

**REFORM OF THE PRISON SYSTEM IN  
ENGLAND & WALES IN RESPECT OF  
PROLIFIC MINOR OFFENDERS**

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## PRISON SYSTEM AND PROLIFIC MINOR OFFENDERS

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## SECTION 1

### EXECUTIVE SUMMARY

1. This paper proposes a new sentence to be available to the courts for dealing with male Prolific Minor Offenders. That is “To be Detained for Training at Her Majesty’s Pleasure” (DFT)
2. Release would be dependent on reaching the required performance levels in respect of education, training and conduct rather having served a certain length of time as under a determinant sentence. However, there would have to be a legal cap on the maximum time that can be served.
3. The required performance level would be achievable within three to eight months. Thus, the additional costs of DFT would be outweighed by the faster throughput of the proposed system compared to the *status quo*.
4. The initial phase of training would concentrate on hope, pride and discipline so that more interesting training can be safely undertaken later. Most training would be undertaken as part of a training team in order to counter the gang culture and be more effective.
5. There is no point in releasing illiterate and innumerate offenders from a penal system as it is inevitable that they will reoffend since they cannot secure legitimate employment. Trainees would not be released until they reach the required standard of literacy and numeracy. Training in a number of useful and relevant work-related skills would also be provided. The training would be demanding and given the amount of time available, high standards would be required.
6. The key components of the training would take place in remote rural locations in order to isolate from criminal influences and mobile phone signals. The remoteness would provide the security rather than prison walls.
7. The training would be based on respect and compliance. This will be primarily achieved through a rewards culture as punishments are of very limited effectiveness for this sector of society. Peer pressure from other team members is expected to encourage good performance.

## SECTION 2

### INTRODUCTION

1. For the past twenty-eight months the author has made a very close study of the UK's prison system. This interest was stimulated by a debate on prison overcrowding initiated by Lord Brown of Eaton Under Heywood on the 7th of September 2017.
2. The operation of Prisons in Scotland is a devolved matter, but the same problems obtain North of the Border. However, this paper proposes reform in England and Wales only.
3. It was no surprise to conclude that: from top to bottom, the entire system is fundamentally flawed and is in desperate need of drastic reform, particularly in respect of Prolific Minor Offenders (PMOs).
4. The author would like to thank all those who have briefed him on this subject. In particular, the Governor and staff of HMP Brixton who devoted an inordinate amount of time tutoring him about how a good prison works.
5. The system needs to be reformed because:
  - a) Despite considerable public expenditure, the penal system does not achieve the effects desired, with very high rates of re-offending.
  - b) Only the United States has a higher incarceration rate than the UK and our prison population has increased by 70% in the last 30 years.
  - c) The high level of relatively minor offending causes avoidable distress and expense for a considerable proportion of the law-abiding population.
  - d) The drug, gang and knife culture justifiably cause deep public concern.
  - e) The criminals involved do not contribute to the economic health of the country and will never enjoy a good full life themselves.
  - f) It is morally wrong for the state to repeatedly incarcerate a younger offender but fail to effectively address his or her offending behaviour or weaknesses.

6. It is generally accepted that the prison population has grown due to the longer sentences that Government and Parliament has legislated for. With regard to outcomes for PMOs, it is contended by the author that the UK has been 'off course' on matters of prison reform for so long that we are now very far from where we should be. Therefore, only drastic reform will recover the situation.
7. This paper makes proposals for dealing with Prolific Minor Offenders (PMOs). A 'minor' offence could be defined as one for which a sentence of immediate custody is unlikely for a first offence.
8. In making these proposals, the author has brought to bear his experience of being a junior member of a voluntary disciplined organisation, then commanding that organisation as well as later, volunteering with a civilian aid agency overseas. His background is at Annexe A.
9. Some words are technical terms and are defined in the glossary at the back of this paper.

## **SECTION 3**

### **CURRENT SITUATION**

#### **The Offender**

1. Young Prolific Minor Offenders (PMO's) are people who have often, through no fault of their own, had the most terrible start in life: who have never known familial stability, lack a positive male role model and who frequently are illiterate, innumerate, unemployable, and who feel little option but to return to a life of petty crime on release from prison.
2. Ethnic minorities are over-represented in the prison population. This paper recognises that there are also a few thousand female prisoners some of whom may benefit from some of this paper's proposals. However, this paper is targeted at the majority male prison population and is drafted accordingly.
3. There are several other groups of prisoners and some of these proposals may be relevant in the future.

#### **Incarceration Rate**

4. The UK's rate of incarceration is higher in the United Kingdom than it is in any other country in Western Europe. England and Wales have (according to the International Centre for Prison Studies) both the largest total prison population in Western Europe and the highest rate of prisoners per 100,000 people, at almost 147. These are not division-topping accomplishments of which, as a nation, we should feel proud.

#### **Determinant Sentences**

5. Currently 'minor' offenders sentenced to immediate custody receive a determinant sentence from a few weeks to a few years. If they do not misbehave, they will be released on probation at the halfway point except for very serious offences.
6. There are three adverse effects of this. The first is that there is very little incentive to learn or to acquire new skills. The second is that prisoners further

up the criminal hierarchy can be careful not to get awarded extra time whilst more 'junior' prisoners get 'invited' to do the activities that will get them into trouble. Finally, remand prisoners do not have to undertake purposeful activity. When they are sentenced, time on remand is considered even though they might not have done anything worthwhile during that time.

### **Short Sentences**

7. There is an ongoing debate as to whether short sentences do more harm than good and should sentences of less than 12 months be abandoned. There is a danger that 12 months in a conventional prison could become the minimum sentence. The real problem is that the current prison regime is so unlikely to secure any improvement in the prisoner's behaviour. The author believes that significant improvement in offender behaviour can be achieved with far less than 12 month's detention.

### **Reconviction Rate**

8. Rates of reconviction in the first year after release are unacceptably high at 65% and this figure is flattered by those who will never reoffend again for one reason or another. Not to be forgotten is the adverse effect on the rest of society of the offender's criminal activity prior to being caught again by the police. Time in prison – contrary to its stated intention and as the statistics clearly show – does little or nothing to address the probability of many quickly reoffending upon release. The good news is that PMOs stop offending by between about twenty-six and thirty years of age. Probably because they have grown up and have got into a steady relationship with commitments.
9. Far too many young people are trapped in a recurring cycle of minor offence, followed by prison time, followed by further minor offences. It is a cycle that not nearly enough is done to confront or to break. The fact that the costs and benefits of reform accrue to different departmental budgets does not alter the economic case for drastic reform. The economics of reform are discussed at Annexe B, Economics.

### **Propensity to Reoffend**

10. So long as offenders are released from prison still illiterate, innumerate and with very limited work skills, why does anyone believe that they will be able to

engage in legitimate economic activity? And even if an offender does desire not to reoffend, how can they be expected to secure employment if their education, personal conduct, appearance and bearing is still weak to say the least?

### **The Cliff-Edge**

11. Currently offenders are either in prison and occasionally released on temporary licence (ROTL) or they are released from prison on probation, but with very little support. For minor offenders, there is almost no glide path to release. Often, they are released to No Fixed Abode (NFA) and with only £46 in their pocket. Sometimes they are released on a Friday with limited support available over the weekend.

### **Education and Training**

12. Levels of education are far too low and improvement rates are unsatisfactory. In many cases it is extremely difficult to get prisoners to address their literacy and numeracy weaknesses despite valiant attempts by well-motivated staff. For many, prison is a temporary interruption to their illicit, and sometimes lucrative, life outside prison. Often a classroom environment is unsuitable.
13. Although 'purposeful activity' i.e. work, education, training, resettlement activities, religious worship, physical education – is supposed to take place for at least 24 hours each week, security issues and staff shortages all too often mean that this time is severely curtailed. Another difficulty is that purposeful activity must take place between mealtimes. Furthermore, because higher risk offenders are being 'trained' with lower risk offenders, very little risk can be taken with the latter. Thus, the training is very limited.
14. The reports of the Chief Inspector of Prisons for England and Wales (The Chief Inspector), with monotonous regularity, criticise the quality of purposeful activity. It is frequently described as being boring, repetitive and not relevant to anything the prisoner may be doing on release. One report refers to prisoners having work as a painter, but with no access to paint brushes!
15. Since prisoners are unlikely to be fulfilled or even slightly tired by the end of the day, it is not surprising that they resort to substance abuse which is rife



in many prisons. Unfortunately, this creates a large illicit economy within prisons which is very hard to deal with.

### **Dress**

16. For rehabilitation to take place there must be in place hope, pride, education and training. The last two are generally recognised but the Chief Inspector tells us that provision of both is woefully inadequate. So far as the author can see, there is very little requirement for hope or pride.

17. The lack of pride or self-worth seems best illustrated by the slovenly dress worn routinely by inmates. Scruffy tracksuits tops and bottoms are the norm. No thought or care seems to be put into appearance or bearing. It could be argued that if the only need is to warehouse prisoners in a conventional prison with very limited purposeful activity, track suits are all that is required.

### **Prison Staff**

18. The author has visited various prisons and has met and spoken with many of those who run or work in them. Often these people are highly impressive individuals, and none of what is written is meant in any way as a criticism of them, nor of the civil servants working in the Ministry of Justice. The problem lies with what we, as a nation, ask them to do with offenders.

### **Prison Environment**

19. If the role of prison is only to incapacitate dangerous and serious criminals and protect the public by means of incarceration, a conventional prison environment is fine. If, at the other end of the requirement spectrum, it is desired to rehabilitate a minor offender who is going to prison for the first time, it is hard to imagine anything less suitable or effective.

20. There is a drug and gang culture backed up by a hierarchy of prisoners and an illegal economy. Many prisoners are mentally fragile to say the least, but the inside of a conventional prison is necessarily a horrible noisy artificial environment which is not going to help.

## SECTION 4

### OVERVIEW OF NEW PROPOSALS

#### **General**

1. These proposals are not set in stone and this paper's author retains an open mind. The overall outcome will certainly be different from that which is now proposed, and this paper is designed to suggest a direction of travel that would address some of the weaknesses identified in the various Chief Inspectors' Reports. This paper is not intended to be a perfectly worked out policy document.
2. Currently, prisoners are given precious little hope, self-belief or discipline. They leave prison still illiterate and innumerate, and it is therefore sadly inevitable – because no alternative exists – that they will reoffend. This is where it is believed that a fundamental change could be made for the better.

#### **New Sentence, DFT**

3. A new sentence is proposed for younger Prolific Minor Offenders (PMOs) and that is “To be detained for training at Her Majesty's Pleasure” or “DFT” for short. Within the underpinning legislation there would have to be a cap on the length of the sentence of, say five years. The sentence could not be completely indeterminate.
4. Release would occur when the offender achieved the required level of performance in terms of education, training and conduct. Probably the courts will be involved in approving the performance level required and this would be higher the more serious the contravention was.
5. The Sentencing Council may have a role to play. The basic standard would be for literacy, numeracy, some work skills and personal conduct. A higher standard might require certain recognised academic or trade qualifications in addition.
6. Since release is dependent upon reaching a certain level of performance, time spent on remand (and spinning that period out) will not advance the release date.

7. Whilst five years might be the maximum cap, the minimum period could be as little as three months. The result would be to provide both an incentive (to be ready to leave early) and a disincentive (the possibility of remaining in prison for much longer than hitherto for the same offence).
8. No longer would PMOs be released from prison after a short determinant sentence when it is almost inevitable that they will reoffend because they have not improved their performance and conduct. Annexe C, Selection for DFT, provides more detail.
9. DFT training would not be undertaken in the conventional secure estate, which is expensive, but necessary, when it is essential for public protection. The accommodation would be semi-secure. It should be remembered that offenders suitable for a DFT sentence would not have received immediate custody if it was their first offence in any case. A significant proportion of the training would take place in open countryside conditions and outside of the semi-secure estate.
10. DFT is not appropriate if the offender has either been institutionalised or the training would not lead the offender into legitimate employment. Annexe C, Selection for DFT.
11. If a DFT trainee did abscond, escape or went absent without authority, he would be demonstrating that his personal conduct is not up to the required standard and thus his release would be significantly delayed.
12. In order to counter gang culture and exploit its sociological aspects, DFT training would be undertaken as part of a team. This is further covered at Annexe D, Gangs and Teams.
13. If the training is to be rigorous great care would have to be taken to avoid any possibility of abuse. This is covered at Annexe E, Anti-bullying controls.

### **The Three Phases of DFT**

14. DFT would be undertaken in three phases which are outlined below:

#### Phase 1 – Basic Compliance Training

- a) This would be known as 'Basic Compliance Training' and is designed to instil hope, pride, and discipline in order that greater risks can be taken in later phases. Trainees would not be able to move onto later phases until they have passed out on Basic Compliance Training.

- b) This and subsequent training would be undertaken as part of team and as well as being demanding and competitive, trainees would experience some fun.

#### Phase 2 – DFT Training

- a) This would be the training phase. In the absence of any individual contra-indications, all DFT trainees on this phase would have to achieve basic skills such as:
- i) First aid at work certificate.
  - ii) Forklift truck training ticket.
  - iii) Basic Construction Skills Certificate Scheme (CSCS) qualification to allow access to a construction site.
  - iv) A selection of other desirable qualifications that are relatively easy to train for.
- b) Illiterate and innumerate offenders often do not respond well to a classroom environment and they need strong incentives. One incentive might be the opportunity to go onto more interesting exercises if literate and numerate. Peer pressure and help from the rest of the team will be helpful.
- c) By this stage trainees should be much more reliable, especially after passing out on Basic Compliance Training. A useful way of demonstrating that their conduct is up to the required standard is to be able to be Released on Temporary Licence (ROTL) for a weekend, perhaps with a tag, and return to the correct location for the next item of training. Annexe F, Use of ROTL, Employment and Families, discusses this further.
- d) Phase 2 training would include outward bound training coupled with exercises. The exercises might be based on an international aid scenario where the training team must overcome difficulties and achieve some desirable outcome. A good example would be a first aid exercise, or one as a serial of a wider exercise, where the trainees will have to take the right course of action and avoid the wrong ones.
- e) To pass out on this phase trainees would have to meet a required (and achievable) standard of literacy and numeracy which might vary

according to the offence, but which would be essential as well as meeting the basic skill requirements.

- f) More serious offences would require higher standards and better performance on more demanding exercises. As already suggested the standard required might have been approved by the court after, or as part of, sentencing.

#### Phase 3- Gradual Release

- a) This is the release stage. Currently the procedure for release is seriously defective. Often prisoners are released into No Fixed Accommodation (NFA) and sometimes on a Friday. The released prisoner is obliged to report to the probation officer, and he will be told where he is to sleep that night. This is a recipe for failure for obvious reasons.
- b) Release from a DFT sentence would be a gradual process, a glide path. Extensive use of ROTL would be made for increasingly long periods. It ought to be normal for a DFT trainee to have secured employment, at least on a trial or probation basis. This is further discussed at SECTION 7, GRADUAL & SAFE RELEASE

#### **Training in Teams**

- 15. Most aspects of DFT training, including Basic Compliance Training, would be undertaken as part of a team. This is covered at Annexe D, Gangs and Teams.
- 16. It would be profitable for the team to help and encourage members to address their weaknesses. Teams would often be competing against each other or there would be benefits or incentives for a team to complete a task satisfactorily. Benefits or incentives might include:
  - a) Improved food, accommodation or recreation.
  - b) Longer leave or ROTL periods.
  - c) Authorised leave periods to more interesting destinations.
  - d) Being allocated more interesting real work tasks.
  - e) Successfully completing one type of exercise might be the pathway to being able to undertake even more interesting training.

### **Need for Fun**

17. Bearing in mind the rotten social start to life that most DFT trainees have experienced, there is no point in being beastly to trainees for months on end. This will not produce a commendable and employable person.
18. It will not be possible to get youngsters to enthusiastically engage in the training proposed without a significant element of fun. Some might think that a penal system should include no fun whatsoever. However, the punitive element is the judicial process and the deprivation of liberty. Whilst there would be some fun in Basic Compliance Training, the clue is in its name. It would certainly be a culture shock for many as it would not be designed to be fun or attractive.
19. There must be a sense of hope. Trainees need to recognise that they have 'fouled up' but they also need to know that there is a good future ahead both in the short and long term. The knowledge that fun, interesting and demanding training lies ahead is vital.
20. After Basic Compliance Training, the training would become more interesting and fun. Trainees need to experience a better side to life. Being away from the urban jungle and its negative influences will allow trainees to re-group and perhaps reinvent themselves.

### **Mentoring Support**

21. It is recognised that there is an essential need for an appointed person to provide mentoring support to the trainee from very soon after sentence to DFT until sometime after release. This covered at Annexe G, Mentoring Support.

### **Numbers on DFT**

22. The question of how many offenders would be on DFT at any one time is a complex one which only the prison population management officials at MOJ could answer. This is because there are too many uncertainties. The number of prisoners currently in the conventional secure estate who could benefit from DFT is in the thousands.

23. The objective of DFT is to very significantly reduce the reconviction rate of PMOs and thus the overall prison population. It may well be the case that offenders need less time on DFT than they would spend in custody as part of a determinative sentence in the secure estate. Achieving the required standard of literacy may be the most time-consuming (and necessary) part of DFT.
24. It is suggested that an initial pilot DFT course might have one or two hundred trainees in one location. If the concept was proven, more slightly larger, training locations could be set up.

### **Essential Enablers**

25. In order to make DFT work it is vital to have a new more collaborative approach to be taken if DFT, or anything like it, is to be implemented.
- Ministerial
26. In making proposals consideration needs to be given as to how the prison system has got into such a state and what needs to change to facilitate drastic reform. The problem of the serious lack of continuity at the top needs urgently to be addressed.
27. An agency system of governance for the prison system has been proposed and tried. The difficulty is that, quite properly, ministers would still be accountable and responsible. No minister would be comfortable being in that position without being able to 'call the shots'. This problem is now being seen acutely with the NHS.
28. Currently (early 2020) there have been seven Secretaries of State for Justice, the Prisons Minister likewise. In both cases, that is a tenure of less than 17 months. It goes without saying that it is completely impossible to contemplate meaningful reform given that timescale. New occupants arrive in the job fully aware how unlikely it is that they will enjoy the extended tenure necessary to carry out significant change, even should they desire to do so.
29. The Prime Minister must give his Prisons Minister a clear mandate and direction to undertake agreed drastic reform. In addition, a guarantee is required (obviously excepting any serious personal misconduct) of at least four years in which to plan and implement reform, or it will never happen.

30. The PM will also need to minimise the involvement of the Treasury (HMT) or at least guarantee support when needed. For instance, it would almost certainly be desirable to improve or alter the pay structure of the prison officers, especially if they acquired, or were recruited with, instructor qualifications. If the Prisons Minister could demonstrate to stakeholders that he or she had the capacity to engage effectively with HMT, it is much more likely that other desirable reforms could be put in place.
31. The Prisons Minister also needs to be confident that he or she will be allowed to navigate through the inevitable patches of choppy water that will be encountered. This means that, in these situations, the PM will have to offer unwavering support. An alternative might be to move Prisons to the Cabinet Office during the period of reform. The difficulty here is that Prisons is a major part of MOJ business.

#### Prison Governors

32. The author of this paper has been extremely impressed by the junior and governing governors that he has met. They almost always had a clear grasp of the local situation but could also understand the underlying social issues and the Big Picture. They are skilfully doing the best that they can within existing resources and the system as it is now. There is no doubt that they would be able to operate an entirely new prison model for certain classes of prisoner.

#### Prison Officers

33. Prior to looking closely at the prison system, the author was led to believe that the Prison Officers Association (POA) and its members were a large part of the problem. The author is now full of admiration for their work and their courage and fortitude in dealing with some of the most difficult and dangerous members of our society. It is fair to say that there are some organisational issues with the POA and their ability to implement agreements made at the centre, but these should not be insurmountable.



### Stakeholders

34. The prison system is arguably a 'wicked problem' where there is little agreement on what the problem is, and the obvious solutions are not the right ones. The problem of the UK prison system is not susceptible to someone, even a minister, saying "I know what the solution is. Follow me!" Thus, a prisons minister who wants to effect change will have to work far more collaboratively with stakeholders than hitherto. There needs to be much more frequent meetings with stakeholders with an informal roundtable approach. The stakeholders need to feel that they are helping to mould reform rather than being told by the Centre what is going to happen and then expend their efforts in opposing it.

## **SECTION 5 posteria**

### **BASIC COMPLIANCE TRAINING (PHASE 1 OF DFT)**

#### **Purpose**

1. The purpose of Basic Compliance Training is to help to instil hope, pride and discipline in a DFT trainee so that that greater trust can be placed in him later. A trainee who has passed out on Basic Compliance Training can be expected to move from one training location to another or to his home, on his own and without absconding or getting into trouble.
2. Initially, Basic Compliance Training would be the first phase for DFT only. Later, if Basic Compliance Training was beneficial it, or something similar, might be relevant to other sentences where it is desired to place greater trust in a prisoner.
3. Readers will recall Lord Whitelaw's "Short Sharp Shock" policy. It was defective because the policy was an end in itself and not a means to an end. In short, the idea was to be beastly to offenders for a period in order to deter further offending. Since little or nothing was done to address their weaknesses in education and skills, it is not surprising that most continued to offend. The term "Boot Camp" smacks of a US style bullying programme which is not what is proposed.
4. It is possible that, in a very few cases, no attempt to pass out on Basic Compliance Training will be made. Eventually, such offenders will have to go back to the conventional secure estate BUT they will stay there until they reach the five-year cap point because otherwise, they are almost certain to reoffend on release. This is the point about being "Being Detained at Her Majesty's Pleasure", offenders must improve in order to secure release.
5. Basic Compliance Training and subsequent stages of DFT training would be undertaken as part of a team. This is covered further at Annexe D, Gangs & Teams.

#### **Location of Basic Compliance Training**

6. Basic Compliance Training as well as some other DFT training would be undertaken at remote rural locations in order to isolate from illegal communications and gang influence. It would also make it much harder to

introduce drugs. This is covered further at Annexe H, Training Locations & Infrastructure.

### **Training About Society**

7. For all their lives DFT trainees will have been able to turn on a tap and obtain running hot and cold water. Similarly, they can have a shower whenever they desire. However, they would never have given much consideration as to how this is achieved. Of course, this is the product of modern society but, for a variety of reasons, they are not playing a legitimate part in it.
8. For the first stage of Basic Compliance Training, trainees will find themselves in extremely austere conditions but no worse than soldiers would experience on a field exercise. For instance, they would have to wash in plastic bowls with cold water that they have carried from some distance away. As they progress with the training, conditions would keep continuously improving as part of the rewards culture. Many of the improvements would only be achievable by working as a team.
9. The nature of the Basic Compliance Training accommodation and how it contributes to the desirable outcomes is discussed at Annexe H, Training, Locations & Infrastructure.

### **Fulfilling Training**

10. The Chief Inspector's reports invariably refer to lack of purposeful activity and prisoners being confined to their cells for long periods of time. It should be no surprise that they get up to mischief and / or get involved in substance abuse.
11. DFT training and especially Basic Compliance Training, would be designed to ensure that each day is a very full one. At the end of the day, trainees should only be interested in sleep. Quite apart from the actual training that they will have to undertake, their uniform would have to be pressed, boots polished and other domestic tasks completed.
12. In addition, the team will need to work on helping illiterate and innumerate team members. If they do not, some of the exercises will be very hard to prevail in because they would be designed to rely upon literacy and numeracy.

### **Non-Military**

13. The objective of military recruit training whether under conscription, contemporary regular or volunteer reserve service, is to transform a disparate

group of young people, with widely varying capabilities and backgrounds into a uniform team that the members are proud of and loyal to, in order to undertake military operations.

14. The objective of Basic Compliance Training is to transform a disparate group of young men with varying capabilities and frequently very difficult backgrounds into a uniform team that the members are proud of and loyal to, in order to undertake further training to address their weaknesses.
15. Members of the Armed Forces willingly accept the privations of recruit training in order to be able to do more interesting training later. DFT trainees will accept Basic Compliance Training so long as there is hope that things will get better and it will lead to more interesting training and a better future.
16. Since the objectives of military recruit training and Basic Compliance Training are so similar, it is not surprising that similar well understood techniques are used. In war, military recruit training must be quite brutal to save time. In peace, a more relaxed regime is appropriate. With DFT there is far less pressure of time so an almost exclusively rewards based regime can be used.
17. The actual training techniques would be very similar to those used for training the Army Cadet Force. The difference is that it would be prohibited to cover any purely military subjects such as camouflage and concealment, weapons and talking about anything to do with an 'enemy' etc. Great care would have to be taken to ensure that the training was purely civilian in nature.

### **Objectives of Basic Compliance Training**

18. There are three main components of Basic Compliance Training:
  - a) Hope
    - i) The UK's prison system experiences a suicide rate of at least one per week and a very serious drugs problem. It is thought to be desirable to refer to those sentenced to DFT as "trainees" rather than "prisoners" and all of this paper is drafted accordingly.
    - ii) A person without hope is in a very bad place indeed. It is essential that all DFT trainees have hope instilled into them right from the start of DFT. The ethos for trainees must be that this is the start of their new and better life and certainly not the end.

- iii) Steps need to be taken to identify any hidden talent because if one is identified a lot of problems might disappear.
- iv) As soon as possible a mentor needs to be appointed and introduced so that the trainee can be confident that at least one person is 'on his side' throughout and after his DFT sentence. Mentoring Support is discussed at Annexe G.

b) Pride

- i) A few trainees might have some pride but very often it will be for the wrong reasons. Others will have no pride at all apart from, possibly, in their gang. Trainees will have offended because they are not equipped to do anything better, they were coerced into it, or adverse circumstances forced them into it.
- ii) Currently prisoners are dressed in the slovenliest way imaginable, tracks suit bottoms and tops. During the recent Gareth Malone documentary about his choir in HMP Aylesbury, a prisoner was filmed walking down a staircase with his hand inside his tracksuit appearing to check that his genitalia were still in place. The author has noted a similar observation from others before.
- iii) The advantage of track suits is that they are cheap, easy to wash and do not need ironing. Presumably they are also easy to search because they have few pockets. No belt is required which reduces the self-harm risk. This is all outweighed by the disadvantage that, to put it politely, it makes the prisoners look like a bag of manure. How can pride be engendered with such an outfit?
- iv) DFT trainees need to have a smart uniform which needs to be washed and ironed. It needs to be distinct from prison officer's uniform, practical but not 'military'. There would also be suitable boots or shoes to be polished. Boots would be needed for the outdoor and trade training. Failure to meet the required standard of dress would mean that the trainee and his team would be stuck on Basic Compliance Training with only a limited amount of fun and other inducements which would be available

later with DFT. Scruffy trainees would come under significant peer pressure.

- v) Good appearance and bearing are extremely important when seeking legitimate employment. The reality is that these young PMOs very rarely have these qualities. DFT trainees need to be trained in drill in order that they will be able to hold themselves properly and walk in a manner that will provide a good impression to employers amongst others.
  - vi) Appearance and bearing are also important so that trainees, on release, do not show themselves to be submissive or subservient but exude confidence and avoid trouble.
- c) Discipline
- i) The purpose of having a disciplined environment is not to be beastly to trainees and convert them into compliant submissives but to get them to behave and do what they are told in order to be able to safely undertake more interesting training.
  - ii) DFT trainees on Basic Compliance Training will take part in drill training because of the incentives available. The biggest is to pass out on Basic Compliance Training but short-term incentives would be needed as well such as moving onto a more interesting phase of training.
  - iii) Members of this group of society have demonstrated that they are not deterred by any punishment that would be legal and such sanctions have very limited utility. Fortunately, there are a very wide range of incentives available to reward good behaviour. These incentives can be tailored and made available to the individual or the team. The importance of teams is covered at Annexe D, Gangs & Teams.

### **A Note on Character**

19. It has been argued that there are three broad types of character, namely submissive, aggressive and assertive.

### Submissive

20. A submissive character is easily persuaded to do something that is anti-social or illegal and they will not stand up for themselves and lack the skills to do so. In addition to his innate character defects, he also is likely to lack appearance and bearing as well as any other skills. DFT and Basic Compliance Training are designed to address this. It is suspected that this defect does not attract the attention that it merits.

### Aggressive

21. In terms of an aggressive character there is a whole spectrum. At one end is a superior who is a bit bossy and not much fun to work for. At the other end of the spectrum is someone who resorts to violence, anger or the threat of either, with little provocation or need.

22. In the current prison system considerable efforts are put into anger management training. Unfortunately, the conventional prison system does not lend itself to running exercises so that trainees can practice what they have been trained.

23. For instance, for a trainee on exercise faced with someone being a bit stroppy to him, his response should be; "I can understand how annoying that must be. Let us see how we can solve the problem.", rather than the more usual but unhelpful response. In the exercise scenario, the stroppy actor would then become more user friendly and the trainee would pick up brownie points for his correct response and he would experience it working.

### Assertive

24. An assertive character is highly desirable and is much more employable than someone who is either aggressive or submissive. He would also have the skills to resist an invitation to engage in illegal activity on release.

### **Anti-Bullying Controls**

25. It is possible for a disciplined organisation to go horribly wrong and there needs to be strong countermeasures in place from the start. These are covered at Annexe E, Anti-bullying Controls.

## **Passing Out on the Basic Compliance Training**

### a) Standards

- i) In order to pass out on Basic Compliance Training, DFT trainees and their team will be required to meet objective standards in terms of dress, appearance, bearing, personal conduct, respect and basic skills. The training to achieve this will necessarily be rigorous and demanding. However, it is essential that there is a strong element of fun and the prospect of the sunny uplands. Bearing in mind the background of DFT trainees, a punitive regime is unlikely to be effective to secure compliance.

### b) Passing Out Event

- i) It is unlikely that DFT trainees will have passed anything at all in their lives and certainly not as a team. There needs to be a proper passing out event to confirm the newfound hope, pride and discipline. Some teams may achieve the required standard faster than others, but this is easily accommodated.
- ii) The mentor would be expected to attend his charge's passing out event.
- iii) There would be a whole range of awards. Some examples could be: Best first-aid team exercise, best first-aid individual, best map reading exercise, most improved reader, most improved writer, most improved arithmetic, best mathematician, best team turn out, best individual turn out, best drill team, fastest solution to command task problem.



## SECTION 6

### DFT TRAINING (PHASE 2 OF DFT)

#### Purpose

1. The purpose of the Phase 2 DFT training is to address the trainee's weaknesses in education and training to help them to become more employable, whilst building upon the improvement in conduct arising from Basic Compliance Training.
2. Currently most rehabilitation must take place within the secure estate. There are severe practical limitations on what can be done due to security considerations and the need for all activity to take place between breakfast and the evening meal / tea. The Chief Inspector's reports invariably observe that purposeful activity and work is usually far below even the low standard currently required.
3. The objective of the Basic Compliance Training is to instil hope, pride and discipline in order that greater risk can be taken with the phase 2 DFT training. As with Basic Compliance Training, the phase 2 DFT training would not take place in the secure estate but in a variety of suitable locations. They will frequently be rural, and the subject is discussed at Annexe H, Training and Locations.
4. There is no evidence that, currently, at the end of a 'working' day prisoners are either fulfilled or feel tired. Little wonder that they resort to substance abuse and can be easily tempted into violence or other misconduct.
5. There is very little incentive for prisoners to improve themselves and many view a prison sentence as merely an inconvenience or even an opportunity to engage in the illicit economy of a conventional prison.

#### DFT Training

6. It is essential that DFT trainees make a very significant improvement in literacy and numeracy if they are to be able secure legitimate employment on release. It is probable the courts will determine or approve the extent of the improvement in literacy and numeracy a DFT trainee will be required to achieve. This is because the seriousness of the offence leading to a DFT sentence will vary.

7. The more serious offences will require a higher standard to be reached in order to be confident that reoffending will not occur as well as satisfying the victims and the public. The standard achieved would be objectively measured and externally validated. Clearly the standard required would have to be achievable or it would be unfair. However, in some cases the standard required might be a GCSE in English.
8. Many DFT trainees will not respond well to a classroom environment and this needs to be recognised. Because of the way the teams would operate, there would be considerable peer pressure and help for individuals.
9. It is thought that there are a fair number of 'white collar' prisoners who are suitable for Cat D, open conditions who are nevertheless held in Cat C prisons. One reason might be lack of Cat D places. It might be possible to use these to help DFT trainees with literacy and numeracy. It must be recognised that literacy and numeracy education may be far more time consuming than the employability training, but both are essential.

### **DFT Employability Training**

10. In order to be employable, in addition to literacy and numeracy skills, DFT trainees will have to acquire a range of other skills and capabilities that would be attractive to employers.
11. Currently, the provision of training within UK prisons is very poor. There are good and bad reasons for this. Part of the problem is the need for security and the unwillingness and inability to take any risks with certain prisoners. Unfortunately, this means that prisoners with potential do not get the opportunities they need to be able to succeed.
12. The training outlined below is not particularly expensive or time-consuming to deliver but would greatly increase the employability of a DFT trainee if he had most, if not all, of the qualifications.
13. At all stages of DFT training there would be exercises to practise and test what has been trained. Success on the exercises would be extremely important for trainees to demonstrate that they have met the required level of training, performance and conduct.

14. DFT exercises could range from a simple map reading exercise in the countryside to a larger exercise centred on a civilian international aid scenario with a variety of difficulties to be overcome. Further details of DFT Exercises are at Annexe I.

15. As examples, employability training could include:

a) First Aid Training.

- i) Employers are legally required to have a proportion of employees trained in first aid. Not only would trainees receive the classroom-based training legally required, they would also practice and be tested in field exercises.
- ii) DFT trainees would have to deal with incidents correctly without exposing themselves or others to danger. For instance, they would be expected to locate and treat the unconscious casualty whilst, temporarily, ignoring someone making a lot of noise but having no serious injury. They would certainly find themselves dealing with first aid situations as part of wider exercises.

b) Forklift Truck Training (FLT)

- i) It is understood that there is a limited amount of FLT training undertaken within the prison system, but it is far from universal. In industry, with its commercial pressures, FLT training only takes one week. Within DFT it could take two weeks but that would generate a very competent and properly trained operator.
- ii) In order to ensure maximum employability, the DFT trainee needs to have his skills tested and demonstrated on an exercise.

c) Mobile Elevating Working Platform (MEWP)

- i) The IPAF qualification allows a person to safely operate a MEWP otherwise known as a cherry picker or scissor lift. The argument is a similar one to that for the FLT.
- ii) An employee with an IPAF ticket could be very attractive in many industrial environments especially in combination with other qualifications.

d) Safe Vehicle Operation

- i) It would not be difficult to create a course to cover the safe operation of motor vehicles. Consideration would need to be given to providing high quality driver training.
- ii) Since these courses would be attractive, they could also be used as an incentive for good performance elsewhere.

e) Construction Training

- ii) There are a whole range of construction industry qualifications that could be trained for. There is a basic Construction Skills Certification Scheme (CSCS) card that is required just to be on a construction site safely.
- iii) PASMA (Prefabricated Access Suppliers and Manufacturers' Association) is a well-known qualification which focuses on the safe erection and dismantling of lightweight aluminium towers. These are very common construction items and a useful training ticket for someone to have.

f) Basic Health and Safety Awareness Course

- i) Yet another bit of training that would not be expensive to deliver but would make a DFT trainee a more attractive employment proposition.
- ii) It would be important to cover means of preventing accidents from working at height, slips, trips and falls.

g) Basic Risk Assessment

- i) The author frequently reads reports of accidents that would not have happened if any sort of risk assessment had been undertaken. It may be possible to design a suitable course for basic risk assessments.
- ii) The ability to write up a risk assessment would be invaluable and again, this could be practised and tested on exercise. This is not to be confused with a complex risk assessment for an industrial process.
- iii) An example might be considering how to safely unload a heavy box from a truck. The risk assessment might conclude that the box needs to be unloaded so that no item exceeds 25 Kg in weight and can be safely man-handled.

#### h) Interpersonal Skills

- i) Many offenders get into trouble because of poor interpersonal skills and a willingness to resort to unnecessary violence. The fact that, for many of them, nobody has ever loved them does not help.
- ii) The prison service does currently provide training in this area and no doubt charities expend a lot of effort on this as well. However, the training cannot normally be practised and exercised in a realistic environment so long as the conventional secure estate is the norm.
- iii) The DFT training exercises would be designed to give an opportunity for trainees to practise these skills in an exercise scenario in a controlled environment.
- iv) Annexe I, DFT Exercises, provides further details about how this will be achieved.

#### Outward Bound Training Courses

- i) Most DFT trainees will have spent very little time away from their own part of the urban jungle. It is very unlikely that they will have slept in a tent, let alone under the stars. An adventure is an exciting, unusual or risky undertaking with an uncertain outcome. The only adventures that they will have experienced would be conflict with another gang or contact with the police and the criminal justice system.
- ii) DFT training would include considerable amounts of adventure or outward-bound training. The benefits are well understood by all.
- iii) The necessary properly qualified instructors may well be prison officers. The vital role of prison officers is discussed at Annexe J, Prison Officers.
- iv) The facilities would not have to be high end, expensive or involve exotic locations. It would not be difficult to provide DFT trainees an exciting time because they will have experienced so little due to their circumstances.
- v) Some of the outward-bound training would be relevant to other DFT exercises. For instance, map reading, cooking and doing ablutions in the field.

## **SECTION 7**

### **GRADUAL & SAFE RELEASE (PHASE 3 OF DFT)**

#### **Purpose**

- 1) The purpose of phase 3 is to avoid the sudden return of the offender back into society without any help or transition.
- 2) Currently many prisoners, in particular PMOs, are released from prison at the half-way point in their sentence. They are likely to have to report directly to their probation officer. It is not unusual for prisoners to be released from prison into “No Fixed Abode” (NFA). This means that the probation officer will tell the released prisoner where he is to spend his first night out of prison.
- 3) It is even possible for a prisoner to be released on a Thursday or Friday; thus, the prisoner will have limited access to social support.
- 4) There are also issues with benefits not starting immediately and the release grant is only £46.
- 5) The charitable sector does what it can to help but there are numerous obstacles. Even if they do know when it is planned to release a prisoner, the date and time might be changed. The prisoner may falsely believe that his best plan is to return to his old haunts, acquaintances and lifestyle. He may be met by his ‘friends’ who will soon lead him astray especially if his character is weak.
- 6) It is true that serious offenders may be able to serve the last part of their sentence in open conditions or with some Home Detention Curfew / ROTL, but this is unlikely to be possible for PMOs. In short, for them it is a cliff-edge. They are in prison or they are not.

#### **Release Proposals**

- 7) At the point where DFT trainees have reached the required standard of literacy, numeracy and training they will start the glide path to complete release from DFT. The glide path needs to be flexible to meet the needs of the trainees.

#### **ROTL & Leave**

- 8) Under DFT, it is proposed that much greater use is made of ROTL or leave periods. Trainees will be released from DFT when they reach the required standard of education, training and conduct. In order to demonstrate ‘good

conduct', DFT trainees, *inter alia*, will have to demonstrate that they can be successfully ROTL'd. This is covered at Annexe F, Use of ROTL.

- 9) Once on the glide path, the periods of ROTL or leave will become longer and longer but they will still be under DFT controls.

### **Accommodation**

- 10). Some DFT trainees may benefit from the opportunity of a fresh start in a new town or city away from unhelpful influences from their past. Many will need help with accommodation which, whilst being basic, is decent and again away from negative influences. The charitable sector would have a major role to play in this, but they would be funded by central Government to do so. There would be a direct cost to this, but it would be much less than using the secure estate and would generate tax revenues from legitimate employment. The high-level economics of DFT are covered at Annexe B, Economics.

### **Employment**

- 11) Once DFT trainees have reached the required standard of Education, Training and Conduct, they will find themselves to be much more employable. In fact, they should be quite attractive with their skill set backed up by the training. It should be the norm that a DFT trainee has secured employment (possibly on a very probationary basis) whilst still on DFT and thus under full control of the state. Since they would be tagged, geographical and social limitations could be imposed and enforced. More detail is at Annexe K, Use of Technology.

### **GRT Communities**

- 12) There is a disproportionate number of GRT prisoners compared to the rest of the general population. This is not surprising since it is understood that the education of GRT families is very poor as are the health outcomes and life expectancy. Thus, it is very hard for this community to engage in exclusively legitimate economic activity.
- 13) This community is absolutely detested by the rest of society and most believe that it is in order to despise, denigrate and discriminate against them unlike any other group.
- 14) The DFT directly addresses this problem as offenders will not be released in less than 5 years unless they reach the required standards, and these will allow them to pursue a legitimate occupation.

- 15) The author of this paper does not claim any deep understanding of GRT issues but having a GRT / travelling lifestyle is not incompatible with legitimate economic activity. For instance, for certain construction and engineering trades, being mobile and not being fixed could be an advantage. . However, being illiterate and innumerate certainly is a block.
- 16) It must be desirable to find some way of allowing GRT PMOs some way of making a fresh start as part of their DFT training. The GRT elders are unlikely to approve of this because they will worry about who will look after them when they grow old.

### **Administration**

- 17) There will be a cost of administering DFT trainees who are on the glide path. However, these costs will be less than those of holding a prisoner in a conventional prison under Cat C conditions. It would be quite possible for a trainee to be on the glide path long before he would be released from a conventional short determinate sentence. The mentor and the charitable sector would be heavily involved at this stage.



**ANNEXE A****LORD ATTLEE's BACKGROUND**

Lord Attlee was educated at Stowe School, trained with Smiths Industries PLC and worked mainly in materials management until taking his seat in the Lords following his father's unexpected death in 1991.

Lord Attlee joined the Territorial Army from school and spent the next 18 years in the ranks as a junior soldier with Royal Corps of Transport and the Royal Electrical and Mechanical Engineers. His trade was as a Recovery Mechanic, but he was also a Qualified Army Driving Instructor. He has taught both service people and civilians (with a wide range of social backgrounds) to drive Heavy Goods Vehicles.

He was commissioned into the REME in 1991 and knew that their lordships would not expect a 35-year-old peer just to keep a red bench warm. He undertook a tour with the non-governmental organization British Direct Aid in Bosnia during the winter of 1993-94, moving aid across the lines of confrontation. He then ran British Direct Aid's operation in Rwanda for most of 1995. The mission was to maintain all UNHCR vehicles and plant operating in that country.

He served with the Regular Army on operations in Bosnia during the winter of 1997-98, and in Iraq in the Spring of 2003. He also deployed on EX SAIF SAREEA in Oman in 2001. He Commanded 150 Recovery Company REME (V) between 1998 and 2000.

Shortly before the general election of 1997 he joined the Conservative Party. He is one of the ninety-two elected hereditary peers that remain in the House of Lords after the passing of the House of Lords Act 1999.

He served as an Opposition spokesman on various subjects, in particular Defence and Transport. Immediately prior to the 2010 General Election he was Opposition spokesman for Maritime and shipping and an Opposition whip. In 2008 he attended the Royal College of Defence Studies as part of the Armed Forces Parliamentary Scheme.

**ANNEXE A**

Following the 2010 election, Lord Attlee was appointed a Lord-in-Waiting and Minister in the Government Whip's Office in the House of Lords. He was the principal spokesman for all transport matters in the House of Lords until October 2013. He was also the whip and junior spokesman for the Home Office, DCLG and other departments. He stepped down from the Government in April 2014 but continues to support the Government from the backbenches.

He is married to Teresa. His recreation is reading, enjoying the countryside along with the restoration and operation of classic military and commercial vehicles.

**ANNEXE B****ECONOMICS****INTRODUCTION**

The current model for dealing with Prolific Minor Offenders (PMOs) is completely uneconomic. Initially, the PMOs are dealt with by community sentences if possible. The ineffectiveness of custodial sentences in reducing reoffending is generally recognised.

According to the Civitas paper of December 2017, 70% of custodial sentences are imposed on those with at least seven previous convictions, 50% are imposed on those with at least 15 previous convictions or cautions.

Under the current model of dealing with PMOs, they are sent to prison for a period at a cost of £40k per year per prisoner. This is more than the cost of a boarding school. The Chief Inspector's and other reports indicate that literacy, numeracy and work skills are not properly addressed.

In short, prison is currently making almost no improvement to an offender's employability. Little surprise that the reoffending rate is 65% within 12 months. After the cost of engaging the criminal justice system, another period of expensive prison is imposed, and the cycle repeats itself.

The high cost of running a prison arises from the paramount need to protect the public from dangerous offenders and eliminate any possibility of escape. There is also a political imperative to have no escapes of even relatively harmless prisoners as well.

To be fair, there is a categorisation system to avoid wasting high security resources on prisoners who are of little risk to the public if they did escape. Unfortunately, the nature of a conventional prison and its regime mean that PMOs cannot be rehabilitated. Worse still, whilst in prison they can acquire problems that they did not have originally, such as drug addiction and deeper involvement with the criminal world.

## ANNEXE B

It is contended that the reason why PMOs stop offending by between twenty-six and thirty years of age is simply that they have grown up, got too old for it or have family responsibilities that they want to meet. Detention and deterrence provided by the conventional prison system has little to do with it.

### ECONOMIC CASE

Estimating the costs of running the proposed new system is beyond the capabilities of the author. However, an answer to the author's written parliamentary question (HL1629 of 13 February 2020) about the cost of Army basic recruit training is illuminating. The cost of the course of 14 week's duration is £29,100, once the cost of the recruit's pay is stripped out.

It is accepted that some DFT trainees might not be able to reach all the required performance standards in 14 weeks. For instance, reaching the required standards of literacy and numeracy may take time, but it is not particularly expensive provided the trainee is well motivated.

Much of the training would not involve the increased use of highly qualified professionals. Commercially, some of the training such as for a fork-lift truck, only costs a few hundred pounds to deliver. The training facilities needed to run the exercises are not particularly expensive nor would they require significant permanent changes 'outside the wire'. The accommodation required for trainees can be quite simple.

The period of DFT training necessary to reach the required standard of education, training and conduct may well be less, or even far less, than the custodial portion of a conventional prison sentence. The rate of expenditure may, or may not be, higher than for a conventional prison, but the total cost could still be significantly less.

The key economic argument for DFT is this:

For an offender who would normally have 12 months of custody imposed at a cost of £40K with a 65% probability of reconviction, it is more efficient to spend around £40K on him in a shorter period on DFT with a much-reduced reconviction rate.

## ANNEXE B

### OTHER BENEFITS

#### Training costs.

Under DFT there would be new costs such as forklift truck training. However, if the trainee stays in employment rather than reoffends, there would be tax revenues and less expenditure on benefits.

#### Use of Secure Estate.

In general, DFT training would not take place using the secure estate and would thus free up places and would do so by two means.

Firstly, offenders would be on DFT rather than using a conventional prison place.

Secondly, if DFT did significantly reduce the reoffending rate as intended, there would be a further reduction in the requirement for places on either DFT or in prison. If the numbers of trainees affected were large enough, (and they probably are), the DFT policy could directly reduce prison overcrowding or the requirement for new build.

#### **Transport of Prisoners.**

After passing out on Basic Compliance Training, DFT trainees would not necessarily be moved by costly secure transport. They would often move by public transport on their own, primarily to be able to demonstrate Good Conduct, but also to avoid unnecessary expenditure. Reporting times could be set to avoid travel at peak time. Thus, a reporting time for a course might be 4.00 PM on Monday afternoon.

#### **Prison Service Budget**

The concept of DFT was predicated on there being no increase in financial resources available from HMT for running the prison system. However, there would be 'pump priming' costs to running any pilot scheme.

## **ANNEXE B**

### **Prison Officer Pay & Conditions**

Prison officers are not well paid, especially in London and the South East. Currently, the DFT concept is for a prison officer to be responsible for an 8 trainees at a time when on exercise or training, in order to measure performance, to perform the custody role and to maintain discipline.

Very often, it would be uneconomic to have a non-prison officer instructor as well. It would be far better to enhance the role of the prison officer to undertake both roles. This would make the work of a prison officer more rewarding and improve the relationship between trainees and prison officers. For instance, it would be likely that young qualified outward-bound instructors would be recruited to be prison officers.

Prison Officers ought to find running the DFT system rather less demanding than dealing with the more serious and violent criminals. It might be that they alternate and do both roles. This, of course, is a matter of HR detail.

So that prison officers can be encouraged to have an instructor role, it may be necessary to have pay bands for training qualifications as well as the current pay structure.

Negotiating with the Prison Officers Association (POA) and its membership is not straightforward as arrangements and agreements made at the centre must be agreed at branch level.

The POA and its membership will have to decide if they want only to look after serious or dangerous criminals in the conventional secure estate, which they do with great fortitude, courage and little appreciation from the public, or in addition, if they want to take on this new role to which they would be so well suited.

### **CLASSES OF OFFENDER**

This paper makes proposals for a new sentence to deal with PMOs. Other classes of offender might be brought into scope of the new scheme, or something similar at a later stage, but the priority must be PMOs because that is where the most improvement is possible.

## **ANNEXE C**

### **SELECTION FOR DFT**

#### **Introduction**

During his investigations the author was struck by the number of prisoners he met that appeared to have potential for significant improvement given the right circumstances and environment. Neither can be provided by the current regime but could be within the DFT regime.

#### **Numbers of DFT Places**

The prison system must accommodate as many prisoners as the courts sentence to prison. The underpinning legislation for DFT would have to provide that the courts can only sentence to DFT if a place is available and for someone from that region. This is because demand is likely to far exceed supply. Overloading the DFT system would cause it to be ineffective. The qualification of “region” is necessary to ensure that the DFT training teams can be multi-regional as per Annexe D, Gangs and Teams.

#### **Age Range**

There are complex legal issues relating to offenders under 18 years of age which are not fully understood by the author of this paper. The courts are already very reluctant to imprison a 16 or 17-year-old, so it reasonable to expect that these prisoners have committed serious offences or are extremely difficult to manage. The concept of DFT is thought to be appropriate for 16 and 17-year-olds, but they are currently out of scope for legal reasons and simplicity.

DFT is thought to be most beneficial for those offenders between 18 and 25 who meet the weaknesses and offences criteria below. An upper limit of 30 years of age might be set.

## **ANNEXE C**

### **Development Needs Amenable to DFT Training**

The following development needs could be addressed by DFT training and thus such a sentence might be appropriate:

- a) Illiteracy and innumeracy.
- b) Poor education generally.
- c) Drug and alcohol problems when linked to other weaknesses.
- d) Poor social standards, especially those linked to deprivation.
- e) Being an aggressive or submissive character as opposed to assertive.
- f) Effects of lack of positive male role model.
- g) Involvement in gangs.

### **Offences Where DFT Could Apply**

DFT is applicable where in the circumstances, if it was a first offence, a community sentence would currently be appropriate.

- a) Theft, robbery and burglary.
- b) Minor Drug offences such as low-level supply.
- c) Possession of an offensive weapon etc.
- d) Minor violence against the person

### **Knife Crime**

Knife crime is high on the political agenda. Possession offences could be made to attract DFT, even on a first offence, with two provisos. The provisos are that the offender must have many of the weaknesses listed above AND there must be confidence that DFT training would be beneficial.

### **Disabilities & Inequality**

Care would have to be taken to ensure that the legislation and policy is compliant. These issues must be handled by the Prison Service now. Offenders should not be denied a place on DFT simply because they have a disability or a protected



## ANNEXE C

characteristic, if they would benefit from the training. Training teams can be composed to meet any of these needs.

The courts would probably set the performance standard required from each offender which could take account of any physical limitations.

### **Contra-Indications For DFT**

Because of the risks that would be taken during training, DFT is not suitable where a prison sentence would normally be applied for public protection, i.e. to incapacitate the offender.

Some offenders would be unsuitable for DFT because it would be unable to halt their pattern of offending or because they would enjoy their training but not want to complete it. Thus, they would misconduct themselves in order to fail the good conduct test. It would be very unfair on a training team to have to tolerate such a team member.

Some prisoners are not suitable for DFT because it would be of little benefit to them. However, they might be able to help with supporting DFT training. For instance, some might be involved in manufacturing uniforms for DFT trainees. White collar often Cat D, prisoners could be involved in education of DFT trainees. Others might be involved in the DFT exercises even though they are not DFT themselves but are serving a conventional sentence. This is discussed at Annexe J, DFT Exercises.

### **Remand Prisoners**

DFT would not be available for remand prisoners because they would not have been sentenced to it. It is not practical for remand prisoners to be on DFT because the training would take place far from the courts. Furthermore, it would be wrong to spend public money speculatively on DFT training when the remand prisoner may be acquitted, or the courts might decide that DFT is inappropriate.

**ANNEXE C****Guilty Pleas in Exchange for DFT**

In cases meeting the criteria above, it might be possible to accept a guilty plea in exchange for a DFT sentence. There is a danger that this might reduce the deterrence effect or even encourage offending in order to secure a place on DFT.

One solution to the reduced deterrence problem might be to accept every third bid in strict order only. Thus, the offender desiring a DFT ticket might find himself on conventional prison sentence instead. Of course, the ratio could be altered to suit.

The author's experience of the volunteer reserves was that very few indeed joined up just to acquire valuable training (e.g. HGV licences) because the other training was too demanding to make it worthwhile

**ANNEXE D****GANGS & TEAMS****Introduction**

A gang can be defined as “a group of young people, especially young men, who spend time together, often fighting with other groups and behaving badly”. A team can be defined as “a group of people who come together to achieve an objective”.

Gang culture is rightly recognized as being highly destructive and damaging to young people. It is closely associated with drug use and trafficking. It has a significant corrosive effect within the prison system. The allure of it for youngsters is understandable but illusory. Unfortunately, as a society, little is offered that is better and until there is a better offer in place the gang problem will persist.

The propensity of youngsters to form and operate in gangs needs to be harnessed in a positive way. This can be achieved by organising most of DFT training around training teams.

**Elements of Dismantling Gangs****Isolation from Gangs**

DFT trainees need to be isolated from the negative influence of gangs which need to be made irrelevant. DFT training, at least in its earlier stages, needs to take place in remote rural locations. This is further covered at Annexe I, Training Locations and Infrastructure.

**Creation of Training Teams**

DFT trainees need to train as a team. Junior governors would carefully compose the teams. Members of a training team would not come from the same area but would be multi-regional. This is essential to disrupt the prevailing criminal gang culture.

In some cases, it might be desirable to ensure that all the team had common motivations and objectives. For instance, some teams might have all its members being devoted fathers. Thus, they would try hard for the team to earn ROTL or leave to be allowed home. The reality is that this parenting need would be recognized, and the issue would be the frequency and length of leave rather than whether they got it.

## ANNEXE D

Team members need to learn how to help one another, help other team members realize their true potential and create an environment that allows everyone to progress beyond their initial limitations.

### **Disabilities and Equalities**

Care would have to be taken to ensure that the legislation and policy is compliant. These issues must be handled by the Prison Service now. Offenders should not be denied a place on DFT simply because they have a disability or a protected characteristic, if they would benefit from the training. Training teams can be composed to meet any of these needs. For instance, it would be unfair to compose a training team which had some members with physical or mental weaknesses that cannot be addressed by training if, to do so, would hold that team back.

### **First Offenders**

Consideration would need to be given to keeping first offenders and those who have not been to prison, separate from more 'experienced' offenders.

### **Size of Training Teams**

It is suggested that the team size is set at eight. Any larger, then weak members can 'sit at the back' and reap the benefits of the work of others. It would also be harder for prison officers to ensure that all the team are pulling their weight. A smaller team would be unable to undertake training exercises with meaningful objectives. Small teams might be uneconomic because the instructor to trainee ratio would be too generous.

### **Inter -Team Competition**

Whilst, of course there would be individual incentives, most would accrue to successful teams. A whole range of incentives need to be developed. For instance, the winners of an exercise might be able to enjoy a barbeque with two cans of beer whilst the runners up only get one. Most importantly members of a successful team would accrue more good conduct points.

Care would have to be taken to ensure that inter team rivalry does not get out of hand and result in disorder.

**ANNEXE D****Team Cohesion**

The training and exercises would be carefully designed so that success will only arise if the whole team works together, so that the team collectively addresses the weaknesses of individual members and builds upon the strengths. For instance, it may be that one member of a team is illiterate but exceptionally good at ironing the kit. Thus, he may be instrumental in helping the team win a drill competition. Another team member may be reasonably well educated and be able to help with the literacy.

Since the test exercises would be carefully arranged so that success is dependent upon literacy of all team members, illiterate team members will be under considerable peer pressure to improve

It would be profitable for the team to help and encourage members to address their weaknesses. Teams would often be competing against each other or there would be benefits or incentives for a team to complete a task satisfactorily. Benefits or incentives might include:

- a) Improved food or accommodation.
- b) It might be possible to offer longer leave or ROTL periods.
- c) Successfully completing one type of exercise might be the pathway to being able to undertake even more interesting training.

**Collective Punishments**

It is expected that there would be numerous ethical and legal difficulties with collective punishments for a team, especially if it involves the misconduct of one team member. It needs to be remembered that DFT training is a rewards-based system and not one reliant on punishment. The punitive element is to be convicted of the offence in the courts, being deprived of liberty and being required to undertake DFT training.

**ANNEXE E****ANTI BULLYING-CONTROLS****Introduction**

DFT and phase One (Basic Compliance Training) is vulnerable to be being exploited by those who would abuse their trainees. This could be for self-gratification or because they erroneously believe that they are doing a service to society. They would not be doing so, rather they would be making matters far worse.

It is essential that positive steps are taken to prevent bullying taking place in the first place. If it does take place, it needs to be detected and eradicated as soon as possible.

**Components of Anti- Bullying Controls****Quality Assurance**

If ministers are to authorise DFT, so far as possible they need to be sure that there is no abuse. One technique might be to run 'Q men' through the system. These would be young men who are not criminals at all but go through the system as if they were and with a false identity. They could be young, recently members of the armed forces, or young retired police or prison officers.

**Assertiveness**

A good workplace anti-bullying plan would ensure that victims could be confident that they could report problems at an early stage. Similarly, DFT trainees need to be trained to recognise when matters may be going awry and have the confidence to report or complain. This is all part of the assertiveness component of DFT training.

**Mentor Support**

Annexe G covers Mentor Support in detail. It is hoped that a DFT trainee would have enough confidence to report any bullying issues to his mentor. If he does not, something is going badly wrong. If he does properly report a matter, it should be recorded to his credit.

## **ANNEXE E**

### **Artificial Reportable Incidents**

It may even be possible to insert artificial incidents within DFT training that could be reported and thus earn credit. Thus, a real abuser might find him or herself being reported much faster than they would expect! Clearly there would have to be fake minor incidents inserted to be available to be reported and there would have to be carefully developed protocols in place. It may even be possible to have “Properly reporting a bullying incident” as a training objective to be achieved.

### **Training Teams**

DFT training would normally be undertaken as part of a team and this is discussed at Annexe D, Gangs & Teams. The training teams would be very carefully composed at junior governor grade and would be expected to become quite close knit. Thus, it would be much more difficult for a potential abuser to pick off a weaker trainee because of the legitimate support from the team.

**ANNEXE F****USE OF ROTL, EMPLOYMENT & FAMILIES****Introduction**

Release on Temporary Licence (ROTL) is already used in the prison system where it is desirable to release a low risk prisoner for him or her to undertake some authorised activity. Failure, in other words when a prisoner does not return, is very unusual. This is because governors make a very careful judgement before granting ROTL. Obviously, if anything goes wrong with ROTL there would be intense, and probably unhelpful, media interest.

In terms of DFT, it must always be borne in mind that a DFT trainee will have been convicted of an offence that would not usually attract a sentence of immediate custody for a first offence. The reason why he is in custody (either in a conventional prison or DFT) is not for public protection or incapacitation but, rather, for retribution and rehabilitation. Thus, the granting of ROTL is perfectly sensible if it will not fail, and it will make matters better. In other words, there is a good reason for granting it.

**Farmer Report and ROTL**

Lord Farmer's report stresses the importance of families in rehabilitation. The DFT concept is designed to facilitate this once the trainee has reached the required standard of conduct. Rather than families visiting offenders in prison (sometimes with difficulty), under DFT, trainees could be ROTL'd to visit that family.

Sadly, there will be cases where it would not be appropriate for the trainee to return to his home location. It could be possible for him to be ROTL'd to the location of a friend or relative.

**ROTL & Team Loyalty**

Team loyalty would make it much more likely that a trainee will honour ROTL. He would not want to let his team down. This does mean that Basic Compliance Training will have to be long enough for team loyalty to be quite solid before the team and its members pass out from it.



**ANNEXE F****ROTL After Basic Compliance Training**

Once the team and its members have passed out on Basic Compliance Training, they would have demonstrated that their personal conduct is up to the required standard to be considered for their first ROTL leave period.

**Effects of ROTL on Prison Governors and Prison Officers**

In a conventional prison there is very little organised weekend activity for prisoners because of the need to reduce prison officer and other staff-manning so far as possible. This is economically sound, and the same considerations would apply to DFT. However, trainees would have been selected for their suitability for DFT and this would certainly include a ROTL assessment. Thus, the DFT system can be predicated upon a reduced DFT population at weekends. This would reduce staffing costs for DFT.

It may well be that prison officers would be working away from home when helping to run a DFT course. The extensive use of ROTL leave periods for trainees would be helpful to prison officers as there would be less need for 24/7 cover.

**ROTL and Personal Conduct**

ROTL would be used as an opportunity for trainees to demonstrate that their personal conduct was up to the required standard. Rather than rely upon a range of sanctions, a rewards regime would be used for DFT. Each successful ROTL event would go towards a trainees overall good conduct score. Furthermore, there would be a minimum number of successful ROTLs to be achieved.

**Consequences of ROTL Failure for DFT Trainee**

Perhaps the most unpalatable consequence for a DFT trainee misconducting himself, or returning late from ROTL, would simply be those of letting his team down. For instance, the team might not be able to commence an interesting exercise or training session without him.

He could even find himself starting again from scratch in a new team on Basic Compliance Training. Worse still he might be held in the conventional secure estate until the next slot on a Basic Compliance Training course was available.

## **ANNEXE F**

Legally, a DFT trainee would not be released until he can show that his conduct was up to the required standard. Failing on ROTL might mean that his ability to meet this requirement might be delayed for several weeks or months.

Obviously, it would be ensured that it was a criminal offence to be absent from ROTL without authority and anyone assisting would also be in difficulties in just the same way as for prison.

### **ROTL and Prison Population**

Bearing in mind the £40K cost per year of holding a PMO in a conventional prison, it might be economical to ROTL a trainee with a small living allowance rather than hold him in an establishment for a week waiting for the next item of training.

### **Tagging When on ROTL**

A range of technologies centred around tagging can assist in ensuring geographical, sobriety and substance abuse compliance.

### **ROTL For Employment**

Annexe G, Gradual and Safe Release, indicates that longer periods of ROTL would be granted to help the trainee secure employment. During this period the trainee will be on the glide path to full release but nevertheless he would be under full control. He will still have to comply with whatever reasonable restrictions are imposed on him.

An organisation may be more confident about offering probationary employment to a trainee if it was confident that the trainee was still under strict control and with the benefit of support, not least from his mentor. Annexe G covers mentor support in more detail.

## MENTORING SUPPORT

### **Current Situation.**

There are numerous charities, both local and national that seek to help rehabilitate prisoners both during their time in prison and after release. In the current criminal justice system and in the proposed DFT system offenders are moved from one establishment or institution to another. It can be argued that the probation system, so far as prolific minor offenders are concerned, is a tick box exercise. In addition, the probation system has acquired a punitive element to it. Unfortunately, there is no continuity of moral and practical support from the moment of sentencing to after release. It should not be forgotten that the suicide rate within the prison system is at least one per week.

### **Mentoring Support.**

It is proposed that there is a statutory provision for “Mentoring Support”. The mentor would come almost exclusively from the charitable voluntary sector. Taking into consideration that many offenders lack a positive male role model, it is likely that most undertaking this role will be male. However, there is no reason why females could not also be involved. Having a statutory role would mean that when he is seeking to support his charge, he cannot be brushed off on the grounds of having no *locus*. He would not have much in the way of powers, but it is the *locus* and the fact that he has been “appointed by the Secretary of State” that would make him effective.

Clearly, such a role would require the usual DBS checks.

At present the term ‘mentor’ is being used, but there may be a better one available, as this term does not quite fit the role.

The mentor would probably be appointed from the charitable sector at the time of sentence to DFT. Initially, the trainee would see moral support and encouragement being provided by the mentor. However, behind the scenes the mentor would be fully informed of the trainee’s progress and would take a very close personal interest.

## **ANNEXE G**

His duties and responsibilities would be very carefully framed to ensure that his role is to ensure long term success of the DFT sentence, and he would be part of the system.

In addition to regular contacts and visits, the mentor would be present at important events such as 'pass out' from BCT. Annexe E covers important anti-bullying precautions. Vital amongst these is the ability to report any mistreatment to the mentor.

It is currently judged that a mentor should only have one charge. This because of the experience with probation officers who have far too large a caseload and therefore can fail to meet the needs of a lower priority offender.

It is well known that a significant proportion of the prison population has a background in the Armed Forces despite them having received high quality training, not dissimilar to DFT. Nevertheless, on discharge from the armed forces their life can descend into chaos because they are unable to survive without positive structures in place. Therefore on, or near to, release from DFT, the role of the mentor is to prevent this from occurring by intervening to whatever extent is necessary.

The mentor role ought to be an extremely satisfying role, especially during the period of release from DFT and thus be attractive to the Third Sector.

### **Role of Probation Officer.**

It could be argued that this is the proper role of the probation officer. There are at least three problems with this approach. Firstly, there is insufficient capacity to meet the probation services current obligations. Secondly, the probation officer is compromised, because he or she is employed by the state and there is sometimes a punitive element to their work. Thirdly, the mentor would only have one, or certainly very few charges, thus the mentor would pay very careful attention to his charge's needs and not be diverted to higher priority cases.

**ANNEXE H****DFT TRAINING LOCATIONS & INFRASTRUCTURE****Introduction**

It is essential that the initial stages of DFT training, especially Basic Compliance Training, are conducted in remote rural locations in order to remove DFT trainees from the environment that exacerbates many of their problems.

One of the most important objectives is to isolate DFT trainees from mobile phone signals so that they cannot communicate with criminals outside. This cannot be achieved in an urban area without gross interference with the rest of society. If this can be achieved it will make it far harder to import illegal substances into the DFT training centre.

The remoteness and isolation of a DFT training centre would also make it very hard for criminals to go near it in order to 'throw items over the wall'. They would be just too exposed.

Finally, the remoteness would make it very hard to escape or abscond. A DFT trainee would stand out like a sore thumb in a local village or hamlet. They are only able to disappear in a town or city.

**Remoteness and Family Visits**

Telephone communication between DFT trainees and families would have to be maintained in the normal way.

Family visits to the DFT training areas would be impractical. However, once passed out on Basic Compliance Training, trainees would be able to visit their families on ROTL, provided there are no contra-indications. This is covered at Annexe F, Use of ROTL.

This may appear to be extraordinary but if a PMO was not on DFT, but on a conventional sentence, he would be being released within a short while in any case. There is no issue of public protection.

## ANNEXE H

In order to demonstrate 'Good Conduct' a DFT trainee will have to show that he can be ROTL'd for home visit and then reliably report to the next location for training.

### **Progressive Improvements and Rewards**

As DFT trainees progress through the system they would experience improved conditions. However, at the start of Basic Compliance Training, conditions would best be described as austere. Trainees would start with more or less nothing. Basic Compliance Training is designed to instil hope, pride and discipline as quickly as possible in order that more interesting training can be safely undertaken but without resorting to bullying or brutality. Thus, a whole range of incremental improvements are necessary.

### **Nature of Accommodation and Infrastructure**

Since DFT trainees do not need to be held in the secure estate there is considerable flexibility over what could be used for DFT purposes other than the requirement for remoteness, at least for Basic Compliance Training. There would have to be a perimeter fence to delineate the boundary for trainees and to prevent undesirables from entering the training centre.

### **Buildings Required**

A DFT or Basic Compliance Training centre would require at least the following:

- a) HQ administration building.
- b) Decent accommodation for prison officers, instructors and staff.
- c) Catering facilities for prison officers, instructors and staff up to a decent standard.
- d) Catering facilities for trainees. The nature would depend upon whether the centre was for Basic Compliance Training, general DFT training or both. DFT trainees will need to be better fed than those in a conventional prison because they will be more physically active. The nature of the food provided is known to be extremely important to young people's behaviour.
- e) Stores.
- f) Workshop facilities.

## ANNEXE H

### **Unused Defence and Government Estate**

Experience suggests that there is a considerable amount of unused Defence and Government estate, some of which is, or was, discretely located in remote rural areas. This would probably be the first choice since the Government would already own it.

### **New Build**

One of the drivers of DFT is to avoid large expenditure on the secure estate and its operation by, where appropriate, spending it on training and addressing offenders' weaknesses instead.

This is discussed at Annexe B, Economics. In the short term, it is not thought that there would be a need for expensive new build. In the longer term, when the DFT concept is fully operational and understood there might possibly be a case for a new build DFT centre.

### **'Portacabins' and temporary accommodation**

Especially for a pilot scheme, accommodation could be provided by 'portacabins' that are available commercially. If desired, it should be possible to set up a Basic Compliance Training and DFT training centre in six months. Winning the conceptual and political argument for doing so would take far longer.

### **DFT 'Farms'**

Army training areas, such as Sennybridge in South Wales, have several locations that are termed 'farms'. They consist of simple and robust buildings of the small barn type for training exercises. They usually have a perimeter wall to prevent livestock or wildlife entering. They do not actually have livestock, farm equipment or a proper dwelling. Exercising troops use them as an operating base and to sleep overnight protected from the elements.

Annexe I, DFT Exercises, covers how training exercises will help develop trainees. The use of 'farms' on the training areas would be important as a component of the exercises for a number of reasons.

**ANNEXE H****DFT Training Areas**

The UK has plenty of remote rural areas that could be used for DFT training. The only issue would be the building of 'farms' and acceptance by the local population.

**Local Opposition**

It is understood that the prison service experiences problem with the local population accepting the building of new prison facilities, especially in the case of open prisons to house Cat D sex offenders.

The local population will have to be won over and see some benefits of DFT training taking place near them. The first point is that there should be no disbenefits.

Secondly, because the location will often be remote rural, the population will be small and therefore not so many individuals to be won over.

It is inevitable that DFT activities will generate some local employment and extra economic activity. Finally, some DFT activity might provide public benefit such building a small bridge over a stream as part of a DFT exercise.

Any infrastructure built or repaired by DFT trainees would have a plaque attached claiming the credit for DFT.

Local resistance can be overcome using well known and legitimate techniques.



**ANNEXE I****DFT EXERCISES****Introduction**

Within a conventional prison, at the end of the day it is not likely that prisoners will be fulfilled or tired. This is because of the constraints of what activity there is having to take place within the prison walls. Unfortunately, young prisoners will become bored and it is not surprising that they resort to substance abuse. DFT training is not bound in this way both for the training or for what are termed DFT exercises. The purpose of a DFT exercise is to enable DFT trainees to:

- a) Practise what they have been trained in.
- b) Experience some adventures in what they believe is a very uncertain environment but is carefully controlled.
- c) Further develop the team in challenging circumstances such as getting wet, tired or lost.

This is in order to make them better members of society and a far better proposal for employment.

A DFT exercise might be a simple map reading exercise that could be completed in two hours. This might be at an early stage of the training. Later, they can look forward to a full-blown exercise with an international aid scenario.

**An Illustration Only**

Although this annexe provides a bit of detail it is only to illustrate what could be done. It is not a precise prescription. That would be an operational matter for those providing the training.

**Basic Compliance Training**

Basic Compliance Training would use exercises as a training technique and to give trainees a taster as to what the later stages of DFT training would involve. As they progress through Basic Compliance Training the exercises would become more interesting. This is all part of trainees experiencing continuously improving conditions as they make progress.

**ANNEXE I****Effect of Training in Teams**

Inter-team competition is natural and should be expected and built on. It can be enhanced by rewards for the most successful team. Steps would be taken to ensure that individual trainees could not 'ride on the coat tails' of others.

**Expense**

These exercises might sound expensive, but they would use the same props and materiel time and time again. The Directing Staff would know exactly how the exercise will run because they have run it before.

**Risk Assessments and Practical Training**

For every challenge training teams are given, they would be expected to undertake some form of risk assessment in accordance with their training. Each challenge would have risks to be avoided or mitigated. The training to achieve this competency is very cheap to provide.

Employers might be cautious on taking on a DFT trainee just because he has been theoretically trained as, say, a forklift truck driver. The knowledge that he has been thoroughly tested and exercised would surely help.

**Map Reading and Treasure Hunts**

Map reading is not an essential skill for many occupations, but it does provide an excuse to get trainees outside and explore the countryside and try to get to the right location at the right time. An incentive could be that the coffee urn will only be at a certain place for a certain length of time. Of course, the clues in a treasure hunt will require reading skills. As literacy improves, the clues would become more challenging. Map reading exercises might be done in pairs or one trainee would be required to lead without help from the others.

**ANNEXE I****First-Aid Training**

DFT training would provide very thorough first-aid training. Not so much in case there is an accident during training, but much more to improve the employability of trainees. DFT trainees would be trained for a First aid at work certificate but they would exceed the minimum commercial standard by a long way.

The training is not costly to deliver and there is no shortage of time therefore the standard can be very high.

Classroom training is all very well but DFT trainees would have to do numerous practical exercises. At the easiest level, whilst on a map reading exercise, the training team come across someone who they should realise is having a stroke. They then need to take the appropriate action.

Later, and as part of a more demanding exercise, they might come across a much more testing first aid situation with multiple casualties of varying severity. They would need to locate and account for all the casualties including the one with shock who is walking away. They will need to correctly prioritise and call for help.

Fortunately, first-aid training is cheap to deliver, even if being done very well, but it has high pay-back. Imagine the potential employer who says to a DFT trainee seeking work "You claim to well-trained in first aid. Suppose you came across a multiple casualty accident. How would you work out who to treat first? A DFT trainee would be expected to say without hesitation, "Breathing, bleeding, breaks and burns!".

**Bonding Exercises**

A DFT bonding exercise does what it says on the tin. An illustration of what might happen is this. The team would be taken out into very sparsely populated open countryside. It starts as a classic treasure hunt following clues and involving the inevitable exercise accident or emergency.

It is getting late and the instructor (who is a prison officer as well) receives a radio message informing them that the minibus due to pick them up has crashed and will not be able to pick them up until lunchtime the next day. It is getting dark and

**ANNEXE I**

starting to rain. Fortunately, on DFT they never go out in these circumstances without food, cooking equipment and sleeping bags. However, they have no tents. They must find cover from the elements.

The instructor is not providing much help but by now the team is used to this. They know that they must work out the answer themselves. From the Ordnance Survey map they realise that there is a small building not too far away. They ask the instructor to tell Exercise Control that is where they are going for the night and accurately provide the grid reference.

When they get there, they find it is a bothy, a bit basic but it will do. They set up camp and cook their food. They are cold and wet but manage to find some firewood and light a fire. The instructor thinks that they have performed well. Miraculously, he finds suitable refreshments.

That night they discuss everything. Darren announces that there is more to life than the Peckham Warriors. In the morning, they remember how they lost the last task, so they leave the bothy in a better state than they found it. They clean the fire and fully restock it with firewood.

**Comprehensive Exercises**

A comprehensive exercise would be one designed to test and train several aspects of DFT training received to date. It might be based on an international aid scenario. Team members would certainly find themselves negotiating with 'difficult' characters, so that they will need to put into practice what they have been trained. Where powered equipment is used, it must be operated perfectly safely if the team wants to win. The training team will need to reach a certain performance level in order to move onto the next piece of training or get onto phase three, Gradual and Safe Release.

**ANNEXE J****PRISON OFFICERS****Introduction**

It is generally accepted that there are many issues regarding prison officer numbers and their remuneration which arose from the need for austerity in 2010. These issues are outside the scope of this paper.

The proposed new sentence of DFT will require prison officers to operate a completely new system. However, it will still be necessary for prison officers to exercise full control of DFT trainees. It is expected that DFT trainees will be more compliant and willing to improve themselves because until they do so they will not be released. If they misconduct themselves, they will not meet the required standard and so will also delay their release.

**The Conventional Prison Estate**

Only a certain proportion of offenders will be suitable for DFT training. There will still be large numbers of prisoners held in conventional prisons.

**Instructor Role**

As well as being responsible for the custody of DFT offenders, it is intended that prison officers will also have an instructor role. They can either be trained for the instructor role or recruited on the basis that they are already qualified. The most obvious example is outward bound instructors. It would not be economic to have a prison officer fulfil the custody for an 8-man DFT team and then an outward-bound instruction provided by someone else.

This double hatting would be particularly important for Basic Compliance Training when trainees would not yet be fully compliant. Once into DFT trade training it would be possible to use more non-uniformed instructors, if desired.

It may be that prison officers alternate between working in the secure estate and on DFT training.

**ANNEXE J****Implementing Reform**

It would be interesting to see if prison officers willingly take on the new system and enhance their role and status or whether they would be happy to see someone else do it.

The author intends to engage with the POA to encourage them to grasp the opportunity should it arise.

**ANNEXE K****USE OF TECHNOLOGY****Introduction**

There are range of technologies that could help make the DFT system work better. However, fundamentally the techniques of training are unchanged over decades. Simply put, it is to inject hope, pride, discipline and provide some useful training for the world of work. The main role of technology would be to provide assurance, compliance and safety.

**Assurance and compliance**

Tagging technology can facilitate geographical controls on a trainee. It cannot prevent a trainee from going where he should not or failing to go to where he should. It can, however, provide a warning to controllers and evidence of any non-compliance.

It might be possible to warn the mentor of a trainee on ROTL, that his trainee is straying, in order that the mentor can give some helpful, friendly and timely advice.

It is understood that there is tagging technology available to monitor sobriety controls and possibly detect substance abuse.

It might be possible for a tag to detect and report illegal mobile phone usage.

**Safety**

There may also be technology available to ensure that each trainee is safe. This would be useful for outward bound training etc. Such technology may help mitigate other reasonable risks being taken, such as the risk of trainees getting lost on a map reading exercise. Exercises can be made to be much more exciting and adventurous if trainees can become properly lost (and worried a bit) if exercise control knows where they are and that they are well. More detail is a matter for training professionals.

**Legal Mobile Phones**

It might be possible to provide a trainee going on ROTL with a mobile phone that will only make or receive calls to or from certain numbers.

## **ANNEXE K**

### **Illegal Mobile phones**

Illegal mobile phones are a significant problem because they allow prisoners to maintain contact with criminals outside prison. An objective of DFT is to completely sever the connection between trainees and their former gang affiliations and other criminals for as long as possible.

Basic Compliance Training and other phase 2 DFT training, where possible will be conducted in remote rural locations. There will be no mobile phone signal, or if there is a signal, it might be possible to arrange that at least one of the subscribers has to have an authorised number. There will surely be other techniques available to thwart illegal usage. Few techniques appear to be available in a busy urban environment.

### **Telephony**

During DFT it would be possible for trainees to make calls to authorised numbers as in conventional prisons now. Provision might be restricted until pass-out on BCT subject to any contra-indications.



**ANNEXE L****IMPLEMENTATION & PROMOTION OF PROPOSALS**

If it was desired to implement reform along the lines of this proposal or anything similar, it would be drastic and controversial. Not only that, but it would be easy to make avoidable mistakes.

This work is the author's alone. The principle might be correct, but there will certainly be errors and misunderstandings. As already noted, this paper is not intended to be a refined policy. It is a proposal for a more effective penal system.

Paragraph 34 (Stakeholders) of Section 4 stresses the importance of collaborative working with stakeholders. However, before getting into the detail of the policy, the public debate and argument needs to be won.

Working out the details of the policy, allocating resources and dealing with the necessary legislation are all matters for civil servants and they are very good at it. Running the DFT system would be an operational matter for experienced practitioners.

The author has proposed this reform twice in the Chamber of the House of Lords. However, the media has not yet noticed, or it has relegated the ideas into the "not very interesting" pile. He has also presented the ideas at two quite different venues: one attended by businesses at a London City Forum and the other at a political meeting of students within Kings College.

On both occasions it generated a lot of debate, it was not 'shot down in flames' and all the obvious points and objections had been considered. One objection raised by the student group was that it would be morally wrong to use public money on the provision of training to an offender.

The proposal will certainly be resisted on the grounds that it is "being kind to criminals" or "soft on crime". The author has been very careful to avoid falling into the trap of proposing anything that is solely designed to meet that objection, even for Basic Compliance Training. The initial austere conditions of Basic Compliance Training are justifiable by the need to have conditions that can be improved when merited by performance.

**GLOSSARY**

<b>TERM</b>	<b>MEANING</b>
Good Conduct	A wide term encompassing a DFT trainee's ability to be compliant, respect others and be able to control his emotions and temper.
BCT	Basic Compliance Training, phase one of DFT.
Chief Inspector	The Chief Inspector of Prisons for England and Wales.
Determinant Sentence	A sentence by the courts of a specified length.
DFT	"Detained for Training at Her Majesty's Pleasure". An indeterminate prison sentence capped at 5 years designed to address the offender's weaknesses.
DFT Exercise	An exercise of varying sizes and complexity, often in the countryside, designed to train or test one or more components of DFT Training.
DFT training	A training programme designed to instil hope, pride and discipline, combined with education and training for work and life.
Directing Staff	Prison Officers and other staff running a DFT exercise.
DS	See "Directing Staff".
Farm	A bothy on a training area, probably enclosed by a wall or boundary.
Farmer Report	The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, By Lord Farmer, 2017.
GRT	Gypsy Roma Traveller.
HDC	Home Detention Curfew.
Indeterminate	A sentence by the courts of a specified length where the date is uncertain or may depend upon certain conditions being met.
Mentor	A person that would be appointed by the Secretary of State to support and encourage a DFT trainee throughout his sentence and after release.
Offence	A criminal offence.
Offender	An individual who has committed an offence.
PMO	Prolific Minor Offender.
Prison Officer	A uniformed officer responsible for supervising and managing prisoners decently, lawfully, safely and securely, ensuring that the routines of the prison operate effectively.
Prisoner	An individual who has been sentenced to immediate custody
Purposeful activity	Time spent out of the cell engaged in work, education, training or religious activities.
Staff	Prison Officers, and all others engaged in running a prison
Trainee	A person sentenced "To be detained for training at Her Majesty's Pleasure".