

Excerpt from *Brick by Brick: How We Build a World Without Prisons* by Cradle Community, published by Hajar Press, London, 2021.

Britain's massive prison population is sustained through the targeted criminalisation of people committing acts of survival, in one way or another, whether that be theft, handling stolen goods, drug-related offences, or sex work. According to the 2021 'Bromley Briefings Prison Factfile' by the Prison Reform Trust, more than two-thirds of people in prison were unemployed in the month before being taken into custody, and 15% were homeless. Many of the people in women's prisons convicted of murder are known even by the justice system to have been defending themselves against someone who had been abusing them, often for years, and almost a third of convictions of women are simply for not paying the TV licence fee.\* This is not to make the argument that the state should be putting the 'right' people in prison, but rather to highlight how those struggling to survive are systematically criminalised.

While the state labels some people as 'violent offenders' and others as 'non-violent offenders', we know that its judgement of who is violent is unreliable and racist. And while it's true that on rare occasions some people do commit extreme acts of violence, incarceration has not been shown to reduce that kind of violence within communities. Prison doesn't build the skills people need to be accountable for the harm they have caused. Nor does it provide a safe place to heal and unpick the cycle of violence they're caught in; indeed, many people who are abusive have experienced abuse themselves. By locking people up and subjecting them to cruelty and neglect, prison does not put anyone in a position to make better choices.

The state's label of 'violent offender' does not necessarily correlate with the harm a person has caused. Prime Minister Boris Johnson, under whose leadership more than 100,000 people have died from Covid-19 in the UK—the highest number of coronavirus deaths in Europe after Russia—is not considered violent or a risk to the public. The majority of people who died, of course, were elderly, disabled, and migrant and working-class precarious workers, while Boris Johnson is one of the most powerful people in the country. Meanwhile, some sentences mean a person who has been released from prison and then uses drugs once, misses their curfew by minutes, or has a mental health crisis must immediately be recalled to prison, apparently for the protection of the public.

There is no link between the rates of crime in England and Wales and the prison population. Yet crime reduction is given as a constant justification for hiring more police officers and building new prisons. Prisons aren't eliminating crime—they're disappearing vulnerable people. The very people who are forced to rely on the state for housing, benefits, and care are typically also those stuck in the cycle between prison, probation services, and mental health institutions. All the while, people with access to resources and power avoid interacting with those systems entirely. This stark disparity is exacerbated as the British government makes cuts to legal aid—or assistance toward the costs of legal counsel and representation—which is increasingly difficult to access at trial and already almost impossible for adjudications taking place inside prisons.

Prisons don't do what we are told they do. It's vital to understand the mechanisms the state uses in its targeted oppression to send specific groups to prison and keep them there. While the state claims prisons 'rehabilitate', people who serve less than a year in custody are more likely to end up back in prison than not. At the same time, the state is sending more people to prison than ever, with two and a half times as many people sentenced to over ten years in 2018 as in 2006.

\* Pfeil Magazine editor's note: The annual licence fee in the UK is £157.50 for a colour TV set and £53.00 for a black and white set (as of 2020). Breaches of the licence fee obligation are criminal offences that can have legal consequences. For reference; Jim Waterson, *How is the BBC funded and could the licence fee be abolished?*, The Guardian, December 16, 2019, <https://www.theguardian.com/media/2019/dec/16/qa-how-the-bbc-is-funded-by-tv-licences>, last accessed April 22, 2022.

## Life Inside

Inside prisons, people are subjected to brutal and dehumanising conditions. There have been 1,785 deaths in custody in England and Wales since 1990. Conditions in the prison system in England, Wales, and Scotland are among the deadliest in Europe—abuse, stigmatisation, medical neglect, and isolation result in the death of a person in prison at least once every four days, according to the Ministry of Justice. Some people in prison are denied showers for six days, and Muslim people inside have been denied ritual cleansing before prayer. During the Covid-19 pandemic, it was imprisoned people who were providing full-time, comprehensive care to other people inside with chronic conditions. This is a clear contradiction with what many incarcerated people are told when they're released from prison—that they are not to be trusted with any care responsibilities and not skilled enough for most jobs.

Racism in the legal system is one of the law's fundamental functions, not an exception. Our friend Kushal Sood, a solicitor and advocate, shares that there is a lack of structural critique within the legal system. 'I think the vast majority of my peers see racist and hateful decision-making as an aberration rather than an inevitability. Centuries of evidence aren't enough for them. The truth is that there are some people who have been prevented by this system from flourishing or even surviving.'

A friend incarcerated in a women's prison in England shared with us that Black women are separated from each other inside, limited to two or three per wing, to stop them from 'forming gangs'. The prison uses the same racist justification to deny her access to music, while white people inside are allowed to listen to the same music. Everything costs money in prison—at extortionate prices when we consider that the minimum wage for incarcerated people is £4 a week. Black women have fought to get additional products for haircare on the list of items available to them inside, but many still struggle to pay the high price for them. One friend reported that she was ridiculed by guards for being upset when she was denied access to basic haircare products.

Imprisoned people who participate in resistance to poor treatment are put in segregation in dire conditions and are cut off from researching and contacting lawyers. Lawyers, in turn, aren't able to reach out without being requested to by their client, keeping people isolated from legal recourse and unable to speak out publicly regarding their treatment inside.

Under the IPP sentence ('Imprisonment for Public Protection'), criminalised people have no maximum limit on how long they can spend in prison. After their minimum term, or tariff, is served, there are many barriers preventing release—for instance, someone may be required to complete several 'rehabilitative' courses that the prison doesn't offer or denies them access to. If they are released, they are given licence conditions that result in a recall to prison for an indefinite amount of time because of any minor infraction; this can even include a mental health crisis. Although this sentence was abolished in 2012 for being inhumane, the abolishment was not applied retroactively, and on 31 December 2020, 1,849 IPP prisoners were still in prison, 95% of whom had served their minimum tariff.

#### Targeted Criminalisation

The Crown Prosecution Service (CPS) has increasingly been targeting teenage boys, many of them people of colour, using an archaic common law doctrine known as 'joint enterprise', which means that someone can be prosecuted for a crime even if they are only distantly connected to the incident. Stop and search laws are used to target young men, boys and gender-non-conforming people of colour eight times more than white people across the same age groups. This has long been a part of everyday life for young people of colour, particularly in cities. Some of the young people we have worked with in South London recalled being stopped and having their pockets and bags searched up to three times in one day on their way home from school. Property laws and trespass laws are also used to disproportionately police and imprison Gypsy, Roma, and Traveller (GRT) communities, who make up only 0.1% of the general population but 6% of those incarcerated in women's prisons.

The government's anti-terrorism PREVENT strategy has injected high levels of surveillance and policing into Muslim and South Asian lives. Its association of terrorism with Islam has provided a pretext to turn doctors, teachers, and social workers into spies for the state. In 2020, Muslims made up 16% of the prison population in England and Wales, yet only 4% of the general population. While only 1% of Muslims in prison are inside for terrorism-related offences, Muslims account for half of the population of close supervision centres, the most torturous and highest-security prisons in the UK. Regardless of what they've been convicted for, Muslims are treated as if they pose a higher risk to the public and other people inside.

In response to the riots triggered by Mark Duggan's murder by police in 2011, the London Metropolitan Police, in collaboration with partnering organisations such as housing associations and job centres, created the Gangs Matrix, a racist database that lists primarily young Black men in order to target them for criminalisation. Black people are more likely to be stopped and searched, less likely to get a community sentence, more likely to be sent to prison, and more likely to get a longer sentence and worse probation conditions than white people in the same circumstances. Like many marginalised groups who already have a painful relationship with the police and the state by the time they come into contact with the courts, Black people are less likely to take a plea deal when offered, not believing the outcome will be better for them than if they plead not guilty. They are also more likely to be deemed a high enough 'risk' to need to be kept in custody. Once inside, marginalised people are kept there for longer by parole boards and probation services.

Police themselves are perpetrators of violence, but they are protected by each other and by the justice system from criminalisation. In 2021, Channel 4 News reported that in the last two years, one woman a week had come forward with accusations of domestic abuse by a partner in the police. The conviction rate of police officers accused of domestic abuse was only 3.9%—more than a third less than that of the general public. In March 2021, 33-year-old Sarah Everard was abducted, raped, and murdered by PC Wayne Couzens, who used his powers of arrest to handcuff and kidnap her as she was walking home in South London. Despite Couzens' conviction for these egregious acts of harm, the police continue to hold the very same coercive

powers. The response of the Metropolitan Police has been to step up its presence and put even more officers on the streets—a vain attempt to claw back the narrative that police have an interest in keeping people safe from gender-based violence.

There is a deep and dark legacy of undercover policing in the UK that shows how dedicated the state is to quashing dissent. The infiltration by a police officer of the Stephen Lawrence campaign—organised by family members seeking justice for the racist murder of a Black teenager in 1993 and the racism of the police in response—is just one example illustrating the commitment of criminal justice institutions to protecting themselves from accountability and maintaining public control. Since 1968, the police have infiltrated more than a thousand activist groups, with spycops starting relationships under false identities and going as far as to father children with their targets before abruptly returning to their real lives and families, leaving a trail of trauma and confusion in their wake. The Police Spies Out of Lives campaign uncovered the lengths to which police will go in order to undermine and disrupt relationships between people who get together to organise or support each other.

#### The Growth of the Prison Industrial Complex

The government is pursuing the development of bigger, rural prisons for the men's prison estate in the UK; meanwhile, the expansion of the women's estate has already led to more people being incarcerated. As well as finding ways to integrate carceral punishment into communities, the state claims that prisons for young people can be educational and has also proposed specialised prisons for migrants and other marginalised groups. Prison overcrowding is a huge issue and is causing a decline in already disgusting conditions inside, especially during the Covid-19 pandemic, throughout which people have been unable to socially distance or keep themselves clean. In its plans for expansion, however, the state isn't concerned about the impact of overcrowding on people in prison. In the time being taken to build all of these prisons, the government could have released a lot of people. Far more resources are used in expanding and securitising prisons than it would take to facilitate people's wellbeing and safety without criminalising and dehumanising them.

The UK's prison population is the third-largest in Europe, after Russia and Turkey, with over 90,000 people held in British prisons in early 2021, and more if we account for those in immigration and mental health detention institutions. In 2014, the government announced plans to build the first in a new line of prisons in North Wales, now the monstrosity of HMP Berwyn. The next year, Justice Secretary Michael Gove revealed plans for the construction of nine 'mega-prisons' to hold 10,000 prisoners in a massive expansion of the prison system across England, Wales, and Scotland. Soon after, it was announced that HMP Holloway would be closed, and that the people imprisoned there would be moved to prisons outside of London, likely to be further from their communities and held in already overcrowded conditions. At the time of writing, this Prison Estate Transformation Programme has been superseded by the 2020 New Prisons Programme; at least 18,000 prison places are scheduled for creation across the country, and prisons have almost completely been rebuilt on old sites in Wellingborough and Glen Parva in the Midlands, meaning Gove's plan has been expanded under a new name.

There are currently plans for new types of prisons for people the state considers women; in 2021, 500 more places were scheduled for creation across the existing women's prison estate in England and new, smaller 'community units' in Scotland and Wales. The government is also creating a new model for imprisoning children between the ages of 12 and 17 under the despicable name of 'secure schools'. In the planned expansion of Heathrow Airport, we have seen the proposal of a 'mega detention centre' to replace existing immigration detention centres—prisons specifically for people considered 'foreign nationals'.

These announcements are often used to appease public concern over horrifyingly unhygienic and overcrowded conditions and are promoted by prison officers to people inside under the guise of improvement. However, the Ministry of Justice and the Home Office are clear in their agenda: to put more police on the street and more people in prison. The government is legislating to increase criminalisation and is investing in more technology for surveillance and control within communities, such as ankle tags and facial recognition cameras. We have seen through relentless media coverage of knife crime and street violence how a thorough narrative is being coordinated to justify the more widespread usage of these technologies, paid for by the public.

One company that manufactures such technologies, like ankle tags, is G4S. In 2019, the company won a five-year multi-million-pound contract from the Scottish government to increase capacity for community policing and enforce curfews for criminalised people. G4S runs four prisons in the UK and was awarded a £300 million contract in October 2020 to run one of the new mega-prisons in Wellingborough, despite the fact that its contract to run HMP Birmingham was ended seven years early by the government as a result of the prison's horrific conditions. As reported by the European Coordination of Committees and Associations for Palestine, G4S also provides services to Israeli police forces, and thus it is one of the biggest beneficiaries and drivers of colonial policing today. Other private companies that run prisons, build prisons, or provide services to prisons and detention centres include Sodexo, Serco, and Kier Group; many of these same companies are also contracted by other public institutions, such as hospitals, public transport services and universities.

In 2021, the Home Office proposed the Police, Crime, Sentencing and Courts Bill, a piece of legislation outlining an almost all-encompassing approach to policing that targets every community already marginalised by the law—sex workers, GRT communities, Black and brown people, people in prison, and young people who have been excluded and criminalised. The bill anticipates a growing capacity for imprisonment through the construction of mega-prisons via the New Prisons Programme. It proposes longer sentences and that more power be given to parole boards to make decisions preventing the release of people who are deemed too high a risk to ‘public protection’. For Black people and people of colour in an already racist criminal justice system, this bill will no doubt create more barriers to regaining freedom. Black women are 25% more likely to receive a custodial sentence than white women for the same offence—we can see who will be filling up the new prison places if we allow this bill to be introduced and the New Prisons Programme to be completed.

What about Prison Reform?

As history has proven, prison reform enables the growth of the carceral state. After decades of reform, the prison system continues to disproportionately target poor Black and brown communities, people with disabilities and learning difficulties, and queer and trans people. Reform responds with a focus on correcting the supposed biases of individual officers instead of recognising a structure explicitly designed to control and disempower marginalised groups. Reform means an increase in police use of body-worn cameras, which are more frequently used against people being arrested than for police accountability. Reform encourages investment in new policing technologies—and new contracts with private security companies to develop such tools. Reform means more of us put on tag, more cameras watching us everywhere we go, more laws to be used against us. More inquiries that drag on for years and lead nowhere. More people killed by bureaucracy. Our society is no safer because of bigger or better prisons, or more police, or more criminal laws; in reality, the bigger the carceral state becomes, the more violence in our societies.

Reforms have led to the New Prisons Programme and talk of ‘green prisons’. To forced labour inside for a tenner a week while formerly incarcerated people still end up homeless and unemployable upon release. Reforms have led to mother-and-baby units that allow for babies to be born into prison instead of to free parents, and to art students at Central Saint Martins gaining degrees by designing ergonomic furniture for cramped prison spaces.

Reforms in the prison system always have a flipside that enables punishment and coercion. When new facilities are made available, prisons can refuse you access to those facilities. You want access to education, even university degrees, in prison? Only if you jump through certain hoops. Anything good that comes out of reform can be taken away or used to coerce someone into submission.

A friend of ours imprisoned in the North in a women’s prison—a nice, reformed prison—was given a pet budgie as a perk and a test of responsibility. But when the budgie was ill, there was no way to access veterinary care. Forcing someone to sit in a cell and watch their pet suffer is a special kind of torture, only enabled by persistent campaigns to improve conditions inside prisons in superficial ways, which could never make a material difference within an institution whose very purpose is dehumanisation.