

History of Punishment in the UK 1900 to Present Day

1. Introduction

The evolution of our Prison System and forms of Punishment (and that of most countries in the World) can be traced back as far as the Anglo Saxon Era. This review will focus on the last hundred years. To be more precise, from 1877 when prisons were brought under the control of The Prison Commission to the beginning of the 21st Century. To start, I thought it might be useful to provide some notes on the size and shape of our Prisons and Prison Service including Young Offender Institutions.

2. UK Prisons (2018) Overview

Population 93,000, Capacity 96,000; numbers expected to grow by 500/1,000 every year into the 2020's. There are four Security Categories for prisons:

A : Escape highly dangerous to public or National Security. There are 10 in the UK, 8 in England and Wales, 1 in Scotland, 1 in Northern Ireland.

B : Do not require maximum security but for who escape needs to be made very difficult.

C : Cannot be trusted in an Open Prison but unlikely to try to escape

D : Can be reasonably trusted not to try to escape and can be given privilege of an Open Prison

August 2019. The number of deaths in 10 of the most challenging prisons in the UK increased (as reported by The Guardian)

3. Young Offenders

Young offenders were treated the same as Adult Offenders up until the 20th Century. In 1902 Borstals / Young Offender Institutions were established to deal with young people. Young offenders are given different trials through special Youth Courts and this continues today. Since 1909 people below the age of 18 years have been treated differently to adults.

In 1908 an age of criminal responsibility was introduced for the first time at 7 years and then set at 14 years, mid 20th Century. By 2017 the age of criminal responsibility was 10 years.

In 1902 the first Borstal was opened in Kent. Their purpose was to try to reform by a mixture of training and care by committed staff. Usual sentence was 6 months to 2 years. In many ways they were run like a boarding Public School.

In 1908 separate Juvenile Courts were established. In 1932 Approved Schools were started for offenders under 15.

In the last quarter of the 20th Century there was an increase in crime, particularly youth crime and public opinion wanted offenders punished. Re-offending rates were high. In 1982 Approved Schools were closed down to be replaced by Youth Detention Centres with fixed term sentences and a much tougher regime (Short, Sharp, Shock). However, re-offending rates were just as high as from Borstals

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4. The Prison Commission, Abolition of Death Penalty, Failed Part Privatisation

In 1877 prisons were brought under the control of the Prison Commission. For the first time even local prisons were controlled centrally. At this time prison was seen primarily as a means to deter offending. This was a movement away from the reforming ideals of the past. Religious groups like the Quakers and the Evangelicals were highly influential in promoting ideas of reform through personal redemption.

The Prison Act 1898 reasserted reformation as the main role of prison regimes and in many ways this legislation set the tone for prison policy today. It led to a dilution of the separate system, the abolition of hard labour, and established the idea that prison work should be productive, not least for the prisoners, who should be able to earn their livelihood on release.

The Church of England Temperance Society and other voluntary societies appointed missionaries to the London Police Courts during the late nineteenth century. From this developed the system of releasing offenders on the condition that they kept in touch with the missionary and accepted guidance.

In 1907 this supervision was given a statutory basis which allowed courts to appoint and employ probation officers. The Probation Order, introduced by the Probation Service in 1907, was the first community sentence. Over the course of the century the use of such community sentences, as an alternative to custody, would increase. Supervision by a probation officer, unpaid work in the community, and eventually drug treatment and the use of restorative justice, would form the elements of these community sentences.

The borstal system was introduced in the Prevention of Crime Act 1908, recognising that young people should have separate prison establishments from adults. Borstal training involved a regime based on hard physical work, technical and educational instruction and a strong moral atmosphere.

In 1933, the first open prison was built at New Hall Camp near Wakefield. The theory behind the open prison was summed up in the words of one penal reformer, Sir Alex Paterson: "You cannot train a man for freedom under conditions of captivity".

The Criminal Justice Act 1948 abolished penal servitude, hard labour and flogging. It also presented a comprehensive system for the punishment and treatment of offenders. Prison was still at the centre of the system, but the institutions took many different forms including remand centres, detention centres and borstal institutions.

In 1965 the Murder (Abolition of Death Penalty) Act passed in Parliament.

In the 1990s, there was a political turn in favour of a more punitive approach to crime and justice. The 'prison works' movement was embraced by both Conservative and Labour governments and resulted in a steady rise in the numbers of people behind bars. At the same time, market reforms were introduced into the justice system. Prisons were introduced which were designed, financed, built and run by private companies.

The early twenty-first century saw prison numbers continue to climb. While prison numbers have levelled off in recent years, cuts to budgets and a failure to tackle prison overcrowding has led to record levels of violence and self-injury in prisons. At the same time, a failed part-privatisation of the probation service applied the brakes to the marketisation of criminal justice. With the politics of 'prison works' hitting the reality of chaotic and violent prisons, the need for meaningful reform has never been more apparent.

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5. The Growth of Crime in the 20th Century

The Crime Rate has increased over the last 100 years, particularly after the 1960's. Prior to that there were some increases in Crime Rate during WW11 associated with the Blitz. Criminals took advantage and looted bombed houses. A Black Market developed due to rationing. Crime Rate was expected to fall after 145, but it didn't. 1955 was a key turning point, there was a significant increase in crime after this date. The Murder Rate did decrease but only because medical advances kept victims alive.

20th Century Crime Rate Statistics.

1915 - 1930 5% per annum
1930 - 1948 7% per annum
Post WW11 10% per annum
Peak Rate 1992

Between 1995 - 2011 the Crime Rate has fallen each year.

Number of offences per 1000 people

1900 2.4 per 1000 people
2013 67 per 1000 people

The Rise in Reported Types of Crime.

Car Crime:

- Dangerous and Careless Driving
- Parking Violations
- Speeding
- Car Theft
- Road Rage
- Driving without Licence / Insurance / Road Tax / MOT Certificate
- Failing to stop after, or to report an accident
- Drink Driving
- Refusing to give a Breath Test

Terrorism: IRA Al - Qaeda

Drugs: Trafficking, Smuggling, Manufacturing, Drug Gangs distributing

Football Hooliganism

Technology Crime

- Hacking
- Identity Fraud
- Malware
- Cyber Bullying On Line

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6. Bibliography

Punishment and the Bloody Code, History Zone

A Brief History of Capital Punishment in Britain (History Extras)

The Bloody Code: The Worst Ways to be executed in Britain the 18th Century

National Justice Museum Nottingham (Their Web Site)

(Note The National Justice Museum will be re-opening on 25th of July. I look forward to a visit)