JUSTICE 1 COMMITTEE

Wednesday 5 June 2002
(*Afternoon*)

Session 1

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JUSTICE 1 COMMITTEE
23rd Meeting 2002, Session 1

CONVENER

*Christine Grahame (South of Scotland) (SNP)

DEPUTY CONVENER

*Maureen Macmillan (Highlands and Islands) (Lab)

COMMITTEE MEMBERS

*Ms Wendy Alexander (Paisley North) (Lab)
Lord James Douglas-Hamilton (Lothians) (Con)
Donald Gorrie (Central Scotland) (LD)
*Paul Martin (Glasgow Springburn) (Lab)
*Michael Matheson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Bill Aitken (Glasgow) (Con)
*Mrs Margaret Smith (Edinburgh West) (LD)
Kay Ullrich (West of Scotland) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Stewart Stevenson (Banff and Buchan) (SNP)

WITNESS

♦Professor Bill Marshall (Queen's University, Ontario, Canada)

♦by video link

ACTING CLERK TO THE COMMITTEE

Alison Taylor

SENIOR ASSISTANT CLERK

Claire Menzies

ASSISTANT CLERK

Jenny Goldsmith

LOCATION

Video Conference Room (public gallery in Committee Room 4)

Scottish Parliament

Justice 1 Committee

Wednesday 5 June 2002

(*Afternoon*)

[THE CONVENER *opened the meeting in private at 13:34.*]

13:55

Meeting continued in public.

Prison Estates Review

The Convener (Christine Grahame): Good afternoon. I welcome everyone to the 23rd meeting of the Justice 1 Committee and remind members to turn off mobile phones and pagers. We have received apologies from Donald Gorrie and Lord James Douglas-Hamilton. I welcome Margaret Smith to the meeting as a substitute member.

For Professor Marshall's ease, committee members should perhaps introduce themselves. I am Christine Grahame, the convener of the committee.

Mrs Margaret Smith (Edinburgh West) (LD): I am Margaret Smith, a Liberal Democrat MSP.

Michael Matheson (Central Scotland) (SNP): I am Michael Matheson, an SNP member of the Justice 1 Committee.

Maureen Macmillan (Highlands and Islands) (Lab): I am Maureen Macmillan, a Labour MSP and deputy convener of the committee.

Paul Martin (Glasgow Springburn) (Lab): I am Paul Martin, a Labour MSP.

Stewart Stevenson (Banff and Buchan) (SNP): Good afternoon. I am Stewart Stevenson, the constituency member for Peterhead prison. I am visiting the committee today.

Professor Bill Marshall (Queen's University, Ontario, Canada): Good afternoon. Actually, it is the morning over here.

The Convener: I should have pointed out that Stewart Stevenson is not a committee member, but has a very strong constituency interest in this matter.

Before we take evidence, I ask committee members whether they want to take oral evidence from Peter McKinlay, who is a former head of the Scottish Prison Service and is currently advising Aberdeenshire Council on the proposal to close Peterhead prison. I should add that I am trying to secure a witness from the accountancy firm Grant Thornton, which is also issuing a report today. It would be quite useful to question the firm on its report, which is now in the public domain.

Are members agreed?

Members *indicated agreement*.

The Convener: I will kick off questions to Professor Marshall. Will you give the committee some information about your background and areas of expertise and outline your current role?

Professor Marshall: I am a professor emeritus—that is, a retired professor—of psychology and psychiatry at Queen's University, Ontario. I have been treating and carrying out research with sex offenders since 1969. I have established programmes in five different federal prisons in Canada; have assisted in establishing programmes in six other countries; and have been involved in consultation with some 15 or so additional countries. Indeed, I have done a lot of work in the United States. Furthermore, I have had a consulting relationship with Peterhead prison and the SPS since 1991, when the programme at Peterhead was introduced. I assisted Alec Spencer and subsequently Bill Rattray in establishing that particular programme. I have 250 publications and goodness what all else. Is that enough?

The Convener: Thank you. That is substantial.

Have you received a fax of a committee paper with "J1/02/11/17" printed at the top of it?

Professor Marshall: No, but then I have not been in my office this morning. It is still early.

The Convener: That paper is headed

"Proposal for the Provision of Treatment Services to Sexual Offenders in the Scottish Prison Service"

and was produced by you in August-September 2001. The paper is divided into various sections, with a conclusion that states:

"Provision of an adequate assessment protocol, a comprehensive range of programmes for long-term sexual offenders, rolling programmes for short-term offenders and for adolescent offenders, an adequate system of information transmission, and a seamless system of managing the transition back to the community of sexual offenders, are all essential to the goal of reducing the risk these men present to innocent people.

"I hope the present proposal provides sufficient details of the ways in which these requirements can best be met by SPS."

I read that out hoping that what I am looking at is the authorised version of the report to the SPS, but I understand that there is another version. Can you tell me whether it is the authorised version and, if so, what is missing?

14:00

Professor Marshall: At the request of Alec Spencer, who is now the director of the sex offenders programme, I sent him a report on the closing of Peterhead and where the SPS ought to go. I believe that that is the report to which you referred. The bit that I was asked to take out of that report concerned the effects of the proposed move on the town of Peterhead, the general wisdom of locating everything in the central belt rather than spreading it round the country, and the implications that that has not just for Peterhead, but for other small towns. I was asked to take that section out and it was suggested that it was not my business to advise the Scottish Government on what it should do in a broader sociopolitical sense. Rather, I should stick to focusing on the provision of treatment for sex offenders regardless of where that takes place. I therefore deleted that section. Is it deleted from the final version that you have?

The Convener: I think so. Could you expand on the second part of what you said, in regard to "the general wisdom of locating everything in the central belt". What do you mean by that?

Professor Marshall: Scotland seems to be like Newfoundland in our country, in that it has a large number of small towns in remote areas. My impression of what happened in Newfoundland 20 or 30 years ago is that everything was centralised in St John's, to the great cost of small towns. I was afraid that the same would happen in Scotland if facilities were pulled out of places such as Peterhead. The economy of such small towns is fairly reliant on the presence of Government or industry. If they move, it is devastating. Peterhead's economy rests on the prison and the fishing industry. Taking away the prison, which provides an enormous amount of money in that small community, would have disastrous results.

That struck me as inordinately unfair to the people of Peterhead, because they have been supportive of the prison. My best understanding—and I have visited several prisons in Scotland—is that it is about the only place where the community is supportive. Interestingly enough, it is a prison that houses sex offenders. The situation in which the community of Peterhead supports the prison and its staff is a unique set of circumstances that is unlikely to be replicated elsewhere. That has implications not just for the survival of Peterhead, but for the effective operation of the prison.

The Convener: Who asked you to amend the report? Who from the SPS asked you to take out that section?

Professor Marshall: Mr Alec Spencer.

Maureen Macmillan: I wish to ask questions about the STOP programme and the prison estates review. In your report of 2000, you stated that you visited only two dedicated sex offender prisons—Kia Marama in New Zealand and Peterhead. You continued:

> "It is only in such prisons that the appropriate prison climate can be created to fully support and facilitate effective sexual offender treatment."

Could you expand on why you believe that? What evaluation have you done on the effect of those prisons compared with other prisons that house sex offenders?

Professor Marshall: I work in mixed prisons in Canada. The difficulty there is that, when the sex offenders finish their treatment sessions and go back either to their work situation or to the prison range that they are on, they cannot freely discuss issues to do with their offending either with other inmates or with prison officers. They are afraid that doing so will make it clear to the non-sex offender inmates that they are sex offenders, and that almost invariably elicits either verbal or physical hostility from the non-sex offender inmates.

In prisons, people seek hierarchical structures and look to find someone who is lower on the totem pole than they are. It is easy for non-sex offenders to view sex offenders in that way. That makes it difficult for sex offenders to work on their problems between treatment sessions. Treatment sessions are meant not only to provide them with information and discussion, but to prompt them to practice between sessions what we are trying to teach them. It is difficult for them to do that in integrated prisons.

I helped to establish the Kia Marama special treatment unit in New Zealand in 1989. I was there for three months, getting the unit going and helping to select the staff. When I returned there five years later, all the original staff were still there. They said that they had been offered promotions to move elsewhere but that they had turned them down because they felt that they were doing a very effective job in working with the sex offenders and helping them to deal with their issues between treatment sessions. It is remarkably difficult, if not impossible, to establish that kind of supportive environment—in which prisoners can continue their treatment for 24 hours a day—in a mixed prison. I have never seen that done effectively in a mixed prison. Peterhead and Kia Marama, in New Zealand, seem to provide the ideal environment.

My impression was that the unit was still running remarkably well. I talked to the prisoners at Peterhead and the Kia Marama unit, who said that the environment allowed them to continue to work on their problems throughout the day. That is not the case in other prisons. Whether those prisons will produce lower recidivism rates is an open question. We will have to wait several years for an answer to that question. Even then, it will be hard

to compare two sets of prisons with different populations. However, in terms of prison management and operation, the goals of treatment are achieved much more easily in a prison that is devoted solely to sex offenders.

Maureen Macmillan: Let us talk more about the STOP programme. You say that the STOP programme at Peterhead prison is world class, compared to the programmes that you evaluated in 14 other countries. Why does the prison rank so highly in your opinion? Is it because of the STOP programme or because of the atmosphere that you have just described?

Professor Marshall: It is both. Over the years, the programme that we started in 1991 with training provided by Hilary Eldridge, myself and others evolved into a very good programme. The staff were selected carefully and trained and have accumulated a fair amount of experience. When they switched to the present programme, which contains a few minor variations from the programme that they had developed themselves, and adapted it to the local circumstances and prison population, they produced an excellent programme. To some extent, I contributed to the design of that programme, as it was adapted from the programme in the Prison Service for England to which I have been a consultant for the past 10 years.

Both the English prison programme and the one at Peterhead are modelled on the best programmes in the world. The programme at Peterhead is one of the best in the world in terms of its content and implementation. The staff at Peterhead are excellent. They have developed a programme for fellows who deny that they committed their offences, which I think is better than the programme that I developed although it incorporates some elements of my programme.

In addition, there is a component dealing with intimacy in adult romantic sexual relationships. Again, I thought that that was better than the component that I had developed, so we have incorporated some of those elements. The group is remarkably innovative. I do not modify my programme too much in regard to what others suggest because we do research ourselves. It is a unique circumstance for us to change what we are doing in the face of their work.

The content of the programme is ideal and the staff who deliver the programme are excellent. The prison environment is top-notch. All those elements are going to be remarkably difficult to replicate anywhere else.

Maureen Macmillan: As you have said, Peterhead has become an internationally recognised centre of excellence for the management of sex offenders. What effect will the prison estates review have on the delivery of the programme? You imply that it is not just the programme that is important, but the quality of the people who deliver the programme. The estates review might mean that there would no longer be a dedicated prison for sex offenders or that there might be a dedicated prison in the central belt somewhere. What effect do you think that that would have?

Professor Marshall: In the first place, it would be a serious error not to continue to offer a prison devoted solely to sexual offenders. If the Executive insists on moving the unit, it would have to move it to a prison that only contains sex offenders. I cannot understand why the unit would be moved to an integrated prison when the rest of the world seems to be moving in the opposite direction. The experience at Peterhead and in New Zealand strongly suggests that that is the best way to go.

If the prison is moved to the central belt or anywhere else, even if it is a prison devoted to sex offenders, staff will still have to be recruited. From talking to the staff at Peterhead, my impression is that the majority of staff will not move. Their homes and families are there and they are not going to pack up and move to another location. That means that new staff will have to be taken on and trained up to the standards that have been achieved at Peterhead, if that is possible.

That will be difficult enough. However, most important of all, the environment that has been created at Peterhead will have to be replicated. It was difficult to establish that. Alec Spencer did an amazing job in getting that type of environment operating, and Bill Rattray not only maintained it but improved it even further. It would take at least two to three years—probably three—to get the staff up to anything like to the standard they set at Peterhead and to get the prison environment anywhere near to what exists at Peterhead. I do not think that either of those goals is likely to be achieved. It will take three years to do that and, in the meantime, the treatment of sex offenders will suffer deeply. The consequence of that would be to put the public at greater risk, at least for those two or three years when sex offenders would be released without having been treated effectively.

Maureen Macmillan: The estates review has stated that to close Peterhead would take a minimum of three years and that that would be sufficient time to build up expertise and training. Do you agree that three years would be long enough?

Professor Marshall: Yes, if the same standards can be achieved. My view is that if you have got something that is working real well, you should not mess with it. You do not have to fix something that is not broken.

Maureen Macmillan: Thank you, professor.

The Convener: Michael Matheson will ask questions on the monoculture and the effectiveness of the STOP programme.

Michael Matheson: I refer back to some of your comments relating to the idea of a monocultural prison for dealing with sex offenders. You seem to be keenly advocating that a monoculture is probably the best environment for dealing with sex offenders' behaviour.

I do not know whether you have been able to follow some of the evidence that the committee has received. Dr McManus, the chairman of the Parole Board for Scotland, was sceptical about the whole argument for a monocultural prison. Just over a week ago, he told the committee:

"There are many points against a monoculture, which should be rehearsed. One point in particular is that, if one puts a person into a monocultural sex offender prison, one will never get them into any other kind of prison."—[*Official Report*, *Justice 1 Committee*, 21 May 2002; c 3655.]

In your view, is there a strong case against monocultural prisons that we should consider?

Professor Marshall: Not that I can think of. I guess his point is that, once the offenders have been in a monocultural prison, transferring for long-term residential purposes or pre-release purposes is difficult. However, that does not happen in New Zealand. The two monocultural prisons in New Zealand—one in the north and one in the south—transfer the men at the end of treatment to an institution close to their home and have never had any problems with those transfers. I suppose that that is partly because the prisoners know that they are not going to be in the new prison for long as they are on their way out of the system.

14:15

Michael Matheson: I want to deal with the STOP programme. Dr McManus, the chairman of the Parole Board, suggested in his written submission to the committee that

"the jury must still be out on the success of the programme in Scotland."

He went as far as to say that there is little or no evidence that the programme makes any difference to reoffending rates. Would you concur with that view?

Professor Marshall: There is no evidence on that simply because no one has conducted a relevant study. There is a difference between there being no evidence because no one has done the evaluation work and there being no evidence that the programme makes any difference to reoffending rates. Remarks such as you quote imply that the evidence suggests that the programmes are not effective, but that is not true. When one runs a treatment programme, one has to wait a long time and have a sufficient number of people back out in the community before the programme can be evaluated. It would be possible to evaluate the STOP programme at this point, but no one has done so yet.

Similar programmes elsewhere in the world have been evaluated. The group of which I was recently president, the Association for the Treatment of Sexual Abusers, carried out a worldwide evaluation of treatment programmes. We considered 42 programmes that met the satisfactory criteria for a methodologically sound study and found that the difference between the recidivism rates of untreated offenders and those of treated offenders was dramatic and statistically significant. The programmes that produced the greatest effects were exactly the sort of programme that is being run at Peterhead—the relapse-prevention programmes that take a cognitive-behavioural approach. As a matter of fact, the programmes that did not take a cognitive-behavioural approach had no effect at all. In advance of any direct evaluation of the Peterhead programme, it is clear that the sort of programme that is being run there is consistently effective in various places around the world, including Australia, New Zealand, Europe, Britain and North America.

Michael Matheson: Were the successful programmes mainly provided in monocultural establishments?

Professor Marshall: Only the two New Zealand programmes that we considered were in a monocultural prison. The base rate of recidivism among untreated child molesters was 23 per cent over a five-year period. However, the recidivism rates from the New Zealand relapse-prevention programmes that took a cognitive-behavioural approach was 3 per cent. That is the lowest rate that we found in those studies. Of course, that might not be entirely the result of the monoculture in the prison; there might be some sort of bias in the selection process for those programmes or New Zealanders might simply respond well to such treatment. However, it is clear that the only monoculture that was included in the analysis produced the most effective results. One cannot infer from that that monocultures are much more dramatically effective, but one certainly cannot infer that they are causing any difficulties in recidivism rates, as the New Zealand result was the lowest recidivism rate that we found.

Michael Matheson: How long would it take to carry out an effective evaluation of the programme at Peterhead?

Professor Marshall: That depends on how good and accessible the national database on

reoffending is. If the data are readily accessible, such an evaluation should not take more than three or four months, if we assume that there are enough staff to carry it out. The task is not particularly difficult if the data are available.

The Convener: Aberdeenshire Council commissioned a report from Peter McKinlay on the operational case for the retention of Peterhead prison. Other members do not have a copy of the report, as it was published only today, but as this is the only opportunity that we have to speak to you, I will quote from it. The report concludes:

"It would be a serious mistake to close Peterhead. Mainstream jails in Scotland would become more difficult to manage; there would be more victims of sex crime through re-offending; and the Executive's ambition to create a 'Safer Scotland' would be seriously undermined."

Would you comment on that?

Professor Marshall: There might be some hyperbole in that statement but, in essence, I agree with it.

Maureen Macmillan: A considerable amount of hyperbole.

Professor Marshall: Okay. Mixed prisons create management problems—there is no question about that. In addition, the families of sex offenders have told us—Bill Rattray did a survey—that when they visit their family member in a mixed prison, they get a lot of hostility from the other visitors and inmates, whereas they have no experience of that at monocultural prisons such as Peterhead. There are management problems in the prison, because non-sex offenders are always seeking to harass the sex offenders, sometimes violently. There are also problems with getting visitors in and out satisfactorily. The report is right about that.

The Convener: I am pleased that you commented on the difficulty of managing a mixed prison. However, I was interested in your point on recidivism. The report says that

"there would be more victims of sex crime through re-offending".

Can you comment on that statement?

Professor Marshall: The programme will be somewhat compromised, at least for the first three years, until staff are trained and an appropriate environment is established in the prison. As far as I know from my experience of programmes from round the world, in a mixed prison, staff will never be able to create the right environment to allow the sex offenders in effect to continue treatment between treatment sessions. That difficulty will need to be addressed. In so far as the treatment is compromised by the changes, it would be expected that recidivism rates would increase among treated offenders.

The Convener: I welcome Wendy Alexander to the committee.

Maureen Macmillan: On monocultural prisons, I appreciate that it is important to have a monoculture when prisoners are in the process of accessing the cognitive-behaviour programmes, but how important is it to have a monoculture when those programmes have been completed and the prisoners are in prison but doing nothing specific to address their offending behaviour further? In other words, is a monoculture important only while prisoners are following the programme?

Professor Marshall: Yes. However, at Peterhead, staff are also developing—perhaps it is already in place—a maintenance programme. Some of the prisoners are serving long sentences and others are serving shorter sentences. After treatment, prisoners who are serving short sentences can be moved to an institution in preparation for transfer back to the community. However, prisoners who are on long sentences present something of a problem. Once we have treated them, we do not want them to return to an environment that is hostile to them and that may erode the gains that they have made. We want them to stay in an institution where they can take part in programmes that will enable them to sustain those gains.

It is essential to establish a monocultural prison where long-term prisoners can stay after they have completed their treatment, rather than moving on in preparation for immediate release. The establishment in the central belt of a smaller monoculture for sex offenders who have been treated effectively and are ready to move into the community would probably be a wise move.

Stewart Stevenson: Many people who have given evidence to the committee have indicated that in Peterhead we have a world-class facility. Your evidence today reinforces that point. What would happen if Peterhead were closed and an attempt were made to replicate the facility in another location in Scotland—following the same model, with uniformed staff acting as the core deliverers of programmes? Do you think—as I do—that the closure of the world-class facility at Peterhead would reduce the incentive to staff working in a new facility, who would not feel that there were rewards for being first and meeting the standards that were set by Peterhead?

Is there something special about Peterhead that makes it possible for uniformed staff to deliver programmes there? In many other leading institutions, programmes are delivered by professionally trained staff. Is there something different about Peterhead that we must capture, sustain and protect?

Professor Marshall: I will deal with the last question first. There is something unique about Peterhead prison, which results from the coming together of several factors. One factor is the prison's staff, who have achieved excellent standards. There is no guarantee that those standards will be replicated elsewhere. Another crucial factor is the environment within the prison—the fact that it is a monoculture. The local community has also been very supportive. Staff can wear their uniforms in the community of Peterhead and be treated with respect. Prison officers at other institutions in Scotland have told me that they will not wear their uniforms in their communities because that leads to their being addressed less than respectfully. Having had the good fortune to create a unique situation at Peterhead, the SPS would be unwise to risk changing that. What was the first question?

The Convener: I ask the member to keep his questions brief in future.

Stewart Stevenson: Peterhead prison is a world-class institution that is a first in Scotland. If we closed it, would that send out the message that the Scottish Prison Service does not want to reward success? Would our second attempt at providing such a facility be as successful as our first?

Professor Marshall: I had not thought about that issue, but staff at the new prison might think that there was a danger of that prison, too, being closed or of their excellent work not being acknowledged. The recommendation that Peterhead prison be closed is certainly having that effect on staff there. A month or so ago, at the National Organisation for the Treatment of Abusers Scotland conference in Stirling, I met several members of staff from Peterhead, who were decidedly depressed. They were not the animated fellows, full of excitement about the programme, whom I had known for the past 10 years. They were as flat as they could be. I told them that I had noticed that they did not have their usual energy and pep and asked them what was up. They said that they were depressed. They felt that, although they had done an excellent job for the past several years, they were now going to be out of a job, because they were not going to move to another location. I think that they were incredibly disappointed.

Paul Martin: You referred to other programmes for sex offenders. We understand that the STOP programme is geared towards the treatment of serious sex offenders who are imprisoned for four years or more. Do you have views on what treatment should be made available in the Scottish Prison Service for short-term sex offenders?

14:30

Professor Marshall: Yes. We hope that the Prison Service develops programmes for its population. In Canada, we have been running what we call rolling programmes, in which, for example, one does not take 10 offenders into a group, run them for a fixed time and then exit them all. We take in people when a space arrives. We allow the offenders to work through the programme at their own speed. That seems to be the best way of dealing with short termers. Of course, short termers who are serving less than two years are a variable group in terms of sentencing—some of them have only a brief time in prison. Therefore, we designed a programme with Ruth Mann for the Prison Service for England that captured the quality of those fellows who were in for a short time—those who were in for close to two years, for example. That programme operates well in Canada and operates remarkably well in England.

Again, I think that the solution to the problem of short termers is a monocultural, short-termers prison in which one can effectively get those people to participate. Because they have a shorter time, they have to undergo treatment most of the day; if they do not, they will not gain the full benefits before they are released.

Paul Martin: Do you have publications on that subject that you could share with the committee?

Professor Marshall: We have manual-like descriptions of the rolling programme, but that is all that has been published on that subject so far.

Paul Martin: Alec Spencer of the SPS confirmed that there is to be a review of the future management of sex offenders. Have you been involved in that review?

Professor Marshall: No. However, I feel quite strongly that, from the top, sex offenders should be treated so that the public are properly protected. I flat out believe that the evidence tells us that, by treating those fellows, we can achieve the goal of reducing the damage to the public. However, I also feel strongly about Peterhead prison. That is partly, I suppose, because I have given a lot of time and energy to help to develop the Peterhead programme, but it is mostly because I think that the programme is outstandingly good. The staff, the quality of the programme and the community support are excellent.

I feel strongly that Peterhead runs an excellent programme; the last thing that I would want to do is to tamper with it. If I were the SPS, I would be thinking more about what to do with the short termers—how best to manage them, the best place to do that and so on—than about messing with the Peterhead programme. I realise that, to

accommodate all the sex offenders who would be likely to be treated at Peterhead, the SPS would have to expand the place. I know that, as Peterhead is an old prison, it will have to be renovated to bring its standards up to scratch. It strikes me that that, rather than creating another prison that would also cost money, would be a worthwhile investment.

Paul Martin: I have a final question on the STOP programme. You may be aware that the programme is also delivered in Barlinnie prison, which is in my constituency. What are your views on how the programme is delivered in Barlinnie?

Professor Marshall: The only time that I visited Barlinnie was years ago when I was first drifting around, at the expense of the SPS, the various prisons. I think that I visited six prisons. Barlinnie is an old prison and is not ideal for running treatment programmes. If I remember correctly, Barlinnie is a mixed prison; it is a kind of detention centre and prison. Am I correct?

The Convener: Yes.

Professor Marshall: It would be difficult to run the programme there. In the short term, somewhere in the central belt seems ideal, because the offenders will not be in the prison for long; they will be exited reasonably quickly. I am not sure that Barlinnie would be my choice, but it is 10 years since I was there so I would want to look at it again.

Paul Martin: The STOP 2000 programme is being delivered in Barlinnie prison at the moment.

Maureen Macmillan: I refer to the idea that the monoculture is necessary for the delivery of the programme. You said in previous evidence that that was because the prisoners can support each other informally, outside formal sessions. What part do the sex offenders who do not wish to take part in the programme play in informal sessions? Surely it is counterproductive for them to be involved. Should sex offenders who do not wish to take part in the programme be housed within the monoculture, or should they be housed elsewhere?

Professor Marshall: The answer to that depends on the size of the population and the size of the institution that is available. There is always a limit to the number of beds. Preference should be given to offenders who are willing to enter treatment programmes; they are the ones who should be sent to the monoculture prison. However, if there is enough room, it is wise to send the fellows who do not want to enter treatment programmes to a monoculture prison. We have found that one of the factors that seems to facilitate offenders' changes of heart and their willingness to enter treatment programmes is the information that they get from offenders who are in the programmes.

For instance, I ran a programme earlier this year in a prison in Canada that had had a lot of difficulty running programmes for sex offenders. By about halfway through our programme we had established relationships with the men in the programme. They went back to their cells and range and suggested to offenders who had been reluctant to enter programmes that the programme was not one in which offenders got tortured, battered about or abused, that it supported offenders and all their efforts to change and that it was not harshly challenging.

That had a salutary effect on the fellows who until that point had been reluctant to enter the programme. Not all of them ran into our programme, but a number of them asked for interviews to consider entering the programme. About 70 per cent of the offenders have now agreed to enter treatment. An environment in which other sex offenders are getting treatment and in which they feel free to talk about what goes on in treatment is just the kind of environment in which we will be able to persuade offenders who had been reluctant to enter treatment programmes to enter the programme.

The Convener: The SPS operational view is that 700 places is the optimum size for a new prison in terms of security and stability, performance and cost efficiency. What do you think is the optimum size for a facility that is dedicated to long-term adult male sex offenders?

Professor Marshall: A prison size of 700 places is huge. A prison size of 350 to 400 is probably about the maximum size in which to operate effective treatment programmes. It is possible within such a prison to have staged movement through the prison, depending on how effectively the offenders participate in treatment. In that system, we could also move them from adequate accommodation to better accommodation. It would be difficult to manage that kind of regime and effective treatment programmes with 700 offenders.

The trouble is that the bigger the prison gets, the more the emphasis shifts to being strictly on management rather than on the delivery of rehabilitative programmes. Keeping the prison down to 350 or, at the most, 400 prisoners is ideal. That might be possible even with a population of 700, if there were a separate institution for the short-termers and perhaps to house some of those who were determinedly resistant of treatment in other prisons—you would probably end up with a balance of 350 to 400.

The Convener: I am interested in the division that you suggested between long-term adult male sex offenders and short-term sex offenders. Is that issue being considered by the SPS in its current review of the treatment of sex offenders? Do you

know whether it is examining that distinction and the kind of issues that you have raised with the committee?

Professor Marshall: I believe that it is. In my discussion with Alec Spencer in early 2001, I believe that he indicated that the short-termers were a problem that the SPS was going to have to deal with and accommodate within the overall plan for treating sex offenders. I believe that the SPS is addressing the matter, but I do not know directly.

The Convener: I think you talked about having a dedicated prison in the central belt for short-term sex offenders and retaining long-term adult male sex offenders in Peterhead. Do you know whether the SPS is considering that option? The suggestion that there could be a separate prison for short-term sex offenders has not been raised with the committee before.

Professor Marshall: I am surprised that the SPS has not indicated that it is considering that option. I had assumed that it was, from some of the questions that Alec Spencer put to me last year.

The Convener: The chief executive of the SPS, Tony Cameron, is giving evidence to the committee tomorrow, so we will ask him about the matter then.

Maureen Macmillan: My question is about employment on release. Dr Jim McManus mentioned in his submission to the committee that there is

"a considerable body of evidence which identifies employment on release as the most significant factor in reducing the likelihood of reconviction."

I presume that that is a more significant factor than treatment programmes. To what extent do you think that the type of work done by prisoners in Peterhead prepares them for, and increases their chances of obtaining, employment on release?

Professor Marshall: I do not believe that evidence. I know of no evidence that would tell me that employment and preparation for release are more important than treatment. Of course, they are both very important.

Bill Rattray, who was recently the governor of Peterhead prison, worked with the community in Peterhead. He surveyed the community. He asked the community whether, if the prison had a release programme for the offenders who, in the prison's judgment, had been effectively treated and who were making an excellent adjustment towards moving into the community, it would be all right for those men to begin on a release programme, under supervision, and to work on community works in the community; 98 per cent of the respondents said that they would support that. That again tells you something about the Peterhead community and how effective that would be.

The idea was that, given that there are work programmes at Peterhead prison, men who had successfully gone through the treatment programme and had some work skills could be taken into the community to give them an understanding of what it would be like when they were back in the community. That is the sensible way in which the Correctional Service of Canada goes. High-risk, long-term sex offenders begin with an escorted release into the community, preferably to work, followed—if they meet the standards—by unescorted releases of a short duration, perhaps an hour or two hours, and that is expanded. Finally, there is a gradual work release into the community, where they live in halfway houses that are run by Corrections Canada or they are freed back into the community. What is required for long-term sex offenders, especially those who have been in jail for some time, is a very gradual release under careful supervision. They should be properly prepared in a way that will allow them to get work in the community. Liaisons with the community are important.

Maureen Macmillan: That project at Peterhead did not go ahead.

Professor Marshall: No.

Maureen Macmillan: Why do you think that it did not go ahead? Would it be better for such projects to take place in areas in which people will eventually be released rather than in Peterhead?

14:45

Professor Marshall: I understood that the project did not go ahead because somebody in the SPS's head office told Bill Rattray that the SPS simply would not approve it—that is what Mr Rattray told me. I do not understand why—it did not make any sense to me.

On your second question, immediately prior to a prisoner's ultimate release back into the community, it would be wise to transfer them to an institution near their home in which they can start to make connections, but a prisoner can make many connections without being in the community into which they will be released. While in Peterhead prison, a prisoner could prepare an effective and sensible release plan in liaison with probation officers in the community, which would help them to make connections in respect of employment and accommodation, for example.

It is critical that long-term prisoners become accustomed to being outside the prison walls. One can imagine being in a maximum security institution for 10 years and then being released straight on to the streets. Such a release presents

incredible adjustment problems, not just as a result of being in jail for a long time. In 10 years, the world will have changed dramatically in many ways. It is difficult for prisoners to adjust. Rattray's plan for a pre-release programme of supervised release into the community in Peterhead, even though Peterhead is not where they would eventually be released, would give prisoners the experience of being back in the community and working in a much freer environment.

All offenders find it difficult when they are released from prison. They think that everybody knows that they are a prisoner and that everybody is watching them all the time. Therefore, there is a sense in which desensitisation to the world outside the prison walls is valuable, regardless of where it occurs. I thought that the plan was sensible and that, when a fellow's release is imminent, the plan should be followed up by his transfer back to a prison near his community where he can re-establish connections.

Maureen Macmillan: Did the SPS think that there was a safety issue? Was that why it did not allow the project to go ahead?

Professor Marshall: Mr Rattray told me that he asked why the project should not go ahead—after all, the community was supportive. The men would be carefully selected and tightly and carefully supervised. His and my guess is that there was a concern that an offender would run away or commit an offence when he was on a supervised release and that the SPS would then look bad.

Any programmes for releasing any offender cannot be run without certain risks. The question is what is the sensible thing to do. Concern should be about protecting the community rather than the Prison Service. Irrespective of what the evidence tells us, any sensible person would think that it is necessary to release a man who has been in prison for a long time for a sexual offence back into the community gradually rather than simply to open the doors of a maximum security prison and say goodbye. There must be a gradual release and one would think that the more gradual the release, the better for a prisoner's adjustment back into the community. Of course, a fellow might offend while he is still under the strict supervision of the SPS, which would be blamed, but rather than concern ourselves with avoiding blame, we should be concerned with the most beneficial way of getting people back into the community and significantly lowering their risk, never mind who will cop the flak if somebody re-offends.

I do not think that the Scottish public, any more than the Canadian public, are unable to grasp that. The Canadian public certainly grasp it because we worked on television to communicate to them. We said what we were going to do and why we were going to do it and the public thought that the proposals sounded sensible.

The Convener: Thank you very much. Wendy Alexander and Margaret Smith have been pre-empted. However, if you have more juice to squeeze, please go ahead.

Mrs Smith: If I may, I will squeeze a little bit more on the general issue rather than on the Peterhead scenario in particular. In your report to the SPS, you advocate general and gradual release programmes. You spoke at some length about that. You said that such programmes need a seamless system involving the prison service, the parole system and community treatment and that you would strongly recommend that the SPS and the Executive work towards such a seamless system. What is your understanding of where we are in Scotland in relation to such programmes?

Professor Marshall: My understanding is that you are not there yet. In the early 1980s, the Correctional Service of Canada decided that the parole service—that is, the people who supervise such men on the street—and the prison service should stop being separate services that fight about whether a failure was the responsibility of one service or the other. The communications difficulties were astronomical—the two services just did not communicate effectively with each other.

A couple of inquiries were held into the case of a released sex offender who committed dreadful offences. The relevant coroners' inquiries and investigations led to strong recommendations that the system should be seamless—in other words, that the parole service and the prison service should be one and the same service and that effective communication should take place, both about proper supervision in order to protect the public and about the proper passing on of information. Passing on information effectively allows the supervisors of offenders who have been released into the community to know what treatment they have already received and what their further treatment and supervision needs are.

At the end of my programmes, my treatment reports go not only to all the people in the prison who need to have that information, but to the parole office into the supervision of which a man will be released. That is essential. The quicker you move towards a unified service that operates in the prisons and the community, the better off you will be.

The Convener: You have given us fairly comprehensive answers. If there is anything else that we ought to have asked about, could you tell us about that now, as we have a few spare minutes? Have we missed anything out that you would like to tell us about?

Professor Marshall: I do not think so. Your

questions were excellent—they picked up on all the points that I thought were important. I hope that Peterhead prison survives effectively. Thank you for allowing me to put my views to you.

The Convener: Thank you very much. I hope you now get a good Scottish breakfast, even if it is in Canada.

Professor Marshall: Thank you very much. Goodbye.

The Convener: The next meeting will be at 9 o'clock tomorrow. This is the committee that never sleeps. We will be meeting in committee room 2 and we will take evidence from the Minister for Justice and the chief executive of the Scottish Prison Service. I remind members that we will have a viewing in private of the Kilmarnock prison contract in committee room 4. I have given an undertaking to Elaine Bailey on behalf of the committee that our study of the contract will be in confidence. I have a copy of the letter that makes known the terms on which we are seeing the contract. I have made plain that there will be no note taking or copying of the contract. The commercially confidential terms will not be disclosed and to do so would represent a breach of the code of conduct for MSPs. I will show the relevant sections to members.

I thank everyone for attending.

Meeting closed at 14:54.

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