easy to discern or identify one party as the ‘victim’ and another as the ‘perpetrator’ since both parties may simultaneously perform both roles (Edgar *et al*, 2003). This has been coined ‘mutual’ or ‘reciprocal’ victimisation (*ibid*). For example, during one incident we

observed, Ryan jumped over the server⁵ and punched Peter, who punched him back. They continued to fight until separated by staff. This did not resolve the conflict, which had been on-going and had resulted in a similar incident a month before. In this example, both parties were simultaneously victims, but they were also involved as perpetrators. This dynamic of mutual victimisation may be apparent in incidents of violence but cannot exist in a bullying relationship.

- 3.6 The Prison Service definition of bullying includes the term 'unprovoked.' However, this fails to capture many of the complexities of victimisation. In some instances, victims did in some way contribute to their own victimisation (also see O'Donnell and Edgar, 1998). For example, what was often considered to be bullying was a form of intimidation concerning indebtedness where the victim had borrowed material goods beyond their means or borrowed items without the intention of repaying the debt. Acknowledging the role and contribution of the victim does not mean that we are attributing blame to the victim for the subsequent victimisation experienced. However, in responding to the perpetrator it is nevertheless important to recognise the dynamics of bullying and victimisation and explore why their behaviour - whatever the perceived provocation - was nevertheless harmful and inappropriate. This is particularly important because in such circumstances, the perpetrator will often justify and legitimise their response and this attitude needs to be challenged appropriately.
- 3.7 When discussing bullying with staff and prisoners, there were significant disparities between how prisoners defined bullying and how staff understood bullying. In addition, these various views did not always correspond with the dynamics of bullying and victimisation within the YOI. From the prisoner's perspective, 'ticking burn (tobacco)',⁶ trading and borrowing was such an embedded part of prison culture that many did not recognise such behaviour as inherently exploitative. Aspects of the *sub rosa* economy could represent an extension of illegal business activities in the community. Entrepreneurially minded prisoners exploited this opportunity to make large sums of money (£1000+). While we need to be careful at taking such claims at face value, there are clearly problems created by the entrepreneurial, instrumental and criminal drug dealing culture that can take root in prison. However, such claims were not one off examples, but represented frequent and recurrent statements made on and off tape. Such a trade in contraband means that not only could prisoners incur debts that became impossible to repay but the failure to pay often led to physical violence, intimidation and threats.
- 3.8 From the prison officer's perspective, certain aspects of exploitative behaviour were not always defined as bullying if, for example, the victim was thought to have 'brought it on themselves' by failing to pay debts or by announcing the nature of their offences to their peers. It is important to recognise that adolescents are more likely to be impulsive, more likely to focus on the present and less likely to engage in consequential thinking. Young prisoners may be unable to delay gratification in the same way as older adults and, consequently, delaying gratification was simply beyond some prisoners' capabilities. Tobacco use was often a way of managing the time problem, particularly in the early days of custody. Officers often explained that if you borrow from a friend in the community outside of the prison, you would be expected to return the item and prisoners

⁵ The 'server' refers to an area in the wing where prisoners serve evening meals.

⁶ 'Ticking burn' refers to the practice of purchasing tobacco for another prisoner. The 'ticking' element relates to the practice of choosing and ordering items from a canteen sheet.

'shouldn't borrow if they can't repay.' However, this is an overly simplistic view. First, not all prisoners benefit from financial support from family members or friends - this is especially true for former looked-after children.⁷ Second, not all prisoners are able to earn money⁸ by engaging with the regime, sometimes for reasons beyond their control. There could sometimes be delays in the allocation of new prisoners to education or work programmes, with the effect that once their first smoker's pack⁹ had been used, the prisoner had limited means to purchase canteen¹⁰ and tobacco. In such cases, some prisoners feared that they had little choice but to borrow, inevitably becoming embroiled in a vicious cycle of borrowing and either repaying or attempting to avoid repayment. It was clear to us that there were instances of this happening, and it featured in the backdrop of disciplinary problems and violence in the prison. Although there was a system of applying for an 'emergency' smoker's pack, this system appeared to operate somewhat arbitrarily and it was less than clear when and under what circumstances a prisoner would be able to access an emergency smoker's pack. Finally, prisoners are not simply borrowing from one another, but doing so whilst charging high levels of interest. This is not a form of pro-social behaviour, but extortion and exploitation. In some cases, prisoners were deliberately targeting newcomers unaware of the expectations regarding payment or who naively borrowed without fully appreciating the long-term consequences and difficulties that this might generate.

Recommendation:

Staff training should be delivered to ensure that there is a clear consensus about what constitutes bullying and victimisation, and why. Such training should address the myths and misconceptions about victimisation.

Common Forms of Victimisation

- 3.9 Victimisation was widespread within the YOI. This had a toxic impact on institutional culture and negatively impacted prisoners' perception of safety. Victimisation typically took one of six forms: physical violence; verbal abuse; threats and intimidation; theft; robbery; and, bullying. Although bullying clearly occurred within the YOI, it did so against a wider background of verbal abuse, threats, theft, robbery and sexual assault occurring independently of a bullying relationship.

Bullying

- 3.10 Bullying was a significant problem within the YOI. Relentless abuse, occasional violence and predatory exploitation were connected together and 'tough' prisoners preyed on the weak to obtain tobacco, food and other items. The manifestation of bullying involved a wide range of behaviour, such as: verbal abuse and threats; exploitation and extortion; theft and robbery; physical violence; and, coercion to assault

⁷ The phrase 'looked after children' refers to those children who have been in local authority care, including foster care, residential care and kinship care (under the supervision of the local authority).

⁸ The accumulation of spending money is notional rather than literal. Prisoners are not permitted access to cash but 'spends' are added to their account and can be earned by engaging in work, education and training. Family members and friends can also gift spending money.

⁹ Prisoners are given a 'smoker's pack' upon arrival in Reception. The 'smoker's pack' contains tobacco, cigarette papers, a lighter and a small quantity of food items. Non-smokers can choose an alternative pack, which contains a greater supply of food items.

¹⁰ 'Canteen' refers to the list of items which can be purchased on a weekly basis, to include food, drinks, stationery and tobacco.

others. The severity of this bullying behaviour varied from minor incidents to the sadistic and extreme. It was not uncommon for several different forms of victimisation to occur between the same victim and perpetrator. In a very small number of incidents, bullying also involved sexual assault and it was in the context of bullying that sexual assault appeared most likely to occur.

Verbal Abuse & Threats

- 3.11 Verbal abuse included name-calling, 'cusses' and insults. Such derogatory remarks could be aimed at an individual prisoner or at their mothers, girlfriends or children. Prisoners reacted with equal, and sometimes greater hostility, to slurs directed at family members and partners. Threats were whispered through doors and communicated on notes passed under the door. It is therefore not surprising that those prisoners who were being threatened or intimidated could become very fearful. Victims did not always know who was threatening them, perhaps because they did not recognise their voice or because they would simply receive a note under the door or hear a whisper through the door. When there appeared to be a number of people who were working in collusion, this could exacerbate feelings of helplessness and reinforced their social isolation and powerlessness of the individual prisoner
- 3.12 Prisoners were threatened across different units. Debtors who attempted to move from one residential unit to an entirely new location could find themselves on a 'Debtor's list' that was circulated amongst prisoners. For example, a prisoner who had been moved to the Supported Living Unit (SLU)¹¹ from normal location continued to be threatened despite the lack of direct access:

Peter:

"I am still having difficulties with them now. Like they send threatening messages over, through other people and stuff like ... when I go back on to Res 1 people tell me, like the cleaners on there. At first they told me a couple of the lads that come up to get their mates in the morning, they were telling them to tell me, "He is getting rushed" and all this. "We can put money on his head." And stuff like that."

However, two things were apparent. First, prisoners accommodated on the SLU were rarely assaulted by prisoners from other units. Thus, such threats never came to fruition. Secondly, the availability of the SLU served an important function within the prison, ensuring that vulnerable prisoners were not voluntarily segregating themselves for their own protection on the CSU and were receiving appropriate levels of care.

- 3.13 It was not always necessary for individuals to be in close proximity for victimisation to occur. A classic mechanism for this is 'shouting out of the windows.' This appears to be a particular problem in YOIs and has been linked to a number of deaths in custody (see PPO, 2009, 2013b; Gooch, *forthcoming*). Prisoners used the term 'window warriors' to describe those who shout abuse out of the windows (also see Harvey, 2012: 126). However, in fact, such behaviour was largely frowned upon by prisoners for being childish. Verbal abuse, threats, and insults issued in such a manner did not confer status, but, rather, was regarded as connoting a lack of maturity and

¹¹ The Supported Living Unit functioned to provide dedicated care and support to prisoners with specific needs and vulnerabilities.

sophistication (also see Gooch, 2013, *under review*). When such window conflicts did happen, they were not always one-dimensional, but could drift into mutual victimisation. Thus, these aggressive verbal exchanges did not always form part of a bullying relationship. These verbal exchanges could escalate to violent conflict, but not always. Prisoners may subsequently decide that physical violence was simply not worthwhile:

Joshua:

"And then they started shouting stuff out the window that night and I said, "Are you going to shut the fuck up because no one likes you, you're a fucking idiot and you're a big bully." And he was like, "Why didn't you say that to me earlier?" and I said, "I'll say it to you in the morning to your face if you want?" Left it a bit and then the day before he got out he shouted at me out the window, "You're going to be on YouTube in less than 48 hours and your face is getting cut," and I said, "Alright, I'll send you home with two black eyes you prick." Anyway the next day he said, "Come to my pad in the morning," and I said, "Don't worry about it, I will get the officer to open the door and let me in the pad with you," and I went round the next day and he was like, "Sorry about last night I didn't mean no trouble," this and that and I said, "I don't care, you're getting it when you come out your cell." Anyway the officer locked me in the cell and I just said, "Go home. You're lucky!" and that was it."

Verbal posturing, challenges and the desire to gain the upper hand were all part of these verbal exchanges but not all those prisoners who engaged in such exchanges were willing, able or confident enough to follow through potential threats with actual violence. As Gambetta notes (2009), most prisoners prefer not to fight and if prisoners can achieve the same result by not fighting, even stronger prisoners will prefer it. In addition, the propensity towards violent conflict depended on the physical and spatial dynamics. Some of the most confrontational and aggressive window encounters happened in the CSU between prisoners who would mutually issue threats knowing full well that they would never, in reality, physically confront one another.

Exploitation & Extortion

- 3.14 Exploitative behaviour included bullying related to debts and loans (including 'double bubble'), charging other prisoners 'cell rent' and imposing the unpaid debts of 'pad mates'¹² on other prisoners. Charging 'double bubble' when lending canteen, tobacco or other items to other prisoners was common practice. The phrase 'double bubble' is used to describe the practice of lending items, such as tobacco, but requiring twice as much in return. When debts are not repaid by the due date (normally the end of the week when canteen is distributed), the debt is doubled again on a weekly basis. Not only could prisoners incur debts that quickly became impossible to repay, but the failure to pay often led to physical violence, intimidation and threats. The practice of doubling the debt owed on a weekly basis meant that some prisoners could accrue debts (where contraband was concerned) in the hundreds of pounds. For example, when Daniel was interviewed, he owed £450 to another prisoner. When this occurred, prisoners asked family members to supply the funds to pay the debt (as was the case for Daniel), requested a move to another location, deliberately engaged in behaviour

¹² 'Pad' is prison slang for a prison cell. Cells within the establishment were both single and dual occupancy, thus, the phrase 'pad mate' was used to describe the prisoner with whom a prisoner was sharing a cell.

that would ensure they were re-located to the CSU, or simply found themselves in a position where they were assaulted or repeatedly threatened. Moving to another wing did not always resolve the problem because word quickly spread about why the prisoner had moved (also see Gooch, 2013, *under review*).

- 3.15 Problems could also arise when individuals new to the prison environment were unfamiliar with this practice and quickly found themselves in debt, or when individuals simply sought short-term gratification and failed to consider the potential consequences' of borrowing. There is no formal system underpinning this trade and, therefore, when there were disputes, or when debts were not paid, the lender had no access to arbitration. Additionally, the demarcation between legitimate items traded and illegitimate trade in contraband, narcotics or new psychoactive substances (NPS)¹³ frequently blurred into the more mundane supply and exchange of everyday items such as tobacco, shower gels and confectionary. What was clear was that the *sub rosa* economy operated both within and outside of the prison, and spanned everything from the minor exchange of everyday items to serious financial transactions for substantial money.
- 3.16 In the establishment and amongst this cohort, most individuals were involved in trading and quickly became familiar with the rules and norms, including accepting the conventions surrounding usury. Although Crewe (2009) found that adult prisoners disliked the practice of 'double bubble' it was the failure to repay, not the borrowing itself, that attracted derision amongst young adult prisoners. None of the young adult prisoners questioned the high levels of interest charged when lending items to others, which in itself may be an interesting insight into young adult prisoners' understanding of debt and indebtedness. However, in order to address the wider problem of bullying, this practice of 'double bubble' needs to be discouraged and a robust approach needs to be taken.
- 3.17 Other forms of exploitation, such as charging cell rent or inherited debt, were not widespread but were typically directed at the most vulnerable or most disliked prisoners. For example, cell 'rent' charges were typically levied at prisoners who appeared unwilling or unable to 'stand up' for themselves:

Luke:

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

In general, prisoners were homophobic and vehemently disliked homosexual or effeminate prisoners. Such prisoners were often targeted (also see Chapter 4). When discussing homosexual and effeminate prisoners, Jermaine commented:

"They get put on rent. They have to pay us things like buying canteen for us. ... When canteen comes, they have to give us our fair share of the canteen you know what I'm saying."

¹³ Also dubbed 'legal highs'.

The success of this form of intimidation largely rested on whether or not the 'victim' was prepared to tolerate such behaviour. Prisoners believed that those who accepted and gave into such demands had confirmed their status as inadequate victims and were therefore 'fair game' for exploitation.

- 3.18 If a prisoner left his cell, either because he was transferred to another establishment or to another wing or released, cell debts could be passed to his 'pad mate' or whoever next occupied the cell, perpetuating the cycle of bullying. For example:

Joshua:

"Like I say if me and you are padded up together and you tick for burn, and then you get shipped off, that's not your fault or my fault, but I would still have to pay your debt because it stays on with your pad mate."

What is noticeable is that not all cell debts were passed on. This largely depended on the incumbent occupant and the ease with which they could be exploited.

- 3.19 Addressing the problem of indebtedness, trading and borrowing is fraught with difficulty. Pro-social behaviour, where prisoners lend to others out of concern for another prisoner's interest or welfare, should be encouraged. However, genuine trading - where prisoners were motivated to lend items out of friendship rather than material gain - was the exception rather than the rule. Therefore, theoretically at least, an outright ban on all trading and borrowing of material goods would begin addressing the problem of property moving between prisoners. This is not a simple solution since, initially at least, officers would frequently be challenging prisoners, potentially increasing the likelihood of conflict. There is also a risk of unintended consequences. For example, conflict could arise between prisoners if an exchange is prevented from taking place. However, continuing to allow prisoners to exchange property encourages, rather than discourages, victimisation from occurring.

Theft and Robbery

- 3.20 Prisoners derive status from the acquisition of material goods. However, prison life is 'depriving... in the extreme' (Sykes, 1958: 63) and the availability of desired items is heavily restricted. This serves to increase, rather than decrease, the importance of acquiring the available resources. Consequently, some prisoners would find themselves being threatened to hand over property to another prisoner or would simply have property taken from them:

Adam:

"Since I have been in here, every single wing I have been on I have been rushed and jumped. ... I have got something they want, like my trainers and stuff. They all want my trainers. So they try and rush me and drag me in the pad and that."

Tyrone:

"So you have got a lot of what I would call opportunist bullies and when they see somebody, they pick out the right candidate and befriend him and say, "Let's go and have a shower," and he will walk in with his trainers and walk back out without them. That's just the way it is, isn't it."

The theft and robbery of trainers was not always instigated by individual prisoners but, and more often, had a group dimension. Prisoners who owned sought after trainers could find themselves ambushed by a group of prisoners willing to use physical violence to solicit the desired items.

- 3.21 Alternatively, prisoners would demand that other prisoners ordered canteen for them. In some cases, this was as blatant as a prisoner filling in someone else's canteen sheet and reclaiming the canteen later that week. It was when prisoners were unlocked collectively to undertake domestic chores or for periods of association that property would be passed, either under clothes, in pillowcases or under bed sheets. Such periods also created opportunities for items to be stolen from cells. Cell theft was not always linked to bullying, but it was clear bullies who did steal items from other's cells did not regard this as theft, but rather as a "*use of authority*." This type of behaviour might be used as a form of testing new arrivals on the wing, either directly by a potential future bully or, indirectly, through a third party who is instructed to retrieve particular items from a new arrival. Indeed there was evidence that an individual prisoner's place in the hierarchy could be based on just such forms of testing.

Bullying linked to violence

- 3.22 Bullying could manifest itself in physical violence and did not always have an exploitative/acquisitive dimension (cf. Edgar *et al*, 2003). For example, we came across incidents where individuals had been bullied because others did not like the look of them or they had arrived from a different area and did not have the type of wider nexus of peer support and friends that other prisoners had. Some were simply bullied for their custodial inexperience, which might be accompanied with extra physical humiliation through beatings and 'kickings.' Although there may be no obvious or overt rationale underpinning such targeting, this often increased the perpetrators' violent potential in the eyes of their peers in an environment where the capacity for violence is both feared and respected.

Coercion to assault others

- 3.23 Whilst bullying could involve the acquisition of material gain, we found examples of bullying where the victim was coerced into assaulting another prisoner with the threat of physical violence if they failed to do so. In these examples, the victim of bullying is, in turn, also a perpetrator of violence. Coercing a prisoner to assault other prisoners gave the bully/ies a certain degree of anonymity, particularly because victims of coercion were often reluctant to name bullies for fear of reprisal. This protective anonymity meant that the bully/ies were rarely penalised for what would, in the community, be described as conspiracy, joint enterprise or an offence of encouraging or assisting the commission of an offence. Moreover, more powerful individuals would often issue orders to other prisoners to 'bang him out,' sometimes using payment, voiding debts or finding some other form of gracious incentive. On occasion, it was used to reinforce the prisoner social hierarchy. For example, low status minor offenders would be coerced to assault those suspected of being sexual offenders. Coercion to assault others also extended to staff members, with prisoners being threatened to assault specific individuals. It may not always be possible to identify the person who is controlling and coercing other prisoners to victimise their peers, however, the available intelligence reports suggest that staff were sometimes aware who those individuals were but it was not always clear that this was followed up.

Bullying directed at 'pad mates'

- 3.24 Cell sharing could generate strong friendships and some prisoners believed that cell sharing was beneficial, helping them to cope with prison life. However, cell sharing could also create conflict and disagreements that could quickly escalate to physical violence. This was particularly noticeable when two prisoners were unable to fully avail themselves of opportunities to undertake work and education, inevitably leading to large amounts of time spent in cellular confinement. Seemingly trivial matters, such as decisions about television viewing, could quickly and easily assume a disproportionate significance. In addition, personality conflicts or different preferences regarding, for example, the tidiness of the cell could make the cell sharing arrangements untenable. Generally, such conflicts were well managed by officers without more serious acts of violence occurring. However, in a small number of cases, the nature of the victimisation extended beyond petty disagreements to more serious forms of victimisation where the victim was routinely threatened, assaulted and abused.
- 3.25 When bullying occurred within a cell, it was concealed from public view and particularly difficult to detect, exacerbating the vulnerability of the victim(s). It could also be difficult for victims to alert the attention of staff when such incidents occurred, especially if they occurred when the prison was in 'patrol state'. When such incidents involved quite sadistic and manipulative individuals, they were more adept at concealing their actions. Consequently, it was not uncommon for such bullying to continue over a sustained period of time before the victim made a disclosure or staff noticed an injury. Since the perpetrator and the victim would spend a great deal of time in extremely close proximity, the potential and opportunity for very serious forms of victimisation to occur was that much greater.

Physical Violence

- 3.26 Prisoners believed bullying was common but it was not the sole concern with regard to personal safety and security. Since a sizeable majority of prisoners were able to avoid sustained bullying, it was the constant, although unpredictable, threat of physical violence that worried them most. The prison environment was one where few could be trusted. Vigilance was key and although violence was linked to bullying, it frequently occurred independently of a bullying relationship. Community conflicts spilled into the prison environment. Grudges, personal vendettas, family feuds and 'beef' from 'on road' could all underpin sporadic flare-ups of violence in the establishment. Thus, the problem of 'prison violence' may not necessarily be peculiar to the prison at all:

Jermaine:

"I used to have to carry a weapon for visits but I got nicked for carrying an improvised homemade weapon to the visits because I had problems with someone n'it. But that got sorted though, it was a family ting like. You know what I'm saying. Like, I tried to stab him, yeah, on the road but he ran over to my friend's house and kicked the door down and stabbed me and my friend."

Thus, one of the significant challenges when tackling violence within the YOI is the porous nature of the prison walls. Since Goffman's classic text (1968), prisons have often been described as 'total institutions' whose walls appear impermeable to external influences and actors. Such descriptions are no longer accurate.

- 3.27 Prisoners readily accept the logic of violence. Physical violence was perceived to be a legitimate way to address perceived 'violations' and acts of perceived 'disrespect.' Certain prisoners held the belief that they were owed and had obtained a certain amount of respect and physical violence was used to reinforce the social hierarchy and the balance of power. For example:

Luke:

"Even now, I am on basic now, only less than a week ago, you know the servery there, me and my friend jumped over smacked up the servery workers because they were trying to give us small meals. That can't happen."

Thus, physical violence served a communicative function, both to the prisoner at whom it was directed and the wider audience who were inevitably watching. This sort of immediate physical violence does not fall within traditional definitions of bullying, which stress an on-going relationship between the perpetrator and victim. In contrast, our interviewees spoke of the prison residential units as dynamic and shifting places where a continual jostle for position was not entirely dissimilar to that 'on road'.

- 3.28 Yet while there were examples where violence would ignite over seemingly trivial affronts, violence functioned as a means of 'policing' agreements in the illicit prison economy where there is no other mechanism for conflict resolution. While not all violence was framed or linked to trade and exchange, a significant amount was. Put simply, prisoners strongly believed that ultimately violence was the surest way to 'get things done' and achieve a desired outcome:

Mark:

"I cornered one guy on free flow and said, "Where is my money?" He didn't have it so I banged him in the face. Put him out down and dusted and walked off. He owed me money. He just kept ducking back and he thought I was never going to catch him. So I caught him, banged him and just left him on the floor. They had to put him in healthcare. I do fight obviously I have [fought] all of my life. I lived on the street before I come in here for three years. I am a dangerous person yeah."

Physical violence was seen as the obvious response to the non-payment of debt, but this was not the only reason why physical violence was used to punish prisoners. Prisoners spoke of being 'paid' to assault another prisoner or a 'price being put on their head.' For example, one prisoner commented: *"they put two ounce of burn and £200 on my head to get me punched up."* These are not insignificant sums and being 'marked' by other prisoners created a somewhat elusive threat since it was impossible to predict when this threat may become a reality and by whom.

- 3.29 Punishment beatings also occurred when prisoners who were perceived to be lower down the social hierarchy had failed to protect their more senior status peers. For example, two prisoners assaulted Paul after he failed to inform other prisoners that the search team were on the wing. Mobile telephones, cannabis and 'Mamba' were all seized by the team and Paul was assaulted for what was perceived to be his role in 'allowing' this to happen:

"The two lads who punched me up wasn't even to do with any of that. I don't know if the lads had paid them to do it, or they've just done it 'cause they're pissed that everything's gone and they're not getting nothing but obviously I was uncertain and this lad come up, right, I was giving that cake and he was like, "Give me another cake." I said, "No, move on, you're not having two cakes," and he was arguing with me. I said, "Just move on man, you're not having another cake," and he just grabbed another cake himself. Then this other lad come and he's just staring at me. Like, he proper staring at me so I've put a cake in his bowl and he's – he's just staring at me. So there's two lads there now, and this other lad come and as just as I'm about to put cake in his bowl, this second lad jumped over and hit me."

At first glance, it appeared that physical assault was instigated because of a dispute over the distribution of food but this was, in reality, a pre-text for addressing a more personal vendetta and punishing the loss of valued items. This example illustrates the broader point that prisons may witness a range of violent incidents, the genesis of which is not always obvious or apparent. Thus, as noted in Chapter 6, all incidents need to be carefully investigated in order to accurately understand the dynamics of victimisation but also how to respond effectively.

- 3.30 Assaults occurred 'on-sight' (where CCTV cameras were in operation and/or staff were present) as well as 'off-sight'. Prisoners were keenly aware of the locations that were not covered by CCTV, such as showers, inside cells and certain spaces near wing offices. The decision to fight on or off sight largely depended on the circumstances and, for example, whether or not the aggressor had *"time to get them"* (Paul). Domesticity and association were key 'flash points' for assaults and fights. For example:

Luke:

"Domestics, everyone's doors open, you can go into anyone's cell. ... Domesticity is the time. If you've got trouble with someone on the wing, you don't want to come out of your cell on domestics, you are going to get hurt, there's no cameras in your cell. ... If you saw me walk into someone's cell and he comes out of his pad black and blue, no matter what you think, we know that he's done it but it don't matter what you know, it's what you can prove."

Sam:

"The best opportunity is domesticity. What they do is a couple of them will speak to the officers to distract them, and that gives them an opportunity to walk in the cells and do things and that."

Conversely, assaults on 'free flow' (when prisoners were moving to work and education) were rare and tended to be minor incidents, largely because staff intervention was swift. It did not appear that the removal of the gates along the upper corridor of the prison had any discernible effect upon the frequency of violent incidents.

Less Common Forms of Victimisation

- 3.31 It was quickly apparent that certain forms of victimisation were far less common within the YOI. Far less prevalent forms and manifestations of victimisation included: gang behaviour; serious assault and weapon use; sexual violence; initiation ceremonies; faith-related conflict; and, the misuse and diversion of prescription medication. However, we are aware that this is not necessarily true across the prison estate and there may well be variation in each of these categories depending on the nature, dynamics and demographic of specific establishments.

Gang Behaviour

- 3.32 Whilst there is a wealth of literature on prison gangs in US prisons, there is relatively little research on the emergence of prison gangs in England and Wales. That said, there has been a growing concern regarding gang related activity in prison. In his annual report, Nick Hardwick (2015), Her Majesty's Chief Inspector of Prisons, raised concern about the incidence of gang related assaults. However, **gang related behaviour in prison was largely absent in the YOI**, reflecting the patterns of criminal behaviour in the local community. While prisoners' lives in the community were framed by a highly masculine, instrumental, consumerist and hedonistic criminal street culture where violence and conflict with others were common, little of this was strongly linked to 'gangs.' During the course of the study there was only one short spell of conflict between two rival urban street groups. This involved a small number of prisoners who engaged in several violent incidents in a short space of time and who admitted that this would continue to fight due to on-going tensions between their groups. They did not, however, attempt to recruit other prisoners to the group (also see Setty *et al*, 2014) and it appeared that the 'gang' was more akin to an urban street group rather than a more organised crime group. There were numerous other assaults that related to matters 'on road' and grudges from the street, some of them linked to urban street groups or post codes, but it was similarly apparent that to use the lexicon of gangs to describe such custodial conflicts was problematic.

Serious Physical Assault & Weapon Use

- 3.33 Nationally, there is an increasing trend of weapons use and serious assaults in prison (Hardwick, 2015: 33; Ministry of Justice, 2015). However, the trend at the YOI was in the opposite direction. **Serious assaults had declined and the vast majority of violent incidents involved only minor injury.** That said, a minority of incidents were serious, particularly when weapons were involved or where a group of prisoners had stamped on another prisoner's head. The trend to stamp on another person's head, particularly when confined in a cell, was a particularly sinister aspect of domination that we encountered in several incidents and had often left the victim curled up in a foetal position unable to defend themselves during a painful and prolonged assault. In this respect, the group dynamic was particularly powerful. The perception that a number of prisoners had or were targeting an individual not only increased levels of fear and anxiety, but could leave victims feeling like they had few allies and that they were relatively socially isolated.

Sexual Violence

- 3.34 To date, there has been much debate about the true prevalence of sexual assault in prison, particularly in the United States (see Struckman-Johnson *et al*, 1996, 2000; Lockwood, 1980; Woolf *et al*, 2007; 2011). Although it is likely that sexual assault is under-reported, such behaviour is generally believed to be uncommon in British prisons (see O'Donnell, 2004; Howard League for Penal Reform, 2015; Ministry of Justice 2015). Whilst some studies suggest that the fear of sexual violence is just as important as its incidence (see, for example, Tewkesbury, 1989), this is contested, and some have suggested that the fear of sexual assault is not widespread (Woolf and Shi, 2011). While sexual assault and sexual violence did occur, in contrast to minor violence and physical fights this form of victimisation was very rare. The same was true in relation to the fear of sexual assault. Prisoners generally believed that sexual violence did not occur within the prison and were not fearful that they would be assaulted in this way:

Robert:

"That old 'drop the soap' rumour is absolutely, that is a load of bullshit! It is absolutely the biggest, I don't know if that happens in man's jails but in YOIs it is never going to happen. It never is. I think that is more of a joke than anything to be honest."

The vast majority of prisoners believed that being implicated in sexual assault would mark them as homosexual and therefore were keen to distance themselves from such behaviour:

Tyrone:

"You get no points for that."

However, in reality, such assaults were, as noted by others, acts of power, domination and control rather than sex per se (see Faulkner and Faulkner, 1997; O'Donnell, 2004). When such incidents did occur, they tended to be severe, sophisticated and carefully concealed. In light of the hyper-masculine and homophobic prisoner culture, reporting such behaviour can be difficult. When disclosures are made, it requires a careful and sensitive response from staff, which is something we observed at the YOI. Moreover, due to the likely physical, emotional and psychological impact, victim care and support after such incidents is crucial (also see Chapter 6), not only to mitigate the potential harmful effects of the victimisation but to also avoid further victimisation from other prisoners.

Initiation Ceremonies

- 3.35 Early research on prison bullying typically described a range of initiation ceremonies that young prisoners were required to undergo (see McGurk and McDougall, 1991). However, there was no evidence to suggest that prisoners are still required to undergo initiation ceremonies typically described in more dated studies. Prisoners were clearly tested and 'sized up' on arrival to determine whether or not they were susceptible to coercion and exploitation, but this largely involved verbal abuse, threats and demands to handover property rather than the more ritualistic ceremonies previously described.

Faith-related Conflict and Victimisation

- 3.36 We encountered very little religious conflict (cf. Liebling et al, 2011) and there was little evidence that religious ideology underpinned conflicts between Islamic and non-Islamic prisoners. Indeed, during one notable period on a residential unit when there was a short conflict between these prisoner groups, this stood out as exceptional event and the real driver for the conflict appeared to be related to the supply and control of prohibited items and profits from illicit trading.

The Misuse of Prescription Medication

- 3.37 The misuse and diversion of prescription medication has been noted as one form of bullying in the adult prison estate (see for example, Her Majesty's Inspectorate of Prisons, 2013). We did not encounter a single example of prisoners reporting or claiming that there was any bullying linked to the legitimately dispensed medication that came from prison healthcare. One of the primary reasons for this was that medical practitioners were generally unwilling to diagnose certain mental illnesses or psychiatric conditions below a certain age and, consequently, young adults were simply far less likely to be taking certain medication.

The New Dynamics of Victimisation

- 3.38 **While there are clearly continuities in terms of the nature and character of prison based bullying, recent technological, operational and social changes have altered and re-shaped the dynamics of victimisation within the prison walls.** Such changes include: increased access to internet-enabled mobile telephones; the increased use of social media; the ability to post videos and photographs online; and, the possibility of making bank transfers via the internet and mobile telephone applications. Taken together, these changes have all reshaped the character and dynamics of prison bullying. Assaults can now be recorded on (illegally held) smartphones and the footage retained and used to further blackmail and shame victims.
- 3.39 The growth in the use of NPS, both in prison and in the community, also presents additional challenges. Though legislation is currently being drafted to address the problem of so-called legal highs,¹⁴ at present, the sale and distribution of NPS is not prohibited under the Misuse of Drugs Act 1976. Thus, there are limited sanctions available for trafficking, supplying, dealing and possessing NPS in prison. Existing methods of testing for substance use in prison are unable to detect the use of NPS, partly because the compounds of the available forms of NPS vary enormously but also because the substances can be relatively quickly and easily modified.
- 3.40 In July 2015, Her Majesty's Chief Inspector of Prisons reported that the use of new psychoactive substances (NPS) was 'a significant factor in the increase in violent incidents in prison – either directly as a result of prisoners being under the influence of these drugs or in increased bullying due to drug debts' (Hardwick, 2015: 34). However, **physical violence within the YOI was not directly related to the use of NPS** and we observed only two instances, involving the same prisoner, where the use of NPS had stimulated an adverse reaction and violent outburst. Also, it is not clear whether

¹⁴ See the Psychoactive Substances Bill (2015)

the use of NPS has actually fuelled an increase in bullying or whether it had simply changed the dynamics of bullying, with NPS simply becoming the preferred drug of choice over cannabis. **What was certainly true was that NPS was linked to the problem of indebtedness within the prison** ('Mamba' was a cheaper alternative to cannabis).

- 3.41 The availability of 'Mamba' had created more pernicious forms of bullying. We became aware of some instances of bullying where prisoners were given 'Mamba' believing that it was tobacco and/or where batches of 'Mamba' had been tested on certain prisoners, known as 'Mamba Muppets.' This desire to test the quality of the 'Mamba' was a result of the largely unpredictable and sometimes extreme, even bizarre, reactions that some prisoners experienced:

Luke:

"That shit will kill you bruv. I smoked that once and I haven't smoked it again. For starters I don't know what's in it. Show me what's in it and I'll smoke it. I could be smoking crack."

Chris:

"The main thing in here is the fucking legal high mamba. It's pathetic. I don't want to take it. I will never touch it. It's stupid. That's one thing that does get people in debt in here."

Joshua:

"I've tried that as well. It's dangerous. Like I tried some and I ended up on my bed with my eyes rolling back in my head. I would never take that again its dangerous. Obviously I can't take drugs anyway because of my job. I would just contradict everything I stand for."

Although 'Mamba' use avoided some of the problems regarding detection and sanctions, its use was not always seen as attractive precisely because of the largely unquantifiable and serious reactions that could occur. This was the main reason 'Mamba' use was not as widespread as might otherwise be supposed.

- 3.42 While prisoners may have always operated a *sub rosa* economy, the ability to transfer money via the internet or mobile telephone applications has facilitated new ways of trading and repaying debts within the prison walls. Small sales are generally paid with tobacco and other canteen items, but large transactions are co-ordinated externally and without the use of such items. Bank transfers allowed large sums of money to be paid, making it difficult to trace by prison security staff. The ability to arrange bank transfers over the telephone or through others makes such transactions less detectable and more oblique. It was also a relatively sophisticated way of repaying debts, financing deals and trading items. For example:

Daniel:

"My mum will send me a certain amount ... 'cause the prison can find ways of finding how it gets sent to you, like by postal order it's like they can check the accounts and what area it's been sent from so like I sort of, I like doing it through banks."

Such actions required either the access to technology to facilitate such payments, such as a mobile telephone, or the assistance of friends or family members. In this way, family members and friends could become complicit in the victimisation that occurred within the prison and may not pass suspicions of bullying or indebtedness to the prison authorities. That said, it was also clear that some family members were subject to a degree of pressure, coercion or intimidation and may be placed in an impossible position, unwilling or unable to pay but fearful of what might happen if they do not acquiesce. It should also be acknowledged that not all clandestine mobile phones are used for the purpose of nefarious criminal activity and a great many are held for the much more mundane and routine contact with loved ones. However, understanding these shifting dynamics is vital if prisons want to be able to effectively prevent, manage, and police bullying.

Gains and Interests

- 3.43 Material gain was an important dimension of prison victimisation. Almost everything has currency in prison – paper, clothes, toiletries, mobile telephones, drugs, tobacco, and, as we discovered, even religious texts such as bibles. Prisoners particularly prized property such as tobacco (burn), ‘exclusive shower gels,’ clothes, chains and trainers. Some were keen to line their ‘pads’ with a plentiful supply of material possessions in a manner that mimicked familiar flashy, visually garish displays of consumer success of young criminals (Hall *et al*, 2008). Even in prison, the hierarchy has a consumerist imperative where acquisition and display are regarded as important markers of distinction, as Adam suggested:

“... Like I said it’s the lads who have the nice pads are the ones that are earning it. That’s our circle kind of thing. We won’t rob each other. But if someone comes in and they have nice shower gels, we will offer to buy them off them first, but if they don’t want to sell, then we will rob them. It’s just shower gel to be honest but people see it as being exclusive because no one has got it in here so everyone wants it. People are going to pay £10-15 for one shower gel just because it’s an exclusive.”

In prison, the value of items is increased significantly, so that a relatively small amount of drugs might be worth four times what it is in the community. A tiny amount of NPS, such as ‘Mamba,’ could be sold for £10, and those controlling the trade could be making substantial sums – we were told anywhere in the region of £1000 or more a week. A mobile telephone could easily sell for £100 even if it were an old obsolete model, whereas an Apple iPhone 3G which might attract sums in the region of £50-100 on the outside, would easily guarantee an amount of £500 inside.

- 3.44 It is of course hard to know the extent to which boastful exaggeration was inflating prices, but what was and is certain was that **consumer items were indicative of an individual’s status and carceral social capital:**

Adam:

“In here, you can look at them like say you can tell a lot by your shoes. That’s what girls say but it is something like that. Everyone wants nice trainers ... They just want to have the best. So everyone is just out to have the nicest and best trainers.”

Tyrone:

"Just don't wear prison issue, anything, nothing. From pillowcases to whatever. Just try not to make it prison issue because you get looked at as a tramp in a way. If somebody has got prison issue trainers on, straight away they are going to be judged as either a tramp or a victim because they can't get their own trainers. Some people walk about their hair all over the place, prison issue, everything with rips and holes in it, and I am like, you have just lost all hope for yourself. I take pride in myself and what I wear."

Physical appearance and image formed part of the criteria for assessing another's relative masculinity, social capital and violent capital. Wearing prison issue items was assessed to be indicative of an inability to acquire more desirable items through trading or exploiting others. It also indicated that a prisoner could not keep his own items, that his trainers or clothes had been taken from him, and he was susceptible to victimisation. Officially, prisoners on 'basic regime'¹⁵ were required to wear prison issue clothes however, several prisoners were able to continue wearing their own clothes despite this prohibition, reinforcing these prisoners' power, influence and status, and by extension the inability of others to do the same (also see Chapter 5). A pro-active, vigilant and consistent approach by staff to even such seemingly trivial matters is crucial if attempts to prevent and reduce victimisation are to be effective.

- 3.45 **Whilst victimisation was often motivated by material gain, there were far more critical, non-material interests at stake**, such as power, control, respect and honour. Even when debts remain unpaid, the 'loan shark' acquired other non-materials gains, such as power and control. For example:

Luke:

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

The significance here is that the prisoner, who was on basic regime, was indirectly able to control the behaviour of others, reinforcing their status as a victim. This example is one of a number we encountered. It aptly illustrates the asymmetrical power relationship formed as prisoners borrow from others and are charged high levels of 'interest'. The impact of such behaviour can be significant, causing victims to withdraw from the regime and avoid activities that will bring them into contact with perpetrators (also see Chapter 4).

¹⁵ The Incentives and Earned Privileges (IEP) Scheme allows prisoners to earn or lose 'privileges' depending on their behaviour. The IEP scheme has four levels: Basic, Entry, Standard and Enhanced. Basic regime is the lowest level and prisoners who are 'on basic' have the fewest privileges.

Conclusion

- 3.46 The problem of victimisation is complex, multi-faceted and rapidly evolving. The changing dynamics of victimisation present new challenges and demand a series of reforms, both at a national and local level. Within this context, traditional anti-bullying strategies need to be reconsidered. Bullying is a specific form of victimisation and can, theoretically at least, be distinguished from other forms of victimisation. That said, there has been a tendency to conflate bullying with other forms of victimisation, a problem exacerbated by the operationalisation of a narrow understanding of victimisation and the tenuous separation between violence reduction and anti-bullying strategies. Thus, we suggest that strategies to prevent bullying should be brought within a wider anti-victimisation strategy, which focuses on all aspects of harmful behaviour within the prison environment (also see Chapter 6 and Appendix 1).

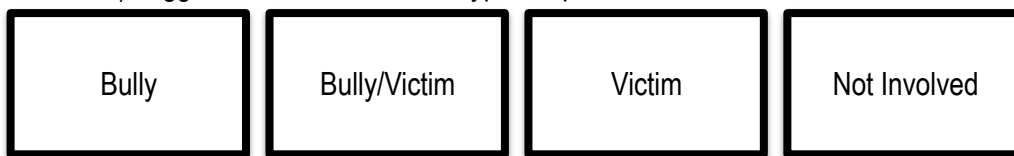
4. Prisoner Roles

"They prey on weakness in here. You try to stay as strong as you can."
(Peter)

- 4.1 Bullying is predatory behaviour, occurring within a context where prisoners quickly assessed the relative strengths and weakness of other prisoners. Much depended on a prisoner's ability to project the right image, achieve status and 'carceral' capital, and to reject attempts to test, exploit and extort them. Failing to 'stand up for yourself' when tested could lead to sustained victimisation and a near permanent demotion to the lower rungs of the prisoner hierarchy. This chapter focuses on the roles performed by prisoners and the ways in which prisoners avoided and navigated the threat of victimisation. Developing a more nuanced understanding of how and in what circumstances prisoners engage in victimisation ensures that the subsequent response is appropriate, effective and proportional.

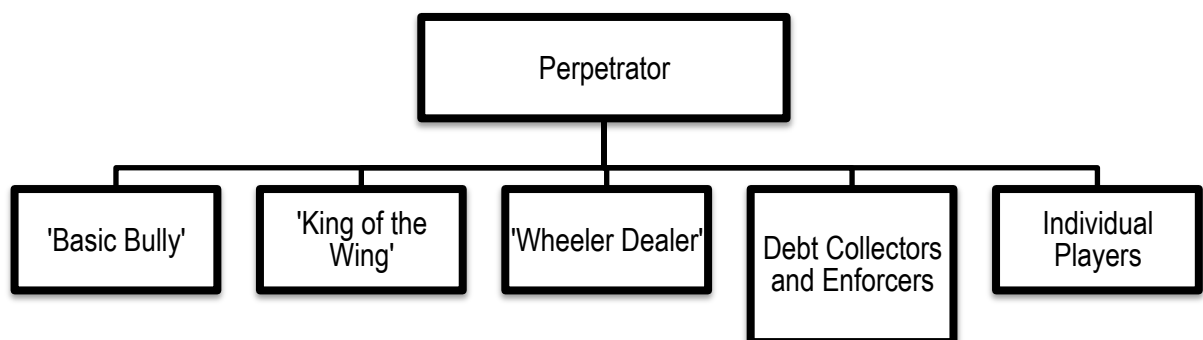
A Typology of Prisoner Roles

- 4.2 In what has become the classic typology of prison bullying, Jane Ireland (2000, 2001, 2002) suggests that there are four types of prisoner:



These terms did not adequately capture the range of behaviour demonstrated in the YOI. Even within these specific categories, behaviour was often far more nuanced than this typology would suggest. Consequently, we propose a revised typology that takes account of the diverse ways that prisoners engage in and/or experience victimisation. There is a degree of fluidity between the various groups. Prisoners could quickly move from being a bully or perpetrator to victim and vice versa. Those prisoners who were 'not involved' and appeared to be 'doing their time' could just as easily be assaulted, assault or fight with others. While we recognise that this typology is inherently limited, it allows us to capture the various roles people play and how this intersects with different forms of victimisation.

Bully/Perpetrator



- 4.3 Since there was so much slippage between bullying and other forms of victimisation, simply referring to 'bullies' quickly becomes inadequate. Consequently, we prefer the word 'perpetrator' to include those who initiated aggression, violence and victimising behaviour. Within this category there are five types of prisoner 'perpetrators.'

Basic Bully

- 4.4 The Basic Bully is one of the most common forms of prisoner perpetrator. His behaviour included common forms of bullying, such as verbal abuse, extortion and the threat and actual use of physical violence. That said, Basic Bullies could just as easily become involved in other forms of victimisation and frequently came to the attention of staff for acts of physical violence and disruptive behaviour. Basic Bullies were often sentenced for offences of robbery and violence, and had previous custodial experiences, often in a secure training centre and/or YOI. They tended to come from the immediate geographical proximity and were well known locally at least. Several Basic Bullies were licence recall prisoners, or only had short periods to serve, which meant that compliance with the IEP scheme was almost pointless as gaining Enhanced status through good behaviour was too time consuming. Basic Bullies were located on normal residential location but often with periods in the CSU.
- 4.5 Basic Bullies were clever manipulators and predatory individuals whose activities were often not entirely dissimilar from community offending behaviour. They often spent long periods of time on basic regime for infractions against prison rules. While notionally such prisoners should not have had access to their own clothes, or earned privileges like televisions, they frequently did so. Their cells were often well stocked with shower gels, food, towels and luxuries. Basic Bullies often displayed 'fat pads' and were extremely blasé about their activities, in one instance lining other prisoners down a spur and demanding canteen items. Interestingly these Basic Bullies featured fairly frequently in IRs, violent incidents (although these were often not necessarily linked to bullying and could be passed off simply as 'fights') and IEP warnings, again suggesting that they were a quite disruptive, cohesive and demanding group for staff and management to deal with.
- 4.6 Unlike earlier studies (Edgar *et al*, 2003; Gooch, 2013), in our research those who were bullying others did not attract the disdain of others. Whilst some prisoners expressed a more general dislike of bullying, those who were primarily responsible for such behaviour still achieved social status and held the respect of their peers. Known bullies were not punished by their peers for preying on vulnerable, weak or small prisoners and their behaviour was largely tolerated (cf. Gooch, 2013). The available literature on prison bullying largely assumes that the bully acts as a 'lone ranger'. However, in our experience, this assumption does not accurately reflect the realities of prison life. Whilst perpetrators may well act alone, they were often affiliated or acting in cahoots with others.
- 4.7 Basic Bullies are opportunistic and exploitative. As a result they require robust and careful management. Basic Bullies were often known to staff but the response was sometimes inconsistent and insufficiently robust, which in turn, allowed the poor, inappropriate and harmful behaviour to continue. Such prisoners need to be challenged in a constructive way regarding the inappropriateness and harmful nature of their behaviour (also see Chapter 6). This can be difficult as often those identified as

'bullies' largely do not recognise their own behaviour as 'bullying.' Bullying behaviour is often seen as asserting or 'using' their 'authority.' For example, two prisoners who were bullying others commented:

Luke:

"I mean I know you can class little things as bullying like walking into someone's pad and taking something. That's not bullying. That's just using my authority. These officers can come in our cell if we have a picture of a bird with their tits out, they can take it down because of their authority but I wouldn't class that as bullying."

Louis:

"I am not a bully. I have taken things off people because they have owed it to me. That is different. I have never just gone into someone's pad and taken stuff. I have been there when that has happened, obviously, my people have done that. If someone comes to me and says send me a shower gel I will give you these two back next week then I expect two back next week. Obviously if you haven't got a double bubble by the end of next week it is going to triple. Then someone is going to get punched up."

It is not surprising that prisoners should want to deflect the label of 'bully.' Such a term had negative connotations, both in terms of how it might be viewed by prison officers and by other prisoners, who largely saw bullying as childish activity. However, the desire to avoid the label bullying served as a way of rationalising, legitimising and neutralising such behaviour, even when prisoners were quite clearly aware of the significant negative impact that such behaviour could have. Thus, simply punishing bullies will be insufficient if more fundamental rationalisations offered by bullies are not addressed or challenged.

King of the Wing – The Emerging Puppet Master

- 4.8 Prisoners used the labels 'King of the Wing' or 'Top Dog' to describe those prisoners who occupied the highest echelons of the prisoner hierarchy. They were typically responsible for running and co-ordinating nefarious trade activities on the wing, most notably, the supply of contraband. For example, when asked how to access 'Mamba,' one prisoner explained:

"You would go to the top dog on the wing. They would sell it to you personally or they would get someone to sell it to you."

The King of the Wing was the most powerful individual on the wing, often afforded status because of their involvement in criminal enterprise, their reputation in the outside community, their physical appearance or custodial reputation. Few prisoners achieved this level of status, power and control. These individuals often had a relatively extensive criminal history, even though that was not always reflected in convictions alone.

- 4.9 The King of the Wing was often the centre of activity during association and other periods where prisoners were unlocked together. Other prisoners deferred to them and were intimidated by them. Due to their elevated position in the prisoner hierarchy, the King of the Wing acted like a 'puppet master' and was able to 'pull the strings' of

others around them, through a blend of either threat or menace or bribery. The King of the Wing would associate with landing cleaners and debt collectors, requiring them to act at their behest to pass items or enforce debts without necessarily becoming directly involved themselves. The King of the Wing also coerced others to assault others on their behalf. Thus, they often maintained a significant but not always seemingly overt or direct role in the dynamics of victimisation. This is not to say that such prisoners did not become involved in physical violence. Indeed, on occasion, the King of the Wing would assault others but when they did so, it was more likely to be serious violence, involve significant injury to the victim and involve other powerful individuals as co-conspirators.

- 4.10 Unlike Basic Bullies, the King of the Wing had an imperative to conceal their activities, and would often, superficially at least, appear compliant and co-operative. They were not always identified by prison security as prominent or emergent nominals – after all it was good for business for them to ‘keep the head down.’ Unlike Basic Bullies, these prisoners were more likely to be on standard regime. Indeed, they were often formerly disruptive prisoners who had settled and, superficially at least, would appear compliant. In some cases, this was because they were taking at least a pragmatic approach to managing what could be quite lengthy custodial terms.
- 4.11 Like Basic Bullies, the King of the Wing requires a robust approach, clear boundaries and consistency of approach. Perhaps more so than any other group of perpetrator, these prisoners will exploit any perceived weaknesses in the exercise of authority by staff and will seek to assume any vacuum of power. It is therefore imperative that officers maintain an active presence on the wing, challenge inappropriate behaviour appropriately and use their authority confidently and legitimately (also see Chapter 5). Whilst the King of the Wing may be keen to conceal their activities, their position in the prisoner hierarchy was easily identifiable. It was also possible to observe whom these prisoners were affiliated with, even across different units. In this respect, effective intelligence gathering and analysis is especially important and can offer important insights into the dynamics of victimisation and how to manage possible security risks.

Wheeler Dealer

- 4.12 The Wheeler Dealer tended to have less peer status than those operating as the King of the Wing but were more likely to be given a position of responsibility by staff and/or promoted to Enhanced regime. This role was often adopted by landing cleaners. This is not to say that all landing cleaners were involved in the *sub rosa* economy, but those that were exploited the freedom and responsibility given. For example, one perpetrator told us:

“Landing cleaners, they go can wherever they want. They can go over to that side, B wing, get whatever they want, pass it through the door, under your door, bring it over here and pass it.”

While notionally the compliance of Wheeler Dealers meant that they were regarded by prison staff as well behaved, they were frequently abusing positions of authority in order to maintain cordial relations with the King of the Wing, the Basic Bullies and the Debt Collectors and Enforcers. The key aspect was that they were involved quite frequently in the ebb and flow of exchanging desired items - be it contraband like pornographic material, games, drugs or more common traditional currency like

trainers, tobacco and shower gel. Wheeler Dealers were less likely to engage in simply overt bullying and more likely to be carefully and deviously 'playing the game.' Of course, without the formal auspice of being able to enforce debts these prisoners were occasionally required to employ retributive vengeance to settle scores of either a business or a personal nature.

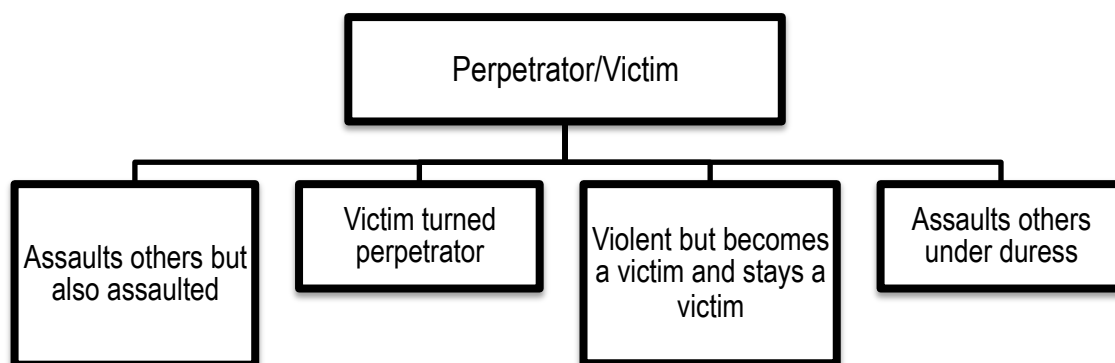
Debt Collectors and Enforcers

- 4.13 Debt Collectors and Enforcers were individual prisoners who had developed a reputation or capacity for violence, either on current or previous custodial sentences. They were often at the epicentre of violent incidents. As a result, they appeared to be central when, in reality, they were perhaps more easily led. Though Debt Collectors and Enforcers were often the biggest and most physically intimidating of prisoners, they usually acted at the behest of the Basic Bullies and the King of the Wing. They tended to be co-conspirators in violent incidents but did not have the power or status to orchestrate prohibited activities, such as the supply of contraband or a planned assault on another prisoner.

Individual players

- 4.14 Individual players were those involved individuals who do not necessarily neatly fit into the categories above, in part because they were experts at making strategic alliances and shifting between roles – usually between being Basic Bullies or Debt Collectors and Enforcers. They attempted to maintain favourable relationships with other prisoners by shifting between these two particular categories in accordance with the ebb and flow of prison life. However, what marked out these individuals is that their latent violent potential and reputation meant that they would not necessarily permanently occupy a core perpetrator role or status, but would rather act in their own self-interest in order to navigate the sometimes turbulent waters of the wing.

Perpetrator/Victim



Assaults others but also assaulted

- 4.15 Certain prisoners were involved in violent incidents as perpetrators but were also vulnerable to retaliation or victimisation by others. Whilst they enjoyed power and status over some prisoners, they were not functioning at the top of the social hierarchy. For example, Richard was assaulted by a group of prisoners in his cell. The prisoners stamped on his head and stole his trainers. However, Richard also assaulted other prisoners with whom he had disagreed. In such cases, being assaulted did not confine

prisoners to a perpetual victim status at the bottom of the social hierarchy. Rather there was a more fluid engagement with victimisation and prisoners just as quickly moved from being perpetrator to victim and vice versa. What appeared to separate these prisoners from other victims was their own capacity for violence but also their ability to interact successfully with others and navigate the social dynamics of prison life.

Victim turned perpetrator

- 4.16 For some prisoners there was a learning process whereby an early experience of victimisation, either during the current or a previous sentence, led them to adopt more violent adaptations to prison life. For example, one prisoner's account in an adjudication hearing was as follows:

"I was on [the Residential Unit] with him before and he bullied me. I saw him by himself on the concourse and thought I would stand up for myself. I knew I shouldn't have done it but it was a spur of the moment thing."

Notably, this prisoner's attempt to 'stand up' for himself was opportunistic and occurred at a time when the bully was alone and could not be defended or protected by acquaintances. Thus, not all attempts to retaliate were as brazen as others and not all prisoners were confident in their own ability to assault others.

Violent but becomes a victim and stays a victim

- 4.17 In these cases, violent prisoners could, in certain circumstances, have a significant 'fall from grace' and find themselves confined to a victim status. For example, we met a prisoner who was frequently involved in fights with his pad mate. However, when his pad mate discovered that he was a sex offender, he was publicly assaulted and had to be re-located to avoid further acts of violent aggression. This prisoner was banished from a peer group within which he had been so closely integrated, condemned to a low social status and vulnerable to further victimisation.

Assaults others under duress

- 4.18 A small number of prisoners would find themselves coerced, intimidated and threatened into assaulting other prisoners. Compelling others to do their 'dirty work' meant that more powerful and controlling prisoners could achieve certain goals – such as sending a signal to disliked prisoners, punishing non-payment of debt or 'putting someone back in line' – without the risk of detection and the sanctions that this might invite. For example, Peter, a known sex offender, was assaulted by Tom but Tom was coerced into carrying out the assault with the threat that if he did not do so, he would also be assaulted.

Victims

- 4.19 Whilst the turbulent dynamics of prison life may mean that the vast proportion of prisoners may find themselves tested or victimised by others, there was clearly a small group of prisoner (approximately 10%) who were subject to more sustained victimisation. In this respect, index offence was important. Of those who were victimised, approximately two thirds were convicted or charged with a violent offence, typically grievous bodily harm with intent or robbery, thus it should not be assumed that

prisoners convicted of a violent offence are unlikely to be victimised in prison. That said, unlike those who might be described as 'perpetrators,' the term 'nonce' had a particular resonance amongst the victim group who typically displayed a greater range of offences, such as criminal damage and motoring offences – offences that were described by their peers as 'petty crimes.' Those whose offences concerned 'grannies' were also viewed as 'nonces,' as were sex offenders. Prisoners were universal in their condemnation of such prisoners:

Adam:

"Sexual offenders and those types of people are going to get it. They are going to get it. People like robbers and stuff like that, if they are in for robbing grannies or old people then they are going to get it as well. But it's not just a particular offence, it is the lower side of things. Like if they have done it to the wrong type of people who they shouldn't be targeting. Then it will come back to hit them hard."

Jack:

"Rape or paedos or any of that sort of thing will get you bullied in here. I will kill them. I will happily do it. All day man, all day. Sick and twisted individuals, that's why."

Although all prisoners who were believed to be 'nonces' attracted the disdain of their peers, it was the sex offenders who were persistently and mercilessly targeted.

4.20 Sex offenders were advised by staff and peer mentors to conceal information about their index offence and offer alternative explanations for their imprisonment. The success with which prisoners were able to do this varied. Those who were also charged with other offences, such as robbery or drug offences, could use this as a 'cover story.' Prisoners with more custodial experience appeared to be able to avoid problems by admitting the charges but saying that the girl had "got it wrong" or that it did not happen in the way she suggested. Notably, Black and Asian sex offenders were better able to interact within the normal population than White, or in one case, Dual Heritage, sex offenders. The latter groups of prisoners were vulnerable, socially isolated and simply unable to confidently convince others that they were in prison for a different offence.

4.21 Prisoners were suspicious of others and newcomers were quickly asked why they are in custody. This could include demands to 'show your [court] paperwork' to prove that you were not a sex offender:

Sam:

"You have to show your paperwork. ... There was one boy last night and they said I want to see your paperwork and all this, and he flushed his paperwork down the toilet and he was telling people through the door that he just flushed it down the toilet so a lot of them don't help themselves. Obviously they go to the officers for support and help to get the sympathy and that but they are not in genuine need and that. Because they have had all that support off the officers that sort of becomes their safe haven. The more they are getting it the more they are relying on it and that's sort of manipulating and playing the system."

Clearly, such demands risked exposure, even if prisoners had previously been able to offer a credible alternative story. Once exposed, prisoners had few avenues for social support. They were largely ostracised and it was not always possible to continue living on normal location.

- 4.22 Prisoners took exception to sex offenders because they often personalised the nature of the offending and suggested that the victim of an offence wholly unrelated to them could have been 'my girlfriend, sister, daughter,' suggesting again that an element of misguided masculinity was an aspect of such assaults.

Jake:

"Obviously that's just horrible. I don't like people like that. It's just horrible. I have got a missus it could have been my missus. If you play with children then that could have been my son. I am not having that. I don't want you in my wing. I don't want it. I could be having a shower on domestics and my pad could be open and you could be in my pad looking at pictures of my kid. I don't want you anywhere near me just go away. Apart from people like rapists and paedos and child molesters, apart from that it doesn't matter what you are in here for."

Robert:

"Nobody likes them. To me that is the lowest that you can get. Rapists, nonces, anything like that, I cannot help but ... I have to say something to them. Imagine – I don't know if you have got a brother or a sister or anything like that – imagine if that was one of your family members, that is how you got to see it. That is someone else's family member there that they have violated. Do you know what I mean? It is bang out of order. What makes them think, "Let's go and grab a kid and do something stupid to it?" I don't even really want to talk about it because it gets me angry."

Two prisoners who had assaulted others offered further reasons why they had specifically assaulted a particular young person. The first believed that sex offenders came to prison specifically for the purpose of being assaulted, representing a very skewed perception of justice and punishment:

Steven:

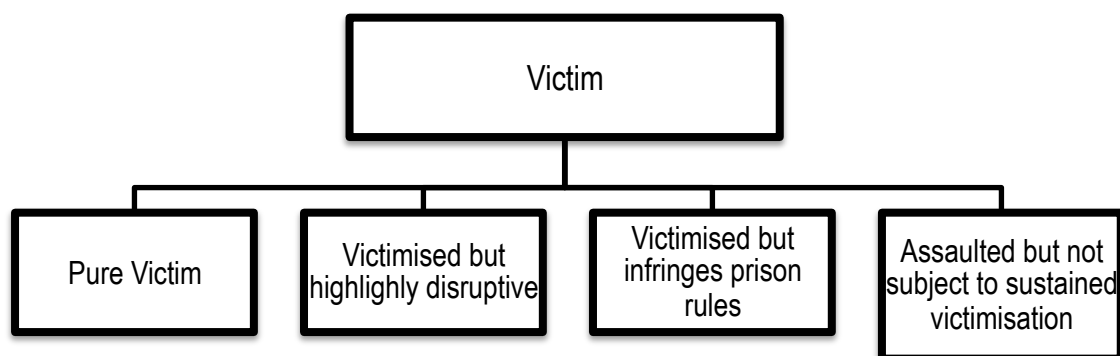
"I'll bang out any nonce, I don't give a fuck. I'll smash their face. That's why they get put in jail, they need it. Done it to loads of nonces, don't give a fuck. I'm living here, next door neighbour fucking kids, disgusting."

The second explained that he had assaulted a sex offender to protect his own reputation. Mark and Tyrone had been cellmates for several months and were often seen together on the wing. Mark had assumed a protective, caring role for Tyrone who had struggled with depression throughout his time in custody and had an open ACCT document at the time of the assault. Unknown to Mark, Tyrone was charged with a sexual offence concerning a minor. It was not until Tyrone appeared in court that his index offence became known by another prisoner who, in turn, informed others on the wing. Mark felt compelled to react out of concern that his own reputation would be called into question:

“He was one of my best mates, one of the proper lads. ... Heart-breaking, heart-breaking because he was a good man, one of my best mates. I looked after him. I backed him on fights and he backed me on fights. I didn’t want to hit him, I really didn’t want to hit him, but I had to, I had no choice but to hit him. I lose my respect on the wing. If I lose my respect on the wing, I’ll be took for a mug by everyone and I’ll start fighting more and I can’t have that. I’m higher in rank here, everyone knows me, I had to keep my name up so I had to do what I had to do to get by. Punched him up and that. Started banging him in his face.”

This example illustrates the perceived importance and potency of notions of ‘respect’ and ‘ratings.’ It is illustrative of the way that acts of violence send ‘signals’ (Gambetta, 2009) to their peers, in this case that Mark would not tolerate what was deemed inappropriate behaviour. The ‘survival of the fittest’ mentality is such that he was prepared to sacrifice even a close friendship to protect his own reputation and prevent his own victimisation.

- 4.23 Whilst Ireland (1999, 2001, 2002b) identified only one group of ‘pure victims,’ we found that the experiences and behaviours of victims varied significantly, ranging from those who were victimised but highly disruptive, those who were victimised but violated prison rules, those who were assaulted and those who could be described as ‘pure victims.’ These distinctions are important since the needs and risks posed to, and by, these types of prisoners vary. Thus, the underlying causes of their behaviour and how it does or does not relate to their experience as a victim must be understood.



Pure Victims

- 4.24 The term ‘pure victims’ is used to describe those prisoners who lack the skills, experience or capacity to protect or defend themselves. They are very unlikely to retaliate, seek revenge or defend themselves against their aggressors. The relationship between perpetrator and the victim is such that these victims feel relatively powerless to prevent incidents from occurring and feel that they have little choice but to acquiesce the demands of those more powerful individuals around them. Pure victims were also unlikely to become ‘bandits’ because they were not trusted to hold contraband. Pure victims tended to be White, lack self-confidence, be relatively passive rather than assertive, resistant or disruptive, demonstrate poor coping skills and were vulnerable in the prison environment. Generally, there was often a link between being victimised and self-harm, and the vast majority of ‘pure victims’ had an

open ACCT document or a recent history of such. Pure victims tended to seek social isolation and withdrawal as a protective strategy. This often served to further entrench their victim status since other prisoners could see that they were too scared to attend education, collect meals or engage in association. Their own behaviour could also exacerbate the problem if, for example, they did not have the confidence to interact with their peers. Moreover, social withdrawal often meant that opportunities to shower were lost, resulting in poor hygiene. Sex offenders would typically become 'pure victims,' this may be because in trying to avoid identification, they tended to avoid social interaction.

- 4.25 In caring for pure victims, staff need to be especially pro-active and vigilant in monitoring and responding to the signs and symptoms of victimisation. Pure victims are far less likely to report their concerns to staff and more likely simply to drift into quiet despair. Their distress and anxiety may manifest itself in self-harm, but they are less likely to engage in behaviour that brings them into conflict with staff. Thus, staff need to ensure they know who prisoners are and be observant and pro-active, following up any changes in behaviour or unexplained injuries in a sensitive way. In this respect, strong staff-prisoner relationships and good 'jail craft' are crucial (also see Chapters 5 and 6).

Victimised but highly disruptive

- 4.26 It was quickly clear that not all victims became the archetypal 'pure victim' and some were very disruptive. For example, John was bullied by other prisoners because he had failed to pay his debts. However, he frequently damaged items in his cell, smashed observation glasses and flooded the landing. This exacerbated his problems with other prisoners, who were quickly irritated by the fact that there was water spilling on to the landing and they were unable to sleep due to his very deliberate attempts to keep them awake at night by being loud and noisy. In this particular case, it seemed that his behaviour was not only an attempt to gain the attention of staff (on one occasion he reported that he knew that staff would come and talk to him for five minutes if he damaged his cell) but also represented an attempt to force his re-location to the CSU, thereby avoiding further victimisation on the wing. In this case, his re-location to the CSU did not afford any status or respect and those prisoners on the CSU quickly chided and condemned his behaviour, which they viewed as infantile and immature.
- 4.27 With victims such as John, the challenge is to see beyond the disruptive behaviour and understand the fears, concerns and anxieties that this behaviour may conceal. Victims do not always feel confident to approach staff to disclose concerns and may discharge emotion, anger, fear and frustration in seemingly inappropriate and unconstructive ways. Thus, it is not always instantly apparent why such prisoners are engaging in highly disruptive behaviour and, therefore, staff need to develop a supportive dialogue with such prisoners to better understand their behaviour. If staff do not engage effectively and simply ignore a prisoner's attempts to gain their attention, the risk is that such prisoners will simply escalate their behaviour until they get the response they want. In seeking to support such victims, the inappropriate or harmful behaviour should not be ignored. Rather, such prisoners also need clear boundaries and consistent messages. Thus, careful case management and cohesive team work is crucial.

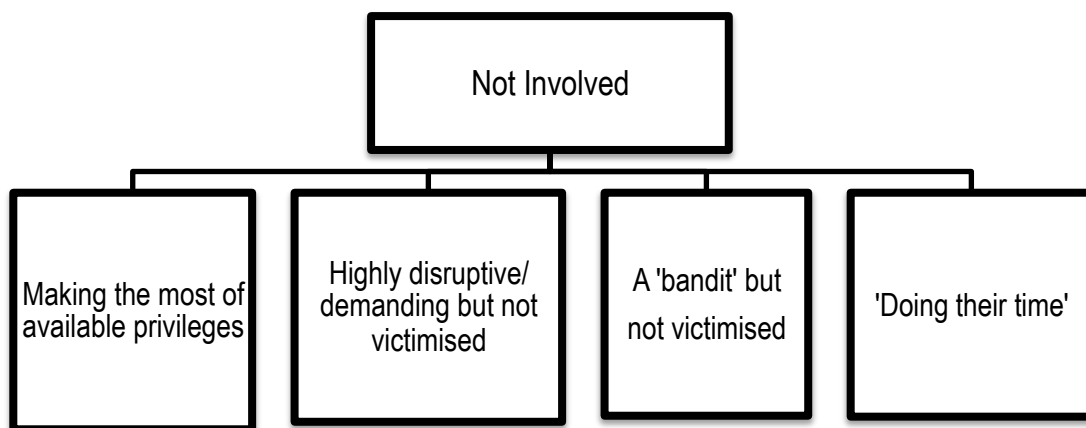
Victimised but infringes prison rules

- 4.28 A number of victims were not highly disruptive as a result of their victim status, nor were they 'pure victims.' Their victim status did not prevent them from acting in ways that infringed prisoner rules. For example, such prisoners may well be involved in holding and trafficking contraband items. In some cases, those who were holding telephones or other contraband items were doing so at the behest of others. In others, their access to contraband was entirely of their own making and so while they were victims, they were also 'bandits' in their own right. The distinction to be made here is between those who are victims but also infringe prison rules for unrelated reasons, and those victims who are only in possession of contraband or involved in the illicit economy because they are being coerced to do so.

Assaulted but not subject to sustained victimisation

- 4.29 A number of assaults could be simple isolated incidents, and in an environment where young men live in close proximity, there were occasions where violence would flare and people would find themselves subject to an episode of violence. Similarly, it was possible for an individual to be subject to a single assault, often these were described as being 'Judas' incidents, sometimes as a form of testing that did not necessarily simply lead to retaliatory violence or other assaults.

Prisoners who are 'Not Involved'



- 4.30 Whilst victimisation was widespread within the YOI, at any one time, the vast proportion of prisoners were not directly involved in victimisation. Over time, a significant majority (approximately 80%) were able to navigate the threat of victimisation and avoid conflict with others. Although such prisoners may engage in the *sub rosa* economy, they did so without become indebted to others or becoming embroiled in violent conflict. Typically the prisoners who were 'not involved' neither occupied elevated positions in the prisoner hierarchy nor were they demoted to its lowest levels. Since there can be a tendency for the most demanding prisoners to become the focus of staff attention, the greatest challenge is to ensure that this group of prisoners also receive staff time, attention and support.

Making the most of privileges

Joshua:

"Obviously the more you do for the prison, the more the prison will do for you. If you want to just keep your head down and play it by the book and then everything comes your way. I mean I've got my board next week for my ROTL so I've just been working for that since the day I come in prison. I've been doing that for nearly eighteen months now."

- 4.31 Enhanced prisoners, Red Bands and peer mentors all enjoyed the additional privileges and greater freedoms. While some such prisoners could exploit these freedoms and fall into perpetrator categories, these prisoners remained uninvolved in bullying and victimisation because they access privileges, enjoy a relatively comfortable time and pass out their sentences basking in the glow of relative advantage. The possibility that they could lose privileges, have time added to their sentence and be re-located back on the more precarious main residential wings meant that they tended to act in accordance with the general rules of the prison.
- 4.32 The reasons why prisoners choose to engage in positive behaviour and actively seek to access privileges and positions of responsibility vary enormously and, therefore, the 'turning point' is difficult to predict. For example, prisoners offered reasons such as parental responsibility, learning that a family member was unwell, the desire for early release and/or ROTL and a belief that non-compliance was futile:

Peter:

"I want to make the most out of my sentence really and do as much as I can. ... If staff asked me to do something, I'd do it. I treat the staff respectfully, I treat people the way I expect to be treated. I am civil with everyone really. ... I didn't have anything to prove. I don't see the point in it. I just wanted to get on with my sentence."

Robert:

"When I was on the phone, I was in education and they got me and I picked up the phone and my mom was on there and she said, "You better sit down, are you sitting down? I have got cancer again." That's it, I said, "Mom, I am never coming back to jail. I am not just doing it for you, I am going to do it for myself."

Joshua:

"Obviously the more you do for the prison, the more the prison will do for you. If you want to just keep your head down and play it by the book and then everything comes your way. I mean I've got my board next week for my ROTL so I've just been working for that since the day I come in prison. I've been doing that for nearly eighteen months now. I am doing it the right way because I have too much to lose. But if I didn't have my daughter and a caring family I probably would but I've got all [the drugs and Mamba] that out there."

Jake:

"Like obviously I try and behave as much as I can because I don't want to get extra days. Like I think if I was to get told you couldn't be released a week

before your kid's birthday because you have been an idiot, so I have to behave and make sure I don't get extra days and make sure I don't get put on basic and try not to get into fights and things like that because if you've got trouble with someone and you fight in the visiting room then they can cancel your visits which would mean I would not see my kid for a while and I am not having that. Just things like that. You have to think more before you act."

Since reasons for engaging with the regime varied, the key priority is to ensure that prison staff are consistently engaging in the kind of conversations that instil hope, that point prisoners to the available opportunities, that encourage them to engage in behavioural change and that prisoners are able to access the support and opportunities that allow them to change. The message has to be consistent and repeated.

Highly disruptive/demanding but not victimised

- 4.33 Being disruptive and difficult was not always indicative of the fact that an individual was bullying or being bullied. There were prisoners who could be problematic and demanding without necessarily conforming to either perpetrator or victim type. Some prisoners admitted to being disruptive as a means to simply getting what they wanted or as a means of marking themselves out. One prisoner who arrived at the institution directly from being street homeless told us that he had embarked on a policy of being deliberately violent and disruptive from the very outset to ensure that he was kept apart from others and largely did not have to interact with a wider group of prisoners. This strategy was largely successful because the prisoner continued to represent a significant threat to himself and it was too great a risk, both to his own safety and that of others, to place him on normal location.

A 'bandit' but not victimised

- 4.34 Early in the research, we were told that prisoners who were mobile telephone, drug or TV 'bandits' were coerced to hold and traffic such items for other, more powerful individuals. We did find examples of this, but we also found just as many examples of prisoners who were simply holding contraband for their personal use. Indeed, one prisoner whose name was given to us as a potential perpetrator, had very little involvement in victimisation and simply trafficked contraband for his own personal use. He was relatively prolific in doing so and was found on six separate occasions with telephones. Putting the prisoner on closed visits quickly curtailed this behaviour. Such prisoners seemed to have found a way to navigate the contours of everyday life and were only extremely tangentially linked to bullying.

'Doing their time'

- 4.35 Many of those prisoners who were not involved in victimisation had made a decision to 'keep their heads down' and 'get on with their time'. They were neither involved in victimisation (and other nefarious activities) nor actively seeking to gain additional privileges and freedoms. These prisoners did not engage in behaviour that would identify them as a potential victim nor were they particularly well connected with more powerful individuals on the wing. They were generally compliant, tended to remain on standard regime and infrequently disruptive. Of all prisoners, those who were simply 'doing their time' tended to fade into the background.

How Victimisation Begins

- 4.36 Prisoners were tested on arrival to establish whether or not they could be coerced to hand over property and canteen. This testing largely involved a prisoner making demands to see if the potential victim would acquiesce. If the prisoner handed over the property, this identified them as a “nerd” and an easy target:

Chris:

“They will just come into your cell and say you owe me money for this and that to see if you will try and fight with them. If they think they can have you off or whatever then they will try it and try it and try it. They will try and get you to become a victim or something. It was the first day [on normal location]. That’s how bad it got like that on the first day they come in your cell.”

While it is clear that some individuals can ‘front out’ such attempts to test them, those prisoners who were most vulnerable or struggling to adjust to prison life were expected to be confrontational and unyielding at a time when they were potentially at their most anxious and fearful.

- 4.37 New prisoners unfamiliar with prison life may fail to recognise the subtleties of the social cues and devices used to test them. For example, Jack gave a small amount of tobacco to a high status prisoner who simply asked him for it during an association period. Being new to the prison environment, he failed to differentiate between the rules on the street (where if someone asked him for a cigarette he would give them one) and the rules in custody where such a request actually represented to a type of testing. The second time he was asked, he did not supply the item quickly enough (even though he was willing to do so) and was assaulted. It was at this juncture that he realised his friendly act had been misinterpreted as a sign of weakness and he recognised that he had failed to make the transition from the outside to custody where friendliness could quickly be misinterpreted as a sign of vulnerability. It is also a useful illustrative example of the calculated and parasitic thinking exhibited by some at the higher echelons of the prisoner hierarchy.
- 4.38 The ability to ‘stand up for yourself’ in custody is complex. An individual’s place within the prisoner hierarchy is based at least in part on perceptions of their latent violent potential and carceral capital. Individuals who are seen as potentially threatening, forceful, or connected (by virtue of their prison history, their offence type, their street reputation or their family and peer connections) are left alone. In contrast, if someone is regarded as naïve, sensitive or passive (due to their lack of custodial experience, physical appearance, their docility, their willingness to comply) they face the potential of being quite ruthlessly exploited. For some prisoners, the ability to stand up for oneself is tantamount to a willingness to use violence, and we certainly encountered a number of incidents where a prisoner was involved in an isolated incident of physical violence to then largely conform with the rules. It was therefore clear that on some occasions, violence was used as a means of proactive self-defence, a point made by Damien:

“If someone comes up to you to beat you up you can think what is going on here? If the first time someone comes to you and you let your guard drop even a little bit someone is going to see. The best thing to do even if it does end up getting yourself a few bruises or a few scratches is to always play that front.”

Even if you're a person that doesn't like to, you have to always play that front. I always say that."

Of course, the problem here is that in 'sticking up for themselves,' it is easy for prisoners to find themselves in conflict with those testing them. Fighting with another prisoner is a disciplinary offence which means that there is no effective scope for self-defence (unlike in the community) if a prisoner is attacked by another prisoner.

- 4.39 Those who were vulnerable, who were weak and in large amounts of debt were at the lower strata of the prisoner hierarchy and, furthermore, were believed to have brought their fate upon themselves:

Steven:

"Don't be a donut. Don't let people talk shit. There are donuts here. It's their own fault if they don't stick up for yourself."

Jake:

"If you allow yourself to be victimised then you are going to be victimised. ... If you crack then it's going to repeat. It's fucked. If you crack in the first hurdle it's not good. You are not going to last very long."

Sam:

"If you don't confront someone when they are saying something, it is a sign of weakness and then you will be labelled as a victim so then they bully them people. If someone says something to me, I am confrontational - "Who you talking to?" - I stick up for myself."

Joshua:

"It's if someone says to you they are going to knock you out and you stay quiet. In their head, then they have won. They are more dominant than you. It's weird. It's like we are animals. Everyone fights to become the alpha male. All full of testosterone."

Prisoners largely took the view that those who were being bullied could not 'stand up for themselves' and had 'brought it on themselves'. Even amongst Enhanced and privileged trusted prisoners who were mentors or listeners, such victim blaming was still evident:

Robert:

"If the person is asking to be bullied, if he is there not coming out of his pad, not going for a shower, it is going to make him look vulnerable so... It does happen, it happens in any prison."

Prisoners largely accepted the inevitability of the prisoner hierarchy and victimisation. Blame is attributed to the victim for their own victimisation. It is not the act of testing each other, or the harmful behaviour that was initiated that was called into question, but the individual deficiencies of the victim who was then largely seen as responsible for their own victim status. These 'techniques of neutralisation' (Sykes and Matza, 1957) were self-serving and served to sustain the culture of violence, exploitation and victimisation.

Signs and Symptoms of Victimisation

- 4.40 In attempting to develop a comprehensive understanding of the dynamics of prison bullying, we were able to identify a number of traits, signs and cues which are potential signs and symptoms of bullying behaviour. While none of these signs should be taken alone or together as wholesale evidence of bullying or victimisation, it is clear that they can assist officers in identifying those who might be instigating or experiencing victimisation.

Signs of Involvement in Victimisation



Fat Pads

Steven:

"My pad's fat. I love it. Foreign gels, exclusive. Paid top prices for them. You can only get shit gels here. I've got a stereo, had a PlayStation, got my clothes, my food. I never go without."

- 4.41 Prisoners used the term 'fat pad' to denote those cells where occupants engaged in a process of conspicuous consumption and display of desirable items. In many ways, these sort of practices mimic conspicuous consumer capitalism of wider society and prisoners were afforded a degree of status dependent upon what they possessed (also see Chapter 3 above). For example, shower gels would be stacked neatly ten deep in

rows, as well as bottles of coca butter, breakfast cereal packets, packets of noodles, tins of tuna and cartons of juice. In addition, trainers, clothing, towels, posters and pictures of cars – almost anything that could mark the individual out as possessing more than others – served a symbolic function of demarking the individual as a success. Notably, prisoners bought items simply to display them in their cell rather than because they derived any pleasure from consuming such items. For example, a prisoner stacked ten boxes of a particular brand of biscuits even though he disliked the taste of the biscuits and had no intention of eating them. Items were displayed in neat, carefully lined and stacked rows. This ordered display served the function of showing all too clearly exactly what was where. It also ensured that the 'pad owner' would quickly be alerted to anything out of place or missing.

Possessing someone else's property

- 4.42 While it might be fair to say that there may always be a difficulty in keeping track of an individual's property when young men live in close proximity, it was also clear that the general climate of the residential wings was not one where the amount of property held in a cell was monitored or questioned.

Disproportionate amount of canteen

Sam:

"You can see who the bullies are. They are always the ones with loads of stuff in their cells. That's from getting it from other people and bullying other people for their canteen and stuff. What they do is they fill out their canteen sheets, give it back to the prisoner and then that prisoner will hand that canteen sheet in."

- 4.43 Many instances of victimisation contained an instrumental driver. In particular, victims were targeted by perpetrators driven by an acquisitive and instrumental motive. Linked to the symbolic display in fat pads was a competitive consumerist ethos, where access to any limited items was regarded as an important marker of status for some. We encountered several perpetrators who had no access to finance or spending money, yet always managed to acquire a large amount of canteen. Perpetrators were seemingly not spending, but were always flush with luxuries, and when this happens it is notable and it is not conducive to turn a blind eye. Although there were also instances where staff detected this and intervened or recorded suspicion, this was not always the case.

Passing notes, wires, canteen and contraband

Sam:

"I mean they send tissue out of the windows, drop it out the window and make a line to pass notes across. It's like I'll give you half a burn if you smack this person and they do it as well. Especially people that don't have a lot of money so they can't buy things on canteen and that."

- 4.44 Those involved in victimisation are highly visible in the general 'ebb and flow' of the prison as those passing items. In particular, being involved in these activities marked someone as likely connected to the 'lads'. That this was happening was not hidden or silent, but rather was recognised by prisoners and staff. That said, there were

disparities between what was commonly known on wings and landings and what was commonly recorded in official records. Furthermore, it was immediately obvious that such activities were especially prevalent, for example, during domestics and association and simply observing life on the wing allowed us to identify when such activities were taking place and how this could be linked to bullying.

Misuse and/or unusual use of canteen sheets

- 4.45 Linked to the above is the fact that perpetrators not only wanted canteen items, but would sometimes orchestrate this by demanding and completing the canteen sheets of other prisoners. There were examples where staff saw this, intervened and gained the trust of prisoners who were being bullied or discovered important information about indebted prisoners.

Crowding around particular cells

- 4.46 It was noticeable that some cells linked to outdoor spaces could become the focus of a particular flurry of activity during evening association periods. The nature of this meant that even prisoners supposedly on basic regimes could be part of the trade and informal economy of wings, they could still bully, exchange items, issue threats and edicts when notionally at least they were subject to some form of exclusion. However, the fact that this happened so openly again shows that there is a great deal of information that can be gathered simply by observing and watching the dynamics of the establishment. The fact that by using a range of conversations, interviews and observations we, as researchers, felt comfortable in speaking authoritatively about who the perpetrators were is indicative of the fact that the issue of bullying and victimisation is, to a limited extent overt. There supposed code of silence around bullying within the prisoner group is not as entrenched as might first be believed and prisoners are willing to speak about who is perpetrating bullying and victimisation of others if such issues are handled sensitively. **Thus, the issue of bullying and victimisation more generally is, in many respects, as open and overt as staff choose to make it.**

Other prisoners defer to them

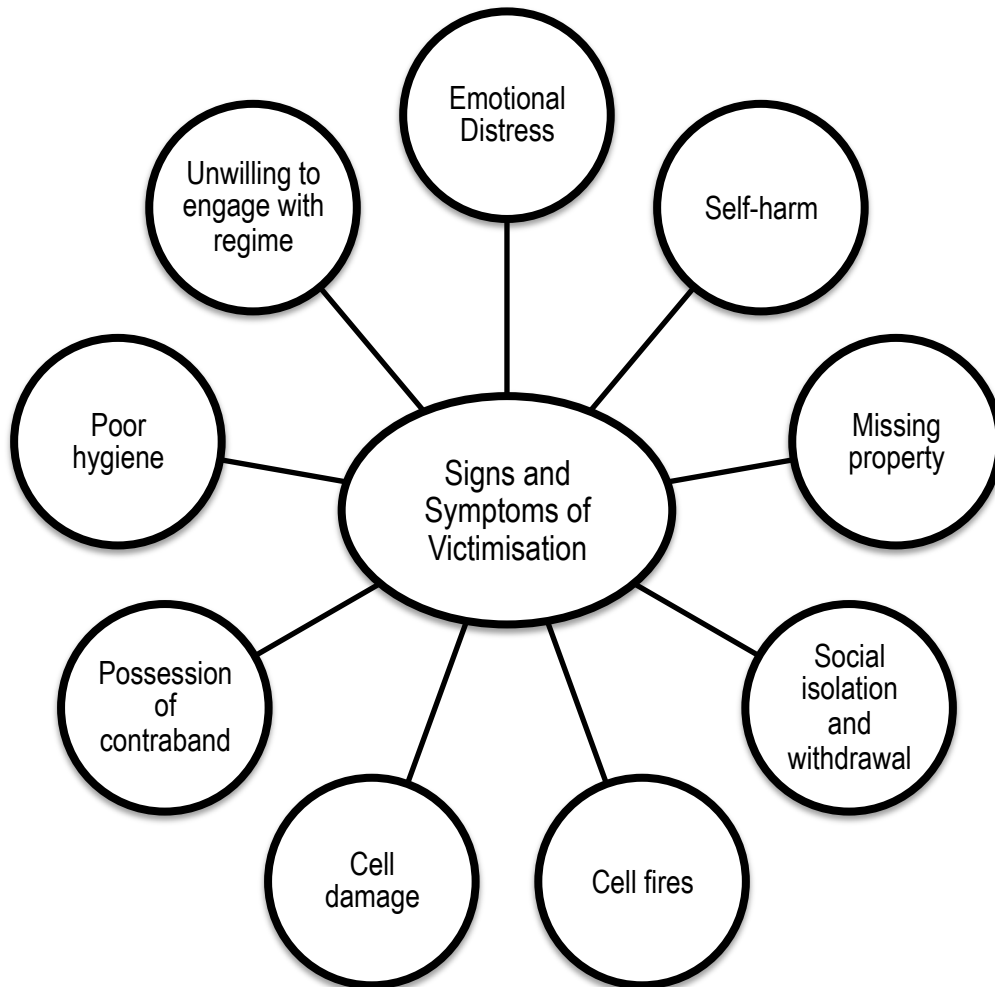
- 4.47 The prisoners involved in bullying were often at the centre of social interactions at and around residential units. Again, this reinforces the above point, that by being alert to what is going on, watching, listening, interacting and talking to prisoners, it is possible to build knowledge about the culture and dynamics in terms of the distinct and diverse ways that prisoners live and interact while in the establishment. Associations are visible and observable, and again, staff knowing the prisoners, and forming positive relationships can be a vital part of the management of safe, decent regimes.

Assaults others / Coerces prisoners to assault others

- 4.48 Not all bullies and perpetrators were willing to 'get their hands dirty' and some were active in recruiting others to assault prisoners on their behalf. When this happened, the victims were not always keen to identify bullies but awareness of the dynamics of the wings and the location of high profile and powerful individuals on certain locations could generate the kind of background information that would allow for identification of those instigating such assaults.

Signs of Victimisation

- 4.49 Like those who were active perpetrators, the conduct and appearance of victims could offer cues about their victimisation even when they did not actively disclose such concerns. In this respect, we identified the following signs and symptoms:



These signs and symptoms were frequently demonstrated by those who were experiencing bullying and often several signs and symptoms existed in conjunction, so those being bullied would appear socially isolated and withdrawn, be unwilling to go to education, or refuse to shower. That said none of these factors taken either individually, in combination or as a whole, are *necessarily* evidence that an individual is being bullied. Young men in a prison environment are complex. Sometimes they are difficult and challenging, sometimes they are very vulnerable, and the ability to adapt to a custodial sentence will undoubtedly vary. Many prisoners who are not being bullied will display (some of) the same signs. Nor are we suggesting a simple cause and effect relationship whereby those who are being bullied will necessarily display these symptoms.

- 4.50 However, with these caveats in mind, it is possible to recognise where and when bullying is occurring if staff are attentive to the signs, questions are asked and an atmosphere of trust exists so those who do feel victimised are able to confide in

someone (also see Chapter 5). On several occasions we were able to identify victims by attending association periods and seeing which prisoners had not come out of cells. With a little support, the same prisoners would often reveal a lot more about the specifics of prisoner-power dynamics on wings and in residential units, as well as their concerns for personal safety.

- 4.51 Adopting a pro-active approach is not only important in terms of ensuring that incidents of victimisation are identified quickly and measures are taken to ensure that prisoners are safe, but it also ensures that victims do not become entrenched in a pattern of behaviour that serves to confirm their status as victims. Social withdrawal and disengagement from the regime was often seen by victims as a way to mitigate the level of risk and limit opportunities for contact with a possible perpetrator(s). However, the more victims engaged in these protective strategies, the more other prisoners believed that they were vulnerable to victimisation. For example, when describing victims, prisoners commented:

Aidan:

"People who don't shower, people who don't keep their cells clean. If you see how they come out and they look trampish and stuff, people tend to get bullied man."

Luke:

"He cuts himself. This geezer is lost. He doesn't come out of his cell anyway. All the officers know that he is a marked man. He just stays behind his door."

Jermaine:

"We don't smash up our cells. That's what we call nerds that smash up their cell and that. But if you are a nerd yeah, you can't really help nerds. You just can't really help them."

Social isolation was a somewhat effective strategy in terms of addressing the immediate risk of harm since prisoners could avoid physical interaction with others. This did not, however, mean that verbal abuse, threats and intimidation also stopped. It was also hard to sustain self-imposed withdrawal for an indefinite period of time and, unless the victim was moved to the SLU, it was only a matter of time before they would meet the perpetrators again.

- 4.52 Victims who opted to spend long periods of time in cellular confinement inevitably experienced a deterioration in their emotional and physical well-being. For example:

Chris:

"You feel alone. Given my upbringing and my past, I hate being alone. It is the worst feeling for me ever. Like being alone, feeling like you have got no one."

Perpetual social isolation meant that the prison life increasingly felt more, not less, overwhelming and rarely did such withdrawal resolve fears for personal safety. Those fears still existed, and often anxiety increased, even if prisoners knew that others could not gain immediate physical access to their cell or to them. Choosing to remain in a cell whilst other prisoners were unlocked for showers, association and telephone calls meant that victims were often unable to contact their family members, further reducing

opportunities for emotional support. Thus, responding quickly to the emerging signs and symptoms of victimisation has important implications for a prisoner's health and well-being.

Similarities between Perpetrators and Victims

4.53 It is tempting to see perpetrators and victims as essentially different kinds of prisoners, or to assume that only victims are vulnerable in the prison environment. However, our research demonstrates that there is significant overlap in the needs and vulnerabilities of perpetrators and victims. This is most notable in relation to prisoners with one of the five following characteristics:

1. Disability;
2. Experience of local authority care;
3. Experience of juvenile custody;
4. Experience of violence, loss, trauma and abuse (both historic and recent); and,
5. Emotional and mental health concerns

Typically, those prisoners who self-reported a disability disclosed concerns such as depression, ADHD and Asperger's Syndrome but it was not always clear that this information was taken into account in terms of making reasonable adjustments regarding work, education and other activities. Nor was it clear that officers were aware of who had reported a disability, how this might affect their behaviour or what support they might need. However, disabled prisoners were often over-represented on the SLU, in adjudications and in the use of force. Prisoners with disabilities were also just as likely to be perpetrators as victims. The same was true of the second category of vulnerable prisoners: former care leavers.

4.54 Former looked-after children often transitioned to adulthood with few stable relationships (and consequently, little family support in custody), little continued local authority support and disrupted childhoods. When they had begun to re-establish relationships with parents, this was often marked with anxiety, fears of rejection and on-going feelings of abandonment. Again, it was not always clear whether staff were aware that certain prisoners had previously been in local authority care or why such prisoners may present with particular needs or vulnerabilities. Such information was often available on NOMIS but this did not translate to individualised support. Much greater understanding is required amongst all staff regarding the needs presented by disabled prisoners and former looked after children.

4.55 The significant trauma, rejection, bereavement, violence, loss and abuse that young prisoners had experienced, often at a young age, continued to frame young prisoners' lives well into adulthood. Young prisoners continued to struggle with family relationships, feelings of rejection and abandonment, and the loss of family members and friends. We were struck by one prisoner's comment that "*everyone in prison has scars,*" which neatly described the reality that many prisoner's lives were marked by tragedy and few had really begun to come to terms with these experiences. Loss had often become a routine feature of their young lives, with several prisoners experiencing the loss of parents, grandparents, siblings and their own children whilst in custody. It is impossible to conclusively say how these experiences shaped young prisoners' behaviour in custody, but it was certainly the case that some prisoners saw violence,

self-harm and arson as ways of managing their distress and anxiety and often what appeared to be unrelated prison behaviour was connected to these broader events.

Recommendation:

All staff should undertake training regarding the specific needs of looked after children and disabled prisoners and how this may relate to their vulnerabilities and behaviour in custody as well as what support might be required. In addition, training regarding mental health needs amongst adolescents should also be delivered.

- 4.56 Whilst prison staff can undoubtedly play a significant role in providing care and support for prisoners, there may well be circumstances in which the needs of the prisoners are beyond that which an officer or chaplain can reasonably be expected to address and specialist support may well be required. At present, and for reasons beyond the control of the YOI, such specialist support is somewhat limited. However, the risk of overlooking such issues is that they not only continue to frame a prisoner's adulthood but they also impact on their ability to parent their own children. Even at the young age of 18-21 years old, prisoners were already facing separation from their own children as care proceedings were initiated whilst they were in custody. Thus, experiences of local authority care quickly became generational and this only added to the loss experienced by prisoners at a time when they were powerless to effect any change.

Recommendation:

Specialist support should be made available for prisoners with unresolved and/or recent experiences of trauma, loss, abuse and bereavement. We recognise that this may require national support and investment but the absence of such services is a significant gap.

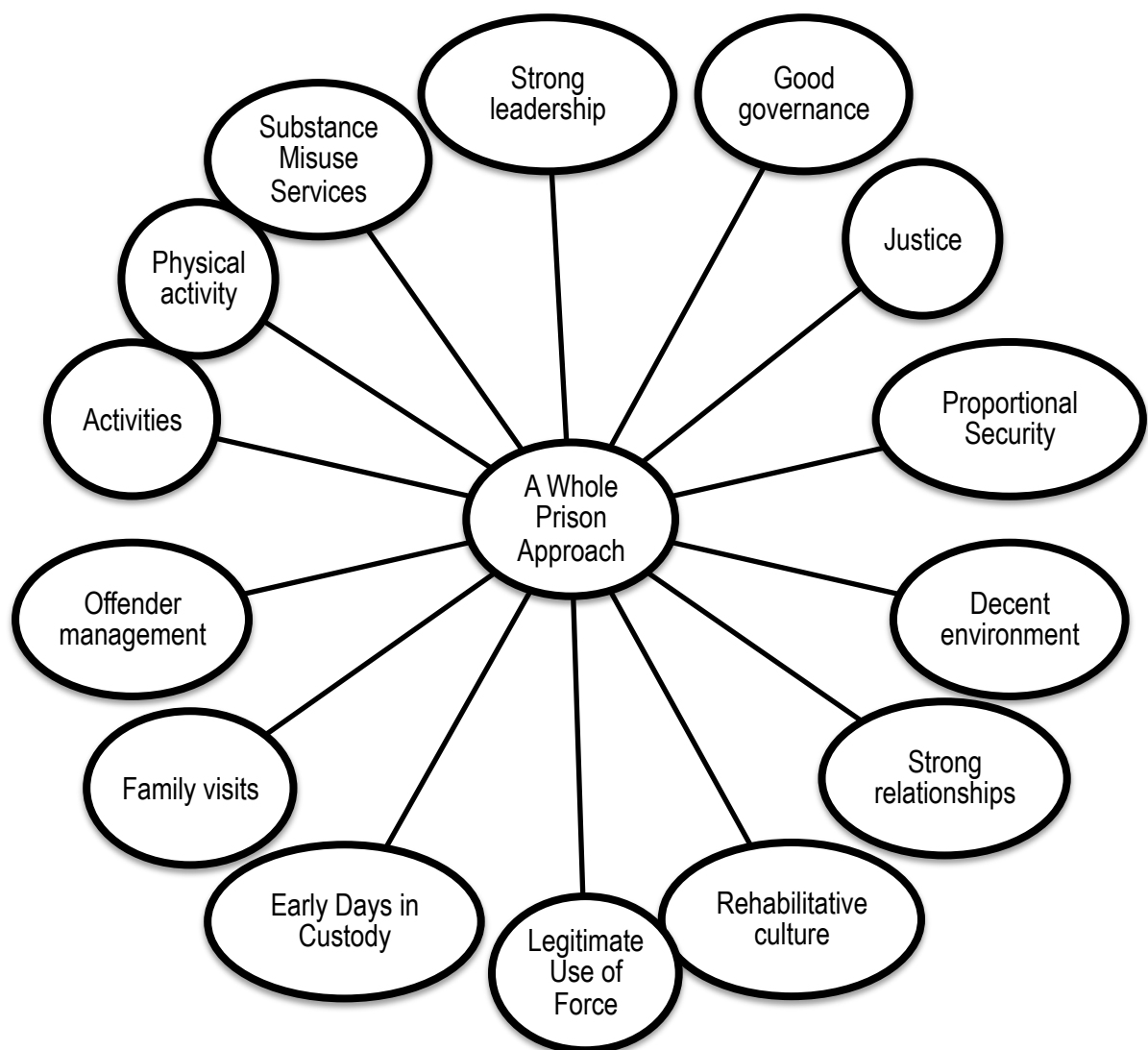
Conclusion

- 4.57 The way in which prisoners avoid, experience or engage in victimisation clearly influences their position in the prisoner social hierarchy. A certain amount of carceral social capital is necessary to avoid the possibility of sustained victimisation. Those prisoners who were demoted to the lowest positions in the prisoner hierarchy and labelled "*nerds*" and "*nonces*" were often persistently targeted. Classic typologies of prison bullying are unduly narrow and no longer present an accurate representation of the ways in which prisoners engage in and experience bullying, or indeed victimisation more generally. Such typologies need to take account of the diverse roles played by prisoners and the homogenous ways in which they behave in the prison environment. Accurately understanding how individuals behave and the circumstances of their involvement in victimisation is key. Responses to victimisation will only be effective if consideration is given to individual needs, circumstances and factors.

5. Preventing Victimisation: A Whole Prison Approach

*"[Bullying] happens in every jail. You are never going to be able to cut it out completely but you can try and make it as little as possible, minimum amount."
(Peter)*

- 5.1 High levels of victimisation are not inevitable. However, reducing the frequency and prevalence of victimisation, as well as the persistence with which some perpetrators harm others, requires a whole prison approach. There is no 'magic bullet' or single solution that will address the problem. Victimisation does not occur in isolation and both the causes and the required responses are multi-faceted and intertwined. Although the notion of a 'whole prison approach' is not new (see HM Prison Service, 1993; O'Donnell and Edgar, 1998; Ireland, 2002), the available literature fails to consider how this whole prison approach should be developed or, indeed, what the key structural, environmental, operational and relational elements are. This chapter seeks to address this gap and explore how a 'whole prison approach' might be fostered.



Strong Leadership

"Everything rises and falls on leadership." (Maxwell, 2007)

- 5.2 A whole prison approach to victimisation requires, and depends on, strong leadership. This is not to say that there is a causal relationship between the quality of an establishment's leadership and the frequency and severity of the violence that occurs within it, but, the values, principles and approach of the Governing Governor does shape the ethos and culture of an establishment, and crucially, what happens within the establishment. As Liebling argues:

The role of governors in shaping the quality of prison life is crucial ... Their abilities, interpretations of their role and the values they bring to it influence life in an establishment to a very significant extent. (2004: 376-7)

The Governing Governor sets the tone, establishes vision and future strategy, as well as where the boundaries are in terms of both staff and prison behaviour, what is appropriate and what will be tolerated (and not tolerated). In terms of victimisation, the Governing Governor's views on segregation use, special accommodation use, the conduct of adjudication hearings, the use of situational controls and the use of force will all shape how incidents are addressed, as will their underlying values about the importance of decency, relationships, respect and rehabilitation. How that vision is communicated to staff and how a Governor coaches and mentors his/her senior leadership team are all important because ultimately, it will be the custodial managers and duty governors who will often be using their judgement and discretion to make decisions when alarm bells sound. In this respect, small details matter. These include: how the morning meeting is conducted; what information is conveyed and how that information is considered; what questions are asked; how each day is de-briefed; how incidents are reviewed; and, what decisions and behaviours are rewarded or challenged.

- 5.3 Strong moral, principled and visionary leadership has to be accompanied with 'operational grip.' Operational grip begins with the Governing Governor and the SMT. Both the Governing Governor and the SMT more broadly need to have oversight of what is happening 'on the ground' and the ability to respond effectively. **'Operational grip' is not synonymous with an overtly punitive or authoritarian approach, or indeed a disproportionate emphasis on situational control. Rather 'operational grip' denotes a clear grasp of the often fluid and changing dynamics and rhythms of prison life.** Since residential units largely function as small communities, with often quite significant differences in the population, 'feel', strengths and challenges of the unit, maintaining central oversight of the establishment as a whole, as well as knowing the condition of the units, is a key element of operational grip. Moreover, how and when a Governing Governor adopts a 'command role' (Bryans, 2013) in response to concerns about safety and security is critical. During the course of the fieldwork, we observed three occasions where the establishment in whole or in part was 'locked down,' but this was always short-lived and in response to significant threats to safety and security. We observed a confident use of authority and the competent assessment of risk, both in discerning when to 'lock down' and when to lift restrictions. This had an important communicative function, both to staff and prisoners. It powerfully demonstrated that safety and security were seen as fundamental priorities, that certain behaviour and risks would not be tolerated and that it was the

SMT, and not the prisoners, who were in command and control of the establishment. Returning to normal as soon as possible also conveyed a confidence in the ability to maintain governance and order and prevented prisoners becoming frustrated and aggrieved by the restrictions applied.

- 5.4 In order to prevent victimisation, there must be a clear drive to create a safe, secure and decent prison and an understanding of how to balance these priorities, which is exactly what we encountered. When serious incidents did occur, or when particular prisoners were either putting themselves or others at significant risk of harm, we observed strong decision making and principled leadership from the SMT. Such incidents were well managed by the SMT who thoroughly investigated and carefully considered the required response. Decisions which balanced care and control considerations were always framed with due regard to safety, security and decency, the use of segregation was limited and confinement in the CSU was relatively rare and infrequent, and used only as a last resort.

Relationships

- 5.5 Strong staff-prisoner relationships are central to, and underpin, a whole prison approach to prison bullying and victimisation. It is a well-quoted maxim that staff-prisoner relationships are at the heart of 'what matters' in prison (Home Office, 1984; Liebling, 2000, 2004; 2011a, 2011b; Liebling *et al*, 2011a, 2011b; Crewe, 2007; Sparks *et al*, 1996). Previous research suggests the quality of staff-prisoner relationships has a discernible impact on prisoners' well-being, their perceptions of safety, prison social order and the extent to which prisoners perceive their incarceration to be more or less punishing and/or painful (Liebling, 2004). 'Right' staff-prisoner relationships have been identified as those that find an appropriate balance between formality and informality, which involve professional, respectful treatment and the appropriate use of authority by officers (Liebling, 2011b, Liebling *et al*, 2011a). When relationships are 'right,' not only is it possible to prevent victimisation, but when victimisation occurs, the response is swift and appropriate, victims are supported and the behaviour of perpetrators is addressed in constructive ways.
- 5.6 It is largely assumed that victims will not come forward to disclose their concerns for fear of retaliation and being identified as a 'grass.' Whilst this remains true for a sizeable majority of the prisoner population, it is possible to foster an environment where more prisoners will come forward to report bullying, but they will only do so if they believe they can trust officers to take their concerns seriously. In this respect, demonstrating a willingness to 'get things done' is particularly important. Officers who are willing to offer practical assistance and 'get things done' – that is, those who are 'present,' 'active' and 'engaged' – instil a faith and confidence in prisoners:

Sam:

"You pick out certain officers that are genuine and are good and everything. You basically stick with them. You build your trust and bonds with them and then if you have any problems or issues you go to them. They will help you."

The willingness of officers to respond to basic requests, such as supplying toilet roll, could form the backdrop against which victims made decisions about whether or not they could discuss concerns about safety. Thus, the little details matter.

- 5.7 Knowing who prisoners are, where they are located, what regime they are on and whether or not they have, for example, refused to come out of their cell for meals, association or education, are details that allowed officers to identify those in need of support, those at risk and any potential 'flash points.' Proactive officer work is needed to ensure that the signs and symptoms of victimisation are followed up and investigated appropriately. How and when questions are asked is just as important as asking them in the first place. For example, staff are unlikely to receive a candid and frank response if a prisoner is asked such questions in front of their peers. Thus, staff need to be sensitive to such concerns and ensure that they act to mitigate the possibility of harm. Investing in relationships will enable officers to have the kind of intelligence to enable them to act proactively rather than reactionary. We encountered some excellent examples of proactive practice amongst prison officers that we are certain, in all likelihood may well have prevented a nasty spiral of violence and some form of future victimisation.
- 5.8 Officers must be prepared to use their authority appropriately and legitimately. Prisoners want staff to exercise control and, generally, do not want prisoners to have more power than officers (also see Crewe *et al*, 2014). The perceived absence or reluctance of staff to intervene has a negative impact on the safety and security of the establishment. If rule violations go unchallenged, prisoners tend to believe that they held the power, control and 'authority' on the wing and that they were beyond the reach of prison officers. This can lead to a perception amongst others prisoners that officers are intimidated by them which, in turn, limits the likelihood that victims will feel comfortable disclosing any concerns. This can occur in very subtle ways. For example:

Tyrone:

"Every time I go to servery I get a nice, nice meal, yeah? And I went there the other day and there was a new boss, he didn't know me or whatever and he said, "You can't have that, you have what everyone else is having..." So I just put my plate down and walked over to the old boss and said, "Listen, I am going to have to fight him. I mean, he is taking the piss, he is not giving me the right food. And he is telling them I can't, I can't go mad at the servery lads because he has told them that." My problem is with this boss directly. So they sat us both down in the office and they said some shit about, "Oh we are trying to work with Tyrone, he is a good lad... He just gets angry quick." He understood. I got my food."

It was fairly common for portion sizes to vary depending on who prisoners were, their relative status in the prisoner hierarchy and their extent to which they had forged friendly alliances with servery workers or other prisoners on the wing. Those who were deemed to be vulnerable, weak or who were not well connected were either given the prescribed amount of food, or in some cases, given no choice over the meal they were given or the amount of food. It is difficult to assess whether staff were truly complicit in Tyrone's attempts to secure extra quantities of food, but the quote above powerfully illustrates just how easily the dynamics of power can be subverted. The extent to which some prisoners are given greater portions may appear relatively trivial but it further emphasises the distinction between the 'haves' and the 'have nots' and communicates to the wider audience that staff are prepared to tolerate, if not endorse, the exercise of power by some prisoners. Those prisoners who enjoyed the subversion of authority

were those who benefitted from the ability to self-police and enjoyed the perceived freedom offered by more reserved officer presence.

Reward and Opportunity

- 5.9 Prisoners must be able to gain more privileges through positive behaviour than through victimisation. If the reverse is true, some prisoners will believe that there is little incentive to behave appropriately. Moreover, the available incentives must be attractive in order to encourage positive behaviour. This is particularly important given the considerable material and monetary gains that can be acquired through victimisation. It was notable that Enhanced prisoners still value the status associated with having a 'fat pad' but are able to achieve such gains, and more, through compliance rather than victimisation. Robert commented:

"Obviously my pad is official, I can't even lie. I have got rugs in my pad, road rugs, road curtains, road bedding, I have just got everything in there: fan, PlayStation, everything that I need."

As this quote illustrates, engaging with the regime, progressing to Enhanced regime and moving to the Enhanced Unit will be seen as attractive if prisoners are essentially able to achieve the same status and 'carceral capital' without violating rules and engaging in harmful behaviour. Punishment alone is insufficient and if the approach is largely punitive, it will largely be unsuccessful as a way of incentivising positive behaviour, particularly amongst those who are most disengaged. There must be more 'carrots' than 'sticks.' What is required is an emphasis upon creating hope and opportunity, focusing on positives rather than negatives, and on coaching and mentoring prisoners. This is only possible when staff are engaged, rehabilitative and investing in relational capital.

- 5.10 In supporting prisoners to engage in positive behaviour, it must be recognised that prisoners, especially young prisoners, may not always 'get it right' the first time. They, like staff, will make mistakes. Those prisoners who had achieved Enhanced regime or undertaken positions of responsibility frequently described a learning process. For example:

Robert:

"I have got a key to my cell now, I have got a shower in my pad, not having no bang up. But obviously I have learnt that, I have learned that from being good. The way I have been talking to the staff and that since I came in. Just not calling them dickheads, smashing my pad up, not fighting, getting on with it, doing courses, know what I mean? People just need to get on with their time and stop acting like children. I would say I was probably lost in the system but now I am just coming through and improving on the bad bits. It has been a journey. I am not doing it again!"

What is critical is how officers respond to prisoners when they do make mistakes and whether they choose to support them to behave differently next time or whether they adopt a more punitive attitude.

- 5.11 What was most striking was the extent to which a cultural and normative emphasis on hope, creating opportunities for change and 'turning negatives to positives' allowed

even the most persistent perpetrators to engage in behavioural change. During the nine months of fieldwork, we observed several prisoners who were identified as perpetrators at the beginning of the research who progressed to Enhanced regime and were relocated to the Enhanced unit. Not only did this mean that they were no longer engaging in victimisation, but their general well-being improved. Over time, we saw prisoners who visibly carried the 'weight' of imprisonment (see Crewe, 2009), where the 'pains of imprisonment' (Sykes, 1958) bore down on them, develop a greater, more positive sense of self, well-being and the future.

- 5.12 All prisoners need to be given an opportunity to change. Those prisoners who were able to progress and move beyond their victimising behaviour did so because an officer gave them a chance. In the cases where we saw this occur, it was because an individual officer decided to support them in improving their behaviour and offered them an opportunity to undertake cleaning jobs whilst being supervised. Not only did this create more time out of the cell, thus reducing boredom, but it also started the prisoners on a journey where they could begin to move from basic regime, access greater privileges and, over time, progress to Enhanced regime. It is easy to focus on the negative behaviour and overlook positive behaviour. For some prisoners, rewarding positive behaviour sometimes means looking for very small improvements. However, if prison staff can embed a culture of looking for opportunities to praise and encourage prisoners, this may well provide the impetus for change. It is easy to underestimate just how significant positive encouragement can be. For example, Robert was transferred from another establishment for seriously assaulting a staff member:

"I have done well, I have done good. Even as they say on here they can't believe how well I am doing compared to how I was doing. It gives me a little boost because instead of people coming up to me and saying, "You are going to come back to jail," instead of people saying that to me – I still get that all the time though – but when something good, like when someone says, "Well done for that," I would usually say, "What? Shut up!" Now I will say, "Nice one!" I get noticed now for doing something good, before it would be getting noticed for doing something bad. It does feel better in a way."

What was significant about Robert's narrative was the way in which positive reinforcement over time had not only helped him move beyond a pattern of violent and harmful behaviour, but it had also improved his perception of self and his feelings of self-worth. Positive encouragement ensured that he remained motivated to continue engaging in positive behaviour.

- 5.13 One of the most interesting features of the interviews with Enhanced prisoners was the way in which Enhanced prisoners described incidents when they had modified their behaviour to avoid losing the privileges and freedoms they had gained. For example, Robert commented:

"I have not had one fight since I have been here. I have had a couple of IEP's and that just for arguing with bosses but that is just the old side creeping through. But then I am like, "No, no. Sorry!" And just walk away."

"I am in someone else's pad and they have put a broomstick across the handle and said, "we are going to go and turn your pad upside down." And I said, "Listen, if you turn my pad upside down, I'll come there and punch both of your heads' in." And they got into my pad and turned it upside down. And obviously I've come out and gone mad and I've grabbed one of them, thrown him into the pad and then he was all, "No, no, we was just joking!" All this. And I was thinking I don't want to lose Res 5, do you know what I mean?"

In both cases, it was clear that the prisoner had made a deliberate choice not to behave in a confrontational, aggressive or violent way in circumstances where they may have behaved differently had they not been on the Enhanced unit. This is important for two reasons. First, the prisoners felt they had something to lose, suggesting that prisoners do respond to rewards and value rewards and privileges once given. Secondly, prisoners, even young prisoners, can be encouraged to consider the impact and consequences of their behaviour. Typically, this consequential thinking is thought to be less well developed in adolescents but what this suggests is that operating a system of rewards may well help develop a future orientated approach.

Justice

- 5.14 In order to develop an effective whole prison approach to victimisation, there must be the rule of law (both criminal and prison law). There must be justice inside the prison walls. The processes, law enforcement and any subsequent penalties must be just and proportional. Injustice, where it results from inaction, risks doing a disservice to the victim and communicating a message that victimisation is tolerated. Conversely, an excessive, punitive response risks legitimacy and increases the possibility of disengaging the perpetrator. Thus, sanctions must be used appropriately and proportionally but without adopting a punitive and draconian approach. **There is a need to strike the right balance between IEP warnings, adjudication awards and referrals to the Independent Adjudicator and Police.** If adjudications are used for matters that might more appropriately have been dealt with through an IEP warning or simply through a conversation between the prisoner and officer, the adjudication process not only loses its efficacy and utility, but it also betrays a lack of confidence in the use of authority by officers.
- 5.15 The adjudication process should be used to respond to full range of victimising behaviours (also see Chapter 6 below). Adjudications can be more than a legalistic process and this was clearly demonstrated in the YOI. Adjudications were seen as a way of engaging with prisoners in a dialogue regarding what had happened, why and how alternative actions and outcomes might be both desirable and achievable. The dialogue was future orientated, kind and supportive but without minimising the severity of the incident. When violent incidents occurred the adjudication process was often an effective way of ensuring that prisoners were sanctioned appropriately but also encouraged to think about avoiding such behaviour in the future.
- 5.16 Adjudicating governors made appropriate decisions about referring serious cases of physical violence to the independent adjudicator. Prisoners who were persistently engaged in violence could find themselves appearing before the independent adjudicator on multiple occasions. For example, Luke had a total of 38 extra days for separate assaults and was due to appear before the independent adjudicator again.

He commented that they would prefer to stay on basic regime or forego other 'privileges' rather than be awarded extra days in custody:

"But because I have already had so many extra days for assault and if I have to go back in front of the judge again for another assault, I am thinking that's fucking you know when I go for my extra days I am going to ask, you know the outside judge can give up to 100 extra days of loss which a normal prison governor can't do. I will go 100 prison days without TV if I have to as long as I don't get no extra days. I would rather sit with no TV than another extra 28 days in jail."

Although Luke had over-estimated the number of added days that could be awarded on an appearance before the independent adjudicator,¹⁶ he demonstrates a broader point that prisoners, almost without exception, were keen to avoid any days being added to their sentence. Additional time was seen as more onerous than harder time whilst in prison.

- 5.17 The possibility of extra days did deter some prisoners from engaging in institutional misconduct. The effect of this appeared to be more marked for young fathers or when prisoners were approaching release. For example:

Jermaine:

"I'm behaving myself. I don't want to get in no trouble. You see yesterday I was with my friends. My friend was like, I want to punch up this guy and I was like nah man I don't want to. He basically called us a pussy. And he said after that he didn't call us a pussy but you see if that was me before, it would have went off there and then but because I'm a good child now, it didn't go down you know what I'm saying."

This comment was made a week before release and the decision to avoid physical confrontation was a marked departure from his conduct throughout the rest of his sentence. The possibility of extra days may not act as a deterrent for certain prisoners. In particular, prisoners who were on remand could be given extra days but the extra days could only be activated if they were subsequently convicted of the offence for which they were charged and given a custodial sentence.

Proportional Security

- 5.18 When a prison 'feels' unsafe or levels of violence and bullying are high, the tendency can be to increase and rely on 'hard' forms of security and control. However, 'ratcheting up' security measures is a largely ineffective long-term strategy to the management of victimisation. Whilst it may well temporarily reduce opportunities for victimisation, it is likely to increase feelings of frustration, exacerbate the perceived 'pains of imprisonment' (Sykes, 1958), sharpen the divide between staff and prisoners (Wortley, 2002) and prove counter-productive. Thus, security measures and decisions need to be proportional, achieving the appropriate balance between safety, security and decency.

¹⁶ A maximum of 42 days can be added for an offence.

- 5.19 Decisions to move towards more proportional forms of security clearly had a positive impact on levels of violence. Changing the terminology and moving from 'holding rooms' to 'waiting rooms' in the Healthcare Unit not only served to normalise the environment but also reduced the number of assaults in that particular area of the prison. During the fieldwork, violence in that area of the prison was rare and exceptional. In addition, gates were removed from the corridor that spanned the width of the establishment, allowing prisoners to move freely and easily between the residential units and other areas of the prison. These gates had served to disrupt movement and, for some, offered a sense of physical and existential security since gates could quickly be locked and prisoners segregated into different areas of the corridor if necessary. Removing physical controls and barriers may have appeared counter-intuitive but ensured that staff were not reliant on situational controls to maintain order. In fact, incidents on free flow were less serious than assaults in cells or showers. Thus, as Wortley concludes (2002: 76), the 'issue is not the choice between hard and soft control but the appropriate balance between the two.'

Legitimate Use of Force

- 5.20 The prevention of violence within an establishment requires that force and physical restraint are used appropriately, proportionally and legitimately. The frequency with which force is used and the extent to which such actions are seen as legitimate by prisoners impacts upon their assessments of how violent and safe the establishment is seen to be. If officers are too quick to use force or do so excessively, this not only helps sustain a culture of violence within the prison but also detracts from the integrity of the message that violent and harmful behaviour is not tolerated. The significance of this should not be under-estimated. In an adjudication regarding a serious prisoner on prisoner assault, the discussion regarding the prisoner's inappropriate behaviour and the harm caused was overtaken by the prisoner's attempts to discuss the way in which restraint had been used and ask when officers could "*put hands on.*" The alleged perpetrator had been taken to the CSU under restraint and could not engage with a discussion about his own violent behaviour whilst he felt aggrieved about his own treatment. The body worn camera footage clearly showed that officers had used force appropriately and considerable efforts were made to de-escalate the situation throughout. Thus, there was no cause for concern regarding the use of force and, therefore, what this illustrates is just how important the use of force is to the prevention of violence and the extent to which violent behaviour is seen to be tolerated or endorsed by staff. If force is not used legitimately, it can easily jeopardise attempts to address violent behaviour by prisoners.

Decent Environment

- 5.21 It was clear that the YOI was, and had been, undergoing significant change – structurally, operationally and strategically. A major refurbishment project was, and is, underway, with the functions of certain units and landings being altered to reflect the needs of the population. In addition, there was a strong emphasis on cleanliness. These changes are significant and greatly influenced prisoners' perceptions of self:

Peter:

"It makes you feel better about yourself. It's like going to the gym, you feel better about yourself."

Louis [in a newly refurbished cell]:

"It feels more homely. You can just relax. When you are in a dirty cell you are always looking around, always checking something. When you are in a clean cell you don't have to."

Decent conditions were humanising, helping prisoners to feel a greater sense of worth. It is difficult to draw any firm conclusions regarding the relationship between a decent environment and victimisation but it was clear that **when prisoners felt the environment was degrading and dehumanising, they behaved in ways that supported this sense of self.** For example, when discussing the condition of the unit, one prisoner commented: *"If you treat me like an animal, I'll act like an animal."* When the environment was dirty, this exacerbated broader frustrations about prison life, which in turn could culminate in violence and aggression.

5.22 Prisoners also draw cues about expected behaviour from sources beyond simply the information relayed by staff or displayed on noticeboards. The 'broken windows theory,' which has been typically applied in the context of street crime, suggests that when broken windows go unrepaired this can lead to other forms of disorder since the broken windows create the impression that incivility is tolerated and that authorities lack control (also see Wener, 2012). Thus, in the prison context, it is possible that neglecting cleanliness and decency may well create the impression that disorder is expected or at least tolerated. Whilst it has been recognised that prisoners may draw cues or define their behaviour depending on environmental factors (Wortley, 2002), previous research has largely overlooked the impact of the quality of the environment on prison violence (although note more recently Wener, 2012), with studies of environmental factors typically focusing on the inherent deprivations or environmental factors such as population density. However, the evidence here suggests that this requires further consideration and study. It also underscores the point that without a decent environment, you cannot have a rehabilitative culture or prison.

5.23 The decency agenda within the prison extended beyond cleanliness to include the way staff and prisoners interacted and behaved. What was most notable was just how clearly the cleanliness of the environment functioned as a barometer of the quality of staff-prisoner relationships. When staff-prisoner relationships were not strong, the conditions of the environments tended to slip. This is not to say that cleanliness necessarily connotes strong relationships or that accommodating prisoners in a new prison environment will automatically generate strong interactions, but it is certainly true that a decline in decency and cleanliness can be evidence of a wider malaise.

Early Days in Custody

5.24 The newly introduced First Night Centre in the prison was frequently cited by the prisoners as a calm, safe and well-ordered working environment where staff-prisoner relationships were excellent and prisoners received support adjusting to confinement. There had been considerable investment – ideologically and economically – into the prisoner's journey from 'the bus to the bed'. In relation to victimisation, **the success of this unit rests in the vast reduction in opportunities for bullying and victimisation in the early days of custody.** The position of the First Night Centre within the YOI meant that newcomers could not be observed entering the unit by prisoners on other residential wings, meaning that newcomers were not shouted at and intimidated by other prisoners in the early hours of confinement. It also provided an

early opportunity to identify those who might encounter difficulties in prison and put support mechanisms in place:

Chris:

"It was dead nice. The staff are really nice to you, you get a clean pad and everything."

The significance of the first experience of custody should not be under-estimated. The early days in custody were often overwhelming and disorientating. Prisoners often struggled to come to terms with their new lived reality and the calm environment of the First Night Centre allowed prisoners to adjust without the threat of victimisation.

The Supported Living Unit

5.25 The Supported Living Unit (SLU), like the First Night Centre, was a calm and safe place where victims could seek sanctuary if they were vulnerable or unsafe on normal location. **The SLU was well managed with the effect that prisoners did not need to be segregated in the Care and Supervision Unit (CSU) for their own protection or inappropriately placed in the First Night Centre or Healthcare Unit.** We observed several young men who had been victimised elsewhere move onto the SLU and become much happier, healthier and compliant prisoners. The SLU was well led and situated in one of the newly refurbished units. Peer mentors were appointed to provide support to prisoners on the unit. Choosing the right peer mentors was crucial, but when the right choices were made, peer mentors acted as a stabilising influence, were available to support peers and could demonstrate the kind of social skills that some prisoners on the SLU needed to develop.

5.26 It is inevitable that prisoner hierarchies will form on the SLU, carrying the risk that some prisoners who have previously been victimised by others will then bully other prisoners:

Joshua:

"So you will have a VP [vulnerable prisoner] and another VP buddy. Like say like a vulnerable lad is vulnerable to the bigger fish but then when he with the little fish, he becomes the big fish doesn't he so he will take over that landing and start ticking burn and that that way and then he thinks he is king of the wing then but really he has just been bullied off another wing because he can't pay up or what have you."

Although instances of bullying on the SLU did occur, what was equally evident was that such behaviour was quickly identified and prisoners often came forward quickly to report such behaviour. Those who were trying to bully or victimise others on the SLU rarely did so with the same severity as other units or in collusion with large numbers of other prisoners, thus, such victimisation tended to be low level and unsophisticated.

5.27 In order to facilitate re-engagement, prisoners may need to develop confidence in undertaking what may appear basic tasks such as collecting meals, engaging with work, engaging with association and taking a shower. In order to do so, prisoners may need support from staff. During the period of fieldwork, new initiatives were introduced, allowing prisoners to undertake work whilst on the SLU. This was a positive development, but there is scope to further develop the range of available activities as

well as the range of interventions to support vulnerable prisoners (also see Chapter 6). For example, some prisoners on the SLU expressed a desire to engage in physical activity but did not feel confident or able to do so, especially if they feared that it may bring them into contact with prisoners whom they feared. Thus, consideration should be given to how physical activity for SLU prisoners may be facilitated and, indeed, how such prisoners could be engaged in a wider variety of sports related activities.

- 5.28 We strongly believe that the SLU is an important initiative, providing care and support for the most vulnerable prisoners. However, such units can only function effectively if incidents of victimisation are well managed on 'normal location.' Although bullying occurred across the establishment as a whole, bullying was largely concentrated on those residential units without a specialist function. Certain residential units are, and have been, referred to as 'the war zone', the 'Bronx' and where the 'wolves' or 'lions' live. This impression was formed even in the minds of those who were not under threat and were confident in their own abilities to defend themselves. The perception that bullying is widespread can increase prisoner's anxieties and fears about living in certain locations, even before they have been moved from the First Night Centre or Induction wing. The development of initiatives such as a SLU will only prevent a small proportion of victimisation unless its use is combined with a robust approach to victimisation across an establishment.

Activities

- 5.29 Boredom is a key reason why prisoners choose to victimise others or why prisoners become indebted to others. Those prisoners who were unable to access activities such as education, work, training or physical activity quickly found less constructive ways to fill their time. This was especially true if a prisoner was on basic regime and did not have a television or radio to distract them. Those prisoners who were motivated to victimise others, often did so for want of something better to do. Antagonising and abusing others served as a perverse form of entertainment. In addition, victimising others could also ensure that the perpetrator had a regular supply of tobacco and Mamba without incurring any debt. Those prisoners who were not victimising others but spent large periods of the day in cellular confinement were more likely to smoke tobacco or Mamba in order to pass the time. This could quickly lead to indebtedness, a problem exacerbated by the inability to generate earnings by attending work or education. The relatively limited access to activities for certain prisoners reflects a broader problem across the prison estate (Hardwick, 2015), one that needs to be addressed if strategies to address victimisation are to be effective.

Recommendation:

The number of prisoners in work, education, training and physical activity should be increased. Consideration should be given to how prisoners may be encouraged to engage in activities and how the range of available courses can be increased.

Family Contact

- 5.30 Family contact was very much valued and encouraged by prison staff. Initiatives such as evening visits for working families, celebration of success events and family visit days all created much welcomed opportunities to develop and continue relationships with family members and friends. Efforts were made to ensure that such opportunities

were positive experiences, with staff dressed in less 'prison like' attire, activities such as face painting provided and food supplied. In addition, the visits area had been vastly improved, becoming a bright, welcoming and positive space benefitting from the addition of a children's soft play area and the removal of more archetypal prison features such as a raised observation podium. This not only strengthened family relationships but also had a positive impact on prisoners' well-being. Jake, for example, described his 'best day' within the prison as family visit day, commenting "you feel like you are not in prison for a while." Becoming a father often became a 'turning point' when young prisoners begin to think differently and more constructively about their own lives and the example that they were setting for their own children. For example:

Aidan:

"But I want to be a good dad, I don't want my son to grow up and think, "My dad is a crackhead, my dad is just a druggie, getting into trouble all of the time. He is a burglar. He is a jail head." I don't want that. If it is a girl or a boy I want them to know that I can change. And it is time to change now. The tables are turning now. I've just got to try and do everything to my license, get a job, try and find a job. I need to get some money because I can't be selling drugs, that is no good. If I get stuck I am fucked, I am back in on a big one. My kids growing up ... And my girl isn't going to wait any more, she has waited long enough."

Thus, optimising opportunities for family contact may well prove crucial in preventing re-offending (Codd, 2013). In addition, family contact was an often much needed source of emotional support for many prisoners. Whilst some establishments have been tempted to introduce closed visits essentially as a punishment or as part of the IEP scheme, this is unduly punitive and largely counterproductive approach, effectively severing a critical form of support and jettisoning other attempts to engage prisoners more holistically in positive behaviour.

Recommendation:

Closed visits should not be used as a punishment or as part of the IEP regime.

Offender Management

- 5.31 Although the deprivations inherent in prison life and the close confinement of large numbers of young prisoners may well provide the fertile conditions for conflict and violence, the characteristics, values, norms and attitudes of individual prisoners clearly have a bearing on the prevalence of victimisation. As noted in Chapter 3, a significant proportion of prison violence was related to disputes and conflicts initiated in the outside community. The link between the prison economy and organised criminal enterprise in the community also clearly evidences the continuity of pre-prison behaviour in custody. In addition, pre-prison attitudes and norms regarding the logic and use of violence in the community framed the incidence of prison violence and victimisation. Thus, addressing prison victimisation is, in many ways, also addressing prisoners' wider criminal behaviour and attitudes towards victims. However, only a small number of offender behaviour courses were available within the establishment and there was limited work to address prisoner's attitudes towards violence, criminal activity and victimisation more generally. As part of a holistic, whole prison approach, this must be addressed. There can be a tendency to adopt a narrow focus on the

incident of prison victimisation and fail to consider these wider factors but, if the response to prison victimisation can be tied to wider offender behaviour work, the response is likely to be more effective, both within and beyond the prison walls.

Conclusion

- 5.32 Preventing and reducing the prevalence of victimisation and the persistence with which some prisoners are able to victimise others requires a holistic, whole prison approach. Victimisation occurs in a situational, cultural and social context. Thus, the extent to which prisoners engage in victimisation and the effectiveness of the response to perpetrators depends on the wider prison regime, culture and environment. In this respect a range of different factors interact to either increase or mitigate the likelihood of prison victimisation occurring. No one factor will reduce the frequency or severity of prison victimisation but, when taken together, it is indeed possible to reduce the levels of victimisation and the severity of the incidents encountered.

6. Responding to Victimisation

“Even though they know that some of us are bad lads, we have turned around. They are always trying to encourage you and that, to do good things.”

(Robert)

- 6.1 Within the ‘whole prison approach’ to the prevention of victimisation, there must be a specific strategy for responding to victimisation when it occurs. Ultimately, this strategy must be driven by the desire to create a safe, secure and decent prison, avoiding the tendency to drift towards punitiveness. There must be the rule of law and a just, proportional response framed within a context in which perpetrators are supported to engage in more positive and appropriate behaviour. This must be combined with effective victim support. This chapter focuses on how a victimisation strategy might be framed and the principles which should underpin it.

The Need for a Strategy

- 6.2 Achieving a reduction in the prevalence and severity of prison victimisation requires a robust, proportional and effective response to incidents of victimisation if and when they occur. Without a strategy, prison staff can feel ill equipped to respond to victimisation beyond the adjudication process or through a reduction in the regime level. Similarly, if a strategy exists but is ineffective or is not employed appropriately or consistently, it sends a message that victimisation is tolerated. It also discourages victims from bringing concerns to the attention of staff and risks perpetrators forming the impression that they can hurt, harm and exploit others with impunity.

Recommendation:

We recommend the development and implementation of a national antivictimisation strategy that focuses on the range of harmful behaviour that is demonstrated in custody. We suggest that the strategy should not focus solely on ‘bullying’ or the identification of ‘bullies,’ but on all acts of victimisation, including verbal abuse, threats, theft, robbery, physical violence and sexual assault.

This strategy should:

- **Focus on ‘victimisation’ as a whole**
- **Focus on all forms of victimisation**
- **Avoid the use of terms such as ‘anti-social behaviour’**
- **Avoid the pitfalls of a tiered or ‘traffic light’ approach to monitoring bullying**
- **Avoid the pitfalls of a primarily punitive approach**
- **Specify how victims will be supported**
- **Specify what sanctions will be used, when and why**
- **Specify how perpetrator will be supported to improve their behaviour**
- **Be clearly communicated to staff and prisoners**
- **Clearly indicate how incidents should be reported, when and by whom**
- **Clearly indicate how data will be collected and analysed**

- 6.3 In recent years, there has been a tendency to see violence reduction strategies and anti-bullying strategies as two separate initiatives. However, by separating the two, the ways in which physical violence and bullying are related and overlap are easily overlooked. The tools used to reduce violence are no different to those used to reduce bullying. Furthermore, the response to violence should be no different to that for bullying, or indeed other forms of victimisation which are not necessarily covered by such strategies, such as verbal abuse, threats, theft, robbery and extortion which are so inextricably linked to the problem of victimisation within the prison environment. Thus, we would avoid implementing a strategy that focuses solely on 'anti-bullying' but would focus on anti-'victimisation'.
- 6.4 As noted in Chapters 3 and 4, bullying is only one facet of victimisation and those individuals who are bullying others are often also involved in other forms of victimisation. Prisoners who are responsible for bullying are likely to be responsible for other types of victimisation unrelated to bullying. Lord Harris (2015) recently suggested that prison bullying should not be subsumed into policies that cover violence reduction. His recommendation appears to largely flow from the finding that there was no specific prison instruction regarding prison bullying. In recommending an anti-victimisation strategy rather than a specific bullying strategy, we are not suggesting that bullying behaviour should not be recognised as such but that an appropriate response to bullying is equally applicable to other forms of victimisation. Care should also be taken to avoid the suggestion that bullying is any more or less serious than other forms of victimisation. The sustained and persistent nature of bullying, the power imbalance and the physical, emotional, psychological and economic harm is serious, but so too are the effects of being subject to a serious assault on one occasion. Indeed, threats and verbal abuse over a very short period can still be significant and have led to deaths in custody just a few hours later (PPO, 2013b; Gooch, *forthcoming*). We do, however, agree with Lord Harris that bullying is a 'widespread problem' (2015: 11) and a robust approach is required to address the problem.
- 6.5 To date, anti-bullying strategies have tended to focus on identifying a 'bully,' however, focusing on identifying 'bullies' or the problem of bullying outside of a broader approach to victimisation is likely to be problematic (also see Edgar *et al*, 2003; Edgar, 2005). Bullying is difficult to evidence, partly because it can be very subtle and sophisticated but also simply because it occurs in a relationship and over time. Moreover, not all victims are willing, confident or able to report concerns to staff, partly out of fear of being labelled a 'grass.' Evidencing precisely how long and how often 'bullying' has occurred is likely to be very problematic, but what is easy to identify is the resulting behaviour. We are not suggesting that persistent victimisation and patterns of behaviour should be overlooked. Where there is evidence of 'bullying' and persistent behaviour, this should clearly be taken into account in the response. However, in our view such considerations should be framed within the broader response to victimisation.
- 6.6 In framing this strategy, we would suggest the avoidance of terminology such as 'anti-social behaviour.' Such language does not convey the true seriousness and level of harm inherent in victimisation. The behaviour is not simply anti-social, but carries a real risk of serious harm, physically, emotionally and psychologically. It is also important to recognise that there is a real victim who suffers as a result of victimisation and that such behaviour is not just anti-social in the general sense but also has a real impact on

specific individuals. Moreover, legally, anti-social behaviour contracts and orders are designed to address behaviour that may cause 'harassment, alarm and distress' but may not reach the threshold for criminal prosecution. Prisoners may well have been subject to such orders and the risk is that the use of language such as 'anti-social behaviour' does little to emphasise the true level of harm that prisoners may be imposing on others and the wider community.

- 6.7 The victimisation reduction strategy must address how victims are to be supported as well as how perpetrators should be managed, challenged, punished and encouraged to behave in constructive and positive ways. The strategy must be clearly communicated to both staff and prisoners. In framing a strategy, it is important to remember, as noted in Chapter 5, that there is no 'magic bullet' or single solution that will address the problem of victimisation. Furthermore, no one aspect of the approach will work for every individual. What is required is an individualised response that takes into account individual needs and the specific circumstances. Thus, in implementing the strategy, there will always be a need to consider the unique circumstances of each case and what will generate the best outcome in terms of safety, security, decency and rehabilitation for the individuals involved. This requires knowledge of the prisoners involved and an accurate understanding of what occurred, how, when and why.
- 6.8 Traditionally, anti-bullying strategies have often relied on a 'traffic light' or tiered response, with different levels invoking different levels of supervision and restrictions. However, it is questionable whether such approaches have proved effective. There is a danger that identified 'bullies' only stop victimising others during the period of monitoring and observation, or that they simply become more effective at concealing their behaviour. Since perpetrators are often well connected and can ask others to do their 'dirty work,' it is also possible that they can continue to orchestrate victimisation whilst avoiding the appearance of being directly involved. Thus, it is unclear whether these tiered responses lead to more long-term behavioural change. It is also clear that such strategies are only effective if they are implemented consistently. These anti-bullying tiered approaches are also predicated on the assumption that 'bullies' can be accurately identified, which, as noted above, is not always straightforward. Moreover, reserving interventions for those who are 'bullies' overlooks the need for an effective response to those individuals who are involved in other forms of victimisation. We found a small number of prisoners were persistently engaged in physical assaults, sometimes of a serious nature. Thus, we would argue that their persistent and sustained violence should be addressed in a similar way to 'bullying'. **Essentially, we suggest that there is an urgent need to re-consider how we respond to perpetrators and how we engage them in positive behavioural and attitudinal change.**

Responding to Victims

- 6.9 When creating and implementing an anti-victimisation strategy, it can be easy to focus primarily on the response to the perpetrator. This risks overlooking the care, support and assistance that a victim may well require. The level of support may be critical, not only to how they experience an incident and its aftermath, but also to the willingness of both that individual and other prisoners to come forward to alert staff to any concerns and seek help and support.

- 6.10 It is possible that the lack of a holistic, coordinated and strategic approach to victims is causing some prisoners to engage in disruptive behaviour and/or self-harm, behaviour that could perhaps be avoided. Although not all victims will self-harm or attempt suicide, it is clear that for some prisoners there is a link between self-harm and the experience of victimisation (PPO, 2014; Lord Harris, 2015). The ACCT process facilitates care and support for those who are self-harming or attempting suicide, but it cannot, and indeed should not, address the needs of those prisoners who require additional care and support but are not engaging in self-harm or attempting suicide. The ACCT process was sometimes seen by prisoners as a way of soliciting regular contact with staff, but such contact should be forthcoming without prisoners feeling the need to threaten to engage in self-harm or attempt suicide. Therefore, it is possible that an improved response to victims will, in turn, prevent self-harm behaviour and reduce the number of prisoners who are supported on an ACCT document.

Recommendation

As part of the anti-victimisation strategy, we recommend the development of a specific strategy and support document for victims, one that allows for a multi-agency, holistic approach, identifies a named individual as the first point of contact for a victim, includes a specific action plan and clearly sets out the level of support and the action required by all parties.

Supporting Victims: Key Principles

- 6.11 As part of the continued drive to create safe, secure, decent and rehabilitative prisons, the following key principles should underpin the development of victim support:
1. All reports and incidents of victimisation should be investigated thoroughly and in a timely manner.
 2. Victims should receive appropriate information regarding the outcome of any disclosures made.
 3. Victims must be able to access a place of safety.
 4. Any health concerns (including physical, emotional and mental health) must be addressed.
 5. Victims should be able to access appropriate levels of care and support (both short- and long-term).
 6. Victims should not be placed on a restricted regime in order to secure their safety and protection.
 7. Victims must be supported in a way that takes into account their individual needs and vulnerabilities as well as the specific circumstances.

Effective Investigation

- 6.12 Victim support begins with the first reaction to a report of victimisation. If a prisoner discloses a concern, this must be taken seriously and investigated thoroughly. If staff dismiss reports believing that a prisoner is trying to manipulate them for some other goal, it risks either overlooking genuine complaints or discouraging victims who have not yet come forward to do so. As noted in the Protocol on Crimes in Prison, 'A crime in prison that goes unpunished or that is not dealt with effectively undermines the safety and security of the prison and the effort of the police, CPS and criminal justice system as a whole' (National Offender Management Service, 2015: 1). It must be clear that action follows a disclosure of victimisation. Such action has a broader communicative function and reinforces the norm that victimisation is unacceptable. If

concerns are investigated appropriately and victims feel that action is being taken, it mitigates the risk of the victimisation feeling overwhelming, which in turn may reduce the risk of harmful behaviour, such as self-harm, fire setting and cell damage.

- 6.13 The investigation of complaints must be done in such a way as to avoid placing the victim at a greater risk of harm. This is of course challenging because the perpetrator may well be able to identify who has informed staff even if the name of the victim is not disclosed. There is a risk that victims who are known to have disclosed the identity of perpetrators to staff will be victimised further still. This is also true if another prisoner reports victimisation on behalf of the victim. Thus, the continued safety of the reporting prisoner must be considered when investigating and responding to a complaint.
- 6.14 Effective investigation includes obtaining and maintaining an accurate record of the accounts of all parties involved (also see National Offender Management Service, 2015). It also requires that the facts are established. This will often require that all parties immediately implicated in reports are asked to give an account of what has happened. CCTV and Body Work Camera images may of course prove useful when establishing the facts. **Establishing an accurate record not only ensures that the subsequent response reflects the true level of harm committed or intended, but it also avoids injustice** (see below). All parties should be engaged in a discussion about what happened, when and how. Care should be taken when acting on suspicion alone. It may of course be necessary to take pre-emptive action to prevent harm, however, the response should be proportional to the level of risk and be followed by an investigation. A minority of prisoners do sometimes make false allegations of bullying to manipulate the movement of certain prisoners to another location. Effective and timely investigation ensures that this does not occur, or at least reduces the likelihood. When investigating reports of victimisation, the preservation of evidence must be considered (also see National Offender Management Service, 2015). How an incident is dealt with initially can have a bearing on the likely success of any subsequent police prosecution.

Recommendation:

The anti-victimisation strategy should clearly set out the timeframe and process for investigation as well as detailing who is responsible for implementing the process. In Appendix 1, we have set out a possible approach to the investigation. Appendix 3 sets out a template for evidence gathering.

Information Provision

- 6.15 A central aspect of effective investigation is ensuring that victims are given sufficient information about the progress and outcome of any investigations and prosecutions. This is a key element of the Code of Practice for Victims of Crime (Ministry of Justice, 2013) when a victim of crime comes into contact with the criminal justice system. The importance of information sharing in the prison environment should not be overlooked. Victims should be informed about how an incident has been resolved (such as a referral to the police or an adjudication) and any consequences that flow from these decisions. The provision of information can serve to reduce fear and anxiety.

Recommendation:

As part of the anti-victimisation strategy, there should be a clear process for relaying appropriate information to victims about what action will or has been taken in response to concerns about victimisation. The victimisation strategy should clearly indicate who is responsible for communicating such information to the victim.

Securing a Place of Safety

- 6.16 Victims can be managed on normal location safely if appropriate consideration is given to the management of risk and if appropriate care and support is given. In some cases, it may well be clear that the most appropriate response is to move the victim from normal location to a more holistic and supportive environment. However, in other cases, effective management of both the victim(s) and perpetrator(s) can allow the victim to remain located on normal location. Officers need to make dynamic, intelligence driven decisions about cell sharing and the allocation of cells on the wing, ensuring appropriate separation between the victim and perpetrator and, potentially, between perpetrators and their co-conspirators.

Access to Care and Support

- 6.17 Whilst it is readily acknowledged that victims, both in the community and in prison, may require care and support, there is very limited information about what that support should entail and, indeed, what if any services, programmes, courses or interventions might be particularly appropriate for victims in prison. The first step in supporting the victim is managing the perpetrator effectively and ensuring that the victim is in a place of safety, but beyond this victims may well require the care and support of staff to both come to terms with their experiences and address any underlying vulnerabilities, risks or needs.
- 6.18 Victims can be helped to reduce not only the risk of further sustained victimisation but also the wider consequences that flow from social withdrawal and disengagement from the regime. When victims refuse to engage in the regime out of fear and distress, it also limits their access to showers, telephone calls (and consequently vital family contact and support), fresh air, purposeful activity and physical exercise. This, combined with long periods of solitude and inactivity, has an impact on their emotional, mental and physical wellbeing. Non-attendance at work or education also reduces the amount of potential earnings, further reducing the amount that victims can spend on canteen and, in some cases, increasing the problem of indebtedness. Although withdrawal addresses a victim's primary concern for their safety, it often also increases, rather than decreases, feelings of hopelessness, anxiety, distress and fear. As the PPO notes (2014: 4), 'withdrawing from the regime can be a sign that a person is at a heightened risk of suicide and self-harm.' Thus, victim care and support may be an essential part of reducing the risk of suicide and self-harm. Supporting victims may begin with very small tasks such as assisting victims to develop the confidence to collect meals, engage in association, make telephone calls and attend activities. Initially, the timing of these tasks may need to be reconsidered. For example, it may be necessary to allow a victim to shower or make a telephone call separately to others. Alternatively, it may be necessary to escort victims to activities at different times to the rest of the population. In some cases, victims may be engaging in disruptive behaviour,

such as property damage, and the enhanced support and action plan may need to focus on how to support victims to engage in positive behaviour.

- 6.19 Providing care and support for victims is likely to require a specific action and enhanced support plan. Formalising the nature of the care and support to be given to victims should also ensure accountability, that the required care is forthcoming and that, when necessary, victims are contacted by staff at regular intervals. During the fieldwork it was clear that prisoners liked, rather than disliked, the increased staff contact that being on an ACCT document inevitably involved. The Lord Harris review (2015) suggests that prisoners dislike the brightness of the ACCT document, therefore, care should be taken to avoid embarrassing and stigmatising victims further still. In designing a support process and document for victims, care should be taken to ensure maximum clarity as to the distinctions between the ACCT process and the victim support process. Some victims may already be assessed as in need of an ACCT when the victimisation occurs. In other cases, the fear, stress and anxiety associated with victimisation may result in self-harm and attempted suicide (also see PPO, 2014), resulting in an ACCT being opened. The victim support process and document should not be seen as a substitute for the ACCT process and where a victim is engaging in self-harm, this should be managed through the ACCT process.

Recommendation:

Any enhanced support and action plan must include small measurable goals that enable victims, and any other vulnerable prisoners who are not on an ACCT document, to re-engage with the regime and engage in positive behaviour. The action plan should also set out how staff will facilitate enhanced care and support. The plan should be subject to regular review and small improvements should be rewarded.

- 6.20 Beyond assisting victims to engage in routine activities within the prison, there is scope to develop more innovative support for victims, and indeed other prisoners. Victims often lack good communication skills, good interpersonal skills, self-confidence, assertiveness and empathy. Addressing such skills might well reduce the risk of victimisation, but it also carries wider benefits. However, we found little information about any successful initiatives or indeed, any evidence about effective responses. This is a significant gap and there is a need to develop suitable initiatives to support victims and other vulnerable prisoners. There is some limited evidence to suggest, for example, that animal care in prison could prove beneficial (Britton and Button, 2005). An often-overlooked dimension of victim care and support is access to physical activity, particularly the gym. Accessing the gym and other forms of physical activity can be a daunting task for some victims. However, it does not necessarily follow that victims would not engage in such activity if this could be facilitated safely and in small groups. Thus, it may be possible to improve prisoners' well-being by encouraging and facilitating engagement in physical activity. It is also possible that the physical education department may be able to develop skills based sessions, which assist vulnerable prisoners to develop wider skills.

Recommendation:

Specific programmes should be developed to facilitate greater victim support and the development of wider skills amongst victims (and other vulnerable prisoners who would benefit from such support). We recognise that this may

require national support and investment. However, the lack of appropriate victim support and relevant skills based sessions is an obvious gap and one that should be urgently addressed. The development of new initiatives should also be accompanied by further research specifically focusing on how the needs of victims, and other vulnerable prisoners, can be most effectively addressed.

- 6.21 In seeking to address the behaviours and traits that often make victims most vulnerable to victimisation, we should of course be careful to avoid attributing blame to the victim. Clearly, irrespective of the victim's behaviour, how they may appear and present, or indeed what offence they have committed, victimisation is unacceptable. But this does not mean that steps should not be taken to support and assist victims to engage with the prison regime, develop personal skills, engage in social interaction and develop a healthier lifestyle.

Responding to Perpetrators

- 6.22 Relatively little research seeks to address the question of how to respond to prison bullying (although note Ireland 2002b), with the vast majority of the research focusing on describing the nature and prevalence of bullying, identifying risk factors and defining prisoners roles (see Ireland 2011). Of the studies of school-based interventions, there is scarce reliable evidence regarding the efficacy and outcomes of a variety of different approaches (see, for example, Evans *et al*, 2014). However, it is difficult to glean any reliable information regarding the success of any initiatives designed to address prison bullying. Linked to this, there is almost no research on how to engage perpetrators to address their behaviour, nor is there any literature regarding the available interventions, models or programmes to address prison bullying and victimisation. This gap in knowledge is significant. There is an opportunity to develop a bespoke approach to the 'problem' of prison bullying, and victimisation more generally, building on the evidence presented in this report.
- 6.23 In framing the response to perpetrators, it must be remembered that:
- Prison victimisation may well be part of a broader pattern of behaviour evidenced in the community. Thus, addressing prison victimisation should form part of a broader strategy to address offending behaviour and support rehabilitation.
 - Perpetrators are just as likely as victims to have significant needs and vulnerabilities. The need to ensure that perpetrators receive appropriate care and support cannot, therefore, be overlooked.
 - Perpetrators, like victims, may well have witnessed or experienced significant violence and abuse prior to custody.
 - Perpetrators may not be motivated by punishment or compassion but are often self-interested and keen to maximise their access to material goods. This self-interest not only needs to be re-directed so that perpetrators achieve material gains through compliance, but perpetrators need to be encouraged to consider the needs of others and the impact of their behaviour on others.
 - Victimisation allows perpetrators to achieve non-material gains such as power, control, influence, respect and social status.
 - Perpetrators are often driven by status and a form of 'carceral social capital' that relies on violence. Perpetrators have little empathy for those who cannot similarly achieve such status.

- Perpetrators readily accept the logic of violence as a form of retaliation, conflict resolution and as a response to feelings of insecurity.
- Punishment alone is insufficient. Perpetrators need opportunities for change and will respond to rewards and positive encouragement.
- Understanding why a perpetrator has victimised someone else is crucial and ensures that the subsequent response is just, proportional and prevents further harm.
- In a similar way to engaging in self-harm and injury, some perpetrators use violence as a way of discharging anxiety and distress. Thus, a holistic approach is required, and one that recognises the perpetrator's need for care and support without mitigating the harm they have caused.

Supporting Perpetrators: Key Principles

6.24 Key principles when responding to perpetrators:

1. All reports and incidents of victimisation should be investigated thoroughly and in a timely manner (see above).
2. Justice and proportionality in response.
3. Rules, boundaries and pro-social norms must be reinforced.
4. Opportunities for change must be promoted, encouraged and supported (see Chapter 5).
5. An individualised approach, taking into account the perpetrator's needs, vulnerabilities and specific circumstances as well as those of the victim, must be adopted.
6. Where appropriate, perpetrators should be referred to appropriate services and receive appropriate care and support.

Justice and Proportionality

6.25 Prisoners, especially young prisoners, are (understandably) very much attuned to questions of justice and fairness in so far as their own treatment is concerned. If the process is perceived to be unjust, illegitimate, disproportional and unfair, it risks losing its value, efficacy and potency. Ensuring that the process is just begins with undertaking an effective and timely investigation. It also requires that perpetrators understand the nature of the evidence and charges against them. We observed instances where perpetrators were moved from one location to another and officers felt unable to explain why, other than to say that there were concerns about 'bullying.' Whilst we understood why officers felt disinclined to provide more specific information (which largely appeared to be out of concern for the alleged victim), such information can and should be provided. If there is concern about exposing the victim or another prisoner, this can be done by stressing the nature of the behaviour that they believed to have engaged in. As noted in Chapter 4, prisoners are often reluctant to acknowledge that they are 'bullying' others, since such behaviour can be regarded as childish and 'unmanly' (also see Ireland, 2000, 2002b). Clearly stating that such behaviour is harmful, inappropriate and unacceptable, and why, is therefore crucial.

6.26 Justice is also important for the victim and requires that appropriate action is taken and that unlawful and harmful behaviour is punished. Although it is important to recognise that bullying occurs within a social, structural and cultural context (Ireland, 2002b), we do a disservice to the victim and underestimate the agency performed by perpetrators if proportional punishment is not included as part of the victimisation strategy. Whilst

we should be careful to overestimate the possible deterrent effect of punishment, leaving bullying behaviour unpunished suggests that such behaviour is tolerated and acceptable.

- 6.27 In seeking to achieve justice, the adjudication process could be put to better use. Adjudications were often used to address physical violence, however, we found no evidence of the adjudication process being used to address other forms of victimisation related to bullying. For example, YOI Rule 55(22) prohibits prisoners from using 'threatening, abusive or insulting words or behaviour.' This charge was only used by officers when such behaviour had been directed at them personally or another officer, but was not used to address such behaviour by prisoners against other prisoners. The Prison Service Instruction (MoJ, 2013) gives wide latitude in respect of this charge since the individual at whom the words or behaviour is directed does not need to be identified for the charge to be made. Other relevant provisions include YOI Rule 55(16), which refers to a charge of taking 'improperly any article belonging to another' and YOI Rule 55(16), which refers to detaining a person against their will. Although there is no specific rule that prohibits bullying per se, the existing rules could be more usefully employed to, as appropriate, respond to incidents to all forms of victimisation.

Recommendation:

The adjudication process should be used, as and when appropriate, to respond to all forms of victimisation against other prisoners, not just physical assaults and fights.

Reinforce Rules, Boundaries and Pro-Social Norms

- 6.28 Much more can be done to challenge the behaviour of perpetrators. The adjudicating governor may well engage violent prisoners in a discussion about the appropriateness of their behaviour and the harm caused, but such discussions are not routinely taking place when perpetrators are engaging in other forms of victimisation such as bullying. The responsibility for such conversations does not rest solely with the adjudicating governor and such discussions should be continued beyond an adjudication hearing. In some cases, staff may suspect that prisoners are victimising others before any charges are formally brought. A dialogue with prisoners regarding the appropriateness of their behaviour can and should begin at this early stage. In this respect, strong staff-prisoner relationships are crucial. Although we very much welcomed the introduction of violence reduction representatives with the YOI, this should complement, rather than be a substitute, for staff involvement.

Recommendation:

As part of the response to bullying and victimisation more generally, prisoners should be challenged regarding the inappropriateness of victimisation as well as the nature of the harm caused and the impact on the victim, the wider community and themselves.

- 6.29 It is notable that there is very little available information regarding the availability of programmes or interventions to address prison bullying and victimisation. However, such programmes are necessary, especially since the prison behaviour of some perpetrators is an extension of their behaviour in the community. There is scope for innovation and a need to develop an evidence base regarding the efficacy and utility of different methods, courses and approaches.

Recommendation:

Specific programmes should be developed to address prison victimisation and support attitudinal and behavioural change amongst perpetrators. We recognise that this may require national support and investment and the development of an evidence base, but there is an urgent need to develop such initiatives.

6.30 In making this recommendation, we recognise that there are inevitable resource implications that may be beyond the control of the YOI. We also note that the use of the term 'interventions' suggests that the 'problem' of victimisation can be addressed by requiring prisoners to undergo a particular programme. Interventions are not a panacea – they are just one tool to support both perpetrators and victims. Addressing prison victimisation requires a holistic approach, which is not necessarily driven by a specific 'programme' and is set against a broader background where rewards and opportunities for progression are available.

6.31 Perhaps one of the real difficulties was that those prisoners who were most actively 'bullying' others were often already on the basic regime and other than better supervision and greater vigilance, there were limited ways to prevent such behaviour continuing. Such prisoners had already lost many privileges and enjoyed only limited time out of their cells. The resulting boredom further exacerbated the problem since with little to entertain themselves, prisoners would deliberately antagonise and victimise others. Allowing perpetrators to spend long periods in cellular confinement with limited activity is simply not effective. For example, one 'basic bully' told us:

"Because they say if you clock on someone's bullying you take their tele, you leave them behind their door but all you're doing is they're going to be bored they're going to be out of their window, bullying people even more out their windows. No one's got nothing to lose around here. Unless you're on Res 5, you got your ROTL and your Red Band, the biggest thing you've got to lose is your TV. Most people don't care about their tele. Sometimes I sit in my cell with my tele off, I'd rather read a magazine than sit there and watch tele."

Whilst they were 'riding' basic regime, their victimising behaviour largely continued. Thus, relying on the IEP scheme to deter or 'punish' bullying is largely ineffective. Moreover, there was a tendency for such prisoners to remain on basic for long periods. In the same way that victims may need small goals to re-engage with the regime, those prisoners who are on basic may also need a similar action plan, one where positive behaviour is rewarded quickly. Perpetrators need to be engaged in the kind of conversations that challenge their behaviour but also promote change. Thus, in assisting prisoners to move from basic regime, strong staff-prisoner relationships are essential.

Recommendation:

The IEP scheme should be reviewed, allowing for quicker rewards and progression. When prisoners are demoted to basic regime levels, clear support and specific advice should be given to help such prisoners improve their behaviour.

Promoting Support & Opportunities for Change

- 6.32 Since perpetrators are just as likely as victims to have significant needs and recent experience of loss and trauma (also see Chapter 3), the response to perpetrators cannot be focused on punishment alone and must consider their wider needs and vulnerabilities. This is not to excuse their inappropriate and harmful behaviour but to enable them to avoid similar behaviour in the future and ensure that they receive appropriate care and support. During an adjudication, a prisoner who had been involved in a serious, group assault disclosed that he had 'not had a good week.' When asked why, he disclosed that his infant son had died, that another child was gravely ill and his mother was due to have surgery that day. However, for reasons quite beyond prison staff, there was limited options for referral to specialist services (also see Chapter 4 above) and sadly, such experiences of loss in custody were not uncommon.

Recommendation:

An Enhanced Support and Action Plan should also be used to support perpetrators to engage in positive, rather than harmful, behaviour and to address underlying needs and vulnerabilities.

- 6.33 Not only is it possible for prisoner's needs to go undisclosed or unexplored, it can be easy for officers to label certain prisoners as inherently dangerous, violent or aggressive. However, in order to support prisoners in addressing and improving their behaviour, care needs to be taken to avoid such labels. This is not to say that officers should not be alive to security risks or concerns, but that the focus remains on encouraging prisoners to engage in attitudinal and behavioural change. As noted in Chapter 5, it is possible for perpetrators of quite serious violence to move to compliance with the regime and non-involvement in victimisation. However, severe sanctions alone are unlikely to achieve this result and most, if not all, prisoners require the encouragement and support of staff to do so. Quick rewards for positive behaviour and opportunities to demonstrate positive, responsible behaviour are also needed.

Should perpetrators be managed on normal location?

- 6.34 There has often been an emphasis on re-locating the victim in response to concerns about bullying or victimisation, but this can have the effect of stigmatising such prisoners and confirming their victim status (also see Gooch, 2013). Even if one particular victim is moved, this did not always mean that perpetrators stopped victimising others. This, and the problem of perpetrators continuing to bully and victimise others whilst locked behind their door, suggests that consideration should be given to where perpetrators are located.
- 6.35 In general, perpetrators should be managed on normal location, even if this means moving them to another cell on the wing or landing. That said, where perpetrators are located on a wing requires careful consideration. Allowing perpetrators on basic regime to remain in a ground floor cell overlooking the exercise yard simply allowed perpetrators to continue passing notes, exchanging items, conversing with prisoners and orchestrating deals. Consideration should also be given to where their acquaintances and any victims are located. Continuing to hold perpetrators on normal location does not exclude the possibility of a short-term re-location to the Care and

Separation Unit (CSU) pending an adjudication and whilst concerns are investigated. Indeed, in some cases, this may be the only way to ensure the continued safety and security of the YOI.

- 6.36 A small minority of prisoners may well persist in victimising others even after all appropriate measures have been taken. Short of relocating such prisoners to the Care and Separation Unit (CSU), there currently exists no suitable place to relocate persistent perpetrators and the question is whether or not a separate landing should be set aside to allow focused work with such prisoners. The benefits of re-locating persistent perpetrators include: the separation of perpetrators from the victims and acquaintances, reduced opportunities for victimisation and focused intervention work with a dedicated staff team. This may be a more effective approach than using the CSU since there may be a limited range of interventions that can be delivered on the CSU whereas a separate landing still offers the possibility of escorted movements around the establishment. Moreover, since relocation to the CSU is time limited, prisoners will not necessarily benefit from the kind of staff interactions and supportive, rehabilitative conversations that can occur over time. Relocation to a separate landing can only work if it is set in a rehabilitative context, where the exit plans are clear and where there are quick rewards. However, there are real risks with such an approach. First, a separate wing/landing is an artificial environment and, therefore, it is difficult to assess whether perpetrators are actually engaging in behavioural change and will desist from victimisation when returned to normal location. Second, it risks stigmatising prisoners or, conversely, generating more quodoss. Third, a separate landing could easily become a quasi-segregation unit and/or become a largely punitive unit. At present, it is difficult to assess whether such a landing is necessary, partly because bullying and victimisation is not yet effectively managed and challenged on normal location.
- 6.37 Re-location to a segregation unit should be a last resort, but it may well be appropriate to segregate perpetrators who engage in sustained or severe acts of victimisation for a short period of time. This may, in some situations, be the best way to ensure safety and security. At present, very little work is done with prisoners in the CSU to address their behaviour and this may well be a missed opportunity to engage prisoners. Although prisoners generally disliked being held in the CSU, it should not be assumed that a restrictive regime will, in and of itself, motivate change. Indeed, several notable perpetrators had several spells in the CSU. Thus, consideration should be given to whether or not there is scope to further develop segregation regimes, retaining an appropriate level of restrictions but also requiring prisoners to consider and address their behaviour.

Does a 'Zero Tolerance approach' help?

- 6.38 Whilst we understand the sentiment behind policies that stress a 'zero tolerance' to violence, in reality, such an approach is rarely achieved. Moreover, there is a risk that such a message may appear disingenuous. Certain forms of violence are tolerated because they are legitimate. First, in law, both prisoners and staff can act in self-defence. In order for such a defence to be successful, the use of force must be reasonable, proportional and necessary. Secondly, prison staff may use force, as prescribed by PSI 1600 and described in the training manual, where there is a risk to life, limb, property or the good order of the establishment. The use of force is an act of

coercion and violence. Even though the intention of staff is not to harm the prisoner, this may be inevitable but undesired consequence. Thus, it is not all violence that is intolerable, but the use of illegitimate, unlawful violence. In stressing a zero tolerance approach to violence whilst failing to respond as robustly to all forms of victimisation, there is risk of precipitating the very behaviour that the policy is intended to address. The language of 'zero tolerance' can also appear somewhat combative and tokenistic. As noted in Chapter 5, preventing victimisation requires a holistic response and it requires the commitment of staff, prisoners and visitors. Therefore, **what we would suggest is the avoidance of phrases such as 'zero tolerance' and a focus on prevention, reduction and justice.**

Conclusion

- 6.39 Bullying is only one form of victimisation and it is clear that the tenuous separation between violence reduction strategies and anti-bullying strategies is no longer defensible. A victimisation strategy focusing on the range of harmful behaviour evident in the prison environment should be implemented. This strategy must focus on effective investigation, victim support and robust and proportional responses to perpetrators. The strategy must also be implemented consistently within a context where staff are invested in supporting prisoners and promoting behavioural change.

7. Conclusion

- 7.1 Much has changed since the research examining the nature and prevalence of bullying first emerged in the 1990s. Technological advances, the increasingly availability of NPS and mobile telephones, and the increasingly porous nature of the prison walls have all changed the character and dynamics of prison bullying and victimisation. Within this context, it is possible to define bullying. However, operationalising that definition is difficult. Whilst it is possible to identify certain behaviours as victimisation, it is not necessarily possible to identify at first glance whether that behaviour is part of a bullying relationship. Thus, bullying is often difficult to record and evidence accurately. Focusing on developing a 'victimisation' rather than an 'anti-bullying' strategy is not only likely to be more effective but will ensure that all instances of victimisation are investigated, challenged and penalised appropriately.
- 7.2 Prison bullying occurs in a specific environmental, structural, social and cultural context. Thus, focusing solely on correctly framing the response to perpetrators risks overlooking the broader contextual factors that can either support or reduce the likelihood of bullying, and other forms of victimisation, occurring. In the context of school bullying, Twemlow and Sacco (2008) comment that 'bullies will only do what bystanders allow.' Similarly, Ireland (2011) comments 'bullying is a product of a peer group and not a behaviour that occurs in isolation.' There must be a whole prison approach, which includes: strong leadership; 'operational grip'; strong staff-prisoner relationships; a decent environment; proportional security; appropriate rewards and sanctions; the legitimate use of force; family contact; access to activities; offender behaviour work; victim support; and, the implementation of a robust, proportional and effective anti-victimisation strategy. Thus, the solution to prison victimisation is multi-faceted and complex.
- 7.3 Addressing the problem of victimisation holistically will have a number of positive benefits beyond fewer incidents, including: a reduction in self-harm and attempted suicide; a reduction in the number of open ACCT documents; a reduction in the number of prisoners located on the SLU; a reduction in the use of force (and associated injuries to staff and prisoners); a reduction in arson and cell damage; and, a reduction in time spent responding to incidents (and completing the associated paperwork). Creating a safe, decent and secure prison is a key concern for both staff and prisoners and, ultimately, in preventing the next victim, everybody benefits.

8. Key Recommendations

An Anti-Victimisation Strategy

1. The Ministry of Justice (MoJ) and National Offender Management Service (NOMS) should introduce an anti-victimisation strategy focusing on the full range of harmful behaviour evident in the prison environment nationally. This strategy should avoid the pitfalls of anti-bullying strategies and the tenuous separation between anti-bullying and violence reduction strategies.
2. At a local level, all concerns about victimisation should be investigated and acted upon. The anti-victimisation strategy should clearly set out the timeframe and process for investigation as well as detailing who is responsible for implementing the process.¹⁷
3. At a local level, when victims exhibit signs of victimisation and distress, this should be actively followed up and recorded appropriately.
4. Staff training should ensure that there is a clear consensus about what constitutes bullying and victimisation, and why. Such training should address the myths and misconceptions about victimisation.

Victim Support

5. As part of the anti-victimisation strategy, there should be a clear process for relaying appropriate information to victims about what action will be taken, or has been taken, in response to concerns about victimisation. The anti-victimisation strategy should clearly indicate who is responsible for communicating such information to the victim.
6. As part of the anti-victimisation strategy, a specific victim support strategy and support Enhanced Support document should be developed, one that allows for a multi-agency, holistic approach, identifies a named individual as the first point of contact for a victim, includes a specific action plan and clearly sets out the level of support and the action required by all parties.
7. The Enhanced Support and Action Plan should include small measurable goals that enable victims, and any other vulnerable prisoners who are not on an ACCT document, to re-engage with the regime and demonstrate positive behaviour. The action plan should also set out how staff will facilitate enhanced care and support. The plan should be subject to regular review and even small achievements should be rewarded.
8. Specific programmes should be developed to facilitate greater victim support and the development of wider skills amongst victims (and other vulnerable prisoners who would benefit from such support). The lack of appropriate victim support and relevant skills based sessions is an obvious gap and one that should be urgently addressed. The development of new initiatives should also be accompanied by further research specifically focusing on how the needs of victims, and other vulnerable prisoners, can be most effectively addressed.

Responding to Perpetrators

9. The rules regarding the possession of property, including whether or not prisoners can wear their own clothes, should be implemented consistently. If prisoners are acting in violation of these rules this should be challenged appropriately and proportionately by staff.

¹⁷ A process is set out in Appendix 2.

10. Prisoners should be challenged regarding the inappropriateness of victimisation as well as the nature of the harm caused and the impact on the victim, the wider community and themselves.
11. The adjudication process should be used, as appropriate, to respond to all forms of victimisation, not just violent assault and fights.
12. Specific programmes should be developed to address prison victimisation and support attitudinal and behavioural change amongst perpetrators. This may require national support and investment and the development of an evidence base, but there is an urgent need to develop such initiatives. The development of new initiatives should also be accompanied by further research specifically focusing on how prison victimisation can be most effectively addressed.
13. An Enhanced Support and Action Plan should also be used to support perpetrators to engage in positive - rather than harmful - behaviour and to address underlying needs and vulnerabilities.

A Whole Prison Approach

14. All staff should undertake training regarding the specific needs of looked after children and disabled prisoners and how this may relate to their vulnerabilities and behaviour in custody, as well as what support might be required. In addition, training regarding mental health needs amongst adolescents should also be delivered.
15. Specialist support should be made available for prisoners with unresolved and/or recent experiences of trauma, loss, abuse and bereavement. This may require national support and investment but the absence of such services is a significant gap.
16. The IEP scheme should be reviewed, allowing for quicker rewards and progression. When prisoners are demoted to basic regime levels, clear support and specific advice should be given to help such prisoners improve their behaviour.
17. The range of available rewards and incentives for prisoners on Enhanced regime, as well as those prisoners who continue to demonstrate positive behaviour and undertake positions of responsibility effectively, should be developed.
18. Closed visits should not be used as a punishment or as part of the IEP regime.

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Glossary of Terms

ACCT	Assessment, Care in Custody and Teamwork
Adjudication	An internal, disciplinary hearing dealing with charges against prison rules.
Basic Regime	The lowest level of the IEP scheme, offering the fewest privileges and most restrictions.
'Burn'	Prison slang for tobacco
Canteen	This refers to the range of goods that can be ordered by prisoners from a selected list, such as food, drinks, tobacco and stationery.
CSU	Care and Supervision Unit (segregation unit)
Double Bubble	The practice of lending items to other prisoners but requiring twice as much in return.
Standard Regime	The second highest level of the IEP scheme, with fewer privileges than Enhanced regime but also fewer restrictions than Basic Regime.
Enhanced Regime	This is the highest level of the IEP scheme, offering the most privileges and the fewest restrictions.
FNC	First Night Centre
IEP scheme	Incentives and Earned Privilege Scheme
IRs	Intelligence Reports
'Nicking'	Prison slang for an adjudication
NOMIS	National Offender Management Information System
'Pad'	Prison slang for cell
PPO	Prisons and Probation Ombudsman
PSI/PSO	Prison Service Instruction/Prison Service Order
SLU	Supported Living Unit
SMT	Senior management team
The 'Block'	Prison slang for the segregation unit

Appendix 1

Draft Anti-Victimisation Strategy: Overarching Principles, Objectives and Definitions

Overarching Principles

1. Victimisation can be prevented. This requires a whole prison approach, strong leadership and strong staff-prisoner relationships.
2. Victimisation is not inevitable. Whilst it is impossible to completely eliminate the possibility of victimisation occurring, the frequency and severity of victimisation can be reduced.
3. It is not possible to predict all incidents of victimisation, but it is possible to either increase or reduce the likelihood of victimisation occurring.
4. Everyone – whether they work, live in or visit the establishment – benefits from a safe environment.
5. Without a safe, secure and decent environment, the possibility of rehabilitative outcomes is severely limited.

Objectives

1. Create a safe, secure and decent environment.
2. Develop a whole prison approach to victimisation.
3. Prevent and reduce the prevalence, frequency and severity of victimisation.
4. Effectively reduce and manage risk.
5. Achieve a robust, proportional and effective response to victimisation when it occurs.
6. Effectively support victims.
7. Effectively challenge victimisation and reinforce pro-social norms.

Defining Victimisation

Victimisation is defined as:

An incident occurring between two or more individuals causing physical, emotional, psychological or economic harm. It includes: verbal abuse, threats, coercion, theft, robbery, physical assault, sexual assault and bullying (which may involve one or more of the previously mentioned behaviours). Victimisation is intentional.

Bullying is defined as:

Conduct motivated by a desire to hurt, threaten or frighten someone. It can be physical, verbal, psychological, emotional or economical and often very subtle. It is usually repeated behaviour and intended to cause fear or harm to the victim. Bullying cannot be mutual: it always involves a power imbalance. This distinguishes bullying from fights and assaults.¹⁸

¹⁸ Definition is taken from Her Majesty's Prison Service (2004) with a minor amendment to remove the phrase 'unprovoked.'

Appendix 2

Responding to Victimisation: Action Plan

1. Victimisation is reported or witnessed

1. Safety & Security
 - Are there any immediate threats to safety and security?
 - Do you need to move any of the parties?
2. Immediate Care and Support
 - Do any of the parties need medical treatment?
 - Do any of the parties need additional care or support?
3. Evidence
 - Consider whether evidence needs to be preserved (see PSI 51/2010)
4. Reporting
 - Submit intelligence report (IR)
 - Complete observation book
 - Enter information on CNomis
 - Email safety hub

2. Investigation

1. Inform the alleged perpetrator(s) that they are under investigation and advise victim(s) about how the investigation will progress
2. Obtain accounts from all parties, including the alleged perpetrator, victim, any affected third parties and any witnesses
3. Establish the facts and the timeline
4. Obtain evidence (such as photographs, CCTV imagery, body worn camera imagery) where necessary
5. If necessary, conduct cell searches and recover any evidence or property
6. Review the available evidence

The Custodial Manager, Senior Officer or Violence Reduction Officer should investigate all incidents within 24 hours.

3. Analysis

Consider:

1. Roles – Who was involved and in what way?
2. Circumstances – What led up to the incident?
3. Severity – How serious is the behaviour?
4. Frequency – Has this happened before? How frequently has the behaviour occurred? Is this part of a pattern of behaviour?
5. Harm & Impact – What harm occurred (physical, emotional, economic, psychological)? How serious was the harm?

6. Prevention – Is it likely that this behaviour will happen again? Is there likely to be any retaliation? What action needs to be taken to prevent further harm?

4. Response

In framing the response to the perpetrator, the following should be considered:

1. Should the perpetrator receive an adjudicator?
2. Should the incident be referred to the independent adjudicator?
3. Should the perpetrator's regime level be reassessed? If so, what action will the perpetrator need to taken to subsequently take to move to a higher regime level again?
4. Does the perpetrator need to be relocated?
5. Does the perpetrator need an Enhanced Support plan?
6. Does the perpetrator need to be referred to specialist services?
7. Should the perpetrator access any specific courses or interventions? If so, how and when will this be arranged?
8. How can access to activities, work and employment be managed?
9. Are there any on-going safety and security concerns that need to be managed?

The Adjudicating Governor/Custodial Manager must explain to the perpetrator(s):

1. What action will be taken and why
2. Why the behaviour is deemed to be inappropriate and harmful
3. What will happen if they do not desist from such behaviour
4. How they can improve their behaviour
5. What rewards and opportunities are available if they improve their behaviour
6. Who will support them to help them improve their behaviour

The victim(s) should be given appropriate information regarding the outcome of any investigation and action taken. In addition, the following should be considered:

1. Does the victim need to be moved to another location (if they have already done so)?
2. Does the victim need to be referred to specialist services?
3. Does the victim need additional family contact?
4. Does the victim need an Enhanced Support plan?
5. Should an ACCT document be opened?
6. Would the victim benefit from accessing specific courses or interventions? If so, how and when will this be arranged?

5. Review

Safer Custody team to consider:

1. How does this incident fit within wider patterns within the institution in terms of location, timing, nature of the behaviour, the dynamics and parties involved?
2. Are there any wider issues that need to be addressed in order to prevent the behaviour re-occurring?
3. Are there any learning points?

Appendix 3

Conducting an Investigation: Evidence Template

When investigating an incident(s) of victimisation, the following facts should be established:

1. The parties involved and their respective roles.
2. The time and date of the incident(s).
3. The duration of the incident(s) occurred.
4. The location of the incident(s).
5. The nature of the harm caused and any injuries.
6. Whether a weapon(s) was used.
7. Whether they were aware of any witnesses and if so, who.

In addition, it may be appropriate to ask:

1. Why did the incident occur?
2. What occurred before and after the incident?
3. Has there been any other incidents involving the same person(s)?

Person completing the form		Date	
Prisoner's Name		Prisoner Number	ID
Time & Date of Incident		Location of Incident	
Name(s) of Victim(s)			
Name(s) of Perpetrator(s)			
Name(s) of Witnesses or Third Parties			
Injuries Caused (give details)			
Weapon Use (give details)			
Summary of Incident:			
Staff Signature		Date	
Prisoner's Signature		Date	

Prison violence is an increasing problem across the prison estate, with the number of assaults and serious assaults at a ten year high. Within this context, it is the levels of prison violence and bullying in the young offender institution estate that has been the source of ongoing concern. However, relatively little research has focused on the specific problem of bullying amongst young prisoners and much of the available research, both about bullying and prison violence more generally, is dated. Yet, the effects and impact of prison bullying can be significant, both for the individuals concerned and for the wider prison community. Thus, understanding how, when and why bullying occurs is crucial. This report draws on extensive ethnographic and qualitative research to provide a detailed analysis of the nature and dynamics of prison bullying, violence and victimisation. In addition, the report considers how to prevent and reduce the prevalence and severity of prison bullying, violence and victimisation. Ultimately, we argue that high levels of victimisation are neither inevitable nor acceptable but, in order to reduce the incidence of victimisation, a whole prison approach is required.