Perceptions of race and conflict: perspectives of minority ethnic prisoners and of prison officers

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Home Office Online Report 11/04

The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).
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Executive summary

Background to the research

In November 2000, the Centre for Criminological Research was commissioned by the Home Office Research, Development and Statistics Directorate to investigate situations arising between officers and minority ethnic prisoners that involved the potential for conflict, such as discipline, where differences of perspective may have led to a perception of a racial element in the officers' decisions. The study focused in particular on the views of minority ethnic prisoners and of a selected group of officers – those who had recent experience of enforcing discipline upon a minority ethnic prisoner. The research was designed to explore situations of conflict, not race relations in a general sense. It was hoped that exploring the ways these two selected groups viewed problematic encounters between staff and prisoners might reveal how perceptions of racial differences could influence their interactions and that these insights might show how to increase understanding between prison officers and minority ethnic prisoners.

Aims of the research

The aims of the study were to explore:

- the perspectives of participating staff and minority ethnic prisoners on situations in which the prisoners had been placed on a disciplinary charge;
- how prisoners judged whether their treatment had been racially biased;
- how minority ethnic prisoners and the selected prison staff members conceived of racism; and
- whether differences in perspective aggravated interactions between them.

The nature of the study

The study was conducted over nine months in four local prisons. The fieldwork involved gathering the perspectives minority ethnic prisoners had of their treatment by prison staff and the perceptions the prison staff who participated in the study had of minority ethnic prisoners. Although the views of these two groups were often in opposition, the authors of this report have not attempted to judge which was more valid. The Prison Service adopted the Macpherson definition of a racist incident in August 2000, namely, ‘any incident which is perceived to be racist by the victim or any other person’, and this was the systematically applied definition in pursuing the study.

Data gathering consisted of:

- a survey of the minority ethnic population in four local prisons, giving a total sample of 237 black and Asian prisoners, predominantly on remand or serving short-sentences;
- in-depth interviews with 73 of these prisoners who believed that there had been – or might have been – a racial element in their recent experience (within six months) of discipline or suspicion of bullying; or in any other treatment (job discrimination, Incentives and Earned Privileges, or the practice of their religion); and
- in-depth interviews with a small sample of prison officers (53) selected because they had placed a minority ethnic prisoner on report, or formally accused them of bullying, in the previous six months; or had been subject to a complaint about allegedly racially
biased treatment. No presumption was made about their motivations for placing a prisoner on report. The primary focus was their views on potentially difficult situations they had experienced in dealing with minority ethnic prisoners.

(See Appendix D for more detail on prisoner and prison officer demographics.)

Key findings

On the nature and extent to which treatment was perceived as racially biased –

- Fifty-two per cent of the minority ethnic prisoners surveyed (123/237) believed they had experienced some form of racial discrimination in prison within the previous six months.

- Eight per cent (18) perceived racial discrimination in discipline (or suspicion of bullying) but not any other area;

- Twenty-eight per cent (66) perceived racial discrimination in other areas, but not discipline or suspicion of bullying; and

- Sixteen per cent (39) perceived racial discrimination in both discipline or suspicion of bullying and other areas.

- Twenty-four per cent of the prisoners in the minority ethnic population survey said that, within the previous six months in custody, they had been charged with an offence, accused of bullying or given a behaviour warning in a way that they felt reflected racial bias.

- In the time available, the researchers were able to conduct in-depth interviews with 73 of the 123. Their primary reasons for perceiving racism in their treatment were: differential treatment, stereotyping, the officer’s demeanour, a lack of explanation, and an ambiguous process.

- Twelve of the 73 prisoners (16 per cent) cited examples of blatant racist behaviour, such as verbal abuse or malicious discrimination. This indicates that blatant racism is much less common than other forms.

- The research identified a type of situation which led to perceptions of racial bias, which was termed, ‘informal partiality’. Informal partiality – often unconscious on the officer’s part – referred to the exercise of discretion by officers in ways that some minority ethnic prisoners felt had disadvantaged them, although there could be no proof of direct discrimination. Whether a specific use of informal partiality constituted racial discrimination (or not) was a matter of perspective. Informal partiality draws a link between the everyday exercise of discretion by officers and institutional racism.

- Prisoners felt that officers often took decisions about them without providing an explanation. This problem is endemic to prisons – white prisoners, too, are often not given explanations. Whilst there were valid reasons for not providing some kinds of information, the research found that the absence of explanations in areas such as discipline, privileges and job selection fuelled the prisoners’ sense that they had been treated unfairly and the lack of any other reason inevitably led some to consider that race might have been a factor.

How the officers who were interviewed understood racism

The research was not conceived as a survey of prison staff views on race relations, or their opinions about diversity and equality policies. The interviews explored the views of these selected officers on race relations and their understandings of what constitutes racism to see whether their perspectives were different from minority ethnic prisoners, and, if so, what effect
the different understandings had on potentially problematic encounters between staff and black and Asian prisoners. Readers interested in a systematic analysis of prison officers’ attitudes about race relations and diversity policies are referred to the HM Prison Service Staff Attitude Survey.

- Most of the officers interviewed understood racism in its blatant and direct forms, including verbal abuse and discrimination. They were less likely to define racism in terms of attitudes (such as holding stereotypical images) or to appreciate ‘the subjective dimension’, that an incident was ‘racial’ if ‘the victim or any other person’ perceived it to be so.

- Most officers interviewed understood that institutional racism referred to something embedded in the structure and culture, but a significant minority of officers (9/53) thought the concept meant that they, personally, were being labelled racists.

- Seventy-nine per cent of the officers interviewed (42/53) said they had never seen a colleague acting in a racially discriminatory way.

- Only two officers in the study believed the Prison Service could do more to combat racism.

Prisoners' complaints about racially discriminatory treatment

The 237 minority ethnic prisoners in the survey were asked if they had ever complained about racist treatment in prison; 232 responded:

- Seventy-five (32% of 232): said they had not experienced anything that warranted a complaint.

We asked the 157 who had experienced racial discrimination at some time while in custody if they had put in a complaint about it.

- Fifty-six (36% of those who had experienced discrimination): said that they had complained. Seven of 48 inmates (15%) whose complaint had run its course felt they had gained a positive or fair outcome.

- One hundred and one (64%): said they had experienced racial discrimination at some time in custody but had not complained; of whom:
  - thirty-nine/101 said they were frightened of reprisals from staff if they did complain;
  - thirty-four/101 said they believed it would be futile to complain;
  - twenty-four/101 gave no reason; and
  - four/101 said they did not know how to complain.

- Twenty-two of the 53 officers interviewed felt that the prisoners' right to complain against them about racially biased treatment amounted to a weapon inmates could use against staff.

The disjunction between the perspectives of minority ethnic prisoners and the officers selected for interview is the most striking aspect of this report. While half of the prisoners had experienced what they saw as racial discrimination in the previous six months, only a quarter of them had ever lodged a complaint and 16 per cent said they were too frightened to do so. In contrast, 22 of the 53 officers felt that prisoners could use allegations against them to prevent them doing their duties and one in five claimed that their job was at risk if a charge of racist behaviour were proven.
Main recommendations

Twenty-two per cent of the prisoners in the minority ethnic population survey advocated hiring more black and Asian prison officers. Here, the prisoners’ suggestions parallel the Prison Service’s present commitments. At the beginning of 1999/2000 minority ethnic staff represented 3.2 per cent of the workforce. Of the staff recruited during 2000/2001, 7.9 per cent were from minority ethnic groups, increasing their representation to 4.9 per cent of all staff. Greater ethnic balance in staff will:

- provide opportunities for white officers to appreciate cultural diversity by working with black and Asian colleagues;
- enhance trust between staff and prisoners;
- increase white officers’ awareness, through working with colleagues from minority ethnic groups, of how racism is experienced by black and Asian people; and
- demonstrate to prisoners that race equality is important to the Prison Service.

Training should increase awareness of cultural diversity, alert officers to the risk of informal partiality, and help staff to understand the impact of racism on prisoners. Here again, Prison Service training has recently been re-designed to develop officers’ understanding of different cultures and to recognise differences of perception.

The area most in need of improvement is the current system of responding to prisoners’ complaints of racial discrimination by officers, which is legalistic and disciplinary. Of course, deliberate and blatant racism requires such a firm reaction. But this report demonstrates that racial discrimination is usually less clear-cut. The legalistic response requires proof that the officer acted knowingly and could have predicted the consequences of his or her actions. Yet, racism can be obvious from one perspective and hidden from others. Officers cannot always know in advance if their decisions will be perceived to have been discriminatory. We found prisoners who did not complain – even when they felt they had a good reason – because they did not believe that their complaint would be taken seriously or heard impartially. To oppose racism in a way that honours these conflicting perspectives, the Prison Service must find a framework that responds fairly when any racial bias is unwitting or unintended.

The new model must be open and clearly neutral, so that it earns the trust of prisoners and makes it possible to bring to light different perspectives on the same events. The approach must be non-punitive, to gain the trust of the officers who might – understandably – react to an allegation of racism in a defensive spirit. The new model also needs to bring the parties together in a spirit that is reciprocal and personal. The process of dealing with allegations of racism should focus on explanations and mutual understanding rather than guilt and punishment.

For these reasons, the Prison Service should establish a pilot scheme to use mediation (a form of Restorative Justice) in response to complaints of racial discrimination against officers. The forum should be a face-to-face meeting between the officer and prisoner, facilitated by a governor and an independent external race equality adviser, jointly trained in mediation. Mediation is suited to working with opposing perspectives; enhances mutual understanding; allows for confidentiality; provides a solid framework for finding solutions and reaching agreement; and (particularly appropriate for perceptions of racial bias) mediation works on a no-blame basis. To ameliorate any possible influence of the structural power imbalance between prisoners and staff, the participation of an independent, external race equality adviser is essential. The benefits of responding to prisoners’ concerns in this way go far beyond the resolution of a specific allegation to a culture shift away from suspicion and blame towards mutual understanding.
1. Introduction

In early 2000, the authors of this report were investigating the genesis of fights and assaults between prisoners. In sharing some preliminary findings with the Home Office, it was noted that disputes between prisoners were often exacerbated by racial and cultural differences, stereotyping and a lack of communication – making a violent outcome more likely (Edgar and Martin, 2001). It was suggested that there was a need for further study of race relations in prison. In particular, it was proposed that the methods used to investigate conflicts between prisoners in the earlier study could usefully be employed to explore the impact of racial differences on encounters between staff and prisoners.

By mid-2000, the need for research into race relations between staff and prisoners had become urgent.

- The Macpherson Report (1999) had produced evidence of institutional racism in the Metropolitan Police, and the Prison Service Director General, Martin Narey, had publicly acknowledged that the Prison Service was institutionally racist.
- A young Asian man was beaten to death in a young offender institution by his cellmate, an openly racist and mentally disordered prisoner – and there was evidence that the prison had failed in its duty of care.
- A minority ethnic officer at a London prison made allegations of racial discrimination to an Industrial Tribunal.

At the same time, plans to improve the Prison Service's performance on race relations were coming to fruition.

- RESPOND – Racial Equality for Staff and Prisoners – had been launched in 1998 to promote equality of opportunity and to combat discrimination in the Service.
- In September 1999, the Prison Service appointed its first race relations adviser, Judy Clements, OBE, a post which carried with it membership of the Prisons Board.
- In May 2000, Martin Narey announced the piloting of a new procedure for racial complaints, separating complaints from requests, and providing prisoners with more open access to complaint forms.

In November 2000, the Centre for Criminological Research was commissioned to investigate situations arising between officers and minority ethnic prisoners that were potentially problematic, such as discipline, where differences of perspective may have led to a perception of a racial element in the officers’ decisions. It was hoped that gathering the views of minority ethnic prisoners and the selected prison staff members would illuminate an important and sometimes tense area of staff-prisoner relationships.

The aims of the study were to explore:

- the perspectives of staff and minority ethnic prisoners on situations in which the prisoners had been placed on a disciplinary charge;
- how prisoners judged whether their treatment had been racially biased;
- how minority ethnic prisoners and the selected prison staff members conceived of racism;
- whether differences in perspective aggravated interactions between them.

The Home Office Research, Development and Statistics Directorate convened an Advisory Group, selected because they had particular interest and knowledge in areas related to the study (membership of the Group is listed in Appendix C). Their reflections on the research as it unfolded were invaluable. The main purpose of the Group was to guide the focus of the study to issues of particular importance for policy and the training of staff. Information gained from the fieldwork provided them with concrete examples of problems.
Only two major pieces of research on race relations in the prisons of England and Wales have been published in the past 25 years, both conducted at the Centre for Criminological Research. The first of these was Elaine Genders’ and Elaine Player’s study, Race Relations in Prison (1989). The prisoners they interviewed felt that officers tended to be less tolerant and more wary of minority ethnic prisoners (and black men in particular) than white prisoners. The authors concluded that racial discrimination was intrinsic to prisons.

\[ \text{It is … the consequence of a complex interaction between racial stereotyping and the attempts by prison staff to achieve the multifarious and sometimes conflicting goals of the institution.} \]
\( \text{(Genders and Player, 131)} \)

More recently, Ros Burnett and Graham Farrell surveyed minority ethnic prisoners to shed light on their experience of custody. Their study, Reported and Unreported Racial Incidents in Prison (1994) explored the quality of race relations, and the incidence of racial harassment and physical victimisation (both inmate-on-inmate and staff-on-inmate). They also charted racial differences in dietary provision, practice of religion, access to facilities and activities, disciplinary action and in the complaints procedure. Burnett and Farrell found:

\[ \text{The black inmates were far less likely … to view relations between staff and inmates as favourable. More than twice as many white as black inmates assessed staff-inmate relations as ‘generally good’. In contrast to inmates, nearly three-quarters of the officers described officer-inmate relations as ‘generally good’.} \]
\( \text{(Burnett and Farrell, 53)} \)

These studies confirmed that there were significant problems in race relations. Both implied that officers and prisoners perceived the effects of racial differences in very different ways. Our task in undertaking the present study was to explore whether such perceptions still existed, and, if so, to show how they affected staff-prisoner relationships in such areas as discipline, Incentives and Earned Privileges, the use of Control and Restraint techniques and the exercise of officers’ discretion.
2. Methods and sample

Research design

The study was based in four local prisons and confined to adult male prisoners, predominantly on remand or serving short sentences. It seemed logical that this group of prisoners would be less likely to lodge a formal complaint about their treatment because they would not expect to remain in custody long enough to hear the outcome. Thus, exploring problems with them would allow us to uncover issues that might not normally arise through the formal complaints procedures. By agreement with the Advisory Group only ‘visible minorities’ were included (i.e. those identified by prison ethnic codes as non-white). First-time prisoners who had served less than one month were not invited to take part, nor were immigration detainees, as their inexperience of prisons would have restricted their answers to many of the questions. Several non-English speakers were interviewed and on these occasions other inmates helpfully acted as translators.

The prisons chosen, in consultation with the Advisory Group, represented a variety of local establishments:

- HMP Bristol: a Category A local establishment with both a remand and settled sentenced population;
- HMP Bullingdon: a large modern multi-functional prison with a significant number of minority ethnic inmates;
- HMP Gloucester: a small Victorian prison serving a predominantly white, rural area; and
- HMP Leicester: a small, largely remand, Victorian prison in an ethnically diverse area.

Research instruments

The process of designing the research instruments was aided by a group of 12 minority ethnic prisoners with substantial prison experience during a day-long seminar on race relations. The discussion, facilitated by the Leicester Black Prisoner Support Project and the race relations liaison officer, was held at HMP Ashwell. The interviews were piloted in HMP Long Lartin (prisoners) and HMYOI Huntercombe (staff), after which appropriate refinements were made.

Four methods of data collection were used: scrutiny of official records; field observation; a survey of the minority ethnic prisoner population; and in-depth interviews with staff and inmates. The most important of the official documents for our purposes were:

- the roll, listing all prisoners by ethnic group;
- the adjudication records (through which we obtained the names of officers who had recently placed a black or Asian prisoner on report);
- the Use of Force log;
- segregation records;
- request and complaints records;
- summaries of the Racial Incidents log (the original statements were confidential); and
- anti-bullying files.

Field observation included time spent informally on the wings, talking off-the-record to inmates and staff, attending a race awareness training session, and conducting a discussion group in one prison at the inmates’ request.

The minority ethnic population survey (‘the survey’) was designed to gather information on prisoners’ experiences of race relations and to identify suitable subjects for the in-depth interviews. The survey was also intended to provide findings on the extent of problems

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1 The demographic data on the survey, prisoner interview and staff interview samples are presented in Appendix D.
associated with race relations – the frequency with which a broad sample of minority ethnic prisoners encountered problems which they believed arose from racial differences. Survey interviews usually lasted between 20 and 45 minutes. Recruitment to the study was very successful. In total 237 inmates were interviewed in the survey; only four inmates declined (less than 2%).

The in-depth interviews (‘the prisoner interviews’) explored how perceptions of racism influenced relationships between prisoners and officers. These prisoners were selected primarily because they believed they had experienced racial discrimination in prison within the previous six months. The interviews normally lasted between 45 minutes and an hour and a half, although on several occasions they took all day. The sample of 73 prisoners interviewed in-depth were drawn from the 237 interviewed in the minority ethnic population survey. No one who was asked to give an in-depth interview declined.

The interviews focused primarily on disciplinary incidents. However, inmates were also interviewed about other areas of concern, including suspicion of bullying; behaviour warnings which could mean the inmate was placed on the basic regime; loss of enhanced status; employment, categorisation or allocation; access to, or practice of religion; and other issues, such as perceived harassment by officers.

A tool used in the in-depth interviews was ‘the Escalator’, which had been developed in the research on conflicts in prison (Edgar and Martin, see Appendix A, interview schedules). The Escalator is a framework that captures the step-by-step development of an incident and brings out the respective interpretations of the parties involved. It had been anticipated that this would provide an ideal framework for the sometimes conflicting perspectives of officers and prisoners. Whilst there were situations that fitted this model, others were not matters of interpersonal differences. Some prisoners understood racial bias in terms of a process (Bowling, 1998),\(^2\) perceiving that their treatment fitted into a history (both personal and social) of inequality and negative stereotyping. Their accounts of racism focused on systems, procedures, rules, and more nebulous mechanisms that affected their lives in prison. They felt they had been treated unjustly, even though they did not attribute this solely to a specific incident.

In more concrete terms, the Escalator was most useful in analysing situations with clearly defined beginnings and endings, where it provided a sequential framework for the officer’s or the prisoner’s recollection of an incident (for example, when an officer placed a prisoner on report). It was not well-suited to recording a prisoner’s perceptions of possible bias in processes (the denial of Enhanced status is an example) where the outcome for the prisoner was based on a combination of decisions made by a number of authorities, some of whom were unknown to the prisoner.

The staff interview was designed to gather officers’ accounts of a specific incident in which there was the potential for conflict between the officer and a prisoner from a minority ethnic group. It had been decided, in consultation with the Advisory Group, only to recruit officers who had put a minority ethnic prisoner on report, or formally accused them of bullying, in the last six months; or been the subject of a racial complaint. This was primarily to ensure the officer had direct experience of working with a minority ethnic prisoner in situations the prisoner might find problematic. Although the vast majority of these 53 officers were interviewed because they had recently placed a black or Asian prisoner on report, no presumption was made about their motivations for doing so.

An ideal data set for a particular situation which a minority ethnic prisoner had described in an interview would include an in-depth interview with the corresponding officer involved. In practice, the demands of confidentiality meant that, in interviewing officers who had recently placed a minority ethnic prisoner on report, interviewers were prevented from specifying a particular situation they wanted the officer to discuss. (To do otherwise could have suggested to

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\(^2\) Bowling (1998) distinguished between racist violence as an individual event or incident, and as a social process. He writes that when racism is conceived of as a process, it … “is dynamic; includes the social relationships between all the actors involved in the process; can capture the continuity between physical violence, threat, and intimidation; can capture the dynamic of repeated or systematic victimization; incorporates historical context; and takes account of the social relationships which inform definitions of appropriate and inappropriate behaviour.” (Page 158)
the officers that the prisoners had told them that they had acted in a racially biased manner.)
Thus, only 12 of the 53 officer interviews corresponded directly to situations described by
prisoners.

These interviews lasted up to an hour and a half and included questions to explore how the
officers understood the concept of racism and their views on race relations in prison. Despite
initial apprehension that staff would be very sensitive about this subject, none declined. The
intention was to interview 50 officers. In fact, 53 were interviewed. Nonetheless, this was a
small number of staff (under 10% of the 699 senior officers and officers in the four prisons at the
time of the fieldwork).

The research was not conceived as a survey of prison officers’ attitudes. It was based on a
small number of interviews, which were intentionally unrepresentative of all prison officers and
the nature of the approach meant that there was no control group. Readers interested in the
views of prison officers on race relations in prison, or their opinions about diversity and equality
policies, are encouraged to consult the HM Prison Service Staff Survey.

Data gathering

Work began in each prison by discussing the study with senior management and circulating a
notice to staff informing them of the research. In each prison interviewers carried keys and
moved unescorted throughout the establishment. All interviews were conducted face-to-face, in
private, and recorded by hand. Inmates and staff were given assurances of anonymity and
confidentiality.

On the first day in each prison, a list of all prisoners by ethnic group was obtained and those
eligible for inclusion in the research identified. A letter was then delivered by hand to each
minority ethnic prisoner. The letters explained who the interviewers were and what the research
was about, and invited all eligible prisoners to take part. Response to the study was very
positive and prisoners were eager to speak to the interviewers.

Ethical issues

Background in prisons research was brought to this project; not expertise in race issues. A
concern at the outset was whether it was appropriate for two white, middle class and middle-
aged academics to explore the problem of racism with minority ethnic prisoners. In previous
work, both interviewers had discussed sensitive matters with large numbers of black and Asian
prisoners, giving reasons for confidence that ethnicity and backgrounds would not obstruct the
collection of data. To a large extent the hope that they would be trusted was rewarded when no
prisoner refused to take part in the in-depth interviews and fewer than two per cent of those
approached for the survey declined.

The work was carried out within boundaries of researcher neutrality. Thus, prisoners were not
advised about whether to lodge a complaint. Although almost all prisoners and officers received
the interviewers cordially, they were sometimes made aware that their presence was not
welcomed. Officers were not reported when they subjected the interviewers to racist ‘humour’,
nor when what was considered to be racist behaviour was witnessed. Finally, to the best of the
authors’ abilities, the anonymity of sources has been protected. Only once was neutrality and a
distanced role knowingly departed from. Following contact with a prisoner there was concern at
the possibility of serious self-harm and an obligation to raise concerns to management-with prior
consent of the prisoner—was felt.

The interviewers were drawn into situations that required them to use their discretion. The
highly visible nature of the work meant that officers knew who was interviewed and it could not
be ensured that participants remained anonymous to the officers who dealt with them on a daily
basis. In this context, one of the prisoners who declined to participate explained that he
believed that taking part was likely to bring adverse consequences for him. On rare occasions,
prisoners said that officers had tried to dissuade them from speaking to the interviewers and this was directly witnessed in one case.

This report brings together starkly opposed perspectives. It was taken to be a strength of the interviewers' role as neutral outsiders that they were able to gather 'both sides of the story'. When faced with two accounts that contradict each other, there is a tendency to ask what really happened. This is a fitting task for a governor conducting an adjudication, but the authors' role as sociologists is different. No apology is made for presenting the views of staff and prisoners in conflict. From a sociological point of view, events are always filtered through interpretations and the differences in perspective of the two groups have not been reconciled. Indeed, this report reveals the variety of views about the subject amongst minority ethnic prisoners and amongst officers. For clarity, when matters of interpretation are discussed, it will be specified (so far as is possible) whether the perspective of a prisoner, an officer, or (third) the authors' interpretation of events is being presented.

To set a hypothetical image for the report: imagine that an officer at a workshop gate decides to give every fourth prisoner a rub-down. The first three prisoners to pass him are white. The fourth is an Asian prisoner. From the officer's perspective he has maintained a fair system and has treated all of them on an equal basis. His selection was not influenced by race. From the prisoner's perspective, he has seen white prisoners treated differently and he is certain that he has been picked out because of his race. Both perspectives in this hypothetical situation are valid. Both might be based on limited information. The task of this research was to identify the reasons staff and prisoners perceive that situations are – or are not – influenced by race.
3. Meanings of racism in the prison context

Staff understandings of racism

To understand how the officers interviewed in the study dealt with conflicts with prisoners from a minority ethnic group, it is important to know what they defined as racist behaviour. As a group their definitions of racism included five different aspects: discrimination; language; attitudes; intimidation; and the ‘subjective dimension’.

The subjective dimension as defined by Sir William Macpherson (1999) and adopted by the Prison Service in August 2000, refers to the test of whether an incident is racial or not:

A racist incident is any incident which is perceived to be racist by the victim or any other person.

(Macpherson, Recommendations, 12)

The characteristic of racism cited by the most staff – 53 per cent (28/53) – was discrimination: practices and decisions that disadvantage particular groups. The range of ideas expressed within the theme of discrimination included: practices and decisions that adversely affected members of minority ethnic groups; and the unfairness of officers’ use of discretion.

Not allowing somebody who’s black the same rights as the whites. Whatever’s available, whatever they’re entitled to, it shouldn’t matter what colour they are.

ST4

Language, such as verbal abuse and derogatory comments was mentioned by 47 per cent of the officers (25/53). Twenty-three per cent (12/53) mentioned harassment or intimidation.

While the officers in the sample were aware of these dimensions of racism, their definitions were far less likely to show an appreciation of the importance of attitudes, stereotypical images or the subjective dimension of racism. Few staff – 15 per cent (8/53) – recognised that the perception by ‘the victim or any other person’ that a situation was racial was sufficient to establish it as such.

There was concrete evidence that some officers failed to identify racism when it occurred. Half of the prisoners surveyed believed that they had experienced racially biased treatment in the past six months (see page 14.) Yet, 79 per cent (42/53) of the officers interviewed said they had never seen racist behaviour from colleagues. Five of those who had, said they had only seen it in banter (never seriously).4

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3 Throughout the report, quotations are coded according to whether they originate from the officers (ST) the survey (Survey) or the in-depth prisoner interviews (P).
4 The HM Prison Service Staff Survey of 2001, covering 33 prisons and four headquarters groups, asked, ‘Have you witnessed discrimination, harassment or bullying in the last 12 months?’ Within the local prisons in the Prison Service Survey, the proportions of staff who said that they had witnessed discrimination, harassment or bullying in the previous 12 months ranged from 17 per cent to 35 per cent; and the rate for the total sample was 23 per cent. Although the staff survey question included broader areas of discrimination, this study’s findings fall within the rates of witnessed discrimination by staff in that survey. (HM Prison Service, 2001, page 33.)
The ways officers perceive racism and their estimates of its prevalence as a problem in the Prison Service are important themes that will re-emerge in subsequent discussions in this report.

**Institutional racism**

One purpose of the study was to determine whether – and if so, how – staff and prisoners held different perceptions of the problem of racism. The concept of institutional racism is central to this concern. If the term is poorly understood, its use will exacerbate problems of communication and implementation of policy.

The Macpherson Report defined institutional racism as:

> The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen and detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people.  

(Macpherson, 1999)

**Views of minority ethnic prisoners**

When asked what institutional racism meant to them, 64 per cent (151/237) of the prisoners in the survey had not heard the term or gave vague definitions. Five believed it meant that individual officers were racists. The responses of the prisoners who could explain its meaning (86/237) fall into five themes (see Table 3.1).

**Table 3.1: Prisoners’ understandings of institutional racism** (includes multiple counting)

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number</th>
<th>Percentage (n=237)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No definition / don't know</td>
<td>151</td>
<td>64</td>
</tr>
<tr>
<td>Definition offered:</td>
<td>86</td>
<td>36</td>
</tr>
<tr>
<td>Structural problem</td>
<td>29</td>
<td>12</td>
</tr>
<tr>
<td>Discrimination</td>
<td>27</td>
<td>11</td>
</tr>
<tr>
<td>Cultural basis</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>Hidden quality</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>Power</td>
<td>15</td>
<td>6</td>
</tr>
</tbody>
</table>

Institutional racism was seen as a structural problem by 29 prisoners:

> That means the whole system of being in prison has been racist towards blacks and Asian people – the whole thing.  

Survey 13

Almost as many prisoners (27) stressed the discriminatory outcomes of institutional racism.

> The fact that the officer doesn't notice the Euro prisoner wearing track suit bottoms and picks me out – that's institutional racism.  

Survey 17

Nineteen prisoners cited the influence of prison culture, as practices and values were passed down.

> Racism that's happened for so long in a certain environment, it's no longer regarded as racism. It's subtle and it's become normal.  

Survey 29
Part of the cultural dimension of institutional racism was that the dominant culture eclipsed minority ways of life.

[We] Rastas aren’t allowed to wear our caps. It’s semi-recognised – we can have our diet pork-free, but not caps. There are only two or three of us here. It’s down to numbers really.

Survey 50

An equal number of prisoners (19) cited the hidden nature of institutional racism. Some of these felt that institutionalised prejudice could sometimes be 'unwitting':

You know, sometimes I don’t even think they know they’re racist. Sometimes it’s fear. People fear what they do not understand, so they sweep it under the carpet. Other people’s cultures – they fear it.

Survey 176

Macpherson's definition does not refer to a power dimension of institutional racism. Echoing Stokely Carmichael, a small number of survey respondents (17) suggested that institutional racism systematically dis-empowers black and Asian prisoners by maintaining the dominance of white culture.

Institutional racism is something like elitism between certain sorts of people to keep others out and to maintain the power structure. The courts and the police are institutions that are run on racism.

Survey 136

This view suggests that racism persists in the Prison Service because those in authority turn a blind eye to it. Responsibility for the organisational 'failure' rests upon managers who have the capacity to change the system.

All the officers within a group, if I complain to one it wouldn’t go anywhere, because the racism goes higher up the ladder. They face the other way.

Survey 203

Views of the officers who participated in the study

Prison officers in the sample were also asked what they thought institutional racism meant. Nineteen per cent of the officers (10/53) gave no response and another nine officers had an inaccurate understanding of the concept. Here again, some basic themes emerged.

Table 3.2: Prison officers’ definitions of institutional racism
(includes multiple responses)

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number</th>
<th>Percentage (n=53)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure / system</td>
<td>28</td>
<td>53</td>
</tr>
<tr>
<td>Culture</td>
<td>21</td>
<td>40</td>
</tr>
<tr>
<td>Indirect discrimination</td>
<td>8</td>
<td>15</td>
</tr>
<tr>
<td>A collective failure</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Individuals are racists</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>Prison Service is not racist</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>No response</td>
<td>10</td>
<td>19</td>
</tr>
</tbody>
</table>

Fifty-three per cent of the staff members interviewed (28/53) understood institutional racism in terms of the structural nature of the Prison Service, established procedures and lines of accountability that were inherently favourable to the majority groups. They contrasted the systematic character of institutional racism against the direct and personal exercise of prejudice.

5 The original definition of institutional racism by Stokely Carmichael and Charles Hamilton centred on the power dimension. For further detail, see Carmichael and Hamilton (1969).
I’d say a system which is racist in the way it operates; probably doesn’t treat people as individuals, more so as part of a lump – a group.

ST45

The second most common reference in the officers’ interviews was to the influence of culture in sustaining racism; (the cultural dimension featured in 40 per cent of the staff interviews).

ST10

My understanding is, it’s so inbred into the service over a period of years and years it’s been indoctrinated into the service. It doesn’t mean individuals are racist.

ST11

An organisation – it’s racist in ways that people don’t recognise. Practices that have gone on forever. They [the practices] were probably racist in years gone by and they’re still going on. Perhaps it’s the culture that hasn’t changed.

ST10

The cultural nature of the problem was seen to extend into the organisational norms that can condone discriminatory behaviour and practices:

ST8

It’s where racism exists in a form that is acceptable – because that’s where it’s always been – it’s the culture. But I don’t think it’s acceptable, personally.

ST11

Eight officers (15%) cited indirect discrimination, evidence that people from minority ethnic groups were disadvantaged, as examples of institutional racism. One of these officers did not give a definition, but provided a telling anecdote:

ST13

I was coming on another wing and they have six on Basic, five of them are black. I said, ‘This doesn’t look very good.’ Staff there said, ‘What can you do? That is just the way it turned out.’

ST8

The story strongly suggests ‘unwitting prejudice’ which leads ultimately to the disadvantage of prisoners from minority ethnic groups. The reason given by staff – ‘just the way it turned out’ – illustrates the shared responsibility inherent in institutional racism. This is discussed, and other concrete examples of institutional racism, in Chapter 4, where the concept of ‘informal partiality’ will be introduced.

ST13

These themes are consistent with some of the key aspects of Macpherson’s definition. However, nine officers – about one in six of the sample – believed that institutional racism labelled prison officers as individually racist. This misunderstanding illustrates the difficulties of setting policies based on concepts that are vaguely defined and are susceptible to distortion. Not one officer spoke explicitly of a collective failure by the Prison Service.

ST13

Officers were also asked how they felt about the claim that the Prison Service was institutionally racist. Their responses are coded in Table 3.3.

Table 3.3: Feelings about the claim that the Prison Service is institutionally racist

<table>
<thead>
<tr>
<th>Paraphrased response</th>
<th>Number</th>
<th>Percentage (n=53)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I agree</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>I have not personally experienced it</td>
<td>12</td>
<td>23</td>
</tr>
<tr>
<td>It is not true</td>
<td>29</td>
<td>55</td>
</tr>
<tr>
<td>I have never heard the term</td>
<td>3</td>
<td>6</td>
</tr>
</tbody>
</table>

Nine officers (17%) agreed that the Service was institutionally racist.
There are times when I think it must be. I don't think it is possible for it not to be racist towards some individual at some time when you deal with so many people. But I don't think it is deliberate. The officers and senior officers aren't racist, but sometimes the system is set in stone.

ST45

The majority of officers – 55 per cent (29/53) – disagreed. They were outspoken in their denials and 12 of them were clearly angry:

I think it's totally unjustified. I've never, ever in the whole of my career come across a racist incident and that includes HMP* and HMP^, and they have a higher proportion of ethnic minority inmates than we do here.

ST40

Some of the officers who rejected the claim did not appear to recognise the hidden and holistic nature of the problem. They interpreted the concept of institutional racism to reflect personally on their fairness or professionalism and they felt hurt because they inferred that it meant that they themselves were being accused of being racist.

The HM Prison Service Staff Survey asked staff about perceptions of institutional racism, but more precise wording was used. The Staff Survey asked, 'Some processes, attitudes and behaviour can amount, often unknowingly or unintentionally, to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racial stereotyping which can disadvantage minority ethnic people. In your opinion, does this type of discrimination occur in your prison/group?'. The rates at which staff in the local prisons said they agreed or tended to agree with the statement ranged from a low of 18 per cent to 43 per cent (HM Prison Service, 2001, Annex 3.8 'Local male'). The rate at which the 53 officers in this study recognised institutional racism in the Prison Service was 17 per cent, much lower than the average rate of agreement in the local prisons in the Prison Service Staff Survey. It is likely that the difference is partly due to the more precise wording of the larger survey which clearly represents the concept of institutional racism without using the potentially contentious label.

This brief survey of opinions about institutional racism and the Prison Service raises concerns about how the problem of racism is defined and communicated. The authors believe that the main themes raised by Macpherson are the following:

- Institutional racism is *unwitting*: Unlike direct racism, it is not necessary to find racist motivations to show that someone has been systematically disadvantaged by routine practices – and indeed, it can be counter-productive to suggest that racist motives fuel the systematic discrimination of minority ethnic prisoners. Rather, institutional racism shows that the Service fails in unacknowledged ways to provide fair treatment of minority ethnic prisoners. The mechanisms by which they are disadvantaged are, as the prisoners highlighted, often hidden.

- Institutional racism is a *collective failure*: The Prison Service's emphasis on disciplinary procedures to deter staff from exercising racial bias implies that the solution lies in identifying those who are racist and building sufficient evidence against them. In contrast, institutional racism means a *shared* responsibility. No single individual can prevent bias in the ethnic composition of a group of prisoners which is the result of a chain of procedures, decisions and assessments. Unfortunately, when no single individual in an organisation is responsible, the practical result is often that no one takes responsibility for ensuring that necessary changes are introduced.

- Finally, a small number of prisoners recognised – as apparently no prison staff did – that the concept of institutional racism carries implications for the imbalance of power within prisons. For these prisoners, the powers prison staff held over them meant that processes could result in unfair and discriminatory treatment of black and Asian prisoners without fear of challenge. (See Complaints, in Chapter 6).
Main findings of Chapter 3

Most of the officers in the sample understood racism in terms of discrimination, verbal abuse, and intimidation.

The 53 officers were far less likely to recognise as racism negative stereotyping or the subjective dimension. Whilst 53 per cent defined racism in terms of discrimination, 15 per cent (8/53) recognised that an incident was racial if ‘the victim or any other person’ perceived it to be so.

Seventy-nine per cent of the officers interviewed (42/53) said they had never observed a colleague acting in a racially biased way.

Officers who had heard of institutional racism explained it in terms of culture, organisational structure, and indirect discrimination. About one in six officers believed that institutional racism labelled them personally as a racist.

Fifty-five per cent of the officers disagreed that the Service was institutionally racist, and only nine (17%) agreed that it was.

Sixty-four per cent of the prisoners in the survey (151/237) could not define institutional racism. The other prisoners defined it in terms of the cultural, hidden and structural nature of racism in prisons, and a small number focused on the use of power which they believed disadvantaged minority ethnic prisoners.
4. Prisoners’ perceptions of racial bias

Being through racism makes you feel low, makes you feel like shit. Until you've felt that, don't ever come and say you know what it's like.

P62

This chapter begins with the findings from the minority ethnic population survey that show the extent to which black and Asian prisoners felt that they had been subject to racism in dealings with the Prison Service. The in-depth interviews will then be used to explore the reasons prisoners gave for perceiving bias in their treatment.

The extent of perceived problems of racism in the experience of minority ethnic prisoners

The 237 prisoners surveyed were asked whether they had been put on report, had received a behaviour warning or been accused of bullying in the last six months. Fifty-four per cent (127/237) said they had been subject to at least one of these. One hundred and two of them said they had been charged with an offence; 63 had been given behaviour warnings; and 31 had been suspected of bullying.

The 127 prisoners who had been subject to discipline, including suspicion of bullying or behaviour warnings, were asked, ‘Do you think these were a result of racially discriminatory treatment in any way?’ Twenty-four per cent (57/237) believed that their experience reflected racial bias. Twenty-one per cent (50/237) had been charged with an offence, accused of bullying or given a behaviour warning but did not perceive racial bias in their treatment. The prisoners’ responses are paraphrased in Table 4.1.

<table>
<thead>
<tr>
<th>Responses</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, there was racial bias</td>
<td>57</td>
<td>24</td>
</tr>
<tr>
<td>Maybe / possibly</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>I don't know if there was racial bias</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>No, there was no racial bias</td>
<td>50</td>
<td>21</td>
</tr>
<tr>
<td>No relevant experience</td>
<td>110</td>
<td>46</td>
</tr>
</tbody>
</table>

All 237 prisoners were also asked, more generally, ‘Have you experienced what you consider to be racially discriminatory treatment by staff at this or other establishments in the last six months?’ and they were presented with a list. Forty-four per cent (105/237) said they believed that they had (see Table 4.2).

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6 It was very difficult to verify whether a prisoner had been accused of bullying, as the procedures differed in each establishment. Inmates told us that they learned in a variety of ways that they had been suspected of bullying.
Table 4.2: Had the prisoner had any treatment which he perceived as racial discrimination in the past six months? (includes multiple counting)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Number</th>
<th>Percentage (n= 237)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>105</td>
<td>44</td>
</tr>
<tr>
<td>Don't know</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>No</td>
<td>122</td>
<td>51</td>
</tr>
<tr>
<td>No data/no response</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

The areas in which these 105 prisoners perceived that they had been dealt with in a biased way are shown in Table 4.3.

Table 4.3: Other areas in which prisoners perceived that their treatment was racially biased (includes multiple counting)

<table>
<thead>
<tr>
<th>Area</th>
<th>Number</th>
<th>Percentage (n=105)</th>
<th>Percentage (n=237)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work/programmes/education</td>
<td>33</td>
<td>31</td>
<td>14</td>
</tr>
<tr>
<td>Access to/practice of religion</td>
<td>31</td>
<td>30</td>
<td>13</td>
</tr>
<tr>
<td>Incentives and Earned Privileges</td>
<td>22</td>
<td>21</td>
<td>9</td>
</tr>
<tr>
<td>Allocation</td>
<td>21</td>
<td>20</td>
<td>9</td>
</tr>
<tr>
<td>Categorisation</td>
<td>18</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>Risk assessment&lt;sup&gt;7&lt;/sup&gt;</td>
<td>14</td>
<td>13</td>
<td>6</td>
</tr>
<tr>
<td>Healthcare</td>
<td>11</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Segregation for punishment</td>
<td>11</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>MDT</td>
<td>10</td>
<td>10</td>
<td>4</td>
</tr>
<tr>
<td>Segregation for GOOD</td>
<td>8</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Control and restraint</td>
<td>6</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>3</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Almost a third of these prisoners who had perceived racially biased treatment in the previous six months felt that they had been denied equal access to jobs, programmes or education; or, that they had been unable to practise their religion. Far fewer prisoners seemed to have problems in areas such as MDT, segregation for Good Order Or Discipline or Control and Restraint.

Of course, prisoners could have felt that they had experienced racial bias in both areas, and some did. Thus, of the 237 prisoners surveyed:

- Eight per cent (18) perceived racial discrimination in discipline or suspicion of bullying, but not any other area;
- Twenty-eight per cent (66) perceived racial discrimination in other areas, but not discipline or suspicion of bullying; and
- Sixteen per cent (39) perceived racial discrimination in both discipline or suspicion of bullying; and other areas.

All told, 52 per cent (123/237) of the prisoners surveyed had perceived some form of racial discrimination in the past six months.

The prisoners’ assessments of their treatment in prisons must be seen in the context of expectations which might have arisen from contact with other criminal justice agencies. We asked inmates whether they had ever experienced racially discriminatory treatment by the police, court officials or outside probation officers. Table 4.4 shows the rates of self-reported experience of racial discrimination in other areas of criminal justice. Altogether, 71 per cent said they had experienced racially biased behaviour by at least one of these agencies.

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<sup>7</sup> The Home Office was conducting research on the relationship between decisions on parole and HDC at the time of the study. Therefore, these areas will not be discussed further in this report.
Table 4.4: Experience of racial discrimination from police, the courts or probation service
(includes multiple counting)

<table>
<thead>
<tr>
<th>Responses</th>
<th>Number</th>
<th>Percentage (n=237)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>150</td>
<td>63</td>
</tr>
<tr>
<td>Court officials (judges, magistrates, clerks)</td>
<td>90</td>
<td>38</td>
</tr>
<tr>
<td>Outside probation officers</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Other (CPS, private escort services)</td>
<td>26</td>
<td>11</td>
</tr>
<tr>
<td>Any of the above</td>
<td>169</td>
<td>71</td>
</tr>
</tbody>
</table>

Were prisoners who thought they had experienced racial discrimination from the police more likely to perceive racial bias in prison? Eighty-seven (58% of the 150) who believed the police had been racially discriminatory, also believed that they had been subject to racial discrimination in the past six months in prison. But 36 (41%) of those who had not perceived bias from the police nonetheless experienced what they considered racial discrimination in prison. Those who perceived racial bias from the police were more likely to perceive it in prison. This supports the idea that the perception of racial bias is often set in the context of a personal history, but it was still the case that over 40 per cent of prisoners who did not perceive racial bias from the police did feel they had been discriminated against in prison.

Problems perceived by the prisoners interviewed in-depth

Seventy-three prisoners who felt that their treatment had been – or might have been – racially discriminatory were interviewed in-depth to explore the reasons for their perception of racial bias. The main areas of interest were discipline, suspicion of bullying, Incentives and Earned Privileges, the practice of religion, and broader concerns, such as job discrimination and cultural diversity.

The interviews concentrated on one particular area in which the prisoner felt that racial bias had influenced his treatment. In the course of the interviews, prisoners often raised other areas that concerned them. Table 4.5 shows the number of times each area was discussed – either as the main topic or as a subsidiary concern. The analysis will focus on the primary topic where the information we gathered from the prisoners was most comprehensive.

Table 4.5: Areas discussed in the prisoner interviews

<table>
<thead>
<tr>
<th>Area</th>
<th>Main topic (n=73)</th>
<th>Raised by any prisoner (n=73)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discipline</td>
<td>27</td>
<td>45</td>
</tr>
<tr>
<td>Bullying</td>
<td>10</td>
<td>18</td>
</tr>
<tr>
<td>IEP</td>
<td>10</td>
<td>12</td>
</tr>
<tr>
<td>Religion</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td>Other</td>
<td>23</td>
<td>(73)</td>
</tr>
</tbody>
</table>

Fifty-eight prisoners interviewed in-depth (79%) were certain that their treatment in the primary area discussed had been racially discriminatory. Fifteen believed that there may have been – or probably was – racial bias in their primary area of concern. In other areas, most of these prisoners were certain that they had been subject to racism.

There was no attempt to determine whether a prisoner was justified in seeing the incident as racial. The Prison Service has accepted the Macpherson definition of a racial incident. Hence, the prisoner’s perception is sufficient to establish that these were racial incidents.

Blatant racism

The 237 minority ethnic prisoners surveyed were not asked to give detailed examples of the experiences which they believed had had a racial element. However, the in-depth interviews with 73 of them made it possible to identify specific situations in which the racial element was blatant in that an impartial observer would almost certainly have sensed that the words, actions
or decisions were racially motivated. Examples of blatant racism fell into three basic types: verbal abuse, physical abuse and malicious discrimination. Twelve of the 73 prisoners interviewed in-depth (16%) described at least one instance of blatant racism that had occurred to them within the past six months. Examples of these are below:

Verbal abuse:

_They take the mickey out of my name – they call me Saddam. It's obvious it's to do with my race or religion – I'm Muslim._

_P3_

Physical abuse:

_On the landing, Officer * was racially abusive. Very suddenly they put me into locks and said I pushed him. I was hit before they put me into locks. He turned round and said, 'Why are you pushing me?,' hit me in the face and then twisted me up. He thinks because I don't speak English I won't know how to complain. Whilst I was twisted up * and another officer hit me more than once. They put me in a cell and I tried to hang myself._

_P20_

Malicious discrimination:

_I'd finished using the phone and it was time to go back to our pads – we were walking up the stairs together – a white guy, I knew him to talk to – we were walking up the down stairs. He [Officer I] was standing at the top of the stairs on the twos. He put his arms out and said, 'Oi, what you doing coming up these stairs? You know you're not supposed to come up these stairs. You [pointing at the white guy] can go. You, 53, you can go down._

_P53_

Although blatant racism was reported to us infrequently, these accounts suggest that some officers felt they could behave in these ways openly.

Perceptions of racial discrimination in discipline

The accounts of experiences with discipline, suspicion of bullying and other areas were analysed to determine the reasons prisoners perceived that their treatment had been racially discriminatory. Table 4.6 shows the frequency with which factors were mentioned in the prisoners’ accounts. All prisoners interviewed cited more than one of these factors. The figures will inform the discussion to follow.

**Table 4.6: Frequency of reasons given for suspecting racially biased treatment**

<table>
<thead>
<tr>
<th>Factor</th>
<th>Number</th>
<th>Percentage (n=73)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Differential treatment</td>
<td>52</td>
<td>71</td>
</tr>
<tr>
<td>Stereotyping</td>
<td>34</td>
<td>47</td>
</tr>
<tr>
<td>Officer's actions or demeanour</td>
<td>34</td>
<td>47</td>
</tr>
<tr>
<td>Ambiguous process</td>
<td>30</td>
<td>41</td>
</tr>
<tr>
<td>A lack of explanation</td>
<td>23</td>
<td>32</td>
</tr>
<tr>
<td>Officer's character or attitude</td>
<td>22</td>
<td>30</td>
</tr>
</tbody>
</table>

Differential treatment – that is, being treated in a way that disadvantaged them relative to white prisoners – was the most commonly cited reason for perceiving racial discrimination. The perception of differential treatment applied across the full range of problematic situations including discipline, jobs, religion, and Incentives and Earned Privileges. Similarly, many prisoners who were suspected of bullying felt that they had been stereotyped, but the perception that staff stereotyped black and Asian prisoners arose in a variety of situations.
The importance of each of these factors is not strictly determined by the frequency of its use in the prisoners' accounts. Further detail is needed about the way these factors were used to explain why someone believed that the treatment they received had been racially biased. In particular, we need to know more about the kinds of situations which were problematic for prisoners. First, we discuss the prisoners’ experiences of two of the official channels that regulate prisoner-staff relations – discipline and systems to identify potential bullies. We then explore other situations prisoners found problematic.

**Disciplinary charges**

For the most part, the 27 prisoners who discussed problems with discipline as their main concern felt that racial bias intruded during the interaction for which they were put on a charge, rather than later in the process – for example, at the adjudication. Nineteen of these prisoners (70%) perceived racial bias at the charging phase; nine of them perceived bias in the adjudication; and seven, in the punishment. Logically, when a prisoner felt the charge was biased, he was also likely to believe that the whole process was discriminatory.

Ten of the 27 perceived racism in an officer's demeanour or behaviour, for example, when they believed that an officer had approached them in a disrespectful way. Prisoner 57 was stopped by an officer who demanded to see what was in his hand. The inmate drew a contrast between the way two officers handled the situation:

> An officer seen me with my fist closed and in an aggressive way he said, '57, open your hand now'. I said, 'Ask me politely and I'll open my hand'. ...Within five seconds he called for assistance. Obviously, whilst [I was] remonstrating with him he took it upon himself to decide I'd be aggressive. He shouted for other staff. The other staff member came up to me – he was more diplomatic than [the first officer], and he said, 'Can you go up to your cell, 57?' When I got up to my cell I showed him what was in my hand.

P57

Prisoner 57 believed that the first officer revealed racist attitudes in two ways: in ordering 57 to open his hand, he had failed to show respect; and he stereotyped 57 by assuming that he was going to become violent.

Racist attitudes were more difficult to assess, because they were based on the prisoner's inferences about an officer's motivation. Although prisoners' judgements about the attitude of officers are more speculative, they should not automatically be rejected as 'subjective'. Some prisoners spoke of their sense that an officer failed to recognise them as a responsible person with the capacity to make their own decisions.

> From the start it was, 'I am going to stamp out this guy quickly.' Not, 'I am dealing with a human being.' No, it was, 'I'm dealing with a thing.' It was that kind of attitude.

P 66

Sometimes several minority ethnic prisoners had the same view of certain officers. We came across some officers' names repeatedly in our interviews, as prisoners separately voiced their sense of bias in the officer's character. A prisoner told us of being charged with an offence by an officer widely suspected of having a racist attitude. He stated that the officer removed a table from his cell, after it had been there for weeks.

> When I came back, he was sitting on the table smoking and grinning at me. I said, 'Was that really necessary?' I walked past him to my cell and picked up the bin to empty it. As I turned to leave the cell he was on the landing in front of me. He said, 'Where are you going?' I said, 'I'm just going to empty the bin'. He said, 'You ain't. Get in your cell or else you're going to fucking get it.' I said, 'Get what? From who – you?' I went back into my cell and he slammed the door shut and stormed off. Next morning I got the nicking sheet. The officer had written on the sheet that I
Although Prisoner 9 felt that the charge was unfair – and, he insisted, was based on false evidence – he also believed that being charged was racist because of complaints he had heard about the officer from other prisoners. It was reported to us independently that the same officer had previously made a similar charge, which that prisoner also claimed was fabricated. Prisoners very rarely alleged that an officer had falsified evidence – a serious allegation – but when they did, they usually provided cogent arguments to support their claim.

In the context of prison discipline, differential treatment was perceived when minority ethnic prisoners were placed on report for actions that white prisoners seemed to do with impunity or when the punishment appeared to be more severe.

Suspicions of bullying

The ten prisoners whose main concern arose out of their being accused of bullying produced a different set of reasons for their sense of possible racial victimisation than those whose chief concern arose through disciplinary charges. Unlike a charge, which normally arose out of explicitly articulated circumstances, suspicion of bullying was a process shrouded in mystery. The prisoner rarely knew the identity of the officer who had made the decision to label him a potential bully. Thus, the reasons prisoners suspected of bullying perceived possible racism included three elements:

- a lack of evidence;
- a lack of explanation; and
- feeling stereotyped.

The claim that there was a lack of evidence raises a range of problems for considering the role played – if any – by race.

Most of the anti-bullying procedures observed were unworkably vague and arbitrary, and it was difficult to judge what kinds of information would count as convincing evidence of bullying – and even more difficult to say how racism could be demonstrated. A system as arbitrary as this could be equally unfair and inaccurate towards white prisoners.

Officers were reluctant to provide evidence, in part because the victims of bullying who reported it to staff would be at risk of assault if their anonymity were compromised. However, conversely, the identification of ‘bullies’ by anonymous prisoners leaves the process open to abuse. How can a prison officer determine if the prisoner who names a ‘bully’ is genuine, or in debt, or wishes to remove the named prisoner for other reasons?

Malicious allegations by other prisoners were mentioned by some of those who felt they had been accused of bullying on racial grounds.

There was a white kiddy who was in my mate’s cell first and then he went into my cell. I think he was a bit disturbed – but he went to the officer and said we’d both bullied him. My mate was black, too. … I don’t know if he was looking for sympathy or what. [An S.O.] put me on the bully programme for that. … There should be some kind of corroboration – at the moment there isn’t any.

What counted as evidence was regarded as arbitrary, and therefore prisoners who were suspected of bullying were walking on eggshells, aware that anything they did might be perceived as evidence against them. Prisoner 64 reflected on advice he received from staff:

They just go, ‘Keep your head down for two weeks.’ But nobody can go twos [share a smoke] with me or they think I’m bullying. I can’t play pool – they think I’ve bullied my way onto the table. I can’t ask prisoners for anything – I’m bullying. I
had to tell my friends not to come to my cell or I'll be called a bully by the staff. Basically, because I'm black, I go in a cell and it is fucking bullying.

The second reason for perceiving racial bias when prisoners were suspected of bullying was a lack of explanation. The grounds for suspecting a person of bullying and the process were not explained to prisoners. Some prisoners were not even told that they had been placed on the ‘bully list’. One reason officers did not explain the procedures appeared to be that some of them were confused about how the anti-bullying systems worked.

The fact that decisions were taken without an explanation fails to establish racial bias, because this problem is endemic to prisons – white prisoners, too, are often denied explanations. But the absence of explanations does show why a prisoner would consider racial bias as a possible reason for his treatment. It fuelled the prisoner’s sense that he had been treated unfairly and the lack of any other reason inevitably led some to consider that race might have been a factor.

The third, and strongest, of the reasons prisoners cited to explain why they thought race played a part in their having been identified as potential bullies was negative stereotyping.

Why do they accuse me of bullying? I've never done anything like that. Because I'm a black man and they think black men are bad and bullies. If it had been a white man they'd have investigated it.

Seventy-three prisoners were interviewed in-depth; 48 were black; 16 were Asian, seven were mixed race or ‘other’. None of the 16 Asian prisoners said that they had been accused of bullying other prisoners within the previous six months. In contrast, 37.5 per cent of the black prisoners (18/48) interviewed had recently been accused of having bullied other prisoners. Three of the seven who were mixed race or ‘other’ had also been accused of bullying. Thus, within our sample there was some evidence that black or mixed race prisoners were more likely to be targeted as potential bullies than Asian prisoners. (The rate at which black prisoners were accused of bullying cannot be compared with white prisoners because the prisons did not monitor suspicion of bullying by ethnic group.)

The need for a ‘bigger picture’ in identifying racism

It is a mistake to look for conclusive proof of racism by taking any single element of the situation in isolation. When a situation is examined from a wider perspective, the reasons why a prisoner might suspect racial bias come into sharper focus. The bigger picture necessarily comprises two dimensions: first, a wide variety of sources – for example, aggregate statistics and the conflicting perspectives of different parties involved – to get as full an account of the event as possible; and second any particular situation must be seen in the context of the prisoner’s past experience, so that the racial dimension emerges as a process, rather than an isolated incident.

To illustrate this point, two situations will be presented to show how the ‘bigger picture’ can lend weight to the prisoner’s perception of racial bias.

Prisoner 23 was assaulted by white prisoners. He described the attack:

I was lying on the exercise yard … I saw one guy come towards me. He was five feet from me. I looked away. He kicked me in the eye. I got up. As soon as I got up someone grabbed me round the legs and pulled me down. One sat on me, punching my abdomen and chest. One was stepping on my head. One was holding my legs.

The reporting officer (also interviewed) did not see the attack begin, but saw the commotion and ordered them to stop. Prisoner 23 and one attacker were charged with fighting. The prisoner stated that he did not fight back, whilst the reporting officer said he did.
There were two of us [officers] down in the corner. We shouted a number of times. Sometimes if you shout, they stop. They didn’t, so we pressed the alarm bell. I think by that time some other prisoners came in and broke things up. I walked up with Prisoner 23. He was saying he didn’t fight, but he was going like the karate kid.

The question of whether 23 had fought back cannot be resolved, except to speculate that he might have been flailing his arms to get away from his three assailants. Yet, it is not necessary to prove that 23 did not use force to show why he perceived racial bias in his treatment. His account of the incident is rich in detail about the role played by all three attackers. In contrast, the officer, who had not seen the incident begin, perceived that ‘some other prisoners broke things up’. He did not know that at least two of them – according to 23 – were his assailants. The officer made a mistake. His perception that two of the attackers were there to break up the fight meant that 23 was punished for fighting, whilst two of his (white) attackers were not charged.

While the broader picture reveals more clearly why Prisoner 23 regarded this event as a racial incident, it also suggests that this officer had not acted in a consciously biased way as he had reacted on the basis of partial knowledge, possibly based on a stereotypical preconception.

Another example shows the importance of seeing racism as it is perceived in a sequence of events (a process) rather than focusing on a specific incident. Prisoner 5 was charged with unauthorised possession of a phone card. He told us that it had been discarded at the telephone and he had been playing with it as he made his call. The officer perceived that ‘someone else broke things up’. He did not know that at least two of them – according to 23 – were his assailants.

The need for a ‘bigger picture’ might explain why almost four-fifths of the officers interviewed stated that they had never seen a colleague acting in a racially discriminatory manner. The officer at the time will not necessarily know the prisoner’s past experience, the context against which the prisoner makes a judgement about the influence of race.

Informal partiality

The disciplinary powers of the officer and their discretion in identifying prisoners suspected of bullying can have a dramatic impact on the life of the prisoner. Yet other dimensions of staff-prisoner relationships are, in some ways, more pervasive and profound. Informal relations with officers affect every prisoner, every day. Officers organise prisoners’ access to jobs, meals, the telephone, games, other prisoners, education, pre-release programmes, visits, and canteen – to name some of the most important aspects of day-to-day prison life. While there are sometimes rules or guidelines designed to ensure a fair distribution of benefits and burdens, considerable power remains with an individual prison officer in the performance of everyday tasks. In this part, informal practices are examined in which the influence of racial bias is often ambiguous.
From the prisoners’ accounts a distinct style of working with prisoners from minority ethnic groups that disadvantaged them without leaving concrete and damning evidence was identified. This form of discrimination is called, ‘informal partiality’, and the authors believe it is a key to understanding the mechanisms by which institutional racism directly influences relationships between prison officers and prisoners. Some of the key components of informal partiality are negative stereotyping of black and Asian prisoners, officers’ use of discretion, and unequal distribution of benefits, all of which can be hidden by a lack of oversight or monitoring.

Informal partiality operates in the routine practices by which prisons get through a typical day. The key areas of concern to prisoners were job allocation, the practice of their religion, and privileges. Informal partiality emerged in such specific areas, but it exercised a much broader influence over staff-prisoner relationships. Consider the following example:

Prisoner 63 had signed up to clean his cell. The officer told him, ‘You’ve got 10 to 15 minutes.’ As 63 finished tidying he collected his dirty clothing and took it to the laundry orderly. The officer who had let him out of his cell said, ‘I only let you out to clean your cell. You’re not supposed to be running around the landing.’ Prisoner 63 described his response:

I looked around. There’s five or six people still out after their cell clean, running about. Forty minutes later, they were still running around. It was like they were invisible. They weren’t there, as far as he was concerned. So I asked, ‘Why are you digging me out?’ He couldn’t explain. He said, ‘Don’t ever ask me for a cell clean again.’ That’s what put my back up more than anything else. What got me angry was it sounds like he was doing me a favour. I actually put down for the cell clean. I just kept it in and went upstairs and stayed on the landing. He comes up and I said, ‘Listen, I think you’re a racist because: Why did you dig me out? There’s others out and you let them go. I only went to do my laundry. As far as I can see you dug me out.’

The officer was not wrong to expect Prisoner 63 to go behind his door when he had finished cleaning his cell. But it is clear why the prisoner believed that the officer had treated him unfairly by allowing others – white prisoners – who had cleaned their cells – to remain unlocked.

The prisoners’ experiences provided other detailed examples of how negative stereotyping, unequal distribution of benefits or punishments, and unspoken expectations affected them. One of the mechanisms identified was mentioned by Prisoner 63 above. In a phrase used to describe the problem, it was as though white prisoners were ‘invisible’ to the officers. As another prisoner stated:

Sometimes they just pick on you. You’ll be standing in the phone queue and they’ll check your card but the white guys who tamper with their cards and are obviously holding the card in – they never get checked. The ones who deal – the drug dealers, tobacco, phone cards – whites, they’re always left alone for some reason.

The problem is not that informal partiality happens all the time, but that when it happens, it seems to black and Asian prisoners to confirm their sense that officers watch them more carefully than white prisoners.8 When a minority ethnic prisoner can see immediate evidence of differential treatment, it is very difficult for him to reach any other interpretation than racial bias. Yet it is hidden from the officer or white prisoners:

Just thinking, how can we say he is racist? A white inmate was out on the landing, smoking. He asked him twice. The inmate was still smoking. Then he said he would give him a warning. He disobeyed an order and was given three

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8 There is a possible parallel here with policing. Marian Fitzgerald and Rae Sibbitt’s Home Office Research Study, Ethnic monitoring in police forces: A beginning, states, “the police contribute to the large differences in [stop and search] data by virtue of their heightened suspicion of black people. This is pervasive and deeply entrenched; and it may significantly increase the chances of black people coming to the attention of the police relative to other groups.” (Fitzgerald and Sibbitt, 1997:66)
chances. I disobeyed once [and was put on report]. So it must be a race thing. What’s good for one needs to be the same for both.

P62

A related type of informal partiality can develop from the individual prison officer’s sense of standards. Without thinking, the officer can demand higher standards – for the same benefit – from particular groups of prisoners.

If the officer likes a person they’ll bend the rules to keep them [in a job] but that doesn’t happen for black people.

P8

There was a painting job going. And I asked an officer for it. He says, ‘Have you been on the CIT course?’ I say, ‘Yeah.’ He goes, ‘Have you got a certificate?’ I go, ‘Yes.’ He goes, ‘Where is it?’ ‘At home.’ So he’s telling me to get it sent in. Someone else got the painting job. I asked him if he’d took the course. He said no – no course, no certificate.

P73

Prison officers did not have sole control of job allocation, but they could exercise great influence against – or on behalf of – individual prisoners. Job discrimination in various forms was a widespread concern of prisoners in the study (one-third of the prisoners in the survey who cited ‘other’ problematic areas had perceived racial bias in ‘work, programmes or education’). Each prison had its own employment criteria for prisoners, but labour allocation depended on the discretion of individual officers.

One of the powers that prison officers wield over prisoners is control of movements throughout the day. This begins with the officers’ power to determine when – and whether – a prisoner’s door is unlocked. Prisoner 58 described a situation in which he was desperate to be allowed out to make an urgent phone call to his family. Three different officers came to Prisoner 58’s cell. While their responses were consistent, each ignored his particular needs.

Officer 1 unlocked us for education and I said I was sick. I asked him if I could get a phone call. Him didn’t answer, he just walked away and shut the door. Fifteen minutes after, it was association, so Officer 2 came and unlocked my pad mate. I came to the door and he said, ‘You’re not coming out, you’re sick.’ I said, ‘Can I get a phone call and a shower? I need to call my family in Jamaica’. He just said, ‘You’re sick,’ and he pulled the door to and it hit my foot in the doorway. He pushed me back and it hit my head here, very hard. He shut the door and I pressed my light. The SO came about 15 minutes later. He said, ‘You’re sick so I can’t let you out on association.’ He told me when there was 15 minutes left on association I could have a shower but no phone call. I tried to tell him the phone call was more important. He just said, ‘You can only get a shower’.

This prisoner’s story illustrates the officers’ control over prisoners’ movements, but it also shows their ‘distributive power’ – control over benefits and services. There were numerous stories from the prisoners about situations in which they felt they had received blatantly unequal treatment. (Some of these are included under ‘Blatant racism,’ above.)

Sometimes on ~ wing, I asked for a deodorant and they said they didn’t have any. So I asked a white prisoner to go and get one and he came back with one. The same happened with the detergent for cleaning my cell. A woman officer said she hadn’t got any but my [white] friend got some straight away.

P4

By definition, officers may be unaware that their practices contribute to institutional racism. It may be impossible for a prisoner to prove that informal partiality took place precisely because these practices are routine, fleeting and at the officer’s discretion. However, we believe that the
concept of informal partiality draws a link between the everyday exercise of discretion by officers and institutional racism.9

Incentives and Earned Privileges

Incentives and Earned Privileges are in some ways formal, rigidly distributing rewards to prisoners, but the prisoners’ sense of it is often that it is an ambiguous process, determined by unaccountable decisions and assessment. Incentives and Earned Privileges were one step removed from interactions with officers. Prisoners did not always know on what basis decisions were made – nor, in many cases, by whom.

Ten of the 73 prisoners interviewed (14%) cited as their primary concern the possibility that they had been racially victimised in the system of IEPs. Five prisoners had been placed on the Basic regime after behaviour warnings and disciplinary charges. Three felt they should have been granted Enhanced status and could not understand why not. Two had been moved from Enhanced to Standard (the Enhanced status of one of these was restored on appeal). A key to these prisoners’ doubts about their status was that they had received no explanation.

An area of deep concern that could easily be overlooked in a consideration of racial bias in earned incentives was the system of behaviour warnings or ‘strikes’. The authors were not able to explore situations in which prisoners received behaviour warnings because of substantial differences in practice in the four prisons. However, to give a flavour of the perceived arbitrariness of such informal discipline, prisoners said they had received behaviour warnings for: taking too many potatoes; being in another prisoner’s cell; telling an officer to shut up; appealing to a higher ranking officer (over the head of his landing officer); being last to the dinner queue; dancing on the floor; refusing to leave the wing office; not conforming to the regime; and in one case, no reason was given.

Main findings of Chapter 4

Survey

Fifty-two per cent (123/237) of the prisoners in the minority ethnic population survey believed that they had experienced racial discrimination in the past six months.

Twenty-four per cent of the prisoners in the minority ethnic population survey said that, within the previous six months in custody, they had been charged with an offence, accused of bullying or given a behaviour warning in a way that they felt reflected racial bias.

Almost a third of the 105 prisoners who had perceived some racially biased treatment in other areas over the previous six months felt that they had been denied equal access to jobs, programmes or education (33/105); or, that they had been unable to practice their religion as a result of racial discrimination (31/105).

Prisoner interviews

Sixteen per cent (12/73) of the prisoners interviewed in-depth recounted an example of blatant racist behaviour by staff, including verbal abuse, malicious discrimination, and physical abuse. This indicates that blatant racism is much less common than other forms.

The 27 prisoners who focused on problems they perceived in their experiences of disciplinary charges cited such grounds as differential treatment, the officer’s demeanour, the officer’s character, false evidence and unnecessary charges as evidence of racial bias.

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9 Fitzgerald and Sibbitt concluded that when police discretion is viewed as under-enforcement, “Some minorities (and black people in particular) are significantly less likely to benefit from this exercise of discretion than others.” (Fitzgerald and Sibbitt, 1997: 96)
The reasons for perceiving racism cited by the prisoners who were interviewed about being suspected of bullying included a lack of evidence or explanation; and feeling stereotyped.

The analysis of prisoners’ reasons for perceiving racial bias when they were suspected of bullying found some evidence that black prisoners were more likely than others to be accused of bullying. Whilst none of the Asian prisoners interviewed in-depth had been suspected of bullying, over a third (37.5%) of the black prisoners had.

We concluded that anti-bullying procedures were poorly monitored, unregulated, and open to the abuse of discretion by particular officers (as well as prisoners). The arbitrariness and lack of monitoring meant that anti-bullying procedures resisted statistical checks against racial bias.

The research identified a type of situation which led to perceptions of racial bias, which we termed, ‘informal partiality’. Informal partiality – often unconscious on the officer’s part – referred to the exercise of discretion by officers in ways that some minority ethnic prisoners felt had disadvantaged them, although there could be no proof of direct discrimination. Whether a specific use of informal partiality constituted racial discrimination (or not) was a matter of perspective. Informal partiality draws a link between the everyday exercise of discretion by officers and institutional racism.

It is vital to work with the ‘bigger picture’ in order to understand how someone might perceive racism in the way they are treated.
5. Staff and inmate perspectives on racial interactions

The officers were not selected at random. We concentrated on those who had recently been involved in interactions with black or Asian prisoners that were potentially problematic. Hence officers were asked for an interview if they met one of three criteria: they had placed a black or Asian prisoner on a disciplinary charge in the past six months; had formally identified a prisoner as a bully; or, had been subject to a complaint on racial grounds from a minority ethnic prisoner.

Fifty-three officers were interviewed; none declined. These staff identified a range of concerns linking race relations, an officer’s duties, and complaints. This chapter focuses on their role in setting behavioural boundaries and the perceived risk of allegations of racism being used to undermine officers’ authority.

Boundary-setting

Officers have a duty to confront prisoners when their behaviour is unacceptable and to enforce the rules in such a way that they draw clear boundaries for the maintenance of social order (see Liebling and Price, 2001). The boundary-setting duty was linked to racism when the prisoner interpreted staff vigilance in racial terms. Twenty-one (of 53) officers discussed situations in which prisoners reacted aggressively when the officer tried to set boundaries.

Two officers were searching a minority ethnic prisoner’s cell. They found excess kit, but when the prisoner reacted aggressively they rang the alarm bell.

He was using threatening behaviour to me and another female officer after a cell search. He came right up to us into our personal space and was using loud and demanding behaviour to see a P.O. because he felt we were nit-picking about what we found in the cell search.

ST2

A small number of prisoners described their sense that officers were picking on them, subjecting them to tight surveillance. Part of the prison officer’s job is to target attention on prisoners suspected of victimising others. Thirteen of the 73 prisoners interviewed in-depth were apparently picked out because officers believed that their behaviour was consistently disruptive or predatory. Thus, the prisoners felt targeted and their behaviour caused staff to focus their attention on these prisoners all the more. As an officer commented:

He keeps playing the race card. He’s said he was going to take it further. He’s always got his shirt out, so I’ll say, ‘Tuck it in.’ He’s always last to the hotplate and I’ll pick him up on that. That means he thinks I’m picking on him.

ST22

Two prisoners told us of their anger at being targeted when officers who suspected them of bullying checked their phone cards. But as one of the officers involved explained:

Part of keeping a safe environment is to open a bullying document and gather evidence. It’s our job to check phone cards.

ST47

Another officer sensed that confronting prisoners about their behaviour inevitably led to more conflicts:

You see, what management want is for you to interact a lot. But there’s a downside. You are going to have conflicts that way. If they want us to interact, you are going to have problems.

ST33
The duty to set boundaries necessarily brings prison officers into situations in which they have to confront prisoners about their behaviour. In response, prisoners might resort to the tactic of complaining about racial treatment as a way of evading responsibility for their own behaviour. To develop this point, a concern raised in the staff interviews that prisoners used allegations of racism to inhibit officers from enforcing order will now be looked at.

**Officers’ fears of intimidation**

Officers were not specifically asked if fear of prisoners accusing them of racism affected their work, but 22 of the 53 officers (42%) spontaneously expressed their anxiety that alleging racial bias was a weapon the prisoner could use against the officer.

> It’s a vicious circle, really. On a wing, a lot of the trouble-maker inmates are black and [staff] are frightened to come down hard on them because they’ll play the race card and they know that.
> 
> **ST42**

> We have to do a lot of things we don’t want to do, but [the allegation of racism] is a minefield, cos you’ve got to back off. You can’t back off in this job. We had a guy wanted a visit and we said, ‘You can’t,’ and he said, ‘You’re being racist.’ How can you do your job if you’re being called racist all the time?
> 
> **ST34**

Officer 31, who said he had been the subject of a false allegation of racism by two black prisoners, described how he was affected by the accusations:

> Q. Has your attitude towards the inmate changed since the incident?
> 
>  
>  
> Subconsciously, it did, I suppose. I was wary of dealing with them because of the allegation. I tended to let other staff deal with them as much as possible. They had made the allegation and life goes on. There was no open conflict. But it doesn’t make your job very easy.
> 
> **ST31**

The perception that officers are vulnerable to complaints will be discussed further in Chapter 6.

**Conflicts**

Our previous study (Edgar and Martin 2001) tracked the ways that conflicts between prisoners led, through the methods prisoners used to manage disputes, to fights and assaults. One of the findings of that research was that racial differences between prisoners exacerbated the disputes due to misunderstandings and unarticulated cultural tensions. This ‘conflict-centred’ approach to violence seemed to offer a way to understand problematic interactions between officers and prisoners. In designing this study, the authors believed that situations in which prisoners felt that they had been racially victimised could be investigated as conflicts.

‘The Escalator’ succeeded in the prior study because it captured the opposing perspectives about what happened and how the parties directly involved interpreted their situation. It worked in this study, too, but in an unexpected way. The perspectives of officer and prisoner were revealed in stark opposition. However, in some interviews, there was no discernible dispute between an officer and a prisoner. Rather, their disparate accounts of the same event revealed tensions at a cultural level that surmounted interpersonal differences.

Earlier (see last paragraph under ‘Ethical Issues’, Chapter 2) it was suggested that opposing interpretations of the same event could both be valid. In Chapter 4, two incidents were referred to in which the input of both officer and prisoner built up a fuller picture of what had actually
happened than would have been known from either perspective in isolation. The following accounts of two incidents, from both perspectives, show how the diverse cultural assumptions of officers and prisoners can complicate their relationships. (For the full accounts of each incident see the Escalators, Appendix B.)

**Kit change conflict**

Prisoner 31 asked an officer on kit change for an extra towel. Two weeks previously the same officer had denied him a second bar of soap. The officer turned down his request for the towel. Prisoner 31 explained why he needed a second towel, but the officer stood firm. Prisoner 31 became angry and swept a pile of toilet rolls off the table. At this point their accounts were contradictory. The officer stated that 31 struck him (31 insisted he did not). But they agree that the officer placed him on report for assault.

Prisoner 31 believed there was racial discrimination because the officer turned down a reasonable request, fabricated a charge, and because 'assault' was a serious offence. He also believed he had been discriminated against because the governor accepted the officer's word without sufficient enquiry and gave him a heavy punishment.

Officer 15 believed he acted fairly. He remembered that 31 had previously been abusive when he denied him a second bar of soap. On that occasion, because of 31's good behaviour in other respects, Officer 15 had not charged him. This time, he felt he had to deny 31 the extra towel, because he could not be seen to yield to an aggressive prisoner.

Q. What did you think his intentions were?
   *I thought he was intimidating me to gain extra kit.*

Q. Could you have responded to his request in another way?
   *I could have, but I believe I responded in the right way. I could have let him have it, but next time he demands something extra . . . It's the thin end of the wedge.*

In Chapter 4, amongst the reasons prisoners gave for perceiving racism were that an officer:

- failed to give explanations for a decision;
- stereotyped black and Asian prisoners;
- had a provocative demeanour;
- presented false evidence against them on an adjudication;
- over-reacted when challenged; or
- behaved in a way consistent with a pattern of racial bias.

Prisoner 31 expressed all of these grievances about this incident.

In this chapter, some officers spoke of the need to:

- confront inappropriate behaviour by prisoners;
- draw boundaries by deterring anti-social behaviour; and
- stand up to intimidation by prisoners to maintain credibility and authority.

All of these were included in the account provided by Officer 15.
Holding cell conflict

Prisoner 69 was in a holding cell with one white prisoner after a visit. He asked an officer if he could use the toilet. The officer told him to wait a couple of minutes. After waiting for some time, Prisoner 69 banged on the door. Officer 49 came and told him he would have to wait. After a few more minutes of fruitless waiting, Prisoner 69 again pounded on the door. In response, Officer 49 told him to be quiet. When the officer went away, he began to pound the door again. He explained:

I wanted everyone to hear in the visits room so they’d complain and I’d get out to use the toilet.

Two visitors complained to the officer about the level of noise and a Senior Officer became concerned. Officer 49 returned to the holding cell and ordered 69 to stop kicking and banging the door. Prisoner 69 heard the order and, obeying the letter if not the spirit, continued to bang with his hands. Officer 49 told him he was going to be charged. Shortly afterwards, the officer escorting prisoners back to the wing returned, and he and Officer 49 were able to unlock the holding cell. Officer 49 stated that Prisoner 69 made threats all the way back to the wing.

Prisoner 69 thought that he had been subjected to racial discrimination because he thought the officer could have let him out to use the toilet, but decided to ‘get at him’. He also felt that Officer 49 had problems dealing with black and Asian prisoners.

She could have just opened the door – it was five steps away. She knew if she kept me hanging on I’d be making noise.

Officer 49 made clear in the interview that Prisoner 69 could not be released from the holding cell until two officers were present. Officer 49 stated that between the time she asked 69 to stop and giving the direct order, she had explained the situation to 69:

[I said] I can’t take you back. I’m waiting for an officer. There are other legal visits carrying on. Can you keep the noise down?'

According to Officer 49, she could not yield to his aggressive response. From her perspective, she tried reasoning with 69, first by asking him to be quiet and then by explaining that she could not let him out until the second officer returned. It was only when negotiation had failed and the noise was disturbing other visits that she resorted to the use of a direct order and a disciplinary charge.

From Prisoner 69’s perspective, the problems from staff were:

- a lack of explanation;
- provocative behaviour by an officer; and
- an officer who he ‘knew’ to be racist.

In Officer 49’s view, the prisoner’s problem behaviour included:

- the use of aggression to coerce action from officers;
- a demand for special treatment rather than waiting with the other prisoner;
- a failure to connect the way he was being treated with his behaviour; and
- directing his frustration at her rather than making a legitimate complaint about the delay.
This method of analysing situations as conflicts brings out the stark contrasts between the cultures of prison staff and prisoners with regard to perceptions of racism. When officers confronted minority ethnic prisoners (a role that is basic to their job) some of the prisoners concerned had good reason to wonder whether they would have been challenged had they been white. Even when the prisoner was subject to blatant racism (for example, verbal abuse) it could be difficult for him to prove. When prisoners accused officers of racial bias, some officers dismissed the allegations using the counter-claims that the prisoner was attempting to prevent them from carrying out their duties or trying to distract attention from his problematic behaviour. Even when the officer was certain that the prisoner had fabricated a claim, it could be difficult to prove.

Hence, these ‘Escalators’ also illustrate why racism is not often conclusively decided by an accumulation and testing of ‘facts’. In the majority of situations and processes the prisoners and officers discussed, whether or not racism exercised an influence was a matter of interpretation.

The major findings of this study demonstrate that effective policies against racial discrimination cannot focus mainly on identifying ‘racist’ officers and disciplining them. The need to locate a specific prisoner’s sense of racial discrimination within a bigger picture, encompassing the longer-term concept of racism as process, suggests that focusing on one specific incident neglects and trivialises the wider experience of minority ethnic prisoners. Informal partiality, by which institutional racism can become routine in the management of prisoners, is far more widespread than the blatant and direct racist practices of a few. As the conflicts illustrate, the problems identified by the prisoners in the study were primarily based on perceptions and crossed interpretations rather than ‘hard facts’.

Main findings of Chapter 5

Twenty-one (of 53) officers discussed situations in which prisoners reacted aggressively when the officer tried to set boundaries.

Although some prisoners felt they were being targeted, as many as 13 of the 73 prisoners interviewed in-depth received close attention because officers considered that their behaviour was consistently disruptive or predatory.

Twenty-two of the officers interviewed felt that prisoners could use racial allegations against them to prevent them fulfilling their duties.

Analysing a selection of the interactions between officers and prisoners as conflicts highlighted the cultural tensions between the two groups; in particular:

Prisoners were more likely to perceive racism when they felt that officers:
- failed to explain their decisions;
- stereotyped them;
- acted in a disrespectful or provocative manner; and
- over-reacted to their judgements being questioned.

The officers interviewed felt that:
- prisoners quite often raised questions about racism when officers confronted them about their behaviour;
- prisoners used allegations of racism to inhibit officers; and
- they (officers) needed to stand up to intimidation in order to maintain their credibility.
6. The institution's response: handling complaints

The prisoners' experience of the complaints system

The survey provided detailed information on the prisoners' experience of formally pursuing their complaints about racial treatment. It revealed how many prisoners had complained formally and what the outcome of their complaint had been. The 237 prisoners in the minority ethnic prisoner survey were asked if they had ever complained about racist treatment in prison; 232 responded:

- Seventy-five (32%) said they had not experienced anything that warranted a complaint.

We asked the 157 who had experienced racial discrimination at some time while in custody if they had put in a complaint about it.

- Fifty-six (36% of those who had experienced discrimination) said that they had complained.

- One hundred and one (64%) said they had experienced racial discrimination at some time in custody but had not complained; of whom:
  - thirty-nine/101 said they were frightened of reprimands from staff if they did complain;
  - thirty-four/101 said they believed it would be futile to complain;
  - twenty-four/101 gave no reason; and
  - four/101 said they did not know how to complain.

Q. Why did you not complain?

*Cos if I would have I probably wouldn't be sitting here now. When you're in prison you're in their world. Your world outside stops. You can end up anywhere – lost in the system, visits turned away, photos ripped up. It's not worth the hassle.*

Survey 219

*I thought it'd be a waste of time and I don't want to be targeted. I just want to do my time easy as possible.*

Survey 18

The supposition that nothing would happen if they did complain seemed to be borne out by the reported experiences of prisoners who had complained, as shown in Table 6.1.

**Table 6.1: Prisoners' perspective of the outcome of complaints**

<table>
<thead>
<tr>
<th>What happened when you complained?</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nothing</td>
<td>24</td>
</tr>
<tr>
<td>It was investigated but that was all</td>
<td>10</td>
</tr>
<tr>
<td>Positive or fair result</td>
<td>7</td>
</tr>
<tr>
<td>I was shipped out</td>
<td>5</td>
</tr>
<tr>
<td>Still ongoing</td>
<td>3</td>
</tr>
<tr>
<td>Adverse treatment</td>
<td>2</td>
</tr>
<tr>
<td>No response</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>56</strong></td>
</tr>
</tbody>
</table>

Forty-three per cent of those who had complained (24/56) stated that nothing had happened.

Survey 237

Seventeen of the 56 prisoners (30%) said they had been told the complaint was investigated. Ten of these thought the investigation had been conducted neither thoroughly nor fairly:

He called me a black cunt because I wouldn't go behind my door. I put in a complaint. It was investigated by the P.O. I even had two statements from other inmates, a white guy and a mixed race guy who heard him and they made statements, but after a couple of weeks the P.O. came back and told me, ‘We can’t find any evidence that this happened,’ and that was the end of it.

Survey 178

One prisoner – who did not know if his complaint had been investigated – highlighted the double jeopardy facing prisoners who wish to lodge a complaint:

I thought this prison officer had something against me. It went to the point where he nicked me for asking if he was racist. I think the governor squashed it [the adjudication]. I’m not sure what happened to the complaint. No-one else came to see me, no race relations officer, nobody. It just got dropped.

Survey 97

In a clear signal that the complaints process has not gained the trust of minority ethnic prisoners, only seven of the 48 inmates (15%) whose complaint had run its course felt they had gained a positive or fair outcome.

Accountability from the perspective of officers

Complaints are one means by which officers can be held accountable for their treatment of prisoners. A minority of officers voiced their indignation at the possibility that they could be accused of racism. This chapter will focus on two issues which emerged from the officers’ views about the complaints procedures:

- false accountability; and
- officers’ views on the complaints system, including the handling of such complaints by the race relations liaison officers.

Nine of the officers interviewed (17%) claimed that prisoners had abused the complaints system by making false allegations against officers, although not all of them spoke from personal experience. Such ‘false accountability’ distorts the sense in which officers are responsible for their treatment of prisoners.

One of the officers who spoke from personal experience said that two prisoners became aggressive when they were told their names were not on the list for phone calls. He explained that when he denied them the phone call, the prisoners fabricated an allegation against him:

They retaliated by putting in a complaint that I had made a comment, ‘You blacks are all the same.’ You know if you make a comment they will jump on it. And yet they invented. If they don’t get what they want, they try to bully you by making allegations against you.

ST31

Another of these officers said how a false accusation had affected his morale:
It could ruin my career. I was fuming. It knocked me for six. I lost a lot of faith in this job. I just think I'm open to allegations and I don't need it.

ST46

Other officers showed far greater confidence in the face of the possibility that a prisoner could lodge an accusation of racism against them. Officer 39 recalled a conversation with a prisoner who refused to move cells. The prisoner's allegation echoes the cycle of targeting troublesome behaviour discussed above:

He said, ‘You keep picking on me, why do you keep picking on me?’ I explained I was instructed by the S.O. to move him but he just said, ‘No, you keep picking on me. I want to see the RRLO and the BOV’. I said, ‘Okay, the forms are downstairs’. And that's it so far.

ST39

Fifty-eight per cent of the officers interviewed (31/53) stated that a complaint had been made against them at least once. One officer stated that five complaints had been made against him/her, and seven staff members could not remember how many times a complaint had been made. Officers were not asked the extent to which they had confidence in the complaints system, but a tiny minority – (3/53) – were vociferous in the criticisms of the way their complaints had been handled.

Eleven officers (21%) believed that their jobs were at risk if a charge of racist behaviour were proven:

It was investigated by a P.O. He interviewed me and any witnesses and he came back to me and said, 'No case to answer'. The witnesses hadn't backed [the inmate] up – they all gave conflicting stories. It was days, just days after Narey's statement, so I thought, 'Oh, here we go. The governor's going to sack someone for racist behaviour'. But that was the end of it.

ST43

Three officers explicitly used the interview to criticise the way the Race Relations Management Team had handled the inmates' complaints. Two of them felt that the burden was on them to prove their innocence in the face of a false accusation; and they were bitter about the lack of support from prison management:

I think they were very accusative towards me to start with. They believed the prisoner rather than me. I had to prove myself innocent – which I don't feel was a good response, considering.

ST45
Main findings of Chapter 6

Seventy-five of 237 prisoners surveyed (32%) said they had never experienced treatment that warranted a complaint on the grounds of racial discrimination.

Of the 157 prisoners who said they had experienced racially biased treatment, only 56 (36%) had complained.

Of the 101 who said they had experienced racial discrimination in prison but had not complained, 39 said the reason was that they were fearful of adverse consequences and 34 thought there was no point as the complaint would not go anywhere.

Only seven of the 48 prisoners whose complaint had run its course reported what they considered a positive or fair outcome.

Seventeen per cent (9/53) of the officers interviewed were anxious that prisoners could make false allegations of racism, while one in six of the prisoners surveyed were frightened of retaliation from staff if they did complain.
7. Conclusions and recommendations

The problem of racism will be tackled only through honest recognition.

Stephen Shaw, HM Prisons and Probation Ombudsman

This chapter concludes the report in three parts. The first briefly presents the views of staff and prisoners about improving race relations in prison. The second part summarises the findings from preceding chapters. The third sets out recommendations about what could be done to combat racism, based on the findings of this study and building on recommendations from prisoners and staff.

Views of the selected officers and the surveyed minority ethnic prisoners about improving race relations in prison

All the officers interviewed were asked whether they thought the Prison Service was doing everything possible to eliminate racism. Table 7.1 shows the range of responses.

Table 7.1: Is the Prison Service doing everything possible to eliminate racism?

<table>
<thead>
<tr>
<th>Response</th>
<th>Number</th>
<th>Percentage (n=53)</th>
</tr>
</thead>
<tbody>
<tr>
<td>It’s doing okay/trying hard</td>
<td>27</td>
<td>50.9</td>
</tr>
<tr>
<td>It’s all gone too far/doing too much</td>
<td>12</td>
<td>22.6</td>
</tr>
<tr>
<td>Other/don’t know</td>
<td>3</td>
<td>5.5</td>
</tr>
<tr>
<td>Not doing enough</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td>No data/didn’t answer</td>
<td>9</td>
<td>17.0</td>
</tr>
</tbody>
</table>

Fifty-one per cent of the officers expressed pride in the progress the Prison Service has made. However, 23 per cent believed that the balance had shifted to ‘positive discrimination’, such that minority ethnic prisoners received better than average treatment. Only two officers stated that the Prison Service was not doing enough.

The 237 prisoners were asked an open question about how the Prison Service could improve race relations (see Table 7.2). They could give multiple responses.

Table 7.2: Prisoners’ ideas about how the Prison Service might improve race relations

<table>
<thead>
<tr>
<th>Response</th>
<th>Number</th>
<th>Percentage (n=237)</th>
</tr>
</thead>
<tbody>
<tr>
<td>More minority ethnic staff</td>
<td>51</td>
<td>22</td>
</tr>
<tr>
<td>Treat all inmates equally</td>
<td>28</td>
<td>12</td>
</tr>
<tr>
<td>An independent body to advise on race/handle racial complaints</td>
<td>24</td>
<td>10</td>
</tr>
<tr>
<td>Consult minority ethnic prisoners more and use the feedback</td>
<td>24</td>
<td>10</td>
</tr>
<tr>
<td>Improve cultural awareness/understanding</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>More/better staff training</td>
<td>17</td>
<td>7</td>
</tr>
<tr>
<td>It’s okay as it is</td>
<td>16</td>
<td>7</td>
</tr>
<tr>
<td>Greater provision of appropriate food for minority ethnic prisoners</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>No response</td>
<td>38</td>
<td>16</td>
</tr>
</tbody>
</table>
Other suggestions included the provision of interpreters, improved opportunities for the practice of religion, and more stringent recruitment criteria for staff. Although no single suggestion was made by more than one in four prisoners, the survey suggests that the recruitment of more minority ethnic officers is by far the most urgent change. Suggestions from staff and prisoners will be explored in further depth below, in making recommendations on the basis of the findings of this study.

Summary of the study's findings

Officers

- Most of the officers interviewed understood racism in its blatant and direct forms, including verbal abuse and discrimination. They were less likely to interpret racism in terms of attitudes (such as stereotypical images) or the subjective dimension.

- Seventy-nine per cent (42/53) of the officers interviewed said they had never seen a colleague acting in a racially discriminatory way.

- Most officers interviewed understood that institutional racism was something embedded in the structure and culture, but a significant minority of officers (9/53) thought the concept meant that they, personally, were being labelled racists.

- Only two of the 53 officers felt that the Prison Service could do more to combat racism; this despite the fact that half of the prisoners surveyed claimed that they had had problems with racial discrimination in the previous six months.

- Forty-two per cent of the officers interviewed (22/53) felt that the prisoners' right to complain against them about racially biased treatment amounted to a weapon inmates could use against staff.

Prisoners

- Fifty-two per cent of the 237 prisoners surveyed believed they had experienced some form of racial discrimination in prison within the previous six months: eight per cent said they had experienced racism with regard to discipline (including suspicion of bullying) and not in other areas; 28 per cent, with regard to any other treatment, including job discrimination, Incentives and Earned Privileges, or the practice of their religion but not discipline; and, 16 per cent with regard to both discipline and any other area.

- Twenty-four per cent of the prisoners in the minority ethnic population survey said that, within the previous six months in custody, they had been charged with an offence, accused of bullying or given a behaviour warning in a way that they felt reflected racial bias.

- Despite the prevalence of experiences which the prisoners saw as racially biased, only a quarter of them had ever made a complaint against racial discrimination. Thirty-two per cent had not complained because nothing in their experience had warranted a complaint. But 16 per cent of the prisoners surveyed (39/237) had not complained because they were frightened of retaliation by staff; and 14 per cent (34/237), because they believed that it would be futile to complain.

- The primary reasons for perceiving racism in their treatment cited by the 73 prisoners interviewed in-depth were: differential treatment, stereotyping, the officer’s demeanour, a lack of explanation, and an ambiguous process.
Anti-bullying procedures were poorly monitored, unregulated, and open to the abuse of discretion by particular officers (as well as prisoners). The arbitrariness and lack of monitoring meant that anti-bullying procedures resisted statistical checks against racial bias.

The research identified a type of situation which led to perceptions of racial bias, which we termed, ‘informal partiality’. Informal partiality – often unconscious on the officer’s part – referred to the exercise of discretion by officers in ways that some minority ethnic prisoners felt had disadvantaged them, although there could be no proof of direct discrimination. Whether a specific use of informal partiality constituted racial discrimination (or not) was a matter of perspective. Informal partiality draws a link between the everyday exercise of discretion by officers and institutional racism.

What can be done to improve race relations in prison

This report has described some evidence that race relations in prison continue to be characterised by mutual suspicions. For example, whilst 17 per cent of the officers interviewed were anxious that prisoners could make false allegations of racism against them, 16 per cent of the prisoners surveyed had not made a complaint (despite having a grievance) because they were frightened of retaliation from staff if they did.

What can the Prison Service do in practical terms to begin to build the mutual trust on which improved race relations might be founded? This section begins by looking at the complaints procedures, then turns to broader issues.

Genuine accountability

In some ways, the handling of complaints crystallises the divisions between officers and prisoners. For many prisoners, the complaints system fails because complaints are handled by prison staff. A minority of officers believed that allegations of racism against them would result in them losing their jobs.

The current response to the possibility that an officer has acted in a racially discriminatory manner is based on investigating the claims and possibly taking disciplinary action against the officer. This ‘legalistic’ approach seems to set clear boundaries of acceptable behaviour; it suggests a strong stance against racism in all its forms. Clearly there is behaviour – such as the examples of deliberate and blatant racism the prisoners described – that requires such a firm response.

But there are profound drawbacks to such a punitive response. In the first place, such legalistic accountability normally entails proof that the officer acted knowingly and could have predicted the consequences of his or her actions. It would be unfair to punish an officer for consequences that could not have been foreseen. Yet, as has been described in detail, racism can be obvious from one perspective and hidden from others. The subjective dimension, which requires respect for the individual prisoner’s judgement about whether some treatment was racially biased also means that officers cannot always know in advance if their decisions will be perceived to have been discriminatory. To oppose racism in a way that honours these conflicting perspectives, the Prison Service must find a framework that responds fairly when any racial bias is unwitting or unintended.

There is a deeper flaw in combating racism with a legalistic and punitive disciplinary policy. It fosters enmity between staff and prisoners by driving them into opposing roles. Discipline holds officers accountable to rules, the transgression of which subject the officer to the threat of punishment. Thus, prisoners who have reason to lodge a complaint are forced into the role of accuser. Logically, since accusations are more likely to come from prisoners who have been discriminated against, the disciplinary response leads officers to distrust minority ethnic prisoners, each of whom might be seen as a potential accuser.
What is needed is a new model for responding to allegations of racial bias. The new model must be open and clearly neutral, so that it earns the trust of prisoners and makes it possible to bring to light different perspectives on the same events. The approach must be non-punitive, to gain the trust of the officers who might – understandably – react to an allegation of racism in a defensive spirit. The new model also needs to bring the two parties together in a spirit that is reciprocal and personal. The process of dealing with allegations of racism should focus on explanations and mutual understanding rather than guilt and punishment.

The interviews conducted for this study generated many suggestions that provide a more detailed picture of how to handle allegations of racism. In discussing situations in which racial bias might have played a part, a few prisoners and officers recalled conflicts that were resolved satisfactorily. These can be used to draw out implications for ways that officers can be genuinely accountable for maintaining good race relations. For example, apologies offered by members of staff in response to prisoners who felt they had been subjected to discrimination were reported.

An Asian prisoner asked an officer to open the wing office to allow him to get a razor. The officer told him to wait. Immediately afterwards, a white prisoner asked the officer for some razors and the officer opened the office door without delay. The prisoner challenged the officer and, unsatisfied, said he was going to speak to Race Relations. The prisoner told the wing Senior Officer that he did not want to lodge a formal complaint, but he wanted the situation addressed. The officer explained that he had had a bad morning, denied that he was racist and apologised. The prisoner commented:

*It’s funny, when I see him now, after that incident, I could class him as a friend. We’re really close.*

P16

One in ten prisoners in the survey suggested that an independent body should hear complaints. This, they felt, was the only way prisoners would ever get a fair hearing, a view supported by the data showing the prisoners’ lack of faith in the complaints procedures:

*We need an independent body that looks at racist complaints from prisoners. If you get that you’ll get a true representation of what’s going on.*

Survey 93

In an open and neutral forum, the prisoner would have the opportunity to present his reasons for perceiving racism, and the officer would be able to explain the reasons for the decisions that affected the prisoner.

HM Prisons and Probation Ombudsman is neutral and independent. Further, when a prisoner has been subject to blatant racial abuse or discrimination and has not gained satisfaction through the complaints process, appeal to the Ombudsman must be available to the prisoner as a last resort. However, there are a number of reasons for the recommendation that prisons involve local racial equality agencies in responding to complaints. First, the Ombudsman becomes involved as a last resort, after the complaints process has been exhausted, and the evidence shows that a significant number of minority ethnic prisoners do not trust the complaints process enough to initiate a complaint. Second, the Ombudsman’s brief is general: the role has no special expertise in dealing with racial equality. Third, the process of appealing to the Ombudsman takes time: the target time for the whole process – after the complaints procedures have been exhausted and the Ombudsman has ruled the claim eligible – is four months, which clearly inhibits short-term prisoners and young offenders. Fourth, and most important, the role of the Ombudsman fits the kinds of complaint that arise from blatant racism such as verbal abuse or direct discrimination: as such, the Ombudsman’s methods focus on evidence, rules and rights. In contrast, the kind of method we advocate focuses on mutual explanations, emotions and conflict resolution. We submit that the vast majority of incidents which are perceived by prisoners to have a racial dimension require a less formal framework than that provided by the Ombudsman.
An officer who was asked what he thought the Prison Service should do when an allegation of racism was made against an officer suggested a similar process.

I would get a statement from the prisoner, from the member of staff. First, and totally fairly, let them specify everything they've got problems with. I'd make sure there was a third party – totally independent and impartial. Depending on the evidence says what you should do next. Depends what he did. He said, 'black bastard!' He should be disciplined. Not lose his job, but ask the inmate what to do. If the officer is not apologising, doesn't like blacks, I'd say he has got to go down the road.

ST 46

Officers who are concerned about the potential for malicious allegations might be reassured by a process that was open, so that the prisoner would be called on to explain his reasons for perceiving that he was subjected to racially biased treatment.

The clearest precedents for such a model come from mediation and conferencing in the Restorative Justice tradition. The Thames Valley Police have been using Restorative Justice in dealing with complaints (Dobry 2001) and their experience provides a suitable precedent for the Prison Service. In mediation, the neutral outsider plays a facilitating role – rather than that of judge. The outcomes of mediation are largely up to the participants to decide, but the objectives should be to increase mutual understanding and to reach agreement on practical ways forward. Officers would be less likely to feel threatened when a prisoner perceived racial bias in that officer's decision; and prisoners would be discouraged from making false allegations because they would have to account for their perceptions of racism in an open forum. In mediation, officers and prisoners would be encouraged to take personal responsibility because the process would require them to explain their behaviour to their counterpart.

In her report on the use of Restorative Justice in response to complaints against the police, Josephine Dobry commented:

It is perhaps in the area of complaints about racism and discrimination that the greatest opportunity and challenge to a restorative approach arises.

(page 14)

Her report makes clear that the mediation of complaints requires a semi-formal structure, providing personal dialogue between the two parties to the conflict, and facilitated by trained mediators.

The face to face meeting of complainant and officer in what we call ‘a conference’ using a clearly structured but flexible model to work through and resolve conflict is central to its success. It deals with emotion in a way that a more formal and separate process cannot.

(page 54)

She also emphasised the voluntary spirit of the process, which logically requires the co-existence of more formal complaints systems:

Restorative intervention will only work if those taking part are prepared to give the process a go. It is a process that cannot be imposed. It follows … that there will always be a need for a more traditional complaints process, not only for those complaints which are not of themselves suitable for the restorative process such as serious criminal matters, but also for those complainants and officers who do not wish or are not able to entertain the idea of restorative intervention.

(page 15)

A number of prisons are currently exploring ways of incorporating restorative practices. This report proposes that the Prison Service establishes a pilot scheme to use mediation in response to complaints of racial discrimination against officers. The forum should be a face-to-face meeting between the officer and prisoner, facilitated by a governor and an independent external
race equality adviser, jointly trained in mediation. The officer and prisoner must both agree to the process and the present system for complaints should be maintained for situations that are not suited to mediation. Mediation is favoured over conferencing because the facilitated one-to-one meetings are more confidential than the larger conferencing model; and, more important, mediation works on a no-blame basis (particularly appropriate for perceptions of racial bias) whereas conferencing traditionally works with people in the roles of victim and offender. Mediation is suited to working with opposing perspectives; enhances mutual understanding; and provides a solid framework for finding solutions and reaching agreement. Obviously such approaches will need to be considered in more detail than can be spelled out here. But the possibilities go far beyond the resolution of a specific allegation to a culture shift away from suspicion and blame and towards mutual understanding.

Combating institutional racism

This study has prepared the ground for improvements in the Prison Service's approach to combating racism. As the concept of institutional racism, by definition, covers so many aspects of the culture and structure of prisons, the response will need to be comprehensive and integrated. It will need to involve the celebration of cultural diversity as much as it does drawing boundaries of unacceptable behaviour.

Part of the problem might be the lack of minority ethnic staff. One-quarter of the prisoners in the survey suggested that the Prison Service needs to have more minority ethnic officers. Here, the prisoners' suggestions parallel the Prison Service's present commitments. At the beginning of 1999/2000 minority ethnic staff represented 3.2 per cent of the workforce. Of the staff recruited during 2000/2001, 7.9 per cent were from minority ethnic groups, increasing their representation to 4.9 per cent of all staff. Greater ethnic balance in the staff population will demonstrate to prisoners that race equality is important to the Prison Service; increase white officers' awareness, through working with colleagues from minority ethnic groups, of how racism is felt by black and Asian people; increase cultural awareness and perhaps lead to better communication between staff and prisoners; and enhance trust between staff and prisoners.

Part of the problem is the endemic lack of explanation for decisions, which suggests that some staff believe that they should not have to account for the ways they treat prisoners. Imaginative thinking about subtle shifts in power is needed to hold officers responsible in their duty to use their powers fairly. At the very least, eradicating institutional racism will require officers to give reasons for decisions that adversely affect the lives of prisoners.

At the same time, the subjective dimension of racism establishes that at the inter-personal level, racial bias is often a matter of individual interpretation. Part of this problem might be the officers' use of informal partiality in the routine tasks and decisions required to get through the day. Prisoners in the survey made suggestions that would reduce the likelihood that informal partiality could thrive:

- treat all inmates equally;
- consult minority ethnic prisoners more and use the feedback;
- improve cultural awareness; and
- more and better staff training.

More training for officers – to show the impact of racist behaviour on people – even for officers who aren't racist. They still don't know what it's like to be the subject of racist behaviour.

Cultural tensions highlight training needs. Officers mentioned that training was out of date, too infrequent, and not sufficiently informative about minority cultures. It would help if this training were delivered by minority ethnic professionals.

I think the race relations awareness training isn't enough. It covers the prison service definition of a racial incident but doesn't give them enough insight into different cultures or religions. Some people feel that Asians are Asians and
don’t realise they are Buddhists, Sikhs, Muslims. It doesn’t define different cultures at all and that’s where a lot of problems come from.

ST11

Finally, it is clear that good race relations need to be properly recognised as a priority. This brief inquiry, based on a limited interview sample, over a short period of time, can only begin to suggest areas for improvement. Hopefully, by presenting the disparate views of staff and prisoners this study will have made a contribution to a clearer picture of the problems and to improved communication in striving towards greater racial equality.
References


Appendix A

Interview schedules

Screen Interview

<table>
<thead>
<tr>
<th>Case ID</th>
<th>Wing</th>
<th>Prison</th>
<th>Interviewer</th>
</tr>
</thead>
</table>

Introduction

Thank you for agreeing to speak to me. This is part of research we are doing at the University of Oxford into race relations between prisoners and staff. We have been asked to carry out this research by the Home Office. However, we are employed by the University and as such we are totally independent. These interviews are anonymous; nothing you say will ever be attributed to you. You do not have to answer any questions that you do not want to.

Is there anything you would like to ask me before we begin?

<table>
<thead>
<tr>
<th>1. Name</th>
<th>2. Number</th>
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<tbody>
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<table>
<thead>
<tr>
<th>3. Prison HMP</th>
<th>4. Wing/Location</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>How long on this wing?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. How old are you?</th>
<th>6. How long have you been at this prison?</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>7. How would you describe yourself:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black Caribbean</td>
</tr>
<tr>
<td>Asian Pakistani</td>
</tr>
<tr>
<td>Asian other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>8. What offence(s) are you in prison for?</th>
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<th>9. Are you sentenced</th>
<th>on remand</th>
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If sentenced, how long is your sentence?

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<th>10. What is your EDR/PED/NPD?</th>
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<tr>
<th>11. Do you have any previous convictions (Y / N)</th>
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<tr>
<td>[If yes] How many?</td>
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<tr>
<th>12. What offences were they for?</th>
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<tbody>
<tr>
<td>violence</td>
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<tr>
<td>motoring (inc. TDA/drunk driving/DWD)</td>
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<tr>
<td>other (please specify)</td>
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<table>
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<tr>
<th>13. How many times have you been in prison before?</th>
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<table>
<thead>
<tr>
<th>14. What is your relationship like with your personal officer?</th>
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<tr>
<th>15. [If a negative response ] To what extent do you think your relationship is made more difficult by the officer’s</th>
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We will now go through a checklist to ask about your experiences as a minority ethnic prisoner. If you answer positively to any of these, we will ask you further questions about the circumstances later on. Please specify whether you are talking about this or another establishment.

16. How many times have you been put on report/adjudicated in the last 6 months? (please specify if different)

17. How many times have you had behaviour warnings in the last 6 months?

18. Have you been accused of bullying other inmates in the last 6 months? Y/N

19. [If yes to any] Do you think these were a result of racially discriminatory treatment in any way? Y/N (please specify which and how)

20. [If yes] What was it about the way you were treated that makes you believe it was racially discriminatory? Was it that:
   - Racist language was used
   - Hostile gestures or negative body language was used
   - White prisoners are treated differently
   - You know the officer is racist
   - There was no other legitimate reason for the treatment
   - Other (please specify)

21. Do you think the way you were treated was influenced by the officer’s
   - Race or ethnic background
   - Gender
   - Age
   - Prison experience

22. Have you experienced what you consider to be racially discriminatory treatment by staff in the last 6 months? Y/N (here or elsewhere?)
   In which of the following areas?
   - Segregation for punishment
   - Segregation for GOAD
   - Control and Restraint
   - IEP
   - Allocation
   - Access to programmes/work/education
   - Categorisation
   - Risk assessment (for example Parole or
   - Health care
   - Home Detention Curfew
   - Practising your religion
   - Mandatory Drug Testing (MDT)
   - Other (please specify)

23. If yes to any, which do you consider the most serious and why?

24. Do you think this was influenced by the officer’s
   - Race or ethnic background
   - Gender
   - Age
   - Prison experience

25. Have you witnessed racially discriminatory treatment with regard to other black or Asian prisoners at this or other establishments in the last 6 months?
   - Often
   - Sometimes
   - Rarely
   - Never

26. Have you experienced what you consider to be racially discriminatory treatment by other inmates at this or other establishments in the last 6 months? Y/N
27. Have you ever experienced what you consider to be racially discriminatory treatment by employees in other criminal justice agencies:

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<th>Police</th>
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<th>Outside probation officers</th>
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<th>Court officials</th>
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<tr>
<th>Other (please specify)</th>
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28. Have you ever made a complaint about racially discriminatory treatment? Y/N
If yes, what happened?

29. If yes, were there any negative consequences for you?.

30. If you did not make a complaint, why not?

31. Have you heard the term ‘institutional racism’? Y/N
If yes what do you understand this to mean?

32. We have talked about many aspects of prison life. In which area do you think this prison suffers most from racial discrimination?

33. In which areas is this prison doing well?

34. What do you think the Prison Service could do to improve the nature of race relations in prison?

35. That concludes what I wanted to ask you. Is there anything you would like to add?

We will be doing in-depth interviews about recent incidents of racial discrimination. If we needed to speak to you again, would you be willing to take part in the second stage of this study?

Thank you for your help
Inmate Participant (in-depth interview)

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<th>Case ID</th>
<th>Prison</th>
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<td>Date</td>
<td>Wing</td>
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[Short description of interviewee and circumstances under which he was interviewed]

1. You indicated in the survey interview that you felt you had been subjected to racially discriminatory treatment during the last 6 months in relation to:

- Being charged, adjudicated or punished
- Categorisation/risk assessment (inc Parole, HDC) or allocation
- IEP/basic regime/bullying
- Another type of racially discriminatory incident

2. Please give a brief account in your own words about what happened (if answered yes to more than one, ask inmate to chose the most important to him)

### Charged/Adjudicated/Punished

3. Did you feel that any part of the process was racially discriminatory? Y/N
   - If yes,
     - was it the way you were charged? ☐
     - was it the way you were adjudicated? ☐
     - was it the way you were punished? ☐

4. If yes, in what way was this racially discriminatory? (ask for all)

5. What were you charged with?

6. (If not already explained in the brief description) What happened that led directly to the charge?

7. Did the charge involve your behaviour towards an officer?

8. Was another prisoner involved?

9. If yes, what was his race/ethnic group?

10. If another prisoner involved:
    Did staff treat you both in the same way?
    - If no, how did your treatment differ?

11. If another prisoner involved:
    What was the underlying conflict between you and the other inmate?

12. If another prisoner involved:
    Do you believe the reporting officer had a good idea of what it was about?
13. If another prisoner involved:
   Do you feel:
   he was equally to blame  □  he was more to blame  □  you were more to blame  □

14. Did you expect that you would be charged?

15. Were other officers present when the incident that gave rise to the charge occurred?

16. Did they do anything?
   If yes, what did they do?

17. Was C&R used?
   If yes, were you injured in any way?
   If yes, did you see an medical officer?
   If yes, did you receive any treatment?

18. At the adjudication, was the reporting officer’s account of the incident accurate?
   If no, what do you think was inaccurate?

19. Did you give your side of the incident?
   If no, why not?

20. How did you plead?

21. What was the outcome?

### Allocation/Categorisation/Risk Assessment

22. In the last 6 months, do you believe that you have been treated in a racially discriminatory way in respect of
   Allocation  □  Categorisation  □  Risk Assessment  (inc Parole, HDC)  □

23. If yes, what led you to believe your treatment was racially discriminatory? (if yes, ask for each)

24. Have you seen any documentary evidence or been given reasons that lead you to believe the decision about you was racially discriminatory?

25. If yes, why do you think the staff member entered that information about you/believes that information to be true?

26. Has anyone written reports about you that you believe had an impact on this decision? Y/N

27. Have you ever been threatened with a forced transfer to a prison you know to have predominantly white inmates?
   If yes, what were the circumstances?

### I.E.P./Basic/Bullying programme

28. In the last 6 months, have you been moved down from enhanced to standard, or from standard to
basic?
If yes, what reasons were you given?

29. Do you believe there was anything racially discriminatory about your treatment? Y/N
If yes, what makes you think it was racially discriminatory?

30. How did the staff member involved use his/her discretion in a racially discriminatory way?

31. Was another prisoner involved?

32. If yes, what was his race/ethnic group?

33. If another prisoner involved:
   Did staff treat you both in the same way?
   If no, how did your treatment differ?

34. Do you believe this prison operates a quota system?

35. Could you describe how it works?

36. Is some aspect of this quota system racially discriminatory?

37. In the last 6 months, have you been accused of bullying other inmates?
38. If yes, by whom – other inmates or staff?
   What behaviour led to this?

39. What happened as a result?
40. Did you feel this was racially discriminatory?
   If yes, in what way was it racially discriminatory?

**Any other incident**

41. What was it about this incident that you believe was racially discriminatory?

42. Was another prisoner involved?

43. If yes, what was his race/ethnic background?

44. If another prisoner involved, did staff treat you in the same way?
44a. If no, how did the treatment differ?

45. (if appropriate) What was the underlying conflict between you and the other inmate/staff member?

46. (if appropriate) Do you feel he/she was:
   equally to blame ❑  more to blame ❑  you were more to blame ❑

47. Were others present when the incident began?

48. What role did they play?

49. Was there any evidence about this incident that led you to believe it was racially discriminatory?
49a. If yes, what was that?
**All incidents**

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<tr>
<td>50.</td>
<td>Before this incident, what was your opinion of the officer involved?</td>
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<tr>
<td>51.</td>
<td>Have you and this officer ever come into conflict before?</td>
</tr>
<tr>
<td>52.</td>
<td>What is this officer’s attitude to other black and Asian prisoners?</td>
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</table>
| 53. | Do you think, with hindsight, you might have misunderstood the officer? Y/N  
If yes, in what way? |
| 54. | Do you think the officer misunderstood you? Y/N  
If yes, in what way? |
| 55. | Do you feel that this officer, or other staff, provoked you? Y/N  
If yes, can you explain in what way? |
| 56. | Do you feel that you provoked the officer? Y/N  
If yes, can you explain in what way? |
| 57. | Why do you think it happened with this particular officer? |
| 58. | How well would you say you know the officer? |
| 59. | How well do they know you? |
| 60. | Do you feel you have been stereotyped because of your racial background? Y/N  
If yes, in what way? |
| 61. | How do you differentiate between an incompetent officer and a racially discriminatory officer? |
| 62. | How would you describe your relationship with staff generally? |
| 63. | Are there some members of staff you get on with particularly well? |
| 64. | What are the positive aspects of those relationships? |
| 65. | Has the attitude of other officers changed towards you since the incident? Y/N  
If yes, in what way? |
66. The Escalator

Please describe the incident/process in detail, step by step

At relevant steps ask about
1. Staff Interventions: how did you interpret his/her intentions in doing that? Why do you think that?
2. Effect on you: how did you feel? What did it do to you?
3. Is there any part of the process that is particularly racially discriminatory and why?

Relationships Map

Please draw a diagram of the power relationships between the people involved in this situation.

68. How do you think the prison should have responded to what has happened?
69. Can you apportion blame for this situation?
70. Is there something you believe could be done to put your situation right?

In Conclusion

71. Is the Prison Service doing everything possible to eliminate racism?
72. If no, what else could be done?
73. That concludes what I wanted to ask you. Is there anything you would like to add?

Thank you for helping us with our research.
# Staff

<table>
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<tr>
<th>Case ID</th>
<th>Prison</th>
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<thead>
<tr>
<th>Date</th>
<th>Wing</th>
<th>Interviewer</th>
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## A. BACKGROUND

1. Short description of interviewee and circumstances under which s/he was interviewed.

2. Name

3. Prison

4. Wing/Location

5. Sex  male  female

6. How old are you?

7. How would you describe yourself:
   - White
   - Black Caribbean
   - Black African
   - Black other
   - Asian Pakistani
   - Asian Indian
   - Asian Bangladeshi
   - Asian other
   - Other ethnic group  (please specify)

8. How long have you worked in the Prison Service?

9. How long have you worked in this prison?

10. What is your current position?
    - Officer
    - Senior Officer
    - Principal Officer
    - Medical Officer
    - Governor
    - other  (please specify)

11. How many times have you put a prisoner on report in the last six months? Did any of these involve a black or Asian prisoner? How many?

12. How many times have you issued a behaviour warning to a prisoner in the past six months? Did any of these involve a black or Asian prisoner? How many?

13. In the past six months have you reported any inmate for bullying? Did any of these involve a black or Asian prisoner? How many?

14. In your work as a Personal Officer, how many minority ethnic prisoners are you responsible for?

15. How would you characterise your relationships as a Personal Officer with minority ethnic prisoners?

16. How would you describe your relationship with inmates in general?

17. Has a black or Asian prisoner ever complained about discriminatory treatment by you in regard – either formally or informally (specify which) – to:

   - Putting prisoners on report
   - Report writing
   - Security Intelligence Reports
   - MDT
   - Control and Restraint
   - Health care (SMO only)
   - IEP
   - Access to religious practice
18. Please give a brief description of each of these incidents. (We will ask you about one of these in more detail later on.)

19. What do you understand by the term ‘institutional racism’?

20. How do you feel about the claim that the Prison Service is institutionally racist?

21. In your view, what defines behaviour as racist?

22. In the past six months, how many times have you witnessed any other member of staff acting in a racially discriminatory way? Please describe the circumstances.
   What did you do about it?

23. If none to 22, could you give me an example of behaviour by staff that you would regard as racist?

24. Please could you tell me who the RRLO for this establishment is?

25. How often do you consult the RRLO on race issues? What sort of matters do you discuss with them?

26. When was the last time you consulted the RRLO on a problem relating to race?

### 27. The Incident

Please could you describe in detail the time [fill in: you were the subject of a complaint; you put a black or Asian prisoner on report; you wrote a report on a black or Asian prisoner (risk assessment, etc); you put a black or Asian prisoner on Basic Regime or a bullying programme]

#### Charges

28. What was the charge?

29. What was the behaviour that led directly to the charge?

30. In the adjudication, did the prisoner plead guilty or not guilty?

31. Did the prisoner’s account correspond with your evidence?

32. Was another prisoner involved?

33. What was his race / ethnic group?

34. Did both prisoners receive similar treatment?

35. Did you feel the inmates were equally to blame?

36. How confident are you that you knew what the underlying conflict was about?

   - not confident
   - somewhat confident
   - very confident

37. Did the charge involve behaviour towards another officer?

38. Were other officers present when the incident arose?
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<tr>
<th>Question</th>
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<tr>
<td>[If yes] What did they do?</td>
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<tr>
<td>39. Did the presence of other officers influence your behaviour in any way?</td>
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<tr>
<td>[If yes] How?</td>
</tr>
<tr>
<td>40. [If appropriate] Was C &amp; R used?</td>
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<tr>
<td>Who made the decision to use C&amp;R?</td>
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<td>41. What was the outcome of the adjudication?</td>
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<tr>
<td>42. Was the outcome fair?</td>
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<tr>
<td>If no, why not?</td>
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<tr>
<td>43. Before this incident, what was your opinion of the inmate?</td>
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<td>44. Have you and this inmate ever come into conflict before?</td>
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<tr>
<td>45. With hindsight, do you think you might have misunderstood the inmate?</td>
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<td>46. Do you think the inmate misunderstood you?</td>
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<tr>
<td>47. Do you think this inmate provoked you?</td>
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<tr>
<td>[If yes] Can you explain in what way?</td>
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<tr>
<td>48. Do you feel that you provoked the inmate?</td>
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<tr>
<td>If yes, can you explain in what way?</td>
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<tr>
<td>49. Why do you think it happened with this particular inmate?</td>
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<tr>
<td>50. Could you have responded in a different way?</td>
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<td>If yes, how?</td>
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<tr>
<td>51. Has your attitude towards the inmate changed since the incident?</td>
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**IEP / Bullying**

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<td>52. In the last six months have you had a black or Asian prisoner moved from Enhanced to Standard or from Standard to Basic Regime?</td>
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<td>If yes, why?</td>
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<tr>
<td>53. In the last six months have you accused a black or Asian prisoner of bullying other inmates?</td>
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<tr>
<td>What were the circumstances?</td>
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<tr>
<td>What happened as a result?</td>
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</table>
54. ESCALATOR

Please describe the steps in the incident we are discussing.

Relationships Map
Please draw a diagram of the power relationships between the people involved in this situation.

56. Were you satisfied with the outcome of the incident? If no, why not?

57. Should the prison have responded in a different way? If yes, how?

58. Is the Prison Service doing everything possible to eliminate racism? If no, what else could be done?

59. Is this prison doing everything possible to eliminate racism? In which areas is it doing really well? What else could be done?

60. Attitudinal questions
As you understand your job, how important are these aspects:

<table>
<thead>
<tr>
<th>Do you think these are</th>
<th>Not Part</th>
<th>Low Priority</th>
<th>Medium</th>
<th>High priority</th>
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<tbody>
<tr>
<td>enforcing the rules</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
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<tr>
<td>physically restraining inmates</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
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<tr>
<td>resolving conflicts between prisoners</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
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<tr>
<td>peace-making between prisoners and management</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
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<tr>
<td>helping prisoners with personal development</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
<td>❑</td>
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<tr>
<td>helping prisoners deal with social problems outside</td>
<td>❑</td>
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helping prisoners with personal problems
keeping other staff informed of inmates' behaviour
treating every prisoner alike
treating every prisoner as an individual
protecting the safety of prisoners
protecting the safety of other members of staff
ensuring fair treatment regardless of nationality, religion, sexuality or race
respecting the human rights of every prisoner

That concludes what I wanted to ask you. Is there anything you would like to add?

Thank you for helping us with our research.
### Appendix B

**Escalators**

**CONFLICT 1**

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<tr>
<th><strong>Prisoner 31</strong></th>
<th><strong>Officer 15</strong></th>
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<tr>
<td>I went down to dinner. Kit change was late. So they were giving short rations one towel, one bar of soap, one toilet roll. There's a table – officer sitting at the table. An inmate giving out the towels and toilet roll. I asked, 'Gov, can I have an extra towel?(^{(1)})' He said, 'Everyone's getting one towel.'</td>
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<tr>
<td>(Q. How did he say that? Just normal. No aggression.) I said, 'I wash twice a day. Why can't I have two?' He still says, 'Everyone's getting one.'</td>
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<tr>
<td>(Q. How did he say that? Still no aggression.) I says, 'Suppose I had a medical reason for it?' He says he doesn't care. Everyone is getting one. I said, 'Rubbish!' I went on to explain. I've had an operation. I need to wash twice daily. Same thing. I'm fed up explaining. So I say I don't want any towels.</td>
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<tr>
<td>(Q. What made you fed up? Just his negative behaviour over a towel. I had one, but some</td>
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<td><strong>Inmate 31</strong> demanded two bars of soap. He was a little abusive.</td>
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<td>I had the option of charging him and decided not to. It could have been a bad day. Lots of factors: his girlfriend could have dumped him. He might not be able to respond as he would like.</td>
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<tr>
<td>A kitchen orderly lad gave him two bars.</td>
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<tr>
<td>/// Two weeks later</td>
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<tr>
<td>He comes up and is demanding an extra towel. He recognised me from before.</td>
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<tr>
<td>Same story: 'No, you're not having it.'</td>
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<tr>
<td>He becomes abusive again.</td>
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<tr>
<td>He was claiming he wanted the extra towel for a medical problem, but he didn't have a form from the doctors.</td>
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officers think it’s a big deal to give you an extra. I didn't think it was any big thing. You just don't know when you'll get another towel. Each time, you don't get something. This time, it's one towel.)

I knock the toilet roll on the floor in front of me, away from where the officer's sitting. Others had been asking. I'm quiet. And when I questioned him, maybe that was just too much.

I go to the spur. I ask the P.O. that officer won't give me a second towel.

I say, 'Some people got more of a need than others.' The S.O. agrees I got a point. He went and talked to the officer. I was waiting. But I went and banged up.

On Sunday, I say to the officer, 'I've been writing a request and complaint – that's three times you've pulled me up.' I think he started to think about the argument over the soap. He says, 'I've been writing about you, too.'

I didn't know what he meant. I thought he meant a behaviour warning. I believe he nicked me because I asked for a Request and Complaint form.

(Q. What did he mean to achieve? If he's a training officer, to get a Request and Complaint form about you seems like a bad example.)

(Q. Did you think there was a racial side to this? Mine was. We had this confrontation three times running so I thought that was racial.)

Then on the Monday, just before breakfast, two officers came in and read out the charges. I was shocked. If they're going to nick somebody, they should first have the P.O. come and say, 'We don't want no more.' I began to

He took his forearm and knocked all the toilet rolls off the table, hitting me in the process.

(Q. What did you feel about his behaviour at the time? I certainly didn't feel his actions were justified.)

(Q. Did you feel at risk? Yes.)

(Q. What did you think his intentions were? I felt he was intimidating me to gain extra kit.)

He stropped off, back to the wing.

I decided to put him on report.

Then to adjudication – he went NG

I now talk to that inmate – the respect between us is much greater.
feel paranoid – if he can nick me for that, he can nick me for anything. How can I tell my children I've got an extra ten days? Then the thing came on my report about my asking for two bars of soap. I was alleged of committing an offence. The governor said 'I cannot tolerate my boys being stressed.'

(Q. How would you assign responsibility for what happened to you? It's got to be from the top. The governor should have investigated better.)

(Q. What makes it racist? It's not the words the governor used. It is the adjudication that was so unjust. The governor has two hours to get through the cases. He gave me an hour to find my witnesses. And the witness felt intimidated against going as witness. Doesn't want to lose his red-band.)
Prisoner 69

After a visit I was put in the waiting room and I asked the officer if I could use the toilet. He said, 'Two minutes,' and shut the door.

I waited about 10 minutes and so I banged on the door (there's no bell in the waiting room). Officer 49 came round the corner and said, 'What's the matter?' I said, 'I want to use the toilet. He said I could use the toilet'.

She said, 'Not yet'. So I said, 'He said two minutes over 10 minutes ago.' She said, 'Well, hold on a minute.' Then she went away again.

I waited another five minutes and no-one came back, so I banged on the door again, continually. Then she's come back and I said, 'Look, you said a minute and it's five now'.

Then she said, 'If you continue to bang the door you'll be put on report. I'm giving you a direct order not to kick the door.' She was walking away and I said 'bloody screws' to the other lad in the cell and I thought, fine, and I started to bang the door again. She turned round and said, 'Right, you're nicked.'

Then other officers appeared out of the visits room because of the noise. They took everybody out and managed to get me to the

Officer 49

I was manning legal visits. P69 is in the holding cell. P69 has been told, as he's put in, he will be run back as soon as an officer becomes available. It's normal procedure. He acknowledged that. Under five minutes later. He creates a noise – door kicking and shouting – not unusual.

I go out to him. He demands, 'I want to go to the toilet. I want to go back to exercise.' 'I'm going back now – you can't stop me.'

'I can't take you back. I'm waiting for an officer. There are other legal visits carrying on. Can you keep the noise down?' Visits S.O. (through the door) is aware, looking for another officer to come over. I returned to my post. Five minutes later, the noise starts again; quite persistent. A legal visitor comes out and complains. As I'm walking to Prisoner 69 another legal visitor complains. I then go to 69 and ask him to be quiet again. 'I don't care.' Continued shouting and kicking.

(Q. What did you think he was trying to achieve by banging the door? Personally, I think he had had a bad visit. He doesn't like closed visits with his partner and children.) I then give him the direct order.

I then returned back. He's still kicking and banging.

I actually saw him kicking the door. (He said I couldn't – it was disputed at the ADJ.) At that point, I've got nothing else I could do.
I went back to the wing.

In the adjudication I pleaded not guilty and told the governor I hadn't been kicking the door and I had a witness to clarify that. He asked what the witness was going to say and I said he'd say that I wasn't kicking the door but hitting it with my hand.
He queried it and said there was no need to call him as all he'd say is that I hadn't kicked the door but I had made a noise and that was what this issue is all about.
I said, 'But I'm nicked for kicking the door, not for making a noise. It says on the nicking sheet, disobeying a direct order not to kick the door'.

Another officer was then found. The visits S.O. came out, 'Let's get him back before there's trouble.' My legal visits finished. Myself and the other officer unlocked P69. The S.O. tells him to calm down. We walked him across.
On the walk, he threatened me – a constant torrent of personal abuse.
The S.O. asked, 'Are you nicking him?'
To which it was a yes.
The problem had been the noise. I didn't nick him for the threats – that was his anger with the situation.

(Q. Was there anything you could have done sooner?
Swapped with the officer running. He might have responded differently to a male.)
Appendix C

Membership of the Advisory Group

Maureen Colledge, Offenders and Corrections Unit, Home Office Research, Development and Statistics Directorate

Pat Baskerville, Diversity and Equality Group, Prison Service

Judy Clements, HM Prison Service Race Equality Adviser, Diversity and Equality Group

Wendy Dugba, Security Group, Prison Service

Mark May, Sentence Enforcement Unit, Prison Service

John May, Area Manager, Prison Service

Uma Moorthy, Offenders and Corrections Unit, Home Office Research, Development and Statistics Directorate

Geoff Underwood, Prisoner Administration Group, Prison Service
Appendix D
Sample demographics

Survey of prisoners  \( (n = 237) \)

<table>
<thead>
<tr>
<th>Age range</th>
<th>Frequency</th>
<th>Percentage</th>
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<thead>
<tr>
<th>Ethnic group (self identified)</th>
<th>Frequency</th>
<th>Percentage</th>
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<td>Other ethnic group</td>
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<tr>
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### Participant sample (n = 73)

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### Prison officers sample (n= 53)

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<td>Number of officers and senior officers in service</td>
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<td>--------------------------------</td>
<td>-------------------------------------------------</td>
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<tr>
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