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The lived experience of 'carrots' and 'risks': Voices from Within the Criminal Justice System

The current Justice Minister David Gauke has recently announced plans to increase the use of workplace Release on Temporary Licence or ROTL. In this article we draw on data from an on-going Photographic electronic Narrative (PeN) project, initially funded through an ISRF mid-career fellowship, collected from ROTL men on enhanced work placements at LandWorks, an offender resettlement charity based in South Devon. The voices of those on the margins of the criminal justice system, in the spaces between prison and release, are rarely captured. Reflecting on their narratives, we argue that whilst Gauke's employment and education strategy is laudable, the risks may be considered too high for some, unless provision can be made to fully support and protect individual prisoners when they are on workplace ROTL.

Despite the fanfare around workplace ROTL, as a new fix to combat recidivism in England and Wales, ROTL is not new. For example, at LandWorks, an independent, part community funded, charitable incorporated organisation (CIO), staff and volunteers have been working with ROTL men as part of a bespoke, individualised work placement offer since July 2013. Over five years, LandWorks has worked with 30 ROTL men, securing work, accommodation, improving family relations, supporting mental health and addiction, building self-esteem and confidence prior to prisoners' release and with on-going through-the-gate support. Statistically, one in two people leaving prison will return within a year. On the other hand, LandWorks' reoffending rate is less than 4% and for those who have been through the scheme on ROTL, the employment rate is 98%.

ROTL, as Gauke has highlighted is a privilege, it is organised social control, part of a hierarchy of incentives within a prison system that rewards exceptionally good behaviour with access to resources that aid resettlement. In theory it was always intended to form part of a phased and planned resettlement package that plays a pivotal part in the process of reintegration into the community after punishment. However, workplace ROTL, which has declined in use by 40% for category-D prisons (and is virtually non-existent for category-C resettlement prisons), since the former Justice Secretary Chris Grayling introduced new eligibility criteria in 2013, is only one element of the prison reward system. At the top of the hierarchy are Resettlement Overnight Release (ROR) licences, which are issued to enable prisoners to spend a night with their families at their release address. Other release licences include Special Purpose Leave (SPL), a short duration leave granted in exceptional circumstances (visiting dying relatives, weddings, funerals, medical appointment, court appearances etc.,) and Childcare Resettlement Licences (CRL) granted for certain prisoners who are the sole carer of a child under 16 years, to enable them to maintain contact and prepare them for parental duties on release. What is significant is that these are all interlinked, so a breach of a workplace ROTL, could have implications in terms of ROR, as well as a knock-on effect on other prison privileges and enhancements.

The number of ROTL men granted a licence to work outside of the prison at LandWorks has varied across the five years it has been operating, from a maximum of six to zero, when licences have been revoked due to perceived and/or real security risks. Men eligible for ROTL come from an enhanced resettlement wing at the prison, which houses up to thirty-

four men out of an operational capacity of 724. The men on this wing have earned this privilege through exceptionally good behaviour. Moreover, ROTL is not a right, but if granted men can apply for a LandWorks placement up to 12 months before the end of their prison tariffs. However, restrictions on those eligible for ROTL has led to a drop of 40% in ROTLs (2013-16). It has also been reported that in nearly three-quarters of resettlement prisons between 2013-15, the use of ROTL was either non-existent or negligible. During 2015–16, there were a total of 1,467 people (out of a prison population of around 85,000), on average only 335 per month, working out of the prison on licence (mostly from category D prisons).

Moreover, temporary release licences are only granted following strict administrative procedures, they all have exclusions and exceptions, as well as conditions. Once granted any breach results in a loss of privileges, and possibly a return to closed conditions, or the main wing. Indeed, when applying for a workplace ROTL, whilst there are obvious benefits to working/leaving the prison every day, there are also risks that have to be considered. This was a key theme that emerged from a focus group with current and former ROTL prisoners at LandWorks. The overriding fear for many is that their ROTL could be revoked for reasons beyond their control, such as the behaviour of other people on ROTL or changes in prison policy. For example, Benny described his ROTL as a daily “gamble” and Quentin says, “I can’t win. I want to continue coming out to LandWorks but tomorrow I could lose it all.” Surprisingly, Benny also says, “there’s not a queue of people waiting to come. There really isn’t.” Prisoners report being fearful of losing their enhanced contact with family through ROR, or the steady jobs they have managed to secure within the prison estate as a result of something going wrong with a workplace ROTL, as Lee says, “originally, I didn’t want to come out [to LandWorks] because people were saying “snitches go over there” and I was in one of the best jobs in the prison”.

Other risks associated with workplace ROTL relates to changing relations within the prison. Quentin says: “But what happens, once you get your ROTLs, some prisoners attitudes change towards you. You then become hated by fellow prisoners, envy creeps in...” Others report the pressures from fellow inmates to smuggle contraband in and/or out of the prison, as well as threats of violence and intimidation. Relationships with prison staff can also be affected, as Quentin continues:

“[staff] attitudes changes towards you because they know you’re no threat. You can feel the change. It’s palpable... but if I was seen talking to a prison officer, it’s either I’m grassing someone up or you just don’t do it... If I come out [on ROTL], I’m going to be a social pariah, I must be stitching someone up, I must be sweet-grassing someone up or I must be up to something. I’ve just realised it is like being back at school...you’ve got your playground bullies.”

For some, even the privilege of going home to spend more time with family during their sentence has risks. Benny says:

“There’s a lot of stress when you go out on town visits because there’s a massive build-up to it in anticipation and it can be an anti-climax. You get your few hours and within a blink, it’s gone. There is a lot of stress for everyone who’s involved.”

Not least for the prisoner himself, again as Quentin says:

“Because you become disconnected, massively disconnected to the point where you tell yourself “I don’t want to go home, I can’t be arsed anymore, I don’t care if she comes and visits” and you tell yourself this, so, when the town visit comes, in the morning I’m thinking “I just want to go back to prison.”

Others report the shock of finding that their families are coping well without them, which feeds into a fear of how the family will readjust to their homecoming, as Benny says:

“What I have learnt is life outside of prison goes twice as fast as life inside prison. People outside of prison do move on quicker than you have. You’re still stuck in the day you went to prison. So, if you go home and something’s changed, the furniture, jobs, attitude, people change and things change. You haven’t. ROTLs in that respect are a good thing because you can change a little bit with ROTLs. It gives you more time to adjust to it... Time goes quick when you work out here. The clock in prison doesn’t move...”

In a comment piece in *Inside Time, the National Newspaper for Prisoners and Detainees* (April 2018), it was noted that “making the first trip home on ROTL becomes the Holy Grail; the sole focus of your being.” It acknowledges the importance of ROTL, whilst highlighting some of the potential downsides to home visits, which are often masked by “a certain amount of bravado, an unwillingness to show weakness to your fellow prisoners.” The author of the piece calls for a well-trained, fully supported peer team to work in resettlement prisons, preparing prisoners for potential downsides to ROTL.

Overall, in response to the lived experience of ROTL and in light of Gauke’s push to increase workplace ROTL, there needs to be more organised ROTL support. The perceived risks, especially those of workplace ROTL are often considered beyond the control of the individual and serve as a reminder of the lack of agency that prisoners deal with on a daily basis, they also raise questions about the extent to which ROTL is a ‘carrot’ and not another form of social control. We agree therefore, following the *Inside Time* commentary, that in order to alleviate anxieties around ROTL, there should be a comprehensive peer support network for prisoners on ROTL, one that provides an outlet for prisoners dealing with all aspects of ROTL, not least when considering the incitement of jealousy and resentment that can occur amongst fellow inmates. Also, that the specialist ROTL prison officers Gauke recommends, should work with probation to ensure that workplace ROTL placements are properly supervised. Indeed, whilst Gauke’s employment and education strategy is laudable, there maybe some resistance to employment ROTL uptake, unless there is a concerted effort to reduce the perceived risks for individual prisoners. The ROTL carrot needs to outweigh the stick by some considerable way.

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<https://penprojectlandworks.org/>

Smith, M (2018) The Downside of ROTL, first taste of freedom is not always sweet, *Inside Time*, April 2018:28.